

Yearbook of the United Nations 1997



United Nations

YEARBOOK OF THE UNITED NATIONS 1997

Volume 51



**Department of Public Information
United Nations, New York**

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Yearbook of the United Nations, 1997

Vol. 51

ISBN: 92-1-100829-8

ISSN: 0082-8521

UNITED NATIONS PUBLICATION

SALES NO. E.00.I.1

Printed in Canada

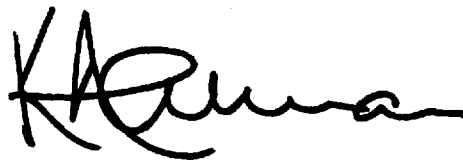
Foreword

THE YEAR 1997, my first as Secretary-General of the United Nations, was marked by global transition and institutional change. As the United Nations continued to meet the challenges of poverty, war and human rights abuses around the world, we knew that our Organization needed to adapt to a new era of globalization and international organization. We knew that if the United Nations was to retain the support of the world's peoples, it needed to reflect their desires for a more effective, more dynamic and more responsive Organization.

To that end, I presented the most sweeping reform agenda in the Organization's history, seeking to enhance coherence and consistency in every aspect of our mission, and to bring us closer to the peoples we serve. The reaction of Member States was characterized by a genuine desire to renew the United Nations for a new era.

While peace and security matters continued to receive great attention, new impetus was given to our development efforts, both in my reform plan and by the General Assembly, which adopted the Agenda for Development and the Programme for the Further Implementation of Agenda 21—both documents aimed at invigorating a partnership for sustainable development based on interdependence and mutual benefit. Finally, the year 1997 witnessed a revitalization of our activities in the area of human rights. Mary Robinson took up her position as High Commissioner for Human Rights, and I was privileged to address audiences in Harare and Tehran about the universality of human rights in a diverse world.

This volume of the Yearbook of the United Nations records the Organization's efforts to adapt to far-reaching changes in its external environment and its first steps to reshape itself as a truly effective Organization for the betterment of humankind in the twenty-first century.

A handwritten signature in black ink, appearing to read 'K. Annan', with a stylized, flowing script.

KOFI A. ANNAN

Secretary-General of the United Nations
New York, February 2000

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About the 1997 edition of the Yearbook

This volume of the YEARBOOK OF THE UNITED NATIONS continues the tradition of providing the most comprehensive and up-to-date coverage of the activities of the United Nations. It is an indispensable reference tool for the research community, diplomats, government officials and the general public seeking readily available information on the UN system and its related organizations.

Efforts by the Department of Public Information to achieve a more timely publication have resulted in having to rely on provisional documentation and other materials to prepare the relevant articles. Largely, Security Council resolutions and presidential statements, Economic and Social Council resolutions, and some other texts in the present volume are provisional.

Structure and scope of articles

The Yearbook is subject-oriented and divided into six parts covering political and security questions; human rights issues; economic and social questions; legal questions; institutional, administrative and budgetary questions; and intergovernmental organizations related to the United Nations. Chapters and topical headings present summaries of pertinent UN activities, including those of intergovernmental and expert bodies, major reports, Secretariat activities and, in selected cases, the views of States in written communications.

Activities of United Nations bodies. All resolutions, decisions and other major activities of the principal organs and, on a selective basis, those of subsidiary bodies are either reproduced or summarized in the respective articles. The texts of all resolutions and decisions of substantive nature adopted in 1997 by the General Assembly, the Security Council and the Economic and Social Council are reproduced or summarized under the relevant topic. These texts are preceded by procedural details giving date of adoption, meeting number and vote totals (in favour-against-abstaining); and information on their approval by a sessional or subsidiary body prior to final adoption. The texts are followed by details of any recorded or roll-call vote on the resolution/decision as a whole.

Major reports. Most reports of the Secretary-General, in 1997, along with selected reports from other UN sources, such as seminars and working groups, are summarized briefly.

Secretariat activities. The operational activities of the United Nations for development and humanitarian as-

sistance are described under the relevant topics. For major activities financed outside the UN regular budget, selected information is given on contributions and expenditures.

Views of States. Written communications sent to the United Nations by Member States and circulated as documents of the principal organs have been summarized in selected cases, under the relevant topics. Substantive actions by the Security Council have been analysed and brief reviews of the Council's deliberations given, particularly in cases where an issue was taken up but no resolution was adopted.

Related organizations. The Yearbook also briefly describes the 1997 activities of the specialized agencies and other related organizations of the UN system.

Multilateral treaties. Information on signatories and parties to multilateral treaties and conventions is taken from Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1997 (ST/LEG/SER.E/16), Sales No. E.98.V.2.

Terminology

Formal titles of bodies, organizational units, conventions, declarations and officials are given in full on first mention in an article or sequence of articles. They are also used in resolution/decision texts, and in the SUBJECT INDEX under the key word of the title. Short titles may be used in subsequent references.

How to find information in the Yearbook

The user may locate information on the United Nations activities contained in this volume by the use of the Table of Contents, the Subject Index, the Index of Resolutions and Decisions and the Index of Security Council Presidential Statements. The volume also has five appendices: Appendix I comprises a roster of Member States; Appendix II reproduces the Charter of the United Nations, including the Statute of the International Court of Justice; Appendix III gives the structure of the principal organs of the United Nations; Appendix IV provides the agenda for each session of the principal organs in 1997; and Appendix V gives the addresses of the United Nations information centres and services worldwide.

For more information on the United Nations and its activities, visit our Internet site at:

<http://www.un.org>

ABBREVIATIONS COMMONLY USED IN THE YEARBOOK

ACABQ	Advisory Committee on Administrative and Budgetary Questions	OIOS	Office of Internal Oversight Services
ACC	Administrative Committee on Coordination	OPEC	Organization of Petroleum Exporting Countries
CEDAW	Committee on the Elimination of Discrimination against Women	OSCE	Organization for Security and Cooperation in Europe
CERD	Committee on the Elimination of Racial Discrimination	PLO	Palestine Liberation Organization
DPRK	Democratic People's Republic of Korea	SC	Security Council
EC	European Community	SDR	special drawing right
ECA	Economic Commission for Africa	TNC	transnational corporation
ECE	Economic Commission for Europe	UN	United Nations
ECLAC	Economic Commission for Latin America and the Caribbean	UNAMIR	United Nations Assistance Mission for Rwanda
ECOWAS	Economic Community of West African States	UNAVEM	United Nations Angola Verification Mission
ESC	Economic and Social Council	UNCTAD	United Nations Conference on Trade and Development
ESCAP	Economic and Social Commission for Asia and the Pacific	UNDCP	United Nations International Drug Control Programme
ESCWA	Economic and Social Commission for Western Asia	UNDOF	United Nations Disengagement Observer Force (Golan Heights)
EU	European Union	UNDP	United Nations Development Programme
FAO	Food and Agriculture Organization of the United Nations	UNEP	United Nations Environment Programme
FRY	Federal Republic of Yugoslavia (Serbia and Montenegro)	UNESCO	United Nations Educational, Scientific and Cultural Organization
FYROM	The former Yugoslav Republic of Macedonia	UNFICYP	United Nations Peacekeeping Force in Cyprus
GA	General Assembly	UNFPA	United Nations Population Fund
GDP	gross domestic product	UNHCR	Office of the United Nations High Commissioner for Refugees
GNP	gross national product	UNIC	United Nations Information Centre
IAEA	International Atomic Energy Agency	UNICEF	United Nations Children's Fund
ICAO	International Civil Aviation Organization	UNIDO	United Nations Industrial Development Organization
ICJ	International Court of Justice	UNIFIL	United Nations Interim Force in Lebanon
ICRC	International Committee of the Red Cross	UNIKOM	United Nations Iraq-Kuwait Observation Mission
IDA	International Development Association	UNMIBH	United Nations Mission in Bosnia and Herzegovina
IFAD	International Fund for Agricultural Development	UNMOGIP	United Nations Military Observer Group in India and Pakistan
ILO	International Labour Organization	UNMOP	United Nations Mission of Observers in Prevlaka
IMF	International Monetary Fund	UNMOT	United Nations Mission of Observers in Tajikistan
IMO	International Maritime Organization	UNOMIG	United Nations Observer Mission in Georgia
INCB	International Narcotics Control Board	UNOMIL	United Nations Observer Mission in Liberia
INSTRAW	International Research and Training Institute for the Advancement of Women	UNPREDEP	United Nations Preventive Deployment Force
ITC	International Trade Centre (UNCTAD/WTO)	UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
ITU	International Telecommunication Union	UNSMIH	United Nations Support Mission in Haiti
JIU	Joint Inspection Unit	UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium
LDC	least developed country	UPU	Universal Postal Union
MINURSO	United Nations Mission for the Referendum in Western Sahara	WFP	World Food Programme
MONUA	United Nations Observer Mission in Angola	WHO	World Health Organization
NATO	North Atlantic Treaty Organization	WIPO	World Intellectual Property Organization
NGO	non-governmental organization	WMO	World Meteorological Organization
NSGT	Non-Self-Governing Territory	WTO	World Trade Organization
OAS	Organization of American States	YUN	Yearbook of the United Nations
OAU	Organization of African Unity		
ODA	official development assistance		

EXPLANATORY NOTE ON DOCUMENTS

References in square brackets in each chapter of Parts One to Five of this volume give the symbols of the main documents issued in 1997 on the topic. The following is a guide to the principal document symbols:

A/- refers to documents of the General Assembly, numbered in separate series by session. Thus, A/52/- refers to documents issued for consideration at the fifty-second session, beginning with A/52/1. Documents of special and emergency special sessions are identified as A/S- and A/ES-, followed by the session number.

A/C.- refers to documents of the Assembly's Main Committees, e.g. A/C.1/- is a document of the First Committee, A/C.6/-, a document of the Sixth Committee. A/BUR/- refers to documents of the General Committee. A/AC.- documents are those of the Assembly's ad hoc bodies and A/CN.-, of its commissions; e.g. A/AC.105/- identifies documents of the Assembly's Committee on the Peaceful Uses of Outer Space, A/CN.4.-, of its International Law Commission. Assembly resolutions and decisions since the thirty-first (1976) session have been identified by two arabic numerals; the first indicates the session of adoption; the second, the sequential number in the series. Resolutions are numbered consecutively from 1 at each session. Decisions of regular sessions are numbered consecutively, from 301 for those concerned with elections and appointments, and from 401 for all other decisions. Decisions of special and emergency special sessions are numbered consecutively, from 11 for those concerned with elections and appointments, and from 21 for all other decisions.

E/- refers to documents of the Economic and Social Council, numbered in separate series by year. Thus, E/1997/- refers to documents issued for consideration by the Council at its 1997 sessions, beginning with E/1997/1.E/AC.-, E/C.- and E/CN.-, followed by identifying numbers, refer to documents of the Council's subsidiary ad hoc bodies, committees and commissions. For example, E/CN.5/- refers to documents of the Council's Commission for Social Development, E/C.7/-, to documents of its Committee on Natural Resources. E/ICEF/- documents are those of the United Nations Children's Fund (UNICEF). Symbols for the Council's resolutions and decisions, since 1978, consist of two arabic numerals: the first indicates the year of adoption and the second, the sequential number in the series. There are two series: one for resolutions, beginning with 1 (resolution 1997/1); and one for decisions, beginning with 201 (decision 1997/201).

S/- refers to documents of the Security Council. Its resolutions are identified by consecutive numbers followed by the year of adoption in parentheses, beginning with resolution 1(1946).

ST/-, followed by symbols representing the issuing department or office, refers to documents of the United Nations Secretariat.

Documents of certain bodies bear special symbols, including the following:

ACC/-	Administrative Committee on Coordination
CD/-	Conference on Disarmament
CERD/-	Committee on the Elimination of Racial Discrimination
DC/-	Disarmament Commission
DP/-	United Nations Development Programme
HS/-	Commission on Human Settlements
ITC/-	International Trade Centre
TD/-	United Nations Conference on Trade and Development
UNEP/-	United Nations Environment Programme

Many documents of the regional commissions bear special symbols. These are sometimes preceded by the following:

E/ECA/-	Economic Commission for Africa
E/ECE/-	Economic Commission for Europe
E/ECLAC/-	Economic Commission for Latin America and the Caribbean
E/ESCAP/-	Economic and Social Commission for Asia and the Pacific
E/ESCWA/-	Economic and Social Commission for Western Asia

"L" in a symbol refers to documents of limited distribution, such as draft resolutions; "CONF." to documents of a conference; "INF." to those of general information. Summary records are designated by "SR.", verbatim records by "PV.", each followed by the meeting number.

United Nations sales publications each carry a sales number with the following components separated by periods: a capital letter indicating the language(s) of the publication; two arabic numerals indicating the year; a Roman numeral indicating the subject category; a capital letter indicating a subdivision of the category, if any; and an arabic numeral indicating the number of the publication within the category. Examples: E.97.II.A.2; E/F/R.97.II.E.7; E.97.X.1.

Report of the Secretary-General

Report of the Secretary-General on the work of the Organization

Following is the Secretary-General's report on the work of the Organization, submitted to the General Assembly and dated 3 September 1997. The Assembly took note of it on 10 November (**decision 52/410**).

Contours of the new era

1. We live in an era of realignment. At the international and national levels alike, fundamental forces are at work reshaping patterns of social organization, structures of opportunities and constraints, the objects of aspiration and the sources of fear. As is true of all transitional periods, very different expressions of the human predicament coexist in uneasy tension today: globalization envelops the world even as fragmentation and the assertion of differences are on the rise; zones of peace expand while outbursts of horrific violence intensify; unprecedented wealth is being created but large pockets of poverty remain endemic; the will of the people and their integral rights are both celebrated and violated; science and technology enhance human life at the same time as their by-products threaten planetary life-support systems.

2. It is not beyond the powers of political volition to tip the scale in this transition, towards a more secure and predictable peace, greater economic well-being, social justice and environmental sustainability. No country can achieve these global public goods on its own, however, just as none is exempt from the risks and costs of doing without them. Multilateral diplomacy was invented and has been sustained because political leaders as well as the people they represent have recognized this simple fact. Indeed, the twentieth-century project of international organization is all about how to stretch national interests and preferences, temporally as well as spatially, so as to produce in greater quantities the public goods that the political market place of inter-State behaviour would otherwise underpro-

duce. The United Nations, with its near-universal membership, its comprehensive mandate, a span of activities that ranges from the normative to the operational, and an institutional presence that is at once global, regional and country-based, can and should be at the very centre of this endeavour.

3. On 17 December 1996, Member States did me great honour in electing me the Organization's seventh Secretary-General. Since taking office, I have had one overriding objective: to induce greater unity of purpose, coherence of efforts and responsiveness throughout the Organization so that it can more effectively help meet the challenges of our times. Each of the component entities that constitute the United Nations has made adjustments to the epochal changes of the past decade, and their progress during this past year is summarized in these pages. As we go forward, however, the Organization must learn to make far better use of its major potential source of institutional strength: the many complementarities and synergies that exist within it. The comprehensive package of reforms that I presented to the General Assembly on 16 July 1997, and which the Assembly will consider at its current session, was designed with that aim in mind.

4. This—my first—annual report on the work of the Organization proceeds as follows. The remainder of this introduction briefly highlights some of the key forces that are transforming the world around the United Nations and, therefore, its agenda. Chapter II presents an overview of the Organization's activities of the past year, with a

thematic emphasis on how the different programme areas have sought to adapt to and guide those forces in keeping with the principles of the Charter of the United Nations and the programme priorities set by Member States. In chapter III, I offer some overall reflections on the work of the Organization, and I indicate how and why my proposals for institutional reform constitute a necessary next step in ensuring that the Organization remains a vital and effective instrument of international collaboration as the world heads into a new century—and a new millennium.

* * *

5. The diverse ramifications of the end of the cold war remain a palpable factor in the world even today, nearly a decade later. The cessation of super-Power rivalry and military confrontation set in train a whole host of progressive changes within and among countries. At the same time, the international community is still struggling with the adverse consequences of bipolarity's collapse. The inter-ethnic conflicts that followed the break-up of several multi-ethnic States, whether in Central Asia or the former Yugoslavia, are tragic cases in point. Some of the former proxy battlegrounds of the cold war in Asia and Africa continue to reel from instability. States that were held together by their perceived strategic utility to one side or the other in some instances have suffered grievously as a result; this was true, for example, in the Horn of Africa earlier in the decade, and most recently in the former Zaire. The help of all States, especially those that played leading roles in the cold war, is necessary to undo its remaining social, economic and political distortions.

6. A second fundamental force reshaping the world today is globalization; it is perhaps the most profound source of international transformation since the industrial revolution began to turn external trade into a routine feature of international life. Beginning in the 1960s, with the limited lifting of capital controls and the gradual emergence of multinational manufacturing firms, financial markets have become increasingly integrated and the production of goods and services transnationalized. Numbers tell part of the story: international financial flows tower over world trade by a ratio of 60:1, while the growth in world trade itself typically exceeds the increase in world gross domestic product by more than 5 per cent each year. The other part of the story is in the organization of these flows: they take place within markets which, for most purposes, have become single markets, and within firms or among related parties that treat the world, synoptically, as a single market place.

7. Globalization and the liberalization that produced it have generated a sustained period of economic expansion, together with the most rapid reconfiguration of international economic geography ever. Unprecedented wealth and standards of living exist in the industrialized world. Elsewhere, some countries that struggled with poverty a mere generation ago are now economic growth poles in their own right. Over the course of the next generation, a majority of the world's most rapidly growing economies will be located in what is now the developing world.

8. Globalization also poses numerous policy challenges, however. Among them are the inherent risks of markets lacking critical regulatory safeguards, as is true in some respects of international financial markets. Globalization is also eroding the efficacy of some policy instruments by which the industrialized countries had pursued full employment and social stability throughout the era that followed the Second World War. No consensus exists yet about how to replace the neo-Keynesian compromise that governed the political economy of advanced capitalism, but it would be folly to believe that the public in the industrialized countries is prepared simply to return to an era of unfettered market forces.

9. Additional policy challenges face the developing countries. To begin with, the benefits of globalization still affect relatively few among them. Some 40 per cent of the direct foreign investment flows to developing countries is accounted for by China alone; East Asia as a whole absorbs nearly two thirds. In contrast, Africa is the recipient of a meagre 4 per cent, while official development assistance has fallen. Among the countries bypassed by global capital flows are those that are experiencing the most enduring poverty. As indicated in the 1997 Human Development Report, published by the United Nations Development Programme, lack of global financial resources is no impediment to eradicating extreme poverty. Pro-growth policies at the national level coupled with targeted external assistance can enable currently marginalized countries to become active participants in the global economy. I consider it to be a core mission of the United Nations to help facilitate their successful transitions.

10. Furthermore, developing countries are in the difficult position of having to realign the character of their state apparatus in several directions simultaneously. The growing recognition that the State is not itself a creator of wealth has led to widespread privatization and deregulation, but even in market-oriented developing countries the State has critical roles to play in providing an enabling environment for sustainable

development. The World Bank's 1997 World Development Report shows systematically how crucial an effective State is in this regard, as evidence from the so-called newly industrializing countries had suggested for some time. Finding the appropriate balance, however, especially in contexts where civil society is weak and transnational forces overpowering, is an exceedingly complex task. Various United Nations "good governance" programmes are designed to assist individual Governments in defining the balance that best meets their needs.

11. Third, globalization rests on and is sustained by a remarkable revolution in its own right in information technology, particularly the integration of increasingly powerful computers with telecommunication systems that permit high-volume and high-quality real-time voice and data transmissions. Indeed, the adjective "global" refers less to a place than to a space defined by electronic flows and a state of mind. World currency markets are the most global of all in this sense, and what has come to be known as the global factory relies similarly on such electronic infrastructure.

12. The information revolution has unfolded most extensively in the industrialized world, but it also holds enormous potential for the developing countries. It diminishes the constraints of distance in manufacturing industry and many services, and offers new tools in the form of administrative capacities, long-distance learning, telemedicine, the more effective management of micro-credit systems, and agricultural production, and for a variety of other applications. Major efforts should be undertaken to support greater acquisition and utilization of information technologies by the developing countries.

13. The intensification of global environmental interdependencies constitutes yet a fourth transformative force. At the United Nations Conference on Environment and Development, held at Rio de Janeiro in 1992, the international community endorsed the concept of sustainable development as the key to reconciling economic and social progress, which all desire, with safeguarding the planet's ecosystems, on which all depend. Many of these systems are under increasing stress, however, with adverse consequences that range from the local destructiveness of flash floods resulting from deforestation, to the slower but globally indivisible atmospheric warming that results from increased emissions of greenhouse gases. As witnessed by the "Rio +5" summit, however, held at United Nations Headquarters in June 1997, progress since Rio has been disappointing, whether in meeting targets for controlling environmental degradation or in

providing technological and financial assistance to developing countries. We hope for a more favourable outcome at the Kyoto session, later this year, of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

14. A fifth fundamental shift in the world today is the pronounced transnational expansion of civil society, itself made possible by a combination of political and technological changes. This is of great significance for the United Nations. Private investment capital exceeds by a factor of six the available official development assistance and must be further mobilized for development purposes. In recent years, the United Nations has found that much of its work at the country level, be it in humanitarian affairs, economic and social development, public health or the promotion of human rights, intimately involves the diverse and dedicated contributions of non-governmental organizations and groups. In response to these growing manifestations of an ever more robust global civil society, the United Nations is equipping itself to engage civil society and make it a true partner in its work. As part of my reform proposals, I have urged all United Nations entities to be open to and work closely with civil society organizations that are active in their respective sectors, and to facilitate increased consultation and cooperation between the United Nations and such organizations.

15. Sixth, and closely related, there is a growing trend towards democratization and respect for human rights. Countries in all parts of the world are voluntarily limiting the arbitrary powers of state agencies together with the abuses and the social and economic costs they engender. Some 120 countries now hold generally free and fair elections, the highest total in history. The social, economic and political benefits of basing systems of rule on the principles of human dignity and the will of the people are felt in domestic as well as regional peace and prosperity, though the transition to democracy itself is often slow and at times fraught with difficulty.

16. The same technological means that foster globalization and the transnational expansion of civil society also provide the infrastructure for expanding global networks of "uncivil society"—organized crime, drug traffickers, money launderers and terrorists. These parasitic elements constitute a seventh factor shaping the international agenda today. They corrupt local and in some instances national politics, undermine judiciaries and pose security threats even to the most powerful States. I have moved rapidly to consolidate in a high-profile office at Vienna all

United Nations efforts to combat these elements, but a redoubling of resolve is still necessary for them to be controlled, involving new partnerships among national and international agencies.

17. Finally, and somewhat paradoxically, these integrative trends are accompanied by tendencies towards fragmentation. In some instances, what appears to be fragmentation is in fact a move towards decentralization in policy-making and administration due to the desire for greater efficiency, effectiveness and accountability, thus posing no grounds for concern. In other cases, as noted above, fragmentation has been a by-product of the collapse of bipolarity and has led to intra-communal strife and conflict. Economic globalization, too, has brought about instances of fragmentation because market forces can and often do undermine indigenous cultural values. Indeed, the broad uncertainties and insecurities engendered by fundamental change frequently result in a heightened quest to redefine and reassert collective identities.

18. At their best, identity politics provide a robust sense of social coherence and civic pride, which have salutary effects for economic development and the peaceful resolution of disputes at home and abroad. At their worst, however, identity politics result in the vilification of "the other", whether that other is a different ethnic or tribal group, a different religion or a different nationality.

19. This particularistic and exclusionary form of identity politics has intensified in recent years within and among countries. It is responsible for some of the most egregious violations of international humanitarian law and, in several instances, of elementary standards of humanity: genocidal violence; the conscious targeting of civilian populations, often women and children, by factional combatants; rape as a deliberate instrument of organized terror; and attacks on emergency relief workers and missions. Negative forms of identity politics are a potent and potentially explosive force. Great care must be taken to recognize, confront and restrain them lest they destroy the potential for peace and progress that the new era holds in store.

20. Times of transformation can be times of confusion. The policy-making process can easily get caught in transition traps, moments of discontinuity when taking the wrong step can have severe long-term consequences. The international community has an obligation to itself and to succeeding generations to strengthen the available multilateral mechanisms, among which the United Nations is a unique instrument of concerted action, so as to successfully harness the mutual benefits of change while managing its adverse effects. By adopting the proposals for reform I submitted to the General Assembly in July, Member States will equip the United Nations to better play its part in meeting this challenge.

Managing change

21. Throughout the 1990s, all parts of the United Nations have continuously adapted their strategies and programmes to the new and fluid international context, with the aim of supporting and anticipating the needs of Member States. A thematic overview of achievements in the main areas of activity during the past year follows.

A. Good governance, human rights and democratization

22. It is increasingly recognized that good governance is an essential building block for meeting the objectives of sustainable development, prosperity and peace. The situation of no two countries is precisely alike in this re-

spect but, broadly speaking, and making due allowance for cultural differences, good governance comprises the rule of law, effective state institutions, transparency and accountability in the management of public affairs, respect for human rights, and the meaningful participation of all citizens in the political processes of their countries and in decisions affecting their lives.

* * *

23. At its resumed fiftieth session, in 1996, the General Assembly reviewed the question how to redefine and, where needed, redesign public sector institutions in the light of new global economic and social challenges, some of which were discussed above. The United Nations Secretariat

and United Nations programmes and funds have moved to provide extensive governance-related support to large numbers of developing countries and to countries in Eastern Europe and the Commonwealth of Independent States. This takes the form of analytical work, diagnostic research, needs assessment, policy advice, technical assistance and advisory services. Support is provided to strengthen the functioning of specific institutions, such as judiciaries, parliaments and electoral bodies, as well as Sectorally, including public sector financial management, privatization efforts, information technology, civil service reforms and the empowerment of civil society organizations.

24. For example, believing that sustainable prosperity and stability cannot be achieved without good governance, the United Nations Development Programme (UNDP) has been increasing the funds dedicated to this priority area: it now accounts for more than one third of all UNDP allocations. In July 1997, UNDP convened the first ever International Conference on Governance for Sustainable Growth and Equity, bringing to United Nations Headquarters elected officials, judges and community leaders from more than 100 countries. The United Nations Children's Fund (UNICEF), reflecting the growing reliance of national Governments on local authorities, has focused increasingly on strengthening local capacity and promoting community participation. The United Nations Development Fund for Women (UNIFEM) also operates a governance programme, promoting strategies for women's empowerment and gender mainstreaming. Through UNIFEM support for women's political participation in Africa, for example, women candidates for public office have learned how to design effective campaign and media strategies. Similarly, the Electoral Assistance Division of the Department of Political Affairs has supported training programmes for women both as voters and as electoral officials and candidates.

25. Post-conflict situations entail particular needs. It is our view that measures to strengthen capacity for governance must permeate national and international responses to emergency situations, and should begin as early as possible. Successful recovery from the dislocations produced by conflict is aided by moving rapidly towards meeting broad development challenges as well as creating adequate legal frameworks, judiciaries, law enforcement systems, stable social and political environments and economic opportunities.

26. Expanding and enhancing the exchange of knowledge and experiences among develop-

ing countries is of growing importance. The United Nations Secretariat will facilitate this process through its capacity as a clearing house for information and research on public administration. As resources like the Internet and the World Wide Web become increasingly available globally, various sources of information and expertise can be more readily accessed, while new and productive linkages and networks with the regional commissions, professional organizations and non-governmental organizations are more easily established.

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27. Article 1 of the Charter of the United Nations places the promotion of respect for human rights among the central purposes of the Organization. Increasingly in recent years, human rights have also come to be seen as an integral element of good governance.

28. The core human rights activities of the Organization took on renewed strength after the adoption of the Vienna Declaration and Programme of Action at the 1993 World Conference on Human Rights. Prior activities had focused largely on standard setting and the formal adoption of standards at the national level. The Vienna Declaration placed human rights in the context of development and democracy while reaffirming their universality. Together with the establishment of the Office of the United Nations High Commissioner for Human Rights, this has made it possible to approach human rights activities in practical as well as principled terms from a truly global perspective.

29. The United Nations instituted a major restructuring this year in the organization of the human rights secretariat at Geneva. In my July reform plans I went further, consolidating the Office of the High Commissioner and the Centre for Human Rights, thereby ensuring cohesion and consistency in priorities and activities. I am immensely pleased that the President of Ireland, Mary Robinson, is joining us as the United Nations High Commissioner for Human Rights, and I know that she will work tirelessly and with sensitivity in the cause of universal human rights.

30. This past year has seen a dramatic increase in activities relating to the establishment of national institutions for the promotion and protection of human rights. Their aim is to strengthen the protection of the individual by providing access to remedies for human rights violations, including in circumstances where the more traditional institutions of protection, such as the judiciary, are not available, do not function effectively or are otherwise inaccessible. Some 15 projects currently assist Member States in this

area. Additional projects are aimed at supporting regional arrangements, such as the African Commission on Human and Peoples' Rights. These activities are typically undertaken in tandem with other United Nations entities, such as UNDP, and coincide with their efforts to promote good governance and sustainable development.

31. There has also been a pronounced increase in the involvement of human rights activities in field operations, directly reflecting decisions to that effect taken by the Security Council. Depending on the needs of the situation, these activities combine monitoring of human rights violations, education, training and other advisory services, and confidence-building measures. Currently, such operations exist in Abkhazia/Georgia, Burundi, Cambodia, Colombia, the Democratic Republic of the Congo, Gaza, Guatemala, Haiti, Malawi, Mongolia, Rwanda and the former Yugoslavia.

32. The human rights programme continues to address violations of human rights. Threats to the right to life and physical integrity, including extrajudicial executions and enforced disappearances, threats to freedom of expression and movement and to freedom from arbitrary arrest, and threats to the independence of the judiciary continue to be the focus of United Nations action. The persistence of such violations has led us to target our activities more directly at specific areas where the violations are committed. Accordingly, advisory services and technical assistance have been made available to Governments to strengthen their judiciary, train law enforcement officials and assist with law reform. Training programmes for the administration of the justice sector, and advisory services for law reform, coupled with support for establishing national institutions for the promotion and protection of human rights, now make up over 80 per cent of the activities of advisory services in the human rights area.

33. As at July 1997, there were 191 States parties to the Convention on the Rights of the Child, ensuring that the vast majority of children are now citizens of countries that have made legally binding commitments to promote and protect their human rights. Nevertheless, such practices as the sale of children, child prostitution and child pornography remain critical problem areas and are addressed by a Special Rapporteur. The implementation of the Plan of Action on the rights of the child, recently developed by the High Commissioner, is an essential next step.

34. According to the 1997 report of UNICEF, *The Progress of Nations*, violence against women and girls is the most pervasive violation of human

rights in the world today. It transcends the usual distinctions among countries based on such factors as national income. UNIFEM has developed a global women's human rights programme, focused on mainstreaming the rights of women, combating and eliminating violence against them, and strengthening women's knowledge and use of their human rights. Particular attention is devoted to securing universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the women's "bill of rights".

35. In a related area, the United Nations Population Fund (UNFPA) advocates and supports through its country programmes internationally agreed goals concerning reproductive rights, sexual relations and childbearing. The Fund has sponsored a variety of media and other public education campaigns during the past year. It also prepared a programming framework for eradicating female genital mutilation, which has already met with success in a community-based advocacy programme in Uganda.

36. The year 1998 will mark the fiftieth anniversary of the Universal Declaration of Human Rights, and the General Assembly will review progress in the implementation of the Vienna Declaration and Programme of Action. The appointment in 1997 of a new High Commissioner, and the drawing up of the medium-term plan for 1998-2001, provide additional impetus to making this the era in which human rights are universally accepted as inherent to the promotion of peace, security, economic prosperity and social equity.

37. The trend towards democratization has been accelerating for some time. Democratic processes continue to be strengthened in Latin America and the Caribbean. Progress has also been marked in Africa. As I noted in my address to the annual Assembly of Heads of State and Government of the Organization of African Unity in June, the view that military coups against democratically elected Governments by self-appointed juntas are not acceptable has become an established norm. Africa is also experimenting with new constitutional formulas and forms of governing in multi-ethnic States, as illustrated by Eritrea, Ethiopia, Ghana, Mali and South Africa.

38. The value that Member States attach to democratization is reflected in the large number of requests the United Nations receives for electoral assistance—no fewer than 80 in the past five years. United Nations electoral assistance seeks in the first instance to enhance the effectiveness of international observers in making assessments

regarding the legitimacy of an electoral process and its outcome, and to recommend election-related policy changes through dialogue with the Government, political parties and civil society. The international observation of recent elections in Algeria, Ghana, Madagascar, Mali and Yemen has been supported in this manner. Recognizing the need to foster the sustainability of local democratic institutions, the United Nations also emphasizes the importance of building the domestic institutional capacity of Member States in constitutional and electoral law reforms and strengthening Governments' own institutional capacities to organize elections. During the last year, such assistance has been provided to Bangladesh, the Comoros, the Gambia, Guyana, Haiti, Liberia, Mali and Mexico.

39. In the long run, the transition to sustained democratic consolidation requires promotion of the rule of law and respect for human rights, creation of free media, tolerance of opposition and an independent civil society. The experience of El Salvador and Nicaragua shows that the United Nations can help such democratic processes to take root even in difficult conditions. In Haiti, the United Nations activities have assisted in maintaining an environment in which security and basic freedoms may be established.

40. With a view to strengthening cooperation on issues of democratization and good governance, the Secretariat in the coming year will undertake a series of consultations on lessons learned in constitutionalism, governance in multi-ethnic States and related topics, aimed at distilling insights for future activities.

41. In sum, despite setbacks and difficulties, progress is being made in transitions towards good governance, human rights and democratization. This augurs well for the achievement of critical national and international policy objectives, as well as for the aims and aspirations enshrined in the Charter of the United Nations.

B. International economic cooperation and sustainable development

42. Competent, accountable and responsive state institutions are one building block for the achievement of significant progress towards prosperity and stability. A conducive and supportive international economic environment is equally important, however, and fostering such an environment is a core element of the Organization's mission.

43. Two major events of the past year, both in June 1997, concern the work of the Organization in international economic and social cooperation. The first was the adoption by the General

Assembly of its Agenda for Development. The second was the nineteenth special session of the General Assembly, convened to review the implementation of Agenda 21, the global plan of action for sustainable development adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro in 1992. Both have implications for the substance as well as the organization of United Nations activities in this domain.

44. The Agenda for Development not only addresses conventional development issues but also stresses the mutually supportive though complex relationships among development, peace, democracy, good governance and human rights. It affirms the United Nations role in the field of development, and identifies ways of reinforcing the capacities and effectiveness of the United Nations system in that field.

45. The special session of the Assembly occasioned a sober reflection on the limited progress that has been achieved in implementing the agreements reached at the Rio Conference. In addition, the special session marked the first such review of global conferences convened by the United Nations in recent years. It is envisaged that similar reviews will take place of the other conferences. Taken together, the lessons gained from these reviews will inform and help shape national and international policy into the next century.

* * *

46. As noted in the introduction, the economic context for development has undergone substantial change in recent years. At the national level, liberalization and economic reform have been the predominant trends in the 1990s, while internationally globalization has been the driving force. Both dimensions have been the subject of sustained attention by the Secretariat and the respective intergovernmental bodies. For example, in the 1997 World Economic and Social Survey it is suggested that all developing countries and countries with economies in transition need to raise per capita income by at least 3 per cent annually in order to make progress in reducing unemployment and alleviating poverty. To achieve those levels of growth, the report contends, the less affluent countries in particular require a more conducive external economic environment than now exists for them, an issue discussed in depth by the Economic and Social Council at its substantive session of 1997.

47. Unfavourable trends in official development assistance cast a serious shadow over the development prospects of lower-income countries. Most African and a number of other vulnerable

countries are unlikely to reap the benefits of their recent economic reforms without the sustained support of the international community. The past year has nevertheless seen some encouraging initiatives, many resulting from the new global partnership proposed by the major industrialized countries at their summit meeting at Lyon, in June 1996. They include the second Tokyo International Conference on African Development, the "African Growth and Opportunity Act" proposed by the United States of America, the Swedish "Partnership Africa", and the planned successor to the fourth Lome Convention concluded between the European Community and African, Caribbean and Pacific States. An important task for the United Nations in the years ahead will be to develop new forms of partnership between developed and developing countries—partnerships that meet the needs and aspirations of developing countries and are also consistent with global economic conditions and attitudes.

48. In the area of international trade, the United Nations Conference on Trade and Development (UNCTAD) has repositioned itself for this challenge. In the past year, it has re-focused its policy analysis work, intergovernmental deliberations and operational activities. UNCTAD is examining the relationship between globalization and development, together with ways of promoting the effective integration of all developing countries into the international trading system. It is supporting efforts by developing countries to improve their investment climate, increase their technological capacities, and identify and exploit opportunities for enterprise development. At the same time, UNCTAD remains deeply involved with capacity-building in the least developed countries. Paralleling these programmatic changes, the UNCTAD intergovernmental and secretariat structures have been substantially streamlined, the number of meetings cut, staff size reduced and considerable savings achieved.

49. The regional commissions also have been re-examining their work programmes. For example, the Economic Commission for Europe is addressing the consequences of the accession of central European countries to the European Union, the transition processes of countries in south-eastern Europe and the Commonwealth of Independent States, and several transboundary issues, including border-crossing, energy and transport infrastructures, and the environment. The Economic Commission for Africa has focused on regional trade and investment concerns, particularly on post-Uruguay Round chal-

lenges and opportunities for Africa. The Economic and Social Commission for Western Asia has curtailed some of its activities, notably in agriculture and industry, while expanding its endeavours in such other areas as water resources development, energy and transport. The Economic Commission for Latin America and the Caribbean pursued a variety of analytic and policy issues in the past year, including the compatibility between preferential trade agreements and a more open international trading system. It also instituted several reform measures, among which is a pilot scheme to establish a clearer and enhanced accountability on the part of its secretariat vis-a-vis the Commission in exchange for greater delegation of authority and flexibility. The Economic and Social Commission for Asia and the Pacific, at its April session, committed itself to streamlining the Commission, and pledged to make it a vital centre of research and other development activities for the region, especially for those countries in which widespread poverty lingers.

50. Much of the recent work of the Economic and Social Council and its subsidiary bodies has focused on translating into action the plans and programmes agreed upon at the global conferences held earlier in the decade. In addition to the special session of the General Assembly on "Rio +5", the 1997 meetings of the Commission on Population and Development, the Commission for Social Development and the Commission on the Status of Women concerned follow-up issues to the conferences held at Cairo, Copenhagen and Beijing.

51. Similarly, the Secretariat's work programme in each of these areas was oriented towards the priorities identified at the conferences and the subsequent sessions of the Commissions. To cite but one illustration, the Inter-Agency Committee on Women and Gender Equality met for the first time in October 1996, chaired by the Secretary-General's Special Adviser on Gender Issues and the Advancement of Women. The Committee is charged with promoting gender mainstreaming and coordinating the response of the United Nations system to the Beijing Conference and other United Nations conferences and summits.

52. Improvements in data collection and dissemination have been an important dimension of the United Nations system's conference follow-up. In the past year the Statistics Division has produced, in cooperation with the Population Division and the European Union, revised recommendations on statistics of international migration and, in cooperation with the regional commissions and the European Union, the prin-

ciples and recommendations for population and housing censuses. The collection, updating and improved dissemination of more traditional data remain important aspects of the Organization's work. Thus, the 1996 revision of the official United Nations population estimates and projections showed slower world population growth, lower levels of fertility, more diverse trends in mortality and increased migration flows during the first half of the 1990s than in prior decades. The revision also documented the devastating mortality effects of the AIDS pandemic, particularly for Africa.

53. The Organization continues to take advantage of improvements in technology to enhance the dissemination of information. For example, the Monthly Bulletin of Statistics is now available on the World Wide Web. The Population Information Network serves as a repository of population data and information, and has also assisted developing countries in creating population information sites on the Internet. Similarly, the Division for the Advancement of Women, together with the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, initiated an Internet space, Women-watch, on global women's issues. Linkages and partnerships with a network of non-governmental organizations promote accelerated action by civil society to advance the status of women and their human rights.

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54. Sustainable development is a fundamental challenge facing humanity as it enters the twenty-first century: how to provide for the needs of a growing world population without destroying the natural resource base on which it depends. The 1992 United Nations Conference on Environment and Development mapped out a detailed plan for achieving sustainable, long-term development. The work of the United Nations on sustainable development during the past year was focused, in large part, on preparations for the special session of the General Assembly.

55. At that session, the General Assembly made it clear that developed countries must significantly strengthen their financial and technological support to developing countries if the latter are to mobilize national resources in pursuit of global environmental goals. The Assembly agreed to continue a political process under the Commission on Sustainable Development on the subject of forests, including consideration of an instrument, possibly legally binding, intended to ensure sustainability. It also decided to initiate

intergovernmental discussions on the problems of freshwater scarcity and the energy sector.

56. No agreement was expected, nor was any reached, on the issue of climate change, but the special session did raise public and political awareness of the need to address this issue through a cooperative strategy, and to bridge the key gaps in the political consensus needed to strengthen the principal instrument of that strategy, the United Nations Framework Convention on Climate Change. The next step is for the developed countries to adopt legally binding commitments to limit and reduce their emissions of gases that contribute to global warming. This is the main objective of the next session of the Conference of the Parties to the Convention, to be held at Kyoto, Japan, in December 1997. Ultimately, the Convention's objective of stabilizing global greenhouse gases at "safe" levels cannot be achieved by the developed countries alone, but will also require the cooperation of developing countries.

57. The first edition of the Global Environment Outlook was published by the United Nations Environment Programme (UNEP) early in 1997. It notes that over the last decade the state of the global environment has continued to deteriorate and that significant environmental problems remain deeply embedded in the socio-economic fabric of countries in all regions. While some progress is reported in curbing pollution and resource degradation, worsening trends are found in areas ranging from emissions of toxic substances and greenhouse gases to natural resource degradation and desertification.

58. Mindful of these trends, the Governing Council of UNEP, at its nineteenth session, adopted measures to strengthen the Programme's work in environmental monitoring, assessment and early warning. Agreements were also reached on the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; on measures to reduce the risks to human health from hazardous chemicals; and on action to reduce persistent organic pollutants. Progress has been made on these issues in 1997.

59. The accelerating process of urbanization affects all dimensions of sustainable development. The seriousness of this issue animated the United Nations Conference on Human Settlements (Habitat II), held at Istanbul in 1996. Over the past year, the United Nations Centre for Human Settlements increased its support to developing countries for shelter and services, urban management and policy reforms, and devising guidelines and indicators by which to measure progress towards achieving adequate shelter for

all and sustainable human settlements development. As requested by the General Assembly, the Commission on Human Settlements at its session in May 1997 reviewed and adapted its working methods so as to involve organizations of local authorities and other relevant groups in civil society, especially the private sector.

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60. The Agenda for Development and the special session of the General Assembly, as well as related activities at the intergovernmental level, have all stressed—and the Organization's work programme in these areas has experienced—the multifaceted and intersectoral nature of the concerns at hand. This poses a major institutional challenge: how most effectively to service them at the level of the Secretariat. What is required is not merely more efficient administrative support. Of even greater importance is better integrating the Organization's analytical, normative and operational functions, and enhancing the relevance of its analytical and normative work for policy formulation and action.

61. It was with these aims in mind that I decided to merge the three Secretariat departments in the economic and social spheres into one Department of Economic and Social Affairs. The new consolidated Department will be far better equipped to perform its complex functions in an integrated manner. The merger will also yield efficiency savings, which I am proposing to dedicate to the development account that I recommended to Member States as part of my July reform plans.

C. Development operations

62. Gross disparities continue to characterize the world today—in income, access to services, and opportunities to lead a life worthy of human dignity. The challenge of development remains profound, and the condition of poverty profoundly disturbing. Meeting the challenge requires enhanced support to developing countries, quite apart from creating conducive domestic and international contexts.

63. The United Nations has forged a global agenda specifying the many dimensions of development, and has devised plans to implement agreed objectives. The tasks are immense, however, and the available resources have become stagnant. United Nations development programmes and funds have, therefore, sought ways to stretch available resources by coordinating their strategic resource allocation, beginning with the harmonization of programme cycles in 1996, and by collaborating more extensively at the country level.

64. To accelerate this process, and building on its success, one of the most consequential of my July reform proposals is the creation of a United Nations Development Group. Chaired by the Administrator of the United Nations Development Programme, the Group also comprises UNICEF and UNFPA, with other entities participating as warranted by their interests and mandates. The United Nations Development Group is structured so as to maintain and reinforce the distinctive nature of its constituent units, while facilitating their functioning in a more unified, cooperative and coherent framework at the headquarters level and in the field. It holds great promise of amplifying the impact of United Nations development activities.

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65. From 132 field offices serving more than 170 countries, the United Nations Development Programme fosters policies and capacities for poverty eradication and sustainable human development. During 1996, UNDP implemented a new resource allocation formula whereby nearly 90 per cent of its core funds of some \$850 million are assigned to low-income countries. Its core resources are augmented by some \$1.2 million in restricted funds and cost-sharing arrangements. The Programme's primary focus continues to be on building national capacity for poverty eradication and the creation of employment and sustainable livelihoods. Projects in the past year involved more than 80 countries, and included support for economic management (36 countries in Africa), the design and implementation of national poverty reduction programmes (China, India, Mongolia and 23 African countries), restructuring public expenditures (Burkina Faso) and monitoring the impact of economic reform on vulnerable groups (Mongolia). In 1997-1998, the resources devoted to gender mainstreaming activities are being increased to one fifth of core funds.

66. In the area of environment and development, UNDP in 1996 supported the efforts of developing countries to implement the United Nations Convention to Combat Desertification as well as the Montreal Protocol on Substances that Deplete the Ozone Layer, and it secured \$47 million from the Global Environmental Facility for new activities related to the environmental needs of developing countries.

67. In 1996, UNDP began a Poverty Strategies Initiative. Many of the projects assist national partners to assess the magnitude and distribution of poverty nationwide, through household surveys and similar means. UNDP country offices are supporting the preparation of national hu-

man development reports, complementing the global Human Development Report. As of 1996, more than 50 countries had produced such reports; by the end of 1997 approximately 100 countries will have done so. These reports help to frame national anti-poverty campaigns and serve as a basis for monitoring their progress.

68. The United Nations Children's Fund is another core member of the newly constituted United Nations Development Group. In 1996, total UNICEF expenditures were \$921 million, fully one third of which originated from non-governmental or private sources. Approximately 70 per cent of programme expenditures went to the care and protection of children in low-income countries, which in turn account for 70 per cent of the world's child population. Africa and Asia combined received some two thirds of total expenditures. Health was by far the leading sector of programme activity, followed by roughly equal emphases on education, nutrition and providing clean water supplies and sanitation services.

69. The Fund is an active and often leading participant in cooperative ventures within the wider United Nations context. Among the many notable examples is its work to prevent and treat the main causes of childhood illness and death, such as acute respiratory infections, diarrhoea, malaria, measles and malnutrition. UNICEF and the World Health Organization have promoted an integrated approach to the prevention and management of such childhood illnesses. UNICEF also cooperates with several international and national agencies in working towards the reduction of maternal mortality. A number of countries, notably Bangladesh, Indonesia, Mali, Romania and Viet Nam, have, as a result of these efforts, initiated programmes that combine improved training of midwives, better access to family planning and women's health services, and improved emergency obstetric care.

70. The third core member of the United Nations Development Group is the United Nations Population Fund. Pledged contributions remained just above \$300 million in 1996. Some 47 new country programmes were formulated in that year. UNFPA focuses on three main programme areas: reproductive health, including family planning and sexual health; population and development strategies; and advocacy. The Fund is especially concerned with helping countries to institutionalize the concept of reproductive health in national population programmes, and to integrate such programmes into primary health care systems. It has also stepped up its efforts in the area of adolescent reproductive health.

71. The World Food Programme (WFP) is a dual mandate agency, working in both emergency humanitarian relief and development operations. Roughly one third of its total resources of \$ 1.4 billion is devoted to development. In 1996, new commitments available for development purposes were significantly lower than in previous years. Nevertheless, WFP development assistance reached more than 20 million people, in the form of human resource development projects as well as infrastructure and agricultural or rural development projects. Some 40 per cent of the beneficiaries were in sub-Saharan Africa, with another third in the Asia and Pacific region.

72. Africa receives the major share of assistance because WFP concentrates resources on the poorest people in the neediest countries; in all, some 30 sub-Saharan countries received assistance. At the same time, there has been progress in that region. Ethiopia, a recent recipient of both emergency relief and development assistance, produced a grain surplus last year that it exported to neighbouring Kenya and Somalia. Agricultural production in Cote d'Ivoire, Ghana and Mauritius has increased an average of 4 per cent annually in recent years, compared to the overall sub-Saharan average of 2 per cent.

73. The development activities of WFP in the Asia and Pacific region centre largely on enabling poor rural people to improve their food security. This includes supporting self-help training and credit schemes for poor women (Bangladesh); strengthening the capacity of rural communities in selecting and implementing local infrastructure and income-generating projects (China, India and Nepal); rehabilitation programmes for war-affected people (Cambodia); and nutrition and health support for vulnerable groups (India and Viet Nam).

74. In Latin America and the Caribbean, WFP has assisted efforts by Governments and local communities to provide the poorest households with improved access to productive resources, and to give direct dietary support through targeted interventions in primary health care, and also in pre-school and primary education.

75. Several other organizations contribute significantly to the United Nations development efforts. Among them is the United Nations Development Fund for Women. Its development-related work supports programmes to strengthen women's economic capacity as entrepreneurs and producers. Key aspects of this work include supporting the inception and growth of international networks—such as the International Coalition on Women and Credit, which advocates gender-sensitive approaches to the extension of micro-credit. Regional initiatives also receive

support. One case in point is the Self-Employed Women's Association, which was enabled by UNIFEM support to strengthen its ultimately successful campaign for an International Labour Organization convention on home-based workers. UNIFEM also supports women's efforts to organize the production and marketing of goods and services.

76. The devastating impact of HIV/AIDS is a serious impediment to the development prospects of a number of low-income countries. The mission of the Joint United Nations Programme on HIV/AIDS (UNAIDS) is to lead, strengthen and support an expanded United Nations response to the epidemic, aimed at preventing transmission, providing care and support, reducing individual and community vulnerability, and alleviating its impact. At the country level, UNAIDS has supported the establishment of United Nations theme groups on HIV/AIDS, designed to coordinate United Nations efforts in support of national responses to HIV/AIDS. The sharing of experiences and expertise between countries is critical, as is the need for increased inter-country collaboration on the many HIV/AIDS issues that cut across borders. Accordingly, UNAIDS has set up small inter-country teams at Abidjan, Bangkok and Pretoria that are working closely with the co-sponsoring agencies to develop and consolidate technical resource networks and enhance national capacity for HIV/AIDS prevention and care.

77. In sum, the various development organizations of the United Nations pursue ambitious agendas because they face enormous challenges, but they are obliged to pursue those agendas with quite limited resources. My aim in establishing the United Nations Development Group is to augment the impact of those resources through forging closer collaboration among the constituent units at the strategic level and in field operations, enhancing the overall effort by focusing on core competencies and by sharing common premises and services.

D. Preventive diplomacy, peaceful settlement of disputes and disarmament

78. The assurance that members will not resort to violence but will settle their disputes in some other way is the cornerstone of all well-ordered societies. Zones characterized by such dependable expectations of peaceful change exist in all parts of the world today—though they coexist with instances of violent conflict among and within States. It is a primary aim of the United Nations to expand the domain of peaceful change, by providing means through which

conflicts may be contained and resolved and by dealing with their root causes.

79. The prevention of conflict both within and between States requires, first of all, ongoing attention to possible sources of tension and prompt action to ensure that tension does not evolve into conflict. During the past year, the Secretariat, in cooperation with other branches of the United Nations system, has worked to strengthen its global watch, which is designed to detect threats to international peace and security, enabling the Security Council to carry out or to foster preventive action.

80. Cooperation with regional organizations offers great potential. Close contacts with the Organization of African Unity (OAU) are a case in point. The two secretariats engage in almost daily consultations. The appointment of a joint United Nations/OAU Special Representative for the Great Lakes region, Mr. Mohamed Sahnoun, whose mandate and activities have been extended to other countries in central Africa, is a further manifestation of that cooperation. There is also increased cooperation between the United Nations and subregional organizations such as the Economic Community of West African States and the Southern African Development Community.

81. Elsewhere, the United Nations continues to work closely with the Organization of American States, particularly in Haiti where the jointly fielded International Civilian Mission continues to do its work. The same is true of the Organization for Security and Cooperation in Europe and the Council of Europe in the areas of human rights, electoral assistance, peacemaking and economic development. We will continue to build upon these positive experiences to promote a more rational and cost-effective division of labour between the world organization and regional entities, thereby bringing life to the provisions of Chapter VIII of the Charter of the United Nations.

82. The contrasting experience during the past year of two neighbouring countries in Central Asia underlines the fact that progress in resolving disputes hinges on certain conditions. The signing of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, though it has not fully prevented fighting, demonstrated the desire of the Tajik disputants to settle their differences peacefully. It also reflected the readiness of some key countries, such as the Islamic Republic of Iran and the Russian Federation, to use their influence on the disputants to bring this about. In Afghanistan, on the other hand, despite the efforts of the United Nations Special Mission, backed by ap-

peals from the Security Council, the warring parties have shown little interest in a peaceful solution. They have continued to wage a brutal and futile civil war. What is more, they have been encouraged by some Member States which continue to provide them with political and military assistance. All the while, the unrelenting suffering of the people of Afghanistan worsens. I decided in July of this year to intensify United Nations efforts to help bring an end to the strife in Afghanistan by dispatching Mr. Lakhdar Brahimi to make a fresh assessment and to recommend possible roles for the Organization.

83. I deeply regret that the absence of will to coexist peacefully and the readiness, on the part of some elements, to change a negotiated political order through violence have led to serious regression in two countries where the United Nations had played a major role in restoring stability after years of civil war. The coup d'etat in Sierra Leone in May was a reprehensible action that rightly received vigorous condemnation throughout the continent and the international community. It greatly set back the chances of stability and development in a country that is in desperate need of both. In Cambodia, the fragile coalition that was the result of painstaking and costly international efforts was rocked by the violent events of July.

84. The interlocking problems and crises that engulfed the Great Lakes region of central Africa following the devastating human tragedy in Rwanda required a correspondingly integrated approach on the part of the United Nations. While a measure of stability was re-established in Rwanda itself, my Special Envoy, Mr. Sahnoun, became deeply involved in international efforts to cope with the unfolding crisis in eastern Zaire. The rebellion that began there culminated in the capture of Kinshasa and the establishment of a new Government, which renamed the country Democratic Republic of the Congo. Mr. Sahnoun has collaborated with President Omar Bongo of Gabon in the search for a peaceful solution to the conflict in the Republic of the Congo, and he continues to lend his support to the efforts of former President Julius Nyerere of the United Republic of Tanzania to bring the political parties of Burundi to the negotiating table.

85. In response to the urgent need to address seriously charges that acts of genocide and violations of international humanitarian law had been committed in the Democratic Republic of the Congo, I dispatched an investigative team to establish the facts. Ultimately, solutions to the deep-rooted and widespread problems of the region can be devised only by its own people. At the same time, the international community must re-

spond fully to the requirements and aspirations of the region through a long-term commitment to assist and sustain peace efforts.

86. In recent months, I have also taken initiatives to revitalize flagging processes towards the settlement of three long-standing disputes: Western Sahara, Cyprus and East Timor. In each case, I appointed a high-level emissary to try to move the process out of its rut. In the case of Western Sahara, I requested Mr. James Baker III to assess, together with the parties, prospects for the implementation of the settlement plan and to provide me with his recommendations. He has carried out several rounds of consultations with the parties. The United Nations Mission for the Referendum in Western Sahara remains in place to facilitate the implementation of a settlement.

87. To give new impetus to my mission of good offices in East Timor, I appointed Mr. Jamsheed Marker as my Personal Representative. He embarked on an intensive series of consultations with the Governments of Indonesia and Portugal on how best to reinvigorate the tripartite talks that had been held under the auspices of my predecessors since 1983. He also visited East Timor. On the basis of those discussions, I invited the Foreign Ministers of Indonesia and Portugal to a meeting in New York. I was encouraged by the assurances from the two Governments that the negotiations would be fruitful. I also believe it useful to continue the all-inclusive East Timorese dialogue, to enable the people of East Timor to contribute practical ideas in the search for a lasting solution.

88. The third area where I have tried to reactivate a previously moribund peace process is Cyprus, in which a long-standing United Nations peacekeeping presence has played an essential role in preventing the resumption of hostilities. I invited the leaders of the two communities to a series of face-to-face talks, their first in three years, under the chairmanship of my Special Adviser on Cyprus, Mr. Diego Cordovez. The first round was held outside New York in July, a second in Switzerland in August. Although it has not yet been possible to reach agreement on substantive matters, the two leaders remain committed to achieving an overall settlement under my good offices, and I intend to proceed with the mission.

89. Finally, the use of mandatory sanctions is a valuable tool available to the Security Council, permitting the United Nations to bring pressure to bear without recourse to force. However, concern has been expressed about the negative effects of such measures on the most vulnerable groups among the civilian population, as well as their collateral effects on other States. The oil-for-food programme in Iraq, which came into ef-

fect in December 1996 and was extended in June 1997, represents the first systematic attempt by the Council to address the humanitarian needs of a civilian population in a country remaining subject to sanctions. I shall encourage consideration by the General Assembly and the Security Council of possible ways to render sanctions a less blunt and more effective instrument.

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90. In the past 12 months, significant progress in arms regulation and disarmament has been achieved through multilateral treaty-making, in several cases through the Conference on Disarmament. Treaties covering a wide range of weapons of mass destruction have been negotiated, extended or bolstered, or have entered into force. The new, institutionalized review process of the Treaty on the Non-Proliferation of Nuclear Weapons commenced, the historic Comprehensive Nuclear-Test-Ban Treaty was concluded, the Chemical Weapons Convention came into force, and agreement was reached by the parties to the Biological Weapons Convention to intensify their efforts to negotiate verification provisions. There has been further consolidation of the various nuclear-weapon-free-zone arrangements, most of which now enjoy the full support of the nuclear-weapon States. The momentum that has been generated by these achievements should be maintained, in particular with a view to substantially reducing and ultimately eliminating the remaining nuclear stockpiles.

91. Notwithstanding these accomplishments, the absence of norms governing conventional weapons, especially light weapons and small arms, is of mounting concern. Little has been done to curb their rapidly escalating proliferation. This situation creates perverse chains of events. Member States ask the United Nations to deal with certain armed conflicts. In at least 15 such conflicts today the primary or sole tools of violence are small arms and light weapons. They are readily available on world markets. Indeed, there is intense competition to export these weapons, including to the conflict areas in which the United Nations is struggling to promote peace, thereby exacerbating the intensity and duration of those conflicts. The consequent losses of life and the displacement of people within countries and to neighbouring areas add, in turn, to the humanitarian crises that the United Nations is called upon to alleviate.

92. The challenge for the international community is to devise means to contain the spread of such weapons, especially to areas in conflict. One is through promoting the principle of openness and transparency in military matters. In this re-

gard, the United Nations Register of Conventional Arms enjoys the wide support of Member States and should be strengthened. The commendable initiative recently taken in West Africa to declare a moratorium on the export, import and production of light weapons is another constructive measure.

93. Finally, the efforts under way to ban anti-personnel landmines should be universally encouraged, and effective means to eliminate these vile weapons should be adopted at the earliest opportunity. Landmines have been described as weapons that do not get put away after a war; they remain in place to maim and kill—some 2,000 people every month, mostly civilians. Significant progress at last may be at hand. In the autumn of 1996 a group of countries, together with the International Campaign to Ban Landmines, galvanized the pro-ban movement in what has become known as the Ottawa process. To date, as many as 117 States have stated publicly that they will sign an international treaty at Ottawa in December 1997 in support of a global ban on the manufacture, production, use and export of anti-personnel landmines. I strongly support this effort.

94. These and other new challenges of weapons proliferation make it necessary for the United Nations to revitalize its efforts in this domain. The fact that the world is no longer riven by super-Power rivalry makes it possible. Seizing the moment, I proposed in my July reform report the creation of a new Department for Disarmament and Arms Regulation, which will return the United Nations to centre stage in limiting the destructiveness of conflicts by limiting the spread of the weapons that fuel them.

E. Humanitarian action

95. When the peaceful settlement of disputes fails—or is deliberately rejected as a policy option—and armed conflict ensues, the impact on other States is often felt first through a surge of refugees, or by concern with the plight of internally displaced and other war-affected persons. The total number of victims of man-made humanitarian disasters today is unquantifiable. Those who are physically displaced by conflicts are estimated at 40 million; they exceed the victims of natural disasters by perhaps as much as a factor of 10. It is the aim of United Nations humanitarian agencies to provide timely and effective assistance as well as protection to those in need, and to advocate adherence to humanitarian norms.

96. Humanitarian aid to persons affected by conflict is undertaken in contexts that are becom-

ing increasingly complex, volatile and dangerous. Missions are carried out amid contested or collapsed state structures, the breakdown of law and order and of the support mechanisms of civil society, and outright civil war. This state of affairs makes it necessary to couple relief efforts with more comprehensive approaches that include promoting political settlement, rebuilding capacity and restoring economic opportunities. Ominously, in a growing number of instances civilian populations have become the explicit target of combatants, whether to achieve their forcible displacement, use them as shields, terrorize or annihilate them. Humanitarian missions similarly have been impeded or denied access for reasons of political expediency, manipulated as part of the strategic calculus of warring factions, or subjected to attacks. These distressing practices pose very serious policy and moral dilemmas that the international community must address and resolve.

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97. The refugee population assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) declined during 1996, from 15.5 million to 13.2 million, owing in part to UNHCR efforts to secure voluntary repatriation but also, regrettably, to episodes of large-scale involuntary repatriation and evacuation, particularly in the Great Lakes region of central Africa. Internally displaced people now significantly outnumber refugees, with estimates ranging from 20 million to 25 million. UNHCR directly or indirectly assists nearly 5 million internally displaced persons and an equal number of former refugees and others who are in various stages of resettlement. The Emergency Relief Coordinator also serves victims of natural disasters.

98. The World Food Programme conducted a total of 57 relief operations in 1996, six of which (the Great Lakes region, Angola, Afghanistan, Iraq, Liberia and the former Yugoslavia) accounted for more than two thirds of all relief aid provided. More than 15 million of the assisted victims were women and children, who are usually the first to experience the effects of hunger in the midst of political violence, drought or other disasters. UNICEF continued to focus its extensive humanitarian efforts on issues related to nutrition, health, sanitation and education for children in emergency situations. The United Nations Centre for Human Rights and UNICEF provided support for an important expert report to the Third Committee of the General Assembly on the impact of armed conflict on children, the most comprehensive analysis of the subject ever

undertaken. The United Nations Population Fund concluded an agreement with UNHCR in the past year to provide emergency reproductive health care to displaced persons and refugees. In addition, UNAIDS produced guidelines for Governments and cooperating agencies, enabling them to adopt necessary measures to prevent the rapid epidemic spread of HIV in emergency settings and to care for those already affected.

99. The longest-standing United Nations humanitarian mission is the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In addition to providing essential education, health, relief and social services to 3.4 million refugees, UNRWA has undertaken a range of projects aimed at developing infrastructure, improving living conditions and creating employment opportunities. The relocation of its headquarters from Vienna to Gaza in July 1996 helped strengthen the Agency's relationship with the Palestinian Authority. Yet the stagnation in donor contributions combined with the steady growth in the beneficiary population have led to a quantitative and qualitative decline in services.

100. Well after many conflict situations have passed, anti-personnel landmines remain a continuing humanitarian scourge. The Ottawa process, referred to in the previous section, aims to ban the manufacture, production and use of such mines, but the painstaking humanitarian work of reducing the dangers of existing mines must continue. Mine-awareness training and mine clearance, comprising technical surveys and verification, as well as minefield marking and eradication, require far greater resources. Training and skills transference are essential, in technical and management capacities alike.

101. The success of United Nations responses to complex emergencies and natural disasters depends critically on the availability of human, material and financial resources. Between September 1996 and August 1997, the Department of Humanitarian Affairs orchestrated 13 consolidated appeals on behalf of the United Nations system, intended to serve the needs of approximately 17 million people in Afghanistan, Albania, Angola, the Chechnya region, the Democratic People's Republic of Korea, the Great Lakes region, Liberia, Sierra Leone, Somalia, the Sudan, Tajikistan and the former Yugoslavia. The combined funding requirements for two appeals—for the former Yugoslavia and the Great Lakes region—amounted to nearly half of the \$1.8 billion requested. A total of \$727 million has been pledged or carried over.

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102. During the past year the United Nations system continued to improve its capacity to deliver humanitarian assistance. The Inter-Agency Standing Committee has played a key role in this process. Progress was made in strengthening capabilities in early warning, contingency planning and information systems. For example, the main humanitarian agencies developed joint contingency planning methodologies, and undertook joint planning exercises in the Great Lakes region, West Africa and Central Asia.

103. To ensure predictability in collaboration, the main agencies have developed memoranda of understanding that delineate roles, maintain accountability and establish standby arrangements. Similarly, liaison between them and non-governmental organizations has become a more routine feature, both in the field and by means of monthly "interaction" meetings in New York and corresponding meetings at Geneva. In the case of the rapid deterioration of the situation in the Great Lakes region, a Regional Humanitarian Coordinator was appointed to take immediate responsibility for the strategic coordination of United Nations efforts in the entire area, including Burundi, the eastern part of the Democratic Republic of the Congo, Rwanda and the refugees in the United Republic of Tanzania.

104. With regard to resource mobilization, as part of a review by the Economic and Social Council, an extensive assessment of the consolidated appeals process was undertaken in 1996. That process seeks not only to coordinate but also to prioritize funding needs, and the review led to its being expanded so as to include longer-term rehabilitation objectives—for instance, reintegrating demobilized soldiers and refugees, strengthening the administrative capacity of the States involved, and fostering transition to development. Likewise, where appropriate the consolidated appeals process will include funding requirements for human rights field operations.

105. The growing interest and involvement of the Security Council in humanitarian questions is another welcome and timely development. It holds promise for a more fully integrated approach to conflict resolution in which all dimensions—political, humanitarian, development and human rights—are addressed in a mutually reinforcing manner.

106. Nevertheless, recent experience has shown that still more effective institutional arrangements are necessary. In particular, I considered the operational role of the Department of Humanitarian Affairs to be problematic. The Department took on operational tasks in a limited and ad hoc manner without being adequately

equipped for them, and that detracted from the Emergency Relief Coordinator's core functions of policy development, advocacy and coordinating humanitarian emergency responses. Accordingly, in my July reform proposals I announced that the Department would be replaced by a smaller Office of the Emergency Relief Coordinator, concerned exclusively with those core functions, and the Department's operational responsibilities transferred elsewhere. The reorganization is now under way.

107. As noted at the outset of this section, a distressing characteristic of certain recent conflict situations is that the pursuit of strategic advantage by combatants has begun to include, and thus manipulate, the humanitarian presence. Worse still, civilian populations have become direct targets, and humanitarian workers subjected to harassment, hostage-taking, rape, and even murder. The help of Member States is required to cope with this mounting assault on innocent lives and international norms. As a first step, the Security Council recently issued a firm condemnation of attacks against refugees and other civilians, and called upon parties to conflicts to comply strictly with the rules of humanitarian law. What is needed is a comprehensive assessment of the moral, strategic and physical security dimensions of those threats to the very core of the United Nations humanitarian mission.

F Peacekeeping and post-conflict peace-building

108. Maintaining and restoring international peace and security is a fundamental purpose of the United Nations. Although the vision embodied in the Charter of a collective security system has not yet been realized in practice, the Organization has evolved significant innovations over the years, such as the instrument of peacekeeping. Early post-cold-war euphoria exaggerated the range of possibilities for expanding the scope of United Nations peace operations, but the more recent sense of limits may err in the opposite direction.

109. An already difficult task has been rendered more difficult, it is true, by the fact that so many post-cold-war conflicts have taken the form of internal factional violence and civil strife that have significant external repercussions. Important lessons have been learned from recent experience, however, as a result of which peacekeeping and its institutional support structures continue to be refined and adapted, while post-conflict peace-building has assumed an increas-

ingly prominent role in the United Nations repertoire of means to achieve more lasting peace.

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110. The international community has developed a clearer understanding both of the limits of peacekeeping and also of its continuing usefulness. As a result of past setbacks, Member States are more aware of the risks associated with dispatching operations with resources which do not match their mandates. We have also learned that inaction in the face of massive violence and threats to international peace and security is not an acceptable—or viable—option. Though peace is far less costly than war, there should be no illusion that it can be achieved on the cheap.

111. Currently, approximately 22,500 soldiers and civilian police serve in 16 missions in countries around the world. Those missions are managed by the Department of Peacekeeping Operations, of which Mr. Bernard Miyet became the Under-Secretary-General in February 1997. All help stabilize potentially volatile situations, and many involve extensive cooperation between the United Nations and regional organizations. Only brief mention is made here or elsewhere in this report of major developments since the last reporting period.

112. In the Balkans, the United Nations Mission in Bosnia and Herzegovina and its International Police Task Force work closely with the NATO Stabilization Force to convert into reality the undertakings made at Dayton, Ohio. The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium achieved significant aims with the demilitarization of the local Serb forces, and in facilitating the elections held in April 1997. The United Nations Preventive Deployment Force is achieving its mandate in the former Yugoslav Republic of Macedonia; and the United Nations Mission of Observers in Prevlaka continues to monitor the situation in that area.

113. In Georgia, the United Nations Observer Mission cooperated with Commonwealth of Independent States peacekeeping forces to enable the parties to seek a political solution. The United Nations Mission of Observers in Tajikistan supported the negotiation process that resulted in the general peace agreement signed in Moscow in June 1997. In Haiti, the United Nations is assisting in the rebuilding of that country's police force, and works with the Organization of American States in the field of human rights. The United Nations Military Observer Group in India and Pakistan continues to perform its functions. I am encouraged by recent moves towards a dialogue between the parties.

114. The United Nations Observer Mission in Liberia is nearing the completion of its mandate, which it has pursued in conjunction with the Economic Community of West African States, to monitor a ceasefire and verify disarmament and demobilization. Those steps paved the way for the elections and installation of a new Government in the summer of 1997. Elsewhere in Africa, it has been possible to replace the United Nations Angola Verification Mission III with a smaller follow-on operation but, because the peace process in Angola appears to have reached an impasse, renewed efforts are necessary to consolidate national reconciliation and monitor human rights.

115. The Middle East remains one of the most critical points of tension in the world today. It is my hope that the Israeli-Palestinian peace process will be revived and its forward momentum fully restored. The United Nations contributions to stability in the region include the humanitarian activities of UNRWA, discussed in the previous section; the development-related work of the Special Coordinator, dealt with below; and three peacekeeping missions: the United Nations Truce Supervision Organization, the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon. With the cooperation of Israel and the Syrian Arab Republic, the efforts of UNDOF have been successful on the Golan Heights. In southern Lebanon, on the other hand, hostilities have continued between Israeli forces, with auxiliaries, and Lebanese groups. Elsewhere in the Middle East, the United Nations Iraq-Kuwait Observation Mission helps to ensure stability in the area of its deployment.

116. During the last year the Organization also planned and prepared for, but did not deploy, a mission to Sierra Leone; carried out significant contingency planning for possible missions in Burundi, the Democratic Republic of the Congo and the Republic of the Congo; and began, and successfully concluded, an observer mission in Guatemala.

117. In the context of the current effort by the international community to strengthen the United Nations, it is crucial to maintain and improve the Organization's ability to plan, manage and conduct peacekeeping missions. The Secretariat is reviewing cumbersome or inappropriate rules and procedures that govern support for field operations, such as rules for recruitment, procurement and settlement of third-party liability claims. We are also exploring ways to ensure a unified effort in the entire United Nations system in all peacekeeping and peace-building activities, both in the field and at Headquarters.

The creation within the Secretariat of an Executive Committee on Peace and Security is an important step towards that goal.

118. Other measures fall within the jurisdiction of Member States. Many of the structures and functions that are essential for peacekeeping activities lack stable funding, and many essential tasks are discharged by personnel made available temporarily to the United Nations by Member States. Indeed, half of all Professionals in the Department of Peacekeeping Operations fall into this category. The Organization needs a stable base of budget resources in the area of peacekeeping that reflects its real personnel requirements. Similarly, action on the proposal to create a rapidly deployable mission headquarters, around which the components of peacekeeping operations could be assembled, depends on the willingness of Member States to allocate the necessary financial resources.

119. Additional elements of a rapid deployment capacity are being explored. A number of States are developing military units that could deploy without undue delay upon a decision of the Security Council. A group of States consisting of Austria, Canada, Denmark, the Netherlands, Norway, Poland and Sweden signed a letter of intent in December 1996 to form a standby high readiness brigade within the framework of United Nations standby agreements. Some of those States have since moved further towards that objective. While we very much welcome these developments, the availability of troops will continue to depend on the willingness of their respective Governments to commit them in any given instance.

120. One key priority for the coming year is to draw on the experience gained in co-deployment in such cases as Georgia, Liberia and the former Yugoslavia to develop doctrine and guidelines so that the United Nations will be better prepared for such partnerships with regional organizations in the future. Ensuring that humanitarian strategies as well as longer-term development aims are fully integrated into the overall peacekeeping effort is another main priority in the year ahead. These are the challenges we must overcome as we seek to adapt the essential implementation of United Nations peacekeeping to the crises we face today and will face tomorrow, and as we work to create a system of collective security for the twenty-first century.

* * *

121. The United Nations system as a whole is focusing as never before on peace-building—action to identify and support structures that will strengthen and solidify peace. Experience has

shown that keeping peace in the sense of avoiding a relapse into armed conflict is a necessary but not sufficient condition for establishing the foundations of an enduring and just peace. Areas of additional activity may include military security, civil law and order, human rights, refugees and displaced persons, elections, local administration, involvement in public utilities, health, education, finance, customs and excise, reconstruction, and general attempts to return society to some sense of normality. No other institution in the world has the experience, competence, capacity for logistic support, coordinating ability and universality that the United Nations brings to these tasks.

122. A good example of peace-building at work is the case of Guatemala, where the United Nations contributed to bringing about the conclusion of the last remaining conflict in Central America with the signing, on 29 December 1996, of the final peace agreement. The United Nations, which had been verifying human rights in Guatemala since 1994, was entrusted by the General Assembly with the verification of the final agreements also. The ceasefire and demobilization of combatants was achieved within its 60-day deadline. In addition to promoting human rights, the accords seek to strengthen democratic institutions and the administration of justice, to improve the electoral system, to address social and economic inequities with a view to permitting wider participation of citizens at all levels, and to define the army's new role in society. The implementation of the accords calls for United Nations verification until the year 2000. This is a major challenge that will require full cooperation from the people of Guatemala, as well as the sustained support of the United Nations system and the international community.

123. Short of such comprehensive objectives, the United Nations has been involved, in Angola, Mali and Nicaragua, with demobilization and rehabilitation of former combatants. This task includes quartering ex-combatants, disarming, demobilizing and transporting them home, and facilitating their socio-economic reintegration. Elsewhere, including Rwanda, the United Nations has sought to provide technical assistance and training to strengthen the judiciary and support the communal police.

124. There is a growing appreciation of the fact that efforts in support of development cannot cease during emergencies, but must continue to be vigorously supported. The appropriate United Nations entities have therefore devised development-oriented interventions to prevent relapses into crisis. Numerous projects were fielded during 1996-1997, involving UNDP,

UNHCR, UNICEF, WFP and UNIFEM. I have taken steps to ensure that the United Nations system as a whole is able to meet the challenges of post-conflict peace-building in a unified and coherent manner, and to that end have designated the Department of Political Affairs as the United Nations focal point for post-conflict peace-building. Sir Kieran Prendergast joined us in March 1997 to head the Department.

125. The United Nations Special Commission (UNSCOM) has a unique and strictly military peace-building mandate in verifying Iraq's full, final and complete disclosures on its prohibited weapons programmes. In the past year, the Security Council twice felt it necessary to condemn Iraq—once because the Commission's attempt to verify the destruction of missile engines was frustrated, and once because its movements were impeded and it was denied access to relevant sites. UNSCOM has identified significant continuing problems that will need to be addressed in the months ahead.

126. Also unique, but very different, is the Office of the Special Coordinator. It provides overall guidance to United Nations programmes and agencies in the West Bank and Gaza Strip, and works closely with the World Bank, in assisting the Palestinian Authority to achieve an integrated approach to development and a self-sustaining economy and to establish effective administrative institutions.

127. The cause of constructing a just peace also requires effective mechanisms of accountability for past wrongs. In many instances, national means are in place and suffice, though they may require international assistance, but some violations of fundamental human rights are so massive and some acts of violence so egregious that humanity as a whole is offended, and humanity as a whole must act. Significant steps have been taken along this road in recent years.

128. The International Tribunal for the Former Yugoslavia marked a major milestone in 1997 by delivering its first judgement and sentence. Moreover, its relationships with international forces and national authorities reached a turning point with the arrest and transfer to The Hague of three indicted persons. The International Criminal Tribunal for Rwanda recovered lost ground that resulted from management and administrative deficiencies, and currently has three trials under way and 21 accused persons awaiting trial.

129. Lastly, the Preparatory Committee on the Establishment of an International Criminal Court has almost completed its work on a consolidated text of a draft statute. I am firmly of the belief that the establishment of such a court would

contribute profoundly to post-conflict peace-building, serve as a deterrent against future genocidal violence and mark a major step in the evolution of the rule of law at the international level. I endorse and support the creation of the court by an international conference that is scheduled to convene in 1998. Its birth at the end of a century that has been one of the bloodiest in history would bequeath a more robust realm of reason to the new.

G. The new transnational threats

130. The same means of communication and personal mobility that make it possible for civil society actors to function globally also enable "uncivil society" actors to do so. In this world of increasingly porous borders new threats have emerged to national security, economic development, democracy and sovereignty in the form of transnational networks of crime, drug trafficking, money-laundering and terrorism. By consolidating the several relevant functions into one single Office for Drug Control and Crime Prevention, based in Vienna, and by appointing Mr. Pino Arlacchi, an expert on organized crime, to lead it, I have sought to reposition the United Nations to help contain this growing threat.

* * *

131. The United Nations and the specialized agencies have long played a central role in the struggle to suppress international terrorism. Twelve multilateral treaties, as well as the declarations concerning measures to eliminate international terrorism, have been adopted for dealing with specific acts of terrorism. The General Assembly reviewed the legal instruments to identify gaps in the existing regime, and in 1996 established an Ad Hoc Committee to elaborate new international conventions for the suppression of terrorist bombings and the suppression of acts of nuclear terrorism. The Committee also plans to develop a comprehensive legal framework for dealing with international terrorism.

* * *

132. Organized criminal groups are spreading their operations around the globe. Developing countries and emerging democracies are prime targets owing to the vulnerabilities of their weak institutions. To help redress this problem, Member States adopted the Naples Political Declaration and Global Action Plan against Organized Transnational Crime in 1994, asking Governments to harmonize legislation and ensure that their justice systems were provided with the means to prevent and control organized transnational crime.

133. Under the auspices of the Commission on Crime Prevention and Criminal Justice, a variety of practical actions and legal protocols followed from the Naples document in support of its objectives, including the establishment of databases, together with agreements on monitoring and information exchange. At its sixth session, in the spring of 1997, the Commission reviewed a draft convention to combat organized transnational crime, and took action on several specific manifestations of it, such as bribery and corruption, the smuggling of illegal migrants and the illicit traffic in children.

134. During the past year, the Crime Prevention and Criminal Justice Division of the Secretariat provided assistance to the Economic Community of West African States in developing and implementing a regional convention on mutual assistance in criminal matters, and initiated a regional framework for cooperation in the area of extradition. The Division also helped the Government of South Africa to devise a witness protection programme; the Government of Kyrgyzstan to establish a specialized department within the Ministry of the Interior to fight organized crime; and the Government of Romania to strengthen the capacity of the criminal justice system to prevent and fight corruption and organized crime. Needs assessment exercises were undertaken in Angola, Argentina, Armenia, Bolivia, Georgia, Guinea, Pakistan, the former Yugoslav Republic of Macedonia and Togo.

* * *

135. To counter drug trafficking and abuse, the United Nations International Drug Control Programme (UNDCP) promotes adherence to and implementation of international drug control treaties, particularly the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which is the main framework for international cooperation. In 1996, the Programme assisted 15 Governments in drafting and implementing national drug control laws and regulations, including training for law enforcement personnel, national administrators, judges, magistrates and prosecutors.

136. In cooperation with the International Narcotics Control Board, the Programme also assisted Governments in efforts to prevent the diversion of drugs and their precursors into the illicit market. Regional assistance programmes to that end were undertaken in central, south and south-west Asia. The Programme also published a comprehensive global study and examined countermeasures intended to address the new threat posed by the illicit manufacturing, traf-

ficking and abuse of a variety of stimulants, particularly amphetamines.

137. To assist Governments in combating illicit drug trafficking, UNDCP regional law enforcement advisers in eastern and southern Africa, Latin America and south-east Asia provided advisory services and technical assistance. In all, 16 law enforcement programmes were begun in the past year, with support emphasizing training for police and customs officials so as to augment their capacity to interdict and seize narcotic drugs. UNDCP also sponsored cross-border co-operation among drug law enforcement agencies, including in the border zones between the Islamic Republic of Iran and Pakistan and between India and Pakistan. Frameworks for cooperation and mutual assistance are also provided by regional plans of action, such as those in Africa and the Caribbean.

138. Cooperation with other organizations has a multiplier effect in the fight against drugs. UNDCP signed a memorandum of understanding with the World Customs Organization, establishing the basic principles of co-operation between the two organizations. They worked together in the implementation of a network of regional intelligence liaison offices, and 15 eastern and southern African States received support enabling them to detect new drug trafficking trends. Closer co-operation has also been established between UNDCP and the International Criminal Police Organization (Interpol).

139. During the 1990s traffickers increasingly used commercial vessels as a major means of transporting illicit drugs in bulk quantity from source countries to markets. Consequently, UNDCP has initiated programmes to strengthen the capacities of Governments to counter illicit trafficking by sea and through seaports.

140. Efforts to reduce the demand for illicit drugs are an indispensable component of strategies to combat drug trafficking. However, many Governments lack the resources, knowledge and skills to develop and implement sustainable programmes of drug abuse prevention, treatment and rehabilitation. The support provided by UNDCP focuses on mobilizing civil society, particularly non-governmental organizations and the business community, the latter through workplace drug prevention programmes.

141. UNDCP also supports alternative development programmes aimed at breaking the hold that drug traffickers establish on regions affected by the illicit cultivation of narcotic plants, particularly the coca bush and the opium poppy. In 1996, the Programme

initiated a four-year, \$15.9 million, technical cooperation programme in Afghanistan and a five-year alternative development programme in the Wa region of Myanmar.

142. To deprive drug traffickers of the economic power and influence derived from the proceeds of their illicit activities, UNDCP assists Governments in efforts to counter money-laundering and confiscate assets gained from drug trafficking. The Programme is financing and supporting a \$4.3 million global programme aimed at improving the capacity of the relevant legal and related law enforcement systems, which includes the creation of financial intelligence units to reduce the vulnerability of financial systems. Implementation of the programme will be undertaken in close cooperation with other organizations and entities affected by the money-laundering phenomenon. The fight remains a daunting challenge, however, as free trade and high-speed telecommunications, together with substantial resources, provide opportunities for criminals to diversify their operations, reduce risks and maximize profitability.

H. Legal affairs, management and communications

143. Without legal norms and instruments that are universally relevant and respected, without a clear sense of mission and high standards of performance, and without effective communications about United Nations aims and activities, the Organization's efforts would stand little chance of satisfying the needs and aspirations of countries and peoples alike. In each of these areas, the past year has seen significant gains: advancing the cause of international law in several important respects, elevating the quality of our management systems and sharpening our message about the Organization's activities. These steps are putting in place the enabling and supportive infrastructure that will help United Nations operational activities achieve their desired results.

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144. The Office of Legal Affairs contributes substantively in its own right to the aims of the United Nations, and it also serves, in a supportive capacity, all other parts of the Organization.

145. Substantively, through its Codification Division the Office is deeply involved in the effort to establish an international criminal court and in the elaboration of new legal instruments to combat terrorism, referred to in the preceding sections. The International Trade Law Branch of

the Office continued to assist the United Nations Commission on International Trade Law in removing obstacles to international trade through the progressive harmonization and unification of international trade laws. At its 1997 session, for example, the Commission adopted a model law on cross-border insolvency to promote legislation in cases where the insolvent debtor has assets in more than one State. Efforts are also under way in such novel areas as digital signatures. On the basis of a draft produced by the International Law Commission, the General Assembly adopted the Convention on the Law of the Non-navigational Uses of International Watercourses in May 1997.

146. The entry into force of the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention has led the United Nations to redesign its programme of information, advice and assistance in this field. The Office of Legal Affairs assists the various institutions created by the Convention, including the Commission on the Limits of the Continental Shelf, which was established and held its first meeting in June 1997; the International Seabed Authority, which completed its initial organizational work and has begun to function; and the International Tribunal for the Law of the Sea, which is expected to do likewise in 1998.

147. In its supportive capacity, the work of the Office of Legal Affairs encompassed research and opinions on private and public international law; advice and services related to peacekeeping operations; and guidance to numerous subsidiary organs. The Office also helped to coordinate the legal services of the specialized agencies and other United Nations entities.

148. The Office participated in one of the main aspects of the reform process, the drafting and elaboration of a new Code of Conduct for United Nations staff, which is to be submitted to the General Assembly for its consideration. The Code sets out the core values inherent in the concept of the international civil servant, as well as the basic rights and obligations pertaining thereto. The new provisions are also intended to ensure that officials are accountable for their performance.

149. One of the Office's primary obligations under the Charter is to register and publish international treaties concluded by Member States. The Office continued its drive to eliminate the backlog in the Treaty Section, a task it expects to complete in the next few years. At the same time, important steps have been taken to make the United Nations treaty collection available via

electronic media, so that a wider audience—not only diplomats and international lawyers but also non-governmental organizations, private sector enterprises, members of the academic community and others around the world—can gain access to this valuable resource.

* * *

150. The Department of Administration and Management has accelerated the implementation of the Organization's management plan, which seeks improvements in five key, interrelated areas: human resources, the overall work programme, information, technology and cost structure. The Organization's financial situation was also a major preoccupation, and the various reform and restructuring initiatives announced throughout the year brought added impetus to these efforts.

151. To improve the management of human resources, the Department continued to build up in-house capacity for organizational development, staff development and planning. Action-oriented seminars were held. Staff development initiatives focused on upgrading skills, enhancing accountability and delegating authority. The Secretariat's efforts have been impaired, however, by the exceedingly complex rules and regulations governing human resources and financial operations. Increasingly intrusive scrutiny by intergovernmental bodies, coupled with additional layers of oversight mechanisms, exacerbated this situation still further.

152. The management of the United Nations work programme benefited from good progress in revising the format of the medium-term plan, which is the Organization's principal policy directive and provides the framework for the preparation of its biennial budgets. Still, as in the past, Member States encountered great difficulties in agreeing on strategic imperatives.

153. Effective management is heavily dependent on the availability of information. The Integrated Management Information System (IMIS) has now been deployed to five duty stations. As the "home" for all of the Organization's administrative processes—personnel, finance, procurement—IMIS is fast becoming the administrative backbone of our worldwide operations. Several other entities and specialized agencies have adopted, or are considering adopting, IMIS, suggesting that the time is not far off when managers throughout the United Nations system will adhere to a common, unifying and efficient standard.

154. The need for electronic support services has increased dramatically, requiring an expanding and more complex technological infrastruc-

ture. Such applications, in addition to IMIS, include the Internet and Intranet and emerging technologies such as video-conferencing and remote translation. A strategic plan for technology has been devised and put in place, and great strides have been made in updating existing infrastructure. Future funding levels must, however, ensure that the Organization is capable not only of avoiding technical malfunctions and obsolescence but also of investing in its technological development.

155. With respect to the cost structure, the Organization has managed to stay within increasingly tight budgets while delivering the outputs mandated by Member States. Even after cuts of \$250 million—nearly 10 per cent of the previous budgetary base—it was possible to propose a negative growth budget for the biennium 1998-1999. The efficiency programme has been instrumental in identifying cost savings and in mitigating the impact of mandated reductions. The first round focused on projects proposed by staff and managers. Phase two, which is well under way, is addressing more fundamental issues: simplifying processes, delegating authority, and giving more responsibilities and flexibility to programme managers.

156. The Department of Management, as its new name indicates, is now poised to shift to a more proactive management culture, moving away from purely administrative control systems, and from piecemeal management improvements, to fundamental reform of the management practices of the Organization. Under this new approach, substantive units will have greater administrative flexibility, leaving the central management to concentrate on policy development, support services and compliance monitoring. Perhaps most significantly, less of the Organization's resources will be used for non-programme purposes, freeing resources for substantive efforts. At a time of constraints on resources for development, this is good news for our clients—the countries and peoples of the world that need United Nations economic and social programmes.

* * *

157. I wish to draw to the attention of Member States a different and very serious matter regarding United Nations personnel: the growing threats to their security. Events over the past year have exposed United Nations staff members to an exponential increase in risks and deliberate violence. Since September 1996, 21 civilian staff members have lost their lives in the performance of their duties.

158. Hostage-taking constitutes a new threat to United Nations personnel. Since 1 September 1996, 47 staff members have been held hostage for varying periods of time. Of equal concern is the fact that staff members continue to be detained or are missing. These statistics do not include staff members who were attacked, harassed, injured, beaten or raped. Nor do the numbers measure the loss, trauma and emotional stress suffered by the families. Adequate funds must be found for the necessary measures to ensure the security and safety of United Nations personnel.

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159. The power of information, clearly recognized by the founders of the United Nations, has been elevated to a higher plane in recent years with rapid advances in information and communications technology. High-tech or not, information is a dynamic force for education and cross-cultural understanding and for promoting freedom, democratization and broader participation by people in the decisions affecting their lives. Its great potential must be harnessed by, and for, the United Nations.

160. Early on, I identified the reorientation of the United Nations public information activities as one of the more urgent requirements of the reform process. A task force of prominent communications experts was convened to examine all aspects of the mandates, arrangements and operations of the Department of Public Information. In its report, "Global vision, local voice", the task force made far-reaching proposals and recommendations to fundamentally revamp the Organization's communications strategy and practices. I have acted on those recommendations, and implementation measures are under way.

161. In the meantime, the Department continued to adapt itself to the new communications environment. Considerable emphasis has been placed on the Internet. The United Nations Web site now registers 700,000 to 800,000 "hits" per week, and the range of available material is being expanded. In October 1996, the Department launched the CyberSchoolBus, an interactive on-line educational programme that is averaging more than 250,000 hits per week and exemplifies our efforts to focus on youth and to collaborate with teachers, educational institutions and teachers' associations. The Dag Hammarskjöld Library home page has been expanded also, another step in our efforts to turn it into a "library without walls"—and similar steps have been taken at Geneva.

162. The Department's embrace of the Internet has resulted in a variety of quantifiable dividends. Posting the catalogue of United Nations publications has led to an increase in sales. Print runs have been reduced, saving paper and cutting down on physical distribution requirements. Press releases issued by the Department, the only immediately written accounts of the proceedings of intergovernmental meetings held at Headquarters and at the United Nations Offices at Geneva and Vienna, are posted instantly on the Internet, reaching a vast new audience and allowing for a 25 per cent decrease in print runs. Permanent Missions to the United Nations in New York and Geneva, all of which are now on-line, have also realized savings in terms of telecommunications costs since many no longer have to send important documents by mail or fax to their Foreign Offices.

163. At the same time, the Department recognizes that information technology is not yet universally available, and has therefore continued to use traditional media—press, radio and television. United Nations radio, for example, is moving towards an international broadcasting capacity, as provided for in the medium-term plan. The Department has also strengthened its partnerships with key television executives through the United Nations World Television Forum.

164. United Nations peacekeeping, peace-making, and humanitarian actions present special communications challenges. Several "concentric" audiences must be reached if United Nations efforts are to be sustained: the population in areas immediately affected; the international media; and a broad, global audience whose support is essential. The past year has seen intensified consultation with the Departments of Humanitarian Affairs, Political Affairs and Peacekeeping Operations, and standard guidelines and a manual for information components in the field are being finalized. Since timely information is particularly important with respect to field operations, the Department of Public Information has shifted its emphasis from print to electronic dissemination.

165. Substantive priorities during the past year included the General Assembly's mid-term review of the United Nations New Agenda for the Development of Africa in the 1990s, the special session of the General Assembly to review the implementation of Agenda 21—"Rio +5"—and planning for the upcoming fiftieth anniversary of the Universal Declaration of Human Rights and the special session of the General Assembly on drugs.

166. The network of United Nations information centres and services plays a pivotal role

in all of these activities, galvanizing local non-governmental organizations and other United Nations partners in support of United Nations themes and issues. The integration of United Nations information centres with field offices will continue, as approved by the General Assembly, on a case-by-case basis and in consulta-

tion with the host country. In industrialized countries, the information centres will continue to strengthen their collaboration with other members of the United Nations system and with national groups, with a thrust towards mobilizing national resources in support of the United Nations.

The steps ahead

167. This is my first opportunity to report to Member States on the work of the Organization. Although I have served the United Nations for more than 30 years, never before has it been my responsibility to form a considered judgement about its overall functioning and efficacy. Having done so now I find that, all in all, I am prudently optimistic.

168. As documented in the preceding pages, the United Nations has taken considerable strides in recent years to adapt to the far-reaching changes in its external environment. No sector of its activities has remained unaffected. Indeed, within the framework of principles and missions enunciated by the Charter, entirely new programme areas and work modalities have been initiated and others redefined as the needs of the international community have evolved. Moreover, despite the numerous constraints under which they operate, and notwithstanding occasional exceptions, the inventiveness of the Organization's senior managers is commendable and the dedication of its staff a source of pride.

169. Much yet needs to be done, however. In chapter II of this report, I indicated some of the desirable and necessary steps ahead in the various substantive programme areas and support structures. Here I wish to draw attention to critical overarching issues that affect the future performance of the Organization.

170. The fiscal precariousness of the United Nations is unprecedented and debilitating. For too many years we have been forced to "borrow" from the peacekeeping account to cover regular budget shortfalls caused by non-payment of dues by some Members. That is to say, we have not reimbursed Member States for the cost of troops they provided and materiel they supplied in good faith and pursuant to Security Council resolutions. Now that source, too, is nearing depletion.

I hope and trust that we shall soon be able to put this problem behind us, and that in the future all Member States will fulfil their legal obligations to the Organization—and one another—by paying their dues in full and on time.

171. Apart from the fiscal problems caused by arrears, as I noted in the opening section of this report, long-term shifts at the national and international levels alike imply that fundamental change is in store for the workings of intergovernmental organizations. The resources available to such organizations, including the United Nations, are declining relative to the magnitude of the tasks they face and to the capacities of other actors, especially the private sector. What is more, the very concept of intergovernmentalism as we know it is being altered as a result of the redefinition of the role of government and the means of governance now under way throughout the world.

172. In this transformed context, the Organization's past pattern of incremental adaptations will not suffice. To succeed in the new century, the United Nations must unleash its own major resource: the complementarities and synergies that exist within it. In other words, the United Nations must undergo fundamental, not piecemeal, reform. Three related steps are imperative. Each requires the support of Member States.

173. The first is to create the appropriate Secretariat structures that will permit the Organization to act as one within and across its diverse areas of activities. Acting as one does not mean moving in lock step. Nor does it imply denying the specific attributes of any component part. It does require that the Organization be capable of deploying its constituent units strategically while avoiding overlap and duplication, let alone competition, among them. Many of my proposals for reform are designed to achieve this aim: the position of Deputy Secretary-General, the Senior

Management Group, the Strategic Planning Unit, four sectoral Executive Committees, and the United Nations Development Group, to cite the most important of them.

174. The second essential step is to reconfigure the balance of functions between the Organization's legislative bodies and the Secretary-General. Largely for reasons relating to the cold-war practice of bloc politics, a large number of the rigidities with which the Organization is afflicted are, in fact, mandated. Member States demand and deserve accountability, but the Secretariat also needs flexibility to get its job done in the most cost-effective manner. The current situation serves neither party well. Several of my reform proposals seek to redress this problem, including recommendations on streamlining the agenda and the deliberations of the General Assembly, instituting sunset provisions for new mandates, and, most importantly, moving towards a results-based system of budgeting.

175. Finally, even where the best of systems are in place, people matter. The United Nations staff is a precious resource, which in some measure has been squandered by rules and regulations that impede rather than serve the effective performance of its work. The Organization needs a functioning career development pro-

gramme, meaningful criteria and evaluations of performance coupled with real incentive and disincentive systems, as well as a corporate culture that animates and unifies those who serve it. I look forward to joining Member States in devising personnel policies that will help bring these conditions about.

176. As we approach the new century, the international community has some way to go to realize the hopes and commitments of the Charter of the United Nations but, when we measure our progress against the state of the world a century ago, we can only be impressed by how far we have come. Indeed, one of the most significant differences between that *fin de siècle* and this is precisely the fact that international organizations now exist to remind, and enable, the world to do better. That is why it is our solemn and historic obligation to make the United Nations the most effective instrument possible for the achievement of peace and progress—for our children, and for theirs.

Kofi A. ANNAN
Secretary-General

PART ONE

Political and security questions

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Political and security questions

Chapter I

International peace and security

The United Nations continued in 1997 to pursue the Charter objective of maintaining international peace and security, principally through its peacekeeping operations. The year was marked by a noticeable decrease in the establishment of totally new missions, in the number of personnel involved and in their average size, either through streamlining or as a response to changes in the political environment. Accompanying the Organization's peacekeeping activities were efforts for the prevention and early resolution of conflicts, as a means of reducing the need for new and costly peacekeeping operations, and for post-conflict peace-building to prevent the recurrence of conflicts. In September, the General Assembly adopted texts on the questions of coordination and sanctions imposed by the United Nations as proposed by the Informal Open-ended Working Group on An Agenda for Peace.

The Special Committee on Peacekeeping Operations in 1997 made recommendations on: enhancing UN peacekeeping capacity; the organization, planning and coordination of peacekeeping operations; safety and security; training; rapid deployment and standby arrangements; and cooperation with regional arrangements. The Assembly endorsed those recommendations in June, September, October and December.

Over the course of the year, 20 UN peacekeeping operations were deployed, with some 22,500 soldiers and civilian police serving under UN command around the world by mid-year. By year's end, that number was reduced to 15, two of them new follow-on missions—one in Haiti and the other in Angola. Another five UN missions—one each in Angola, Guatemala and Liberia and two in Haiti—completed their mandates during the year. The Security Council also authorized the establishment by Member States of two missions—a multinational protection force for Albania and an inter-African monitoring mission for the Central African Republic.

In addition to its peacekeeping operations, the United Nations employed a variety of other means to address conflict situations, including the deployment of special representatives, special envoys and other emissaries in Afghanistan, the Central African Republic and Somalia. It also provided assistance for mine clearing, the con-

duct of elections, and monitoring and protecting human rights.

The cost of UN peacekeeping operations during the year was estimated at \$875.6 million, compared with \$1.4 billion in 1996, while unpaid assessed contributions from Member States to peacekeeping budgets amounted to \$2.1 billion as at 30 June 1997.

The General Assembly in 1997 considered various aspects of peacekeeping financing, including reimbursement for contingent-owned equipment, the peacekeeping reserve fund, voluntary contributions, and the financing of the United Nations Logistics Base in Brindisi, Italy. It adopted a system of self-insurance and established standardized rates for the payment of death and disability benefits. The Assembly also endorsed a proposal to establish a field assets control system.

In July, the Security Council encouraged States to make available to the United Nations at short notice trained civilian police, through UN standby arrangements.

Agenda for Peace

In his September 1997 report on the work of the Organization [A/52/1], the Secretary-General stated that although the vision embodied in the Charter of a collective security system had not been realized in practice, the United Nations had produced significant innovations over the years, such as the instrument of peacekeeping. An already difficult task had been rendered more difficult by the many post-cold-war conflicts that had taken the form of factional violence and civil strife, he said. However, important lessons had been learned from recent experiences, as a result of which peacekeeping and its institutional support structures continued to be refined and adapted. At the same time, post-conflict peace-building had assumed an increasingly prominent role in the UN repertoire of means to achieve more lasting peace.

In a statement [S/1997/743] issued on 25 September following their meeting with the Secretary-General, the Ministers for Foreign Affairs of

China, France, the Russian Federation, the United Kingdom and the United States, the five permanent members of the Security Council, reaffirmed that the United Nations had to improve further its ability to act quickly and effectively to address threats to international peace and security. They indicated their determination to continue to develop the capacities of the Organization to prevent and resolve conflicts, including through peacekeeping operations. The Ministers also recognized the need for effective and properly coordinated measures of post-conflict peace-building to complement efforts in the areas of peacemaking and peacekeeping.

Special Committee. In its June report [A/52/209] to the General Assembly, the Special Committee on Peacekeeping Operations stated that although peacekeeping was used to prevent conflict situations from escalating while ways to resolve the conflict peacefully were being pursued, it was not a preferred method of containing conflicts. The Special Committee emphasized the importance of prevention and early conflict resolution to reduce the need for new and costly peacekeeping operations, and urged the United Nations and parties concerned to do more in that regard. It noted that the use of preventive deployment, in one particular case, was contributing to the maintenance of peace and security.

The Special Committee took note of the ongoing work of the Informal Open-ended Working Group on An Agenda for Peace on the issues of preventive diplomacy, peacemaking, sanctions, coordination and post-conflict peace-building. The Committee emphasized the need to continue to consider the principles for establishing and conducting peacekeeping operations, as well as peacekeeping definitions, in a systematic fashion and in the light of the lessons learned from peacekeeping operations.

Working Group. On 15 September, Cape Verde introduced to the General Assembly a draft resolution [A/51/L.78] entitled "Supplement to an Agenda for Peace", which, it reported, represented the consensus reached in the Assembly's Informal Working Group on An Agenda for Peace. Cape Verde said that the text recommended for adoption by the Assembly final documents on coordination and on the question of sanctions imposed by the United Nations. The representative asked the Assembly to note that the annex to the draft resolution on UN sanctions included a number of guidelines that would significantly enhance the Organization's use of that delicate instrument in response to threats to international peace and security. Also, once fully implemented, the proposals on coordination would enhance the collective efficiency of the

UN system and the Member States in their concerted efforts to achieve peace.

The Working Group also recommended further consultations on continuing the activities of the Informal Working Group in the areas of post-conflict peace-building and preventive diplomacy and peacemaking.

GENERAL ASSEMBLY ACTION

On 15 September [meeting 107], the General Assembly adopted **resolution 51/242** without vote [draft: A/51/L.78] [agenda item 10].

Supplement to an Agenda for Peace

The General Assembly,

Taking note of the reports of the Secretary-General entitled "An Agenda for Peace" and "Supplement to an Agenda for Peace",

Reaffirming its resolutions 47/120 A of 18 December 1992 and 47/120 B of 20 September 1993,

Reaffirming also other resolutions adopted by the General Assembly concerning various aspects of "An Agenda for Peace" and of the "Supplement to an Agenda for Peace",

Taking note of the statement on the "Supplement to an Agenda for Peace" made by the President of the Security Council on 22 February 1995, as well as the other statements by the President of the Security Council on "An Agenda for Peace",

Recalling the views expressed by Member States on "An Agenda for Peace" and the "Supplement to an Agenda for Peace" since the forty-eighth session of the General Assembly,

1. Adopts the texts on coordination and the question of sanctions imposed by the United Nations annexed to the present resolution;

2. Notes the progress made in the areas of post-conflict peace-building and preventive diplomacy and peacemaking;

3. Requests the President of the General Assembly to consult on the possibility of continuing the activities of the Informal Open-ended Working Group on An Agenda for Peace in the areas of post-conflict peace-building and preventive diplomacy and peacemaking on the basis of the work already accomplished in these areas and with a view to concluding its work.

ANNEX I Coordination

I. Coordination between the United Nations and Member States

1. The States that constitute the United Nations membership have a central role to play in the prevention and resolution of conflicts, including through their participation in and support for United Nations efforts to those ends, in accordance with the Charter of the United Nations. The General Assembly underlines the need to strengthen the role of the Assembly in improving coordination, in accordance with its role and responsibilities under the Charter. Governments are responsible for the financing and provision of personnel, equipment and other support to mandated United Nations efforts to maintain international peace and security, whether through preventive diplomacy, peacemaking, peacekeeping or peace-building. Coordination

tion of efforts and sharing of information between the United Nations and Member States is therefore of fundamental importance.

2. Transparency, communication and consultation between the United Nations and Member States is vital in the coordination of decisions and activities under the Charter aimed at maintaining and enhancing international peace and security. Governments should ensure that their policies in relation to the various parts and agencies of the United Nations system are consistent and in accordance with those aims, while the United Nations must ensure that its activities are in conformity with the purposes and principles of the Charter, and that States are kept fully informed, and are supportive, of the United Nations efforts.

3. Suitable arrangements for regular and timely consultations between members of the Security Council, assisted by the Secretariat, and States contributing troops to peacekeeping operations, as well as prospective troop contributors, are essential in enhancing transparency and coordination between the United Nations and Member States. Such consultations provide troop-contributing States with a channel for communication and for ensuring that their views are taken into consideration before decisions are made by the Council. The General Assembly welcomes the establishment of this consultation mechanism, which should remain under review with the aim of improving it further so as to strengthen the support for and the effectiveness of peacekeeping operations. In this connection, the Assembly stresses the importance of respecting the principles agreed upon in the Special Committee on Peacekeeping Operations and endorsed unanimously by the Assembly.

4. Among other possible forms of coordination between the United Nations and Member States is the support and assistance given to the Secretary-General by individual States or informal groups of Member States, created on an ad hoc basis, with respect to his efforts in the area of the maintenance of international peace and security. Operating within the framework of the Charter, groups such as the "Friends of the Secretary-General" can be resorted to whenever feasible, and can be considered as a valuable tool for the Secretary-General in his efforts, supporting the mandate entrusted to him by relevant United Nations bodies. There should be contact with the concerned State or States, and care should be taken to ensure the necessary information and transparency in relation to other Member States and to avoid duplication or overlapping of efforts.

II. Coordination within the United Nations system

5. In order to improve the capacity of the United Nations in the maintenance of international peace and security, particularly in conflict prevention and resolution, the General Assembly stresses the need to ensure an integrated approach to considering, planning and conducting activities in the sphere of peace in all their aspects, through all phases of a potential or actual conflict to post-conflict peace-building, at the various levels within the United Nations system. In coordinating such activities, the distinct mandates, functions and impartiality of the various United Nations entities involved should be respected. On the understanding that action to secure global peace, security and stability will

be futile unless the economic and social needs of people are addressed, the Assembly also stresses the need to strengthen coordination with those departments, agencies and bodies responsible for development activities, in order to improve the effectiveness and efficiency of the United Nations system for development.

A. Coordination within the United Nations Secretariat

6. Within the Secretariat in New York, coordination is required between and among all the various departments involved in peacemaking, as well as in peace-building activities and peacekeeping operations which can be multifunctional, so that they function as an integrated whole under the authority of the Secretary-General. The General Assembly notes that the Secretary-General has entrusted the main responsibility in this regard to the Task Force on United Nations Operations and interdepartmental groups at the working level on each major conflict where the United Nations is playing a peacemaking or peacekeeping role. The Assembly welcomes these moves to strengthen coordination, and emphasizes the requirement for transparency. Efforts should be made, inter alia, to further harmonize the interaction between operational units within the Secretariat so as to avoid duplication in similar fields of action.

7. The General Assembly notes the work being done within the Framework for Coordination mechanism to ensure that the pertinent departments of the Secretariat coordinate their respective activities in the planning and implementing of such operations, through sharing of information, consultations and joint action. The Assembly furthermore notes that an important element of the Framework for Coordination is the provision for staff-level consultations by the relevant departments and other parts of the Organization to undertake joint analyses and to formulate joint recommendations. The Assembly welcomes the establishment of a standing interdepartmental framework oversight group to support and ensure the initiation of such consultations and encourages the implementation, further development and improvement of the Framework for Coordination mechanism.

B. Coordination within the United Nations system as a whole

8. The responsibilities involved in peacemaking, as well as in peace-building activities and peacekeeping operations which can be multifunctional, transcend the competence and expertise of any one department, programme, fund, office or agency of the United Nations. Short-term and long-term programmes need to be planned and implemented in a coordinated way in order to consolidate peace and development. Coordination is therefore required within the United Nations system as a whole and between United Nations Headquarters and the head offices of United Nations funds, programmes, offices and agencies. In this regard, the General Assembly would encourage improved coordination of efforts, for example the establishment of coordination procedures between the United Nations and other agencies involved, to facilitate and coordinate measures to contribute to the prevention of conflicts as well as the transition from peacekeeping to peace-building. The Assembly would encourage representatives of the United Nations Secretariat and other relevant United Nations agencies and programmes, as

well as the Bretton Woods institutions, to meet and work together to develop arrangements that would ensure coordination and increased cooperation with respect to the provision of assistance to institution-building and social and economic development. The aim should be to develop a network for programme coordination, involving the United Nations system, bilateral donors and, whenever appropriate, non-governmental organizations, both at the headquarters and in the regional and field offices.

9. The General Assembly welcomes the efforts of the Secretary-General to make more effective the Administrative Committee on Coordination, which periodically brings together the heads of the specialized agencies, to achieve better coordination of the activities of the various United Nations bodies, including towards the consolidation of peace and security. The Assembly also supports the role of the Inter-Agency Standing Committee in ensuring a coordinated and timely response to the humanitarian needs arising in complex emergencies.

C. Coordination in the field

10. The General Assembly notes that the composition and administration of United Nations operations in the field vary considerably from one country situation to another, depending upon the political security and humanitarian dimensions of a particular crisis. In certain cases, including where the Security Council has authorized a peacekeeping operation, the Secretary-General may appoint a special representative. The special representative, working under the operational control of the Secretary-General, exercises on his behalf clearly defined authority over all the mission components. To strengthen cohesion and effective control of the military component of multifunctional peacekeeping operations, which is the central and fundamental part of such operations, the Assembly would stress the necessity of establishing and respecting clear lines of military command, as well as open channels of communication and sharing of information between the field and United Nations Headquarters, and coordinated guidance from United Nations Headquarters to the field. The Assembly underlines the need to adhere to United Nations mandates and to respect United Nations operational control and the unity of command in United Nations peacekeeping operations. In peacekeeping operations that include humanitarian elements, a field-based humanitarian coordinator who works under the overall authority of the special representative of the Secretary-General may be appointed. The Assembly considers it essential that all agencies and programmes active in the field extend their full cooperation to the special representative and encourages the efforts of the Secretary-General to ensure this. The Assembly notes the important role that the United Nations resident coordinator can play in coordinating United Nations activities in post-conflict peacebuilding. Furthermore, the Assembly would refer to the possibility of nominating a United Nations special coordinator while numerous agencies and programmes are working in the field during the period of transition to peace, even when there is no peacekeeping operation.

III. Cooperation with regional arrangements or agencies

11. The General Assembly stresses that, on the subject of cooperation between the United Nations and regional arrangements or agencies, the relevant tasks and responsibilities should be carried out with full respect for the provisions of Chapter VIII of the Charter, relevant decisions of the Security Council and of the General Assembly, as well as the respective mandates of regional arrangements or agencies and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, approved by the General Assembly in its resolution 49/57 of 9 December 1994.

12. The General Assembly considers that practical cooperation between the United Nations and regional arrangements and agencies, including the recognition of the variety of mandates, scope and composition of regional arrangements or agencies, has been and can be developed further through a number of means, including consultation by working-level contacts and high-level meetings, diplomatic and operational support, staff exchanges, and joint and cooperative operations. The Assembly notes the proposals that the Secretary-General has made in respect of Africa in his report on improving preparedness for conflict prevention and peacekeeping in Africa, and encourages him to pursue consultations with the Organization of African Unity on the matter.

13. While recalling its resolution 49/57, the General Assembly also notes the principles identified by the Secretary-General upon which cooperation between the United Nations and regional arrangements or agencies should be based, in particular the primacy of the United Nations as set out in the Charter, the defined and agreed division of labour and consistency by members of regional arrangements or agencies. The Assembly considers it important to develop further such principles, in cooperation with regional arrangements or agencies. The Assembly also agrees with the Secretary-General that, given the varied nature of regional arrangements or agencies, establishment of a universal model for their relationship with the United Nations would not be appropriate.

14. The General Assembly notes the meetings organized and arranged by the Secretary-General with regional arrangements or agencies, most recently in February 1996, and would encourage the continuation and further development of this practice on a regular basis. The Assembly underlines the importance of informing it about such meetings.

IV. Cooperation and dialogue between the United Nations and non-governmental organizations

15. Non-governmental organizations can play an important role in support of United Nations activities. Appropriate cooperation and dialogue between the United Nations system and non-governmental organizations can contribute to ensuring that the efforts of those organizations are consistent with, and properly coordinated with, the activities and objectives of the United Nations. Such coordination should not compromise the impartiality of the United Nations or the non-governmental nature of the organizations.

ANNEX II

Question of sanctions imposed by the United Nations

1. An effectively implemented regime of collective Security Council sanctions can operate as a useful international policy tool in the graduated response to threats to international peace and security. As Security Council action under Chapter VII of the Charter of the United Nations, sanctions are a matter of the utmost seriousness and concern. Sanctions should be resorted to only with the utmost caution, when other peaceful options provided by the Charter are inadequate. The Council should give as thorough consideration as possible to the short-term and long-term effects of sanctions, having due regard to the need for the Council to act speedily in certain cases.

2. Sanctions should be established in strict conformity with the Charter, with clear objectives, provision for regular review and precise conditions for their lifting. The implementation of sanctions must adhere to the terms of the applicable Security Council resolutions. In this context, the Council must act in accordance with Article 24, paragraph 2, of the Charter. At the same time, the Council's ability to act speedily, in the objective interest of maintaining international peace and security, must be recognized.

3. The Security Council has the ability to determine the time-frame of sanctions. This question is of the greatest importance and should be seriously considered in connection with the objective of changing the behaviour of the target party while not causing unnecessary suffering to the civilian population. The Council should define the time-frame for sanctions regimes taking these considerations into account.

4. While there is a need to maintain the effectiveness of sanctions imposed in accordance with the Charter, unintended adverse side effects on the civilian population should be minimized by making the appropriate humanitarian exceptions in the Security Council resolutions. Sanctions regimes must also ensure that appropriate conditions are created for allowing an adequate supply of humanitarian material to reach the civilian population.

5. The purpose of sanctions is to modify the behaviour of a party that is threatening international peace and security and not to punish or otherwise exact retribution. Sanctions regimes should be commensurate with these objectives.

6. Clarity should be a goal in the formulation of Security Council resolutions imposing sanctions. The steps required from the target country for the sanctions to be lifted should be precisely defined.

7. Before sanctions are applied, a clear warning could be expressed in unequivocal language to the target country or party.

8. The Security Council could also provide for imposing sanctions that may be partially lifted, in the event the target country or party complies with previously defined requirements imposed by specific resolutions. It could also consider the possibility of introducing a range of sanctions and lifting them progressively as each target is achieved.

9. Sanctions shall be implemented in good faith and uniformly by all States. Violations must be brought to the attention of the general membership of the United Nations through the appropriate channels.

10. Just as the Security Council periodically reviews sanctions, it should also consider whether they are being fully implemented by all States.

11. It bears recalling that monitoring and compliance is first and foremost the responsibility of individual Member States. Member States should endeavour to prevent or correct activities in violation of the sanctions measures within their jurisdiction.

12. International monitoring by the Security Council or by one of its subsidiary organs of compliance with sanctions measures, in accordance with relevant Security Council resolutions, can contribute to the effectiveness of United Nations sanctions. States that may require assistance in the implementation and monitoring of sanctions may seek the assistance of the United Nations or relevant regional organizations.

13. States should be encouraged to cooperate in exchanging information about the legislative, administrative and practical implementation of sanctions.

14. Sanctions often have a serious negative impact on the development capacity and activity of target countries. Efforts should continue to be made to minimize unintended side effects of sanctions, especially with regard to the humanitarian situation and the development capacity that has a bearing on the humanitarian situation. In some instances the application of sanctions may not be compatible, however, with bilateral and multilateral development programmes.

15. Humanitarian assistance should be provided in an impartial and expeditious manner. Means should be envisaged to minimize the particular suffering of the most vulnerable groups, keeping in mind emergency situations, such as mass refugee flows.

16. With a view to addressing the humanitarian impact of sanctions, the assistance of concerned international financial and other intergovernmental and regional organizations should be sought for providing an assessment of the humanitarian needs and the vulnerabilities of target countries at the time of the imposition of sanctions and regularly thereafter while they are being implemented. The appropriate department of the Secretariat could play a coordinating role in this context.

17. Guidelines for the formulation of the humanitarian exceptions mentioned in paragraph 4 above should be developed, bearing in mind that the humanitarian requirements may differ according to the stage of development, geography, natural resources and other features of the target country.

18. Foodstuffs, medicines and medical supplies should be exempted from United Nations sanctions regimes. Basic or standard medical and agricultural equipment and basic or standard educational items should also be exempted; a list should be drawn up for that purpose. Other essential humanitarian goods should be considered for exemption by the relevant United Nations bodies, including the sanctions committees. In this regard it is recognized that efforts should be made to allow target countries to have access to appropriate resources and procedures for financing humanitarian imports.

19. The work of United Nations humanitarian agencies should be facilitated in accordance with applicable Security Council resolutions and sanctions committee guidelines.

20. The concept of "humanitarian limits of sanctions" deserves further attention and standard approaches should be elaborated by the relevant United Nations bodies.

21. The target country should exert all possible efforts to facilitate equitable distribution and sharing of humanitarian assistance.

22. Having assumed great importance for a large number of countries, specific sanctions regimes would necessitate the submission of special reports by the Security Council to the General Assembly for its consideration.

23. The Secretary-General in his "Supplement to an Agenda for Peace" noted that there was an urgent need for action to respond to the expectations raised by Article 50 of the Charter. He also noted that sanctions were measures taken collectively and that the costs involved in their application should be borne equitably by all Member States.

24. More frequently resorted to in the recent past, sanctions have been causing problems of an economic nature in third countries. The importance of the subject has been reflected in intensive consideration of the question in its conceptual and specific forms by the General Assembly in the last few years.

25. Taking into account the importance of the resolutions adopted by consensus, the Security Council, the General Assembly and other relevant organs should intensify their efforts to address the special economic problems of third countries affected by sanctions regimes. They should also take into consideration the proposals presented on the subject during the debate in the Informal Open-Ended Working Group of the General Assembly on an Agenda for Peace and other relevant bodies.

26. Bearing in mind that this question has been under intensive discussion in the Sixth Committee and that those discussions are to continue during the fifty-second session of the General Assembly, it is agreed that this aspect should be addressed in an appropriate manner by the Sixth Committee during that session.

27. Security Council resolutions should include more precise mandates for sanctions committees, including a standard approach to be followed by the committees.

28. The mandates of sanctions committees should be such that they can be fulfilled in practical terms.

29. While noting the improvements in the functioning of the sanctions committees following upon the notes by the President of the Security Council of 29 March 1995, 31 May 1995 and 24 January 1996 and that all committees are already working on the basis of those notes, it is recognized that the process needs to be encouraged and further developed.

30. The sanctions committees should give priority to handling applications for the supply of humanitarian goods meant for the civilian population. Those applications should be dealt with expeditiously.

31. The sanctions committees should give priority to the humanitarian problems that could arise from the application of sanctions. Whenever they consider that a humanitarian problem is about to arise in a target country, such a situation should immediately be brought to the attention of the Security Council. The committees may suggest changes in specific sanctions

regimes to address particular humanitarian issues with a view to taking urgent corrective steps.

32. Likewise, when a committee considers that a sanctions enforcement problem has arisen, it should bring the situation to the attention of the Security Council. The committees may suggest changes in specific sanctions regimes to address particular enforcement issues with a view to taking urgent corrective steps.

33. Further improvements in the working methods of sanctions committees that promote transparency, fairness and effectiveness and help the committees to speed up their deliberations are necessary.

34. Measures additional to those contemplated in the aforementioned notes by the President of the Security Council might include, among others, improvements in the decision-making procedures of the sanctions committees and the possibility for affected States to implement more effectively their right to make representation to the committees against their decisions.

35. Improvements in the "authorized signatory system" should be sought so that delays in clearing proposals may be avoided. The reasons for putting applications on hold or blocking them should be immediately communicated to the applicant.

36. The practice of hearing technical presentations of information by organizations assisting in the enforcement of Security Council sanctions during closed meetings of the sanctions committees should be continued, while respecting the existing procedures followed by such committees. The target or affected countries, as well as concerned organizations, should be better able to exercise the right of explaining or presenting their points of view to the sanctions committees. The presentations should be expert and comprehensive.

37. Sanctions committee secretariats should be adequately staffed, from within existing resources. This is necessary to expedite the processing of applications and the giving of clearances.

38. Sanctions committees could analyse available information so as to determine whether regimes are being effectively implemented. They could bring their conclusions and, if appropriate, recommendations in this respect to the attention of the Security Council.

39. Clarifying statements and decisions by the sanctions committees are an important contribution to the uniform application of a given sanctions regime. Such statements and decisions must be consistent with Security Council resolutions and with one another.

Preventive diplomacy and peacemaking

In his report on the work of the Organization [A/52/1], the Secretary-General noted that a primary aim of the United Nations was to expand the domain of peaceful change by providing means through which conflicts might be contained and resolved and by dealing with their root causes. The prevention of conflict within and between States required ongoing attention to possible sources of tension and prompt action to ensure they did not evolve into conflict. During 1997, he said, the Secretariat, in cooperation with other elements of the UN system, had worked to strengthen its global watch, designed to detect

threats to international peace and security, enabling the Security Council to carry out or to foster preventive action. Cooperation with regional organizations had offered great potential in that regard (see below).

In terms of the peaceful settlement of disputes, a contrasting experience during the year in Central Asia had underlined the fact that progress in resolving disputes hinged on certain conditions. The signing of the General Agreement on the Establishment of Peace and National Accords in Tajikistan, though it had not fully prevented fighting, demonstrated the desire of the Tajik disputants to settle their differences peacefully. It also reflected the readiness of some key countries to use their influence to bring that about. On the other hand, in Afghanistan, despite the efforts of the United Nations Special Mission, the warring parties had shown little interest in a peaceful solution. Nevertheless, the Secretary-General said that he had decided to intensify UN efforts to help end the strife. He regretted that the absence of the will to coexist peacefully and the readiness, on the part of some elements, to change a negotiated political order through violence had led to serious regression of the situations in Cambodia and Sierra Leone, where the United Nations had played major roles to secure stability after years of civil war. The interlocking problems and crises in the Great Lakes region of Central Africa required a correspondingly integrated approach on the part of the United Nations, he added.

The Secretary-General had also taken initiatives to revitalize flagging processes to settle long-standing disputes in Cyprus, East Timor and Western Sahara. In each case, he had appointed a high-level emissary to try to move the process forward.

Recognizing that the use of mandatory sanctions was a valuable tool available to the Security Council, permitting the United Nations to bring pressure to bear without recourse to force, the Secretary-General said that he would encourage consideration by the General Assembly and the Council of possible ways to render sanctions less blunt and more effective, in the light of concerns about their negative effects on the most vulnerable groups among civilian populations.

The Secretary-General noted that little had been done to curb the rapidly escalating proliferation of conventional weapons. There was intense competition to export those weapons, including to conflict areas where the United Nations was struggling to promote peace, thereby exacerbating the intensity and duration of those conflicts. The challenge for the international community was to devise means to contain

the spread of such weapons. In that regard, he suggested the strengthening of the United Nations Register of Conventional Arms, and commended the initiative taken in West Africa to declare a moratorium on the export, import and production of light weapons.

In September, the Security Council [S/PRST/1997/46] discussed the need for a concerted international effort to promote peace and security in Africa. It considered that the challenges in Africa demanded a more comprehensive response, and requested the Secretary-General to submit recommendations regarding the sources of conflict in Africa, ways to prevent and address those conflicts, and how to lay the foundation for durable peace and economic growth following their resolution.

JIU report. In a June note [A/52/184], the Secretary-General submitted to the General Assembly his comments and those of the Administrative Committee on Coordination (ACC) on a 1995 Joint Inspection Unit (JIU) report [YUN 1995, p. 177] on strengthening the UN system's capacity for conflict prevention.

The Secretary-General and ACC noted that the inspectors had advocated a comprehensive, system-wide conflict prevention strategy combining preventive diplomacy and "pre-conflict peace-building". While sharing JIU's assessment of the need for an integrated approach to conflict prevention, they were less optimistic on the prospects for that approach to become the norm in efforts to prevent internal and international conflicts. It was believed that JIU underestimated the legislative and political obstacles to conflict prevention, including the ambivalence of some Member States towards UN involvement in the early resolution of disputes to which they might be a party. While Member States expressed support in principle for conflict prevention, in practice such support was often qualified by restrictions which related either to the respect for sovereignty or to financial considerations. The real question was not how to strengthen the already strong capacity of the UN system for conflict prevention, but how to put that capacity into actual and effective use. That depended on a recognition by Member States that, far from infringing upon their sovereignty, activities such as early warning, preventive diplomacy and peace-building sought to restore the authority and legitimacy of States confronted with threats to their security and stability, and on a willingness by the membership as a whole to make adequate resources available for those activities.

Post-conflict peace-building

The Secretary-General in 1997 [A/52/1] reported that the UN system as a whole was focusing as never before on peace-building. Experience had shown that keeping peace, in the sense of avoiding a relapse into armed conflict, was a necessary but not sufficient condition for establishing the foundation of an enduring peace. Areas of additional activity included military security, civil law and order, human rights, refugees and displaced persons, elections, local administration, involvement in public utilities, health, education, finance, customs and excise, reconstruction, and general attempts to return society to some sense of normalcy. There was also a growing appreciation of the fact that efforts to support development could not cease during emergencies, but had to continue to be vigorously supported. UN entities had therefore devised development-oriented interventions to prevent relapses into crisis. The Secretary-General had taken steps to ensure that the UN system was able to meet the challenges of post-conflict peace-building in a unified and coherent manner, and to that end had designated the Department of Political Affairs as the UN focal point for post-conflict peace-building.

The cause of constructing a just peace also required effective mechanisms of accountability for past wrongs. In many instances, national teams were in place, though they might require international assistance. The International Tribunal for the Former Yugoslavia had marked a major milestone in 1997 by delivering its first judgement and sentence. The International Criminal Tribunal for Rwanda had three trials under way with 21 accused persons awaiting trial. The Preparatory Committee on the Establishment of an International Criminal Court had almost completed its work on the consolidated text of a draft statute. The Secretary-General believed that the establishment of the court would contribute profoundly to post-conflict peace-building.

ACC report. At its first regular session of 1997 (Geneva, 10-11 April) [ACC/1997/4], ACC considered the issue of peace-building. In that context, it discussed resource mobilization, early warning and preventive action, peace-building in countries where the United Nations operated specific political programmes, peace-building for the prevention and resolution of crisis situations, partnerships and alliances in crisis situations, lessons learned and follow-up action.

ACC agreed that peace-building, as a broad-based approach to crisis prevention and resolution, should comprise integrated and coordinated actions to address any combination of

political, military, humanitarian, human rights, environmental, economic, social, cultural and demographic factors to ensure that conflict was prevented or resolved on a lasting basis, and that the process of long-term and sustainable development was in place and was not interrupted, or was resumed as expeditiously as possible. The aim should be to mobilize a timely and well-coordinated system-wide response to potential and actual crisis situations, tailored to the requirements of each case. ACC expressed support for World Bank efforts to establish a post-conflict financing facility and called for a stronger commitment by bilateral and other donors. It stressed the need for the harmonization of resource mobilization efforts to ensure adequate funding for immediate rehabilitation and recovery efforts, and called for renewed attention to be given to closing the gaps that limited economic and social rehabilitation in affected countries. ACC members also stressed the need to reinforce the UN system's overall capacity for early warning. Arrangements also needed to be strengthened to cope with large and complex emergencies that could have repercussions for a whole region and beyond. In countries where the United Nations operated specific political programmes, ACC agreed that there should be accepted arrangements, at Headquarters and field levels, for the Secretary-General to provide guidance to the system as a whole and to ensure that UN programmes, funds and agencies active in the countries concerned worked in concert. The arrangements should aim to: ensure that the relevant programmes, funds and agencies were informed about the Secretary-General's action to fulfil his political mandates and were invited to provide him with information and assessments relevant to his efforts; inform them if their activities needed to be harmonized with the overall political strategy; identify specific peace-building activities to strengthen the Secretary-General's political effort; and monitor the political efforts of the agreed activities and review any adjustments that might be necessary.

Concerning the prevention and resolution of crisis situations, ACC agreed that relief and development programmes had to overcome existing divisions that were reflected and reinforced by separation of approaches, budgets and functions. Towards that end, it endorsed the recommendation of the Consultative Committee on Programme and Operational Questions (CCPOQ) of ACC on the need for a common strategic framework for response to and recovery from crisis, developed in consultation with the countries concerned and UN system organizations. ACC also endorsed the elements of such a strategic frame-

work concentrating on three components—analysis of in-country environment, setting of policy parameters, and establishment of priorities for the response programme. Implementation should be pursued through existing mechanisms, such as the resident and humanitarian coordinator systems, the common country assessment and the country strategy note, as well as other instruments, including the Bretton Woods institutions.

ACC reaffirmed the importance of partnerships and alliances in crisis situations. It agreed that consideration of ways for UN system agencies and organizations, including the Bretton Woods institutions (the World Bank Group and the International Monetary Fund), to work together to enhance the effectiveness of the international community's response to crisis situations should encompass the effective participation of multilateral and bilateral donors and concerned international non-governmental organizations in the strategic framework for relief, rehabilitation and recovery. New and more participatory approaches needed to be developed at the national and local levels, and international partners had to be sensitive to and respectful of the concerns of affected people at village and community levels. ACC directed its Organizational Committee to pursue inter-agency consultations, including through the Inter-Agency Committee on Sustainable Development, to achieve a comprehensive assessment of the experience gained and lessons learned in peace-building in crisis situations, including identification of best practices and the further elaboration of guiding principles that could be applied by the UN system in future crises. Special attention should be given to strengthening the overall capacity of the system for early warning and for assessing and exchanging information when a complex emergency situation appeared to be imminent.

In terms of follow-up, ACC endorsed the recommendations of CCPOQ that the proposed strategic framework for response to and recovery from crisis be tested in Afghanistan and Mozambique, and that a working group be established for each selected country, *inter alia*, to develop arrangements for guiding and backstopping in-country application of the strategic framework. ACC decided to revert to the issue at a future session in the light of the results of the working groups and the review of lessons learned.

JIU report. In an October note [A/52/430], the Secretary-General transmitted to the General Assembly a JIU report entitled "Coordination at Headquarters and field level between United Nations agencies involved in peace-building: an

assessment of possibilities". The report examined the current state and concepts of post-conflict peace-building and the role of the Bretton Woods institutions in that process, and proposed a new approach to the issue.

The inspectors concluded that the UN system risked failing to ensure that increasingly limited resources available for post-conflict reconstruction were used effectively, and ultimately expending even greater resources in humanitarian assistance, as well as future peacekeeping operations, if conflicts recurred. Without a more serious effort to coordinate peace-building activities between the UN system organizations and the Bretton Woods institutions. Member States would continue to marginalize the initial financial investment made during the peacekeeping phase. In practice, there were no effective coordination mechanisms for post-conflict peace-building at the policy, headquarters and system-wide levels. In addition, there were several barriers to achieving coordination, including the viewpoint of organizations that their independence had a higher priority than coordination with other organizations. Organizations also lacked a generally accepted understanding of coordination and a well-defined working relationship with each other.

The inspectors recommended that the coordination framework for post-conflict peace-building should be, *inter alia*, overarching and coherent, yet sufficiently flexible to adjust to each situation. The framework must be established during the initial reconstruction planning phases. The agreement ending the conflict could be considered a suitable platform for outlining and reinforcing measures and actions to consolidate peace, establishing linkages between peace-making and peace-building operations and outlining the framework for coordination. ACC should prepare a declaration on the coordination of peace-building activities for acceptance by the Assembly and legislative bodies of specialized agencies, which, while recognizing the need for maintaining the independence of UN organizations, would reinforce the need for coordination to ensure maximum utilization of resources and the achievement of objectives. The declaration should also establish clear mandates and guidelines for UN organizations involved in post-conflict peace-building, identify leadership roles at Headquarters and in the field, establish more formal and consistent coordination between UN system organizations and the Bretton Woods institutions, strengthen existing coordinating bodies, and build and expand on coordination efforts under way among thematic lines. As a follow-on to the peacekeeping phase, considera-

tion should be given to carrying out peace-building activities as a separate and distinct operation. Since peace-building was essentially a component of development activities, the coordination role of the Economic and Social Council in development policies and activities should be enhanced. UN system organizations should formally establish coordination linkages between themselves and the Bretton Woods financial institutions to ensure participation in the planning phases of post-conflict recovery and a sustainable, coordinated relationship throughout reconstruction.

Peacekeeping operations

General aspects

In his September report on the work of the Organization [A/52/1], the Secretary-General said that the international community had developed a clearer understanding of both the limits of peacekeeping and its usefulness. As a result of past setbacks, Member States were more aware of the risks associated with dispatching operations with resources which did not match their mandates. While inaction in the face of massive violence and threats to international peace and security was not an acceptable or viable option, there should be no illusion that peace could be achieved cheaply. Some 22,500 soldiers and civilian police were currently serving in 16 missions in countries around the world, he said, which helped to stabilize potentially volatile situations, and often involved extensive cooperation between the United Nations and regional organizations.

In the context of the current effort to strengthen the United Nations, it was crucial to maintain and improve the Organization's ability to plan, manage and conduct peacekeeping missions. The Secretariat was reviewing cumbersome or inappropriate rules and procedures of field operations, such as rules for recruitment, procurement, and settlement of third-party liability claims. Ways to ensure a unified effort in the entire UN system in all peacekeeping and peace-building activities in the field and at Headquarters were being explored. The creation within the Secretariat of an Executive Committee on Peace and Security was an important step towards that goal. Many other structures and functions that were essential for peacekeeping activities lacked stable funding, and many essential tasks were discharged by personnel made available temporarily by Member States. Half of all

Professionals in the Department of Peacekeeping Operations fell within that category. The Organization needed a stable base of budget resources in peacekeeping that reflected its real personnel requirements. Similarly, action on a proposal to create a rapidly deployable mission headquarters depended on the willingness of Member States to allocate the necessary financial resources.

Additional elements of a rapid deployment capacity were being explored. Those States that had signed a letter of intent in 1996 [YUN 1996, p. 18] to form a standby high-readiness brigade within the UN standby arrangements had since moved further towards that objective.

A key priority was to draw on the experience gained in co-deployment in such cases as Georgia, Liberia and the former Yugoslavia to develop doctrine and guidelines, so that the United Nations would be better prepared for such partnerships with regional organizations in the future. Another main priority was ensuring that humanitarian strategies as well as longer-term development aims were fully integrated into the overall peacekeeping effort.

The Secretary-General stated that those were the challenges that had to be overcome in efforts to adapt UN peacekeeping to the crises being faced today and in the future, and as work continued towards the creation of a system of collective security for the twenty-first century.

Rapid deployment and standby arrangements

In 1997, the Special Committee on Peacekeeping Operations expressed its belief that standby arrangements constituted a key to the increased effectiveness and rapid deployment capacity of peacekeeping operations, and welcomed efforts to improve those arrangements. The Committee took note of the lack of certain specialized units in standby arrangements and invited Member States to participate in such areas as headquarters support, sea/air lift provision, communications personnel, engineers, and logistics and medical staff. The Committee also noted the need to broaden the geographical base of Member States making resources available under standby arrangements. The Special Committee welcomed the Secretariat's effort to provide information on the establishment of a rapidly deployable mission headquarters unit, and requested that it be kept informed regularly on all aspects of the plan for its implementation. It stressed that the trust fund for the mission headquarters be managed in a transparent manner with sufficient funds to fulfil mandated tasks and staffing.

Report of Secretary-General. The Secretary-General, on 24 December [S/1997/1009], reported on the current status of standby arrangements

for peacekeeping operations. As at 1 December, 67 Member States had confirmed their willingness to provide standby resources totalling some 88,000 personnel. Some 50 States had provided information on the specific capabilities of their standby resources. Thirteen others (Argentina, Austria, Bangladesh, Bolivia, Denmark, Ghana, Italy, Jordan, Malaysia, Nepal, Singapore, Ukraine and Uruguay) had formalized their standby contributions through a Memorandum of Understanding.

The Secretary-General noted that the standby resources included elements of different sizes, varying from infantry battalions to individual military observers, and covered a whole range of components envisaged for peacekeeping operations. However, additional resources were needed to complement the infantry, the bulk of the resources, with logistic support, especially in the areas of sealift/airlift, communications, multi-role logistics, transport, health services, engineering, mine clearing and transport utility aircraft. The Secretariat had been encouraging Member States having such assets to include them in their pledges to obtain a more balanced ratio between operational and support units. More civilian police personnel were also needed. Much remained to be done to widen involvement in the standby arrangements and to improve the availability of resources, said the Secretary-General.

He noted that the new procedure for determining reimbursement to Member States for contingent-owned equipment—the signing of a Memorandum of Understanding before actual deployment to the mission area—might delay the process of rapid deployment. In the light of that requirement, Member States that had already pledged to the standby arrangements might wish to exchange, in advance, data on contingent-owned equipment which would be adjusted during the finalization of the Memorandum of Understanding. To meet that need, the Secretariat had reviewed the questionnaire for contributing resources to the standby arrangements and had implemented a new form known as the "planning data sheet" for contributing those resources, which consolidated information in terms of a generic description of unit capabilities, movement data, details of logistic sustainment and self-sufficiency, and a list of major equipment. That had simplified the Memorandum of Understanding on standby arrangements and facilitated the signing process between the United Nations and the Governments concerned, resulting in a speeding up of the planning and deployment of units. The information provided might help to address the problem of units that lacked the

proper equipment, and had proved helpful in the planning and deployment of peacekeeping operations in Angola, Guatemala, Haiti and the former Yugoslavia.

Other efforts to reduce response time to a crisis included the development, by a group of States led by Denmark, of the Multinational United Nations Standby Forces High-Readiness Brigade (SHIRBRIG). Once it became fully operational in 1999, that formation of up to 5,000 troops, which might be deployed for up to six months, would be capable of deploying in under 30 days.

Communication. On 14 August, Canada and the Netherlands, on behalf of the co-chairmen of the Friends of Rapid Deployment, submitted to the Secretary-General a discussion paper [A/52/287] outlining a logistics strategy that would integrate and strengthen current and future logistics initiatives for the rapid deployment of a peacekeeping operation. The Friends believed that the proposed strategy, if implemented, would significantly enhance the Organization's capability to deploy, sustain and terminate a peacekeeping mission and, as a consequence, deal more effectively with crisis situations. Appended to the paper was a summary of logistics requirements.

Consultations with troop contributors

At its 1997 session, the Special Committee on Peacekeeping Operations underlined the importance of Security Council members and troop-contributing countries making full use of the consultation arrangements as set out in the 1996 statement of the Security Council President [YUN 1996, p. 18]. The Special Committee encouraged the Council to ensure the rigorous, timely and systematic implementation of those arrangements and to continue to ensure that consultations on mandates and on operational questions were chaired by the Council President and the Secretariat, respectively.

The Committee noted that the arrangements on consultations would be kept under review and that they did not preclude consultations in a variety of forms, including with other countries especially affected, for example countries from the region concerned. It recommended that in exceptional circumstances meetings be held at the request of troop-contributing countries.

Civilian police

The Special Committee on Peacekeeping Operations, in view of the role and increasing number of civilian police in UN peacekeeping operations, urged the Secretary-General to continue to strengthen the Civilian Police Unit

within the UN Department of Peacekeeping Operations. It urged Member States to include police elements among those units they identified in standby arrangements with the United Nations, including such information as type of police corps, rank and training. It welcomed the Secretariat's intention to include a civilian police staff element in its development of a rapidly deployable headquarters capacity.

SECURITY COUNCIL ACTION

On 14 July [meeting 3801], the Security Council President made the following statement [S/PRST/1997/38] on the Council's behalf:

The Security Council has established or authorized a growing number of peacekeeping operations which contain both civilian and military components. It takes particular note of the increasing role and special functions of civilian police in such operations.

The Security Council notes the efforts by the General Assembly and its Special Committee on Peacekeeping Operations in carrying out their task to review all aspects of peacekeeping operations, including, *inter alia*, enhancing the capacity of the United Nations system to accommodate the growing demand for civilian police in peacekeeping operations. It furthermore commends the efforts of the Secretary-General in this regard. The Council encourages States to look for further means to enhance the ways in which civilian police components of peacekeeping operations are set up and supported.

The Security Council considers that in operations mandated by the Security Council or the General Assembly the civilian police perform indispensable functions in monitoring and training national police forces and can play a major role, through assistance to local police forces, in restoring civil order, supporting the rule of law and fostering civil reconciliation. It sees an increasingly important role for civilian police, among others, in contributing to the building of confidence and security between parties and among local populations, in order to prevent conflict, to contain conflict or to build peace in the aftermath of conflict.

The Security Council encourages States to make available to the United Nations at short notice appropriately trained civilian police, if possible through the United Nations standby arrangements. It welcomes the role of United Nations selection assistance teams in this regard.

The Security Council underlines the importance of the recruitment of qualified civilian police from the widest possible geographic range to serve in United Nations operations. It also expresses the importance of the recruitment of female police officers to United Nations operations.

The Security Council encourages States individually or collectively to provide appropriate training of civilian police for international service. It encourages the Secretary-General to provide assistance and guidance to Member States in order to promote a standardized approach to the training and recruitment of civilian police.

The Security Council underlines the necessity for United Nations civilian police, in accordance with their mandates, to be trained as required, *inter alia*, to render assistance and support in the reorganization, training and monitoring of national police and to help defuse tension on the ground through negotiations. The Council furthermore considers it essential that United Nations civilian police contingents contain adequate legal expertise.

The Security Council underlines the need for close coordination between civilian police and the military, humanitarian and other civilian components of United Nations operations. It encourages efforts by Member States to organize joint training between civilian and military components designated for United Nations operations in order to improve coordination and security for personnel in the field.

The Security Council expresses its gratitude to those countries which have contributed civilian police to the peacekeeping operations of the United Nations.

Safety and security

The Special Committee on Peacekeeping Operations expressed concern at the continuing attacks and acts of violence against United Nations and associated personnel. It urged Member States that had not done so to consider becoming parties to the Convention on the Safety of United Nations and Associated Personnel, adopted in General Assembly resolution 49/59 [YUN 1994, p. 1289], to bring its entry into force at the earliest possible date.

The Special Committee welcomed the statement by the President of the Security Council [S/PRST/1997/13] (see PART FIVE, Chapter III), which emphasized that the host country and others concerned had to take steps to ensure the safety and security of UN and associated personnel. The Special Committee reaffirmed that safety and security constituted integral elements of the planning of peacekeeping operations and recognized that elaboration of a comprehensive security plan upon the start-up of a peacekeeping operation was essential. It stressed the need for adequate budgetary provisions to ensure the security of peacekeeping personnel.

Comprehensive review of peacekeeping

Special Committee on Peacekeeping Operations

As requested by the General Assembly in resolution 51/136 [YUN 1996, p. 22], the Special Committee on Peacekeeping Operations continued a comprehensive review of the whole question of peacekeeping operations in all their aspects. In 1997, the Committee held four meetings on 10 and 11 April, the deliberations of which were

summarized in its report to the Assembly [A/52/209].

The Special Committee, while noting recent trends, including the decrease in the establishment of new peacekeeping operations, the total number of personnel involved in and the average size of operations, considered it essential that the United Nations be able to continue to maintain international peace and security, in accordance with the Charter, by effectively planning, deploying and managing current and future peacekeeping operations. The Committee believed that peacekeeping operations should not be used as a substitute for addressing the root causes of the conflict, which should be addressed in a coherent, well-planned, coordinated and comprehensive manner with political, social, economic and developmental instruments. Consideration should be given to ways in which those efforts could continue without interruption after the departure of a peacekeeping operation to ensure lasting peace and security. The Committee stressed the importance of providing peacekeeping operations with clearly defined mandates, objectives, command structures and secure financing. Changes in mandates during a mission should be based on a thorough and timely reassessment, including military advice, as to the implications on the ground for both military and civilian components and after a full discussion between troop-contributing countries and the Security Council.

The Special Committee requested that the Secretary-General improve the method of selecting and preparing senior military commanders in the light of the increasingly difficult and dangerous conditions in which peacekeeping operations were conducted, and strengthen the selection and preparation procedures for chief administrative officers. There should also be enunciated and uniformly applied policies, including on tenure and remuneration of staff through trust funds, for personnel in the UN Secretariat who were not part of the international civil service or general service staff but who were involved in the management and conduct of peacekeeping operations. While noting the application of standard rates of mission subsistence allowance and standardized troop costs, the Committee recommended extension of the principle of standard rates to death and disability compensation for all observers and troops, and urged competent UN bodies to accord the highest priority to finding a solution.

The Secretary-General was encouraged to continue to improve the structure and organization of the Department of Peacekeeping Operations, including the development of structures, at UN

Headquarters and in the field, for periods of low- and high-intensity activity in UN peacekeeping, and the identification of functions and positions for the efficient management of peacekeeping operations during those periods. The Committee welcomed the intention of the Secretariat to review the structure and reform outdated policies and procedures in the Department. It encouraged the Secretariat to continue to enhance the transparency, efficiency and responsiveness of its procurement procedures (see below, under "Management of peacekeeping assets"). The Department of Peacekeeping Operations was urged to develop a coherent strategy for logistic support of peacekeeping operations, as well as a comprehensive and clearly stated materiel management policy to guide the development of a workable inventory and materiel control system.

The Committee considered that rules of engagement should be consistent with the specific mandate and political purposes of each peacekeeping operation and that clearly defined rules should address all possible contingencies. It encouraged the Secretariat to discuss the rules of engagement for a specific peacekeeping operation with prospective troop contributors prior to their finalization. It reiterated the need to implement in full the Assembly's recommendations regarding contingent-owned equipment procedures and to submit a detailed report on the experience of implementing those procedures.

The Special Committee emphasized the need to differentiate between peacekeeping operations and humanitarian assistance. It considered that peacekeeping operations could contribute to the creation of a secure environment for the effective delivery of humanitarian assistance. The Committee believed there would be value in achieving improved coordination between peacekeeping operations and the United Nations and other agencies or organizations.

The Special Committee also considered issues related to demining, cooperation with regional organizations, and the observance in 1998 of the fiftieth anniversary of peacekeeping operations (see below).

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/52/618], adopted **resolution 52/69** without vote [agenda item 88].

Comprehensive review of the whole question of peacekeeping operations in all their aspects

The General Assembly,

Recalling its resolution 2006(XIX) of 18 February 1965 and all other relevant resolutions,

Recalling in particular its resolution 51/136 of 13 December 1996,

Taking note of the report of the Secretary-General on the work of the Organization,

Affirming that the efforts of the United Nations in the peaceful settlement of disputes, including through its peacekeeping operations, are indispensable,

Welcoming the expansion of the membership of the Special Committee on Peacekeeping Operations,

Convinced of the need for the United Nations to continue to improve its capabilities in the field of peacekeeping and to enhance the effective and efficient deployment of its peacekeeping operations,

Considering the contribution that all States Members of the Organization make to peacekeeping,

Taking note of the widespread interest in contributing to the work of the Special Committee expressed by many Member States, in particular troop-contributing countries,

Bearing in mind the continuous necessity of preserving the efficiency and strengthening the effectiveness of the work of the Special Committee,

1. Welcomes the report of the Special Committee on Peacekeeping Operations;

2. Endorses the proposals, recommendations and conclusions of the Special Committee contained in paragraphs 34 to 91 of its report;

3. Urges Member States, the Secretariat and relevant organs of the United Nations to take all necessary steps to implement the proposals, recommendations and conclusions of the Special Committee;

4. Reiterates that those Member States that become personnel contributors to United Nations peacekeeping operations in years to come or participate in the future in the Special Committee for three consecutive years as observers shall, upon request in writing to the Chairman of the Committee, become members at the following session of the Committee;

5. Decides that the Special Committee, in accordance with its mandate, shall continue its efforts for a comprehensive review of the whole question of peacekeeping operations in all their aspects and shall review the implementation of its previous proposals and consider any new proposals so as to enhance the capacity of the United Nations to fulfil its responsibilities in this field;

6. Requests the Special Committee to submit a report on its work to the General Assembly at its fifty-third session;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "Comprehensive review of the whole question of peacekeeping operations in all their aspects".

Also on 10 December, the Assembly, in **resolution 52/12 B**, invited Member States to improve the supply of information to the Secretary-General that could assist the Organization in preventing conflict and maintaining international peace and security. It requested appropriate organs to consider, as a matter of priority, enhancing the rapid deployment capacity of the United Nations in peacekeeping operations.

The Assembly endorsed the recommendation that the Security Council, in establishing a peacekeeping operation in the future, should prescribe a time-frame for the conclusion of the status-of-forces agreement between the United Nations and the host Government for the operation in question, and that, pending the conclusion of such an agreement, a model agreement would apply provisionally unless otherwise agreed by the parties concerned. It invited the Council to consider the matter.

Operations in 1997

As of 1 January 1997, there were 16 United Nations peacekeeping operations in place—3 in Africa, 1 in the Americas, 3 in the Middle East, 3 in other parts of Asia and 6 in Europe. During the year, with the termination of five operations (two in Africa and three in the Americas) and the launching of four more (three in the Americas and one in Africa), a total of 20 UN peacekeeping operations had been deployed; by the end of the year, the total was 15.

Europe

In Europe, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) continued to assist the Croatian Government and local Serb representatives in Croatia in implementing the Basic Agreement for the region signed in 1995 [YUN 1995, p. 587]. On 19 December, the Security Council, noting the termination of UNTAES in January 1998, decided to establish, from 16 January 1998, a support group of 180 civilian police monitors. A separate mission, the United Nations Mission of Observers in Prevlaka (UNMOP), continued monitoring demilitarization activities on the peninsula.

The strength of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which included the International Police Task Force (IPTF), was increased by 120 police personnel. In the light of positive developments in the former Yugoslav Republic of Macedonia, the Council extended the mandate of the 1,000-member United Nations Preventive Deployment Force (UNPREDEP) for a final period until 31 August 1998. Elsewhere in Europe, the 124-member United Nations Observer Mission in Georgia (UNOMIG) continued to monitor the implementation of the 1994 Agreement on a Ceasefire and Separation of Forces between the Government of Georgia and authorities of the Georgian region of Abkhazia [YUN 1994, p. 583]. The 33-year-old United Nations Peacekeeping Force in Cyprus (UNFICYP) continued its tasks of keeping the

peace on that Mediterranean island. (See PART ONE, Chapter V.)

Africa

In Africa, three operations continued during 1997: the United Nations Angola Verification Mission (UNAVEM III), terminated in June; the United Nations Mission for the Referendum in Western Sahara (MINURSO); and the United Nations Observer Mission in Liberia (UNOMIL), terminated in September following the successful holding of elections in that country. In July, the Security Council established a new follow-on mission for Angola, the United Nations Observer Mission in Angola (MONUA). In October, the Council extended the mission until 30 January 1998. (See PART ONE, Chapter II.)

Americas

As for peacekeeping activities in the Americas, the United Nations Support Mission in Haiti (UNSMIH), created in 1996 to assist in the professionalization of the police and in maintaining a secure and stable environment conducive to the success of those efforts, was terminated in July 1997. In its place, the Security Council in July created the United Nations Transition Mission in Haiti (UNTMIH), with a mandate until 30 November. On 28 November, the Council created the United Nations Civilian Police Mission in Haiti (MIPONUH), with a mandate until 30 November 1998 to continue the task of professionalizing the Haitian National Police. In Guatemala, the Security Council authorized in January the attachment for a three-month period of a group of 155 military observers and medical personnel to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA). Its purpose was to verify the December 1996 Oslo agreement [YUN 1996, p. 168] on a definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca. The mission of military observers was terminated in May. (See PART ONE, Chapter III.)

Asia

In Asia, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) pursued its task of monitoring the demilitarized zone along the border between the two countries. The Security Council on 14 November expanded the size and extended the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT), to promote peace and national reconciliation and to assist in the implementation of the General

Agreement on the Establishment of Peace and National Accord in Tajikistan. The United Nations Military Observer Group in India and Pakistan (UNMOGIP), established in 1949, remained in place to monitor the ceasefire in Jammu and Kashmir. (See PART ONE, Chapter IV.) Three long-standing operations continued in the Middle East—the United Nations Truce Supervision Organization (UNTSO), the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Disengagement Observer Force (UNDOF) (see PART ONE, Chapter VI).

Other matters

During the year, the Organization also planned and prepared for, but did not deploy, a mission to Sierra Leone and carried out significant contingency planning for missions in Burundi, the Congo, and the Democratic Republic of the Congo. However, the Security Council did authorize the establishment of two new missions by Member States: a multinational protection force for Albania for three months to facilitate the safe and prompt delivery of humanitarian assistance and to help create a stable environment for the mission of international organizations in Albania (see PART ONE, Chapter V); and the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) in the Central African Republic (see PART ONE, Chapter II).

The United Nations also supported human rights missions, including the International Civilian Mission in Haiti (MICIVIH), conducted jointly with the Organization of American States, and extended the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, which was renamed the United Nations Verification Mission in Guatemala (retaining the original acronym, MINUGUA), to 31 March 1998 to include international verification of the peace agreements as well as human rights monitoring.

Also in 1997, the United Nations continued to maintain the Special Mission to Afghanistan (UN-SMA), the United Nations Special Commission (UNSCOM) monitoring Iraq's compliance with relevant Security Council resolutions, and the United Nations Political Office for Somalia (UNPOS). It created the United Nations Peacebuilding Support Office in Liberia (UNOL) to support reconciliation and national reconstruction. The Organization also followed developments in Cambodia, through the Secretary-General's Special Representative, and events in the Korean peninsula (see PART ONE, Chapter IV). The Security Council closed the support

unit for the Secretary-General's special envoy in El Salvador as a separate entity and subsumed its function under the administrative structure of the United Nations Development Programme.

Roster of 1997 operations

UNTSO

United Nations Truce Supervision Organization

Established: June 1948.

Mandate: To assist in supervising the observance of the truce in Palestine.

Strength as at December 1997: 152 military observers.

UNMOGIP

United Nations Military Observer Group in India and Pakistan

Established: January 1949.

Mandate: To supervise the ceasefire between India and Pakistan in Jammu and Kashmir.

Strength as at December 1997: 44 military observers.

UNFICYP

United Nations Peacekeeping Force in Cyprus

Established: March 1964.

Mandate: To prevent the recurrence of fighting between the two Cypriot communities.

Strength as at December 1997: 1,230 troops, 35 civilian police.

UNDOF

United Nations Disengagement Observer Force

Established: June 1974.

Mandate: To supervise the ceasefire between Israel and the Syrian Arab Republic and the disengagement of Israeli and Syrian forces in the Golan Heights.

Strength as at November 1997: 1,053 troops.

UNIFIL

United Nations Interim Force in Lebanon

Established: March 1978.

Mandate: To confirm the withdrawal of Israeli forces from southern Lebanon, restore peace and security, and assist the Lebanese Government in ensuring the return of its effective authority in the area.

Strength as at December 1997: 4,468 troops.

UNIKOM

United Nations Iraq-Kuwait Observation Mission

Established: April 1991.

Mandate: To monitor the demilitarized zone along the border between Iraq and Kuwait.

Strength as at December 1997: 891 troops, 194 military observers.

MINURSO

United Nations Mission for the Referendum in Western Sahara

Established: April 1991.

Mandate: To monitor and verify the implementation of a settlement plan for Western Sahara and assist in the holding of a referendum in the Territory.

Strength as at December 1997: 202 military observers.

UNOMIG

United Nations Observer Mission in Georgia

Established: August 1993.

Mandate: To verify compliance with a ceasefire agreement between the parties to the conflict in Georgia and investigate ceasefire violations; expanded in 1994 to include monitoring the implementation of an agreement on a ceasefire and separation of forces and observing the operation of a multinational peacekeeping force.

Strength as at October 1997: 109 military observers.

UNOMIL

United Nations Observer Mission in Liberia

Established: September 1993.

Terminated: September 1997.

Mandate: To investigate ceasefire violations and monitor compliance with a peace agreement between the parties to the conflict in Liberia, verify the election process, assist in coordinating humanitarian activities and develop a plan for the demobilization of combatants; revised in 1995 to include monitoring the disengagement of forces, disarmament and observance of the arms embargo and assisting with demobilization programmes.

Strength as at September 1997: 9 military observers.

UNMOT

United Nations Mission of Observers in Tajikistan

Established: December 1994.

Mandate: To assist in monitoring a temporary ceasefire agreement between the parties to the conflict in Tajikistan.

Strength as at November 1997: 44 military observers.

UNAVEM III

United Nations Angola Verification Mission

Established: February 1995.

Terminated: June 1997.

Mandate: To assist in national reconciliation and restoration of peace, monitor the ceasefire and the disengagement and demobilization of forces as well as the disarming of civilians, coordinate humanitarian activities and verify the electoral process.

Strength as at June 1997: 4,213 troops, 302 military observers, 259 civilian police.

UNPREDEP

United Nations Preventive Deployment Force

Established: March 1995.

Mandate: To monitor border areas in the former Yugoslav Republic of Macedonia.

Strength as at November 1997: 924 troops, 35 military observers, 26 civilian police.

UNMIBH

United Nations Mission in Bosnia and Herzegovina (including the International Police Task Force (IPTF))

Established: December 1995.

Mandate: To monitor and facilitate law enforcement activities in Bosnia and Herzegovina, train and assist law enforcement personnel in carrying out their responsibilities, advise government authorities on the organization of civilian law enforcement agencies, and assess threats to public order and the agencies' capability to deal with such threats.

Strength as at December 1997: 2,004 civilian police monitors.

UNTAES

United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

Established: January 1996.

Mandate: To supervise and facilitate the demilitarization of the region; monitor the return of refugees and displaced persons; establish and train a temporary police force; monitor the treatment of offenders and the prison system; organize elections for local government bodies; monitor and facilitate the free movement of persons across existing borders; restore the normal functioning of public services; monitor the parties' commitment to respect human rights; cooperate with the International Tribunal for the Former Yugoslavia; and promote the realization of the parties' commitment to the overall maintenance of peace and security.

Strength as at December 1997: 726 troops, 99 military observers, 388 civilian police.

UNMOP

United Nations Mission of Observers in Prevlaka

Established: January 1996.

Mandate: To monitor the demilitarization of the Prevlaka peninsula.

Strength as at December 1997: 28 military observers.

UNSMIH

United Nations Support Mission in Haiti

Established: July 1996.

Terminated: July 1997.

Mandate: To assist the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the successful establishment and training of a national police force.

Authorized initial strength: 600 troops, 300 civilian police.

Total strength as at July 1997 (including voluntarily funded military personnel): 1,300 military officers, 225 civilian police.

MINUGUA

United Nations Verification Mission in Guatemala

Established: January 1997.

Terminated: May 1997.

Mandate: To verify the agreement on a definitive ceasefire signed in Oslo, Norway, on 4 December 1996 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca.

Strength as at May 1997: 132 military observers.

UNTMH

United Nations Transition Mission in Haiti

Established: July 1997.

Terminated: November 1997.

Mandate: To assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police.

Strength as at October 1997: 242 civilian police, 50 military personnel, 1,125 voluntarily funded military personnel.

MONUA

United Nations Observer Mission in Angola

Established: July 1997.

Mandate: To assist the Angolan parties in consolidating peace and national reconciliation, enhancing confidence-building and creating an environment conducive to long-term stability,

democratic development and rehabilitation of the country.

Strength as at December 1997: 1,668 troops, 192 military observers, 78 military staff officers.

MIPONUH

United Nations Civilian Police Mission in Haiti

Established: November 1997.

Mandate: To continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, including monitoring Haitian National Police field performance.

Authorized strength: 300 civilian police.

Financial and administrative aspects of peacekeeping operations

General aspects

In 1997, the cost of peacekeeping operations totalled an estimated \$875.6 million, compared with \$1.4 billion in 1996, while requirements for activities funded from the support account for peacekeeping operations were estimated at \$35.1 million. At the same time, unpaid assessed contributions from Member States to the peacekeeping budget amounted to \$2.1 billion as at 30 June, causing certain peacekeeping operations to be in cash deficits. The Organization was compelled to borrow from other peacekeeping operations and to allow higher amounts of obligations to go unpaid for longer periods of time in order to cover the funding gap. As at 30 June, available cash for all operations totalled \$787.3 million, while total obligations payable were three times as high, at \$2.1 billion.

During the year, the General Assembly considered various aspects of peacekeeping financing. In June, it adopted a system of self-insurance and established uniform and standardized rates for the payment of awards in cases of death and disability sustained by troops. It also decided to apply to all Member States its 1992 procedures for assessing new Member States in respect of the Peacekeeping Reserve Fund. In October, the Assembly requested the Secretary-General to make proposals for different sources of financing for the United Nations Logistics Base in Brindisi, Italy, and to consider expanding the use of the base to other UN agencies and programmes. It also endorsed proposals for the development and implementation of a field assets control system and noted the intention of the Secretary-General to continue to develop a field mission logistics system.

Note of Secretary-General. In accordance with General Assembly resolution 49/233 A [YUN 1994, p. 1338], the Secretary-General, in May 1997, submitted to the Assembly's Fifth (Administrative and Budgetary) Committee a note [A/C.5/51/48] containing estimated budgetary requirements of all peacekeeping operations for the period 1 July 1997 to 30 June 1998. The estimates totalled \$875,567,400, including \$299,740,700 for military personnel costs and \$315,579,600 for civilian personnel costs.

GENERAL ASSEMBLY ACTION

On 22 December, the General Assembly, by decision 52/456, decided to continue consideration of administrative and budgetary aspects of peacekeeping operations at its resumed fifty-second (1998) session.

Review exercise

In a June report [A/52/209] to the General Assembly, the Special Committee on Peacekeeping Operations stressed that adequate financial resources and support were crucial to the effectiveness of UN peacekeeping operations, and reaffirmed the obligation of Member States to bear peacekeeping expenses as apportioned by the Assembly. Also, contributions should be paid in full, on time and without conditions so as not to undermine the effectiveness of peacekeeping operations. The Committee urged Member States to take advantage of the reduced level of peacekeeping assessments to address the issue of arrears to existing and completed missions.

The Special Committee urged the Secretary-General to accord high priority to processing pending claims by providing an adequate level of personnel to Secretariat units concerned. It expressed concern about the continuing protracted delays in the reimbursement of troop contributors, which were currently owed an estimated \$1.2 billion, and reiterated the need for timely reimbursements. It requested the Secretary-General to address, as a matter of priority, the operational and financial liquidation of completed operations, with a view to finding mutually agreed arrangements with the troop- and equipment-contributing Member States concerned. The Committee expressed concern at reports by the Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions (ACABQ) that not all the financial and other terms of status-of-forces agreements were being complied with, and requested the Secretary-General to withhold claims by Member States until the matter of expenditures was resolved. The Committee endorsed the request of ACABQ for a compendium of all instances in

which the Organization was due restitution as a result of non-compliance with the status-of-forces or other agreements.

Report of ACABQ. At its spring session [A/51/892], ACABQ, in accordance with the budget cycle established in General Assembly resolution 49/233 A (YUN 1994, p. 1338], considered the reports of the Secretary-General on the financing of the following UN peacekeeping operations: UNOMIL, MINUGUA, UNMOT, UNFICYP, UNDOF, UNIFIL, MINURSO, UNIKOM, UNOMIG, United Nations Mission in Haiti (UNMIH)/UNSMIH, United Nations Protection Force (UNPROFOR), United Nations Confidence Restoration Operation in Croatia (UNCRO), UNPREDEP, United Nations Peace Forces (UNPF), UNMIBH and UNTAES.

The Advisory Committee made a number of general observations and recommendations pertaining to most peacekeeping operations. It noted that while it was increasingly possible to foresee more accurately the resource requirements for a given budget period, more remained to be done concerning the explanation of mission-specific ratios and other variants of the Standard Cost and Ratio Manual. The Committee pointed out that all significant variations (10 per cent or more) from standard costs, from assumptions used in previous cost estimates and from approved resources under each budget line should be clearly explained. In terms of the new format for budget documents, the quality of information needed to be further improved; the data supplied should be clearly related to the requests for resources, which should be explained and justified in a consistent and transparent manner; budget documents should have a consistent and standardized structure; and offices at Headquarters should be able to rely on complete and accurate information from the field. More should be done to increase the reliability of financial performance data, and performance reports and budget estimates should also contain information on the implementation of previous recommendations of the Board of Auditors. Where applicable, information should be provided on steps taken to respond to concerns of the Office of Internal Oversight Services. Performance reports should also include an inventory of mission assets. With respect to the value of assets being transferred to the United Nations Logistics Base in Brindisi and/or other missions, the reports should indicate the value of assets in inventory; related expenses for transportation, storage and processing; and the technical conditions of the assets being transferred. Performance reports should also include large amounts of unliquidated obligations, a significant portion of which might well be subsequently cancelled.

Concerning the pattern of significant "roll-overs" in a number of budgets, ACABQ recommended that the Secretary-General pay greater attention to the procedures for raising obligations so as to ensure timely review for verification of their continuing validity. There was a need to improve accounting of proceeds resulting from the sale of property, and more should be done to improve consistent treatment and reporting of voluntary contributions. There also was a need to reflect in a consistent manner under miscellaneous income all revenue accrued on voluntary contributions.

The Advisory Committee recommended that the Secretariat prepare a roster of candidates for administrative positions in the field who should undertake specific training relevant to all aspects of tasks assigned to administration in peacekeeping operations. It was essential that qualified and experienced personnel provided to field missions stay long enough to be able to apply the institutional knowledge acquired. Steps should be taken to enhance cooperation and coordination between the UN administration in the field and the military, particularly on issues with legal and/or financial implications. Additional measures needed to be taken to effect control over payments of and accounting for a variety of allowances. The Committee invited the Secretary-General to propose for consideration by the General Assembly measures to ensure full compliance with the status-of-forces agreements.

Peacekeeping support account

Report of Secretary-General. The Secretary-General, in response to General Assembly resolution 50/221 B [YUN 1996, p. 31], submitted on 7 May a report [A/51/890] on the support account for peacekeeping operations, providing a comprehensive review of the account and its requirements for the period 1 July 1997 to 30 June 1998, estimated at \$35.1 million. Those requirements reflected an increase of \$4.6 million over the approved level of \$30.5 million for the current period, and provided for a staffing establishment of 364 temporary posts, a net increase of 19 posts.

Concerning the funding mechanism for the support account, the Secretary-General said that theoretical application of the old formula, by which an amount of 8.5 per cent of the total cost of the civilian staff component of a mission was included in the budget of each active peacekeeping operation, would generate, for the period 1 July 1996 to 30 June 1997, only some \$26.2 million in income, which was insufficient compared with the approved level of expenditure of \$30.5 million. For the period 1 July 1997 to 30 June 1998, \$18.6 million would be generated, far short

of the proposed budget for the period of \$35.1 million. He therefore proposed that the Assembly confirm the new funding arrangement for the support account that it had provisionally approved in resolution 50/221 B, which required that a quantum of resources should be established on an annual basis for the requirements of the support account, based on an analysis of overall backstopping requirements.

ACABQ report. In a May report [A/51/906 & Corr.1], ACABQ did not approve 17 of the 19 additional posts requested by the Secretary-General for 1997/98 under the support account, thereby reducing the estimates by \$2,052,900.

It recommended that measures be taken to overcome the surge in the workload related to the implementation at Headquarters of the finance module of the Integrated Management Information System (IMIS), and that administrative actions required in the backstopping of peacekeeping operations be significantly streamlined and made much more efficient. The Secretary-General should analyse the backlog of administrative tasks that had accrued over the years and relate it to staff needs, on the basis of a schedule for its elimination. The operation of the Situation Centre of the Department of Peacekeeping Operations should be evaluated to determine its cost-effectiveness and the results should be reflected in the next budget submission on the support account.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.2], adopted **resolution 51/239 A** without vote [agenda item 140 (a)].

The General Assembly,

Recalling its resolutions 45/258 of 3 May 1991, 47/218 A of 23 December 1992, 48/226 A of 23 December 1993, 48/226 B of 5 April 1994, 48/226 C of 29 July 1994, 49/250 of 20 July 1995, 50/221 A of 11 April 1996, 50/221 B of 7 June 1996 and 51/226 of 3 April 1997 and its decisions 48/489 of 8 July 1994, 49/469 of 23 December 1994 and 50/473 of 23 December 1995,

Having considered the report of the Secretary-General on the support account for peacekeeping operations and the related report of the Advisory Committee on Administrative and Budgetary Questions, as well as the views expressed by Member States in the Fifth Committee,

Reaffirming the need to continue to improve the administrative and financial management of peacekeeping operations,

Noting the recent significant decline in peacekeeping expenditure, and recognizing that this should lead to a commensurate decline in backstopping requirements funded through the support account for peacekeeping operations,

Recognizing the need for adequate support during all phases of peacekeeping operations, including the liquidation and termination phases,

1. Takes note of the report of the Secretary-General on the support account for peacekeeping operations;

2. Also takes note of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. Regrets the delayed submission by the Secretary-General of his report on the support account, and decides that his next report on the support account, for the period from 1 July 1998 to 30 June 1999, should be submitted no later than 31 March 1998;

4. Also regrets the non-compliance of the Secretary-General with the request in paragraph 8 of its resolution 50/221B to submit a comprehensive proposal on the total requirement for human resources from all sources of funding for the backstopping of peacekeeping operations;

5. Emphasizes that it is necessary to have fully substantiated and comprehensive proposals for the total requirements for human and material resources from all sources of funding for the backstopping of peacekeeping operations, including from the regular budget, trust funds and voluntary contributions, both in cash and in kind, for the period of the support account proposal;

6. Reiterates its requests to the Secretary-General in paragraphs 7, 8 and 9 of its resolution 50/221 B, in preparing his annual proposals for the support account, and taking into consideration the temporary nature of the current level of resources, to review and substantiate comprehensively the entire post and non-post requirements for the support account; in preparing his report on the support account for the period from 1 July 1998 to 30 June 1999, to submit a comprehensive proposal on the total requirement for human resources from all sources of funding for the backstopping of peacekeeping operations, including posts financed from the regular budget and trust funds, officers on loan from Member States and other voluntary contributions during the period, to enable the General Assembly to decide on the level of human resources required; and to submit proposals that reflect as closely as possible the overall evolution of peacekeeping budgets and any additional relevant observations and recommendations regarding the lessons learned from the previous year of operation of the support account;

7. Requests the Secretary-General to submit an in-depth evaluation and subsequent budgetary proposals that reflect as closely as possible the overall evolution of peacekeeping trends, including any relevant restructuring of the various divisions and units involved in backstopping activities, taking into account the lessons learned from previous years' experience of operating the support account and the workload relating to closed and completed missions;

8. Also requests the Secretary-General to submit to the General Assembly at its fifty-second session the evaluation portion of the above-mentioned report;

9. Regrets the lack of a performance report on the operation of the support account in the context of the annual consideration by the General Assembly of the proposals of the Secretary-General for the account, as requested in paragraph 6 of its resolution 50/221 B;

10. Requests the Secretary-General, in his report on the support account for the period from 1 July 1998 to 30 June 1999, to submit a performance report, including information on redeployments, if any, between units, covering the period from 1 July 1996 to 30 June 1997 and the period from 1 July to 31 December 1997;

11. Affirms the need for adequate funding for the backstopping of peacekeeping operations;

12. Decides to maintain for the period from 1 July 1997 to 30 June 1998 the funding mechanism for the support account provisionally approved in paragraph 3 of its resolution 50/221 B;

13. Approves, for the period from 1 July 1997 to 30 June 1998, the proposals of the Secretary-General with regard to post and non-post resource requirements as contained in his report, as amended by the Advisory Committee in paragraphs 19, 21, 22, 24, 26, 28, 29, 31, 33 and 37 of its report, subject to the provisions of the present resolution;

14. Also approves an appropriation in the amount of 158,500 United States dollars under general temporary assistance for the sole purpose of processing the backlog of claims referred to in paragraph 16 below;

15. Endorses the recommendation of the Advisory Committee to create one P-4 post and one General Service post in the Claims and Information Management Section of the Department of Peacekeeping Operations of the Secretariat, and requests the Secretary-General to utilize the P-2 post proposed for redeployment to the Personnel Management and Support Service for processing claims in the Claims and Information Management Section;

16. Notes from the information provided by the Secretariat that the current backlog of death and disability claims is five hundred and sixty-four;

17. Requests the Secretary-General to submit to the General Assembly quarterly written reports on the progress made in clearing the backlog;

18. Takes note of the usefulness of the lessons learned capacity, and requests the Secretary-General to submit, no later than 31 August 1997, for consideration during the third part of its resumed fifty-first session, proposals on resources and structure to strengthen the functions and to ensure the sharing and application of experience gained in peacekeeping operations;

19. Approves an appropriation of 1 million dollars for the rental of premises;

20. Authorizes the Secretary-General to enter into additional commitments not exceeding 808,500 dollars for the rental of premises;

21. Requests the Secretary-General to include in the performance report information on the use of resources provided for the rental of premises since 1992;

22. Decides that officers in the Office of Operations of the Department of Peacekeeping Operations whose workload has been reduced owing to the ending of some peacekeeping operations should be detailed to assist in eliminating the backlog;

23. Reaffirms the relevant resolutions of the General Assembly in which it requested the Secretary-General to fill the vacant support account posts as soon as possible, in a manner consistent with those resolutions and the Staff Regulations and Rules of the United Nations;

24. Decides that posts funded from the support account shall be filled and managed in compliance with

the Charter of the United Nations, the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations and the relevant resolutions of the General Assembly;

25. Calls upon the Secretary-General to stop immediately the practice of giving personnel on short-term appointments consultant contracts for a short period and then rehiring them on short-term appointments in violation of the spirit of open and transparent recruiting practices;

26. Requests the Secretary-General to assign the functions referred to in paragraphs 16, 17 and 22 of the report of the Advisory Committee to personnel occupying approved posts and to report thereon to the General Assembly at its fifty-second session, no later than 31 March 1998.

Lessons Learned Unit

The Special Committee on Peacekeeping Operations in April noted the work being done by the Lessons Learned Unit of the Department of Peacekeeping Operations, established in 1995 to extract lessons from past and ongoing operations and recommend their application to improve the planning, management, conduct and support of ongoing and future operations, as well as to develop an institutional memory on peacekeeping operations. The Special Committee recommended that the Secretary-General seek stable and predictable financing for the Unit, and encouraged the Unit to continue to benefit from the experience of troop-contributing countries, and to use in its work conclusions resulting from their national experience acquired in the field. The work of the Unit should be distributed to Member States and to the Special Committee for consideration, which could contribute to its increasing effectiveness. In that regard, the Special Committee urged the Secretariat to provide completed studies in all official languages.

In his May report [A/51/890] on the support account, the Secretary-General recommended three new posts (one at the P-4, one at the P-2/1 and one at the General Service level) for the Lessons Learned Unit, to be funded from extra-budgetary resources.

ACABQ in May [A/51/906] did not recommend the establishment of the three new posts. The Advisory Committee stated that while recognizing the value to UN operations of conducting lessons learned reviews, it believed that all organizational units involved in backstopping peacekeeping operations should have a lessons learned function as their permanent responsibility.

The General Assembly, in **resolution 51/239 A** of 17 June, took note of the usefulness of the lessons learned capacity and requested the Secretary-General to submit, no later than 31 August 1997, for consideration during its re-

sumed fifty-first session, proposals on resources and structure to strengthen its functions.

In response to that request, the Secretary-General submitted on 25 August a report [A/51/965] on the support account for peacekeeping operations: Lessons Learned Unit. He stated that the proposed structure of the Unit covered three functional areas: research and analysis and monitoring progress of the implementation of lessons learned; coordination and sharing of experiences with Member States and organizations concerned; and maintaining and strengthening institutional memory on peacekeeping. The Unit would be headed by the Chief of Unit, who would be assisted by a coordination officer and a research analyst. There would also be a Resource Centre which would be maintained by a research assistant. The Secretary-General said that the Unit was provided with two posts (one D-1 and one General Service post funded from the regular budget). A trust fund, established in 1995, provided funding for four additional posts (two at the P-4, one at the P-2/1 and one at the General Service level). It was expected that funding for those four posts would cease on 31 December. Following a comprehensive review of the Unit and a reassessment of its resource needs, he was convinced that the functions of the Unit could not be met from the two dedicated posts financed from the regular budget after the anticipated cessation on 31 December of voluntary funding, nor could the function be performed on an ad hoc basis by existing staff of other units in the Department of Peacekeeping Operations. He therefore was resubmitting his original request for the establishment of three new posts for the Unit to be funded from the support account for the period from 1 January to 30 June 1998, at an estimated cost of \$132,250.

Speaking before the Fifth Committee [A/C.5/51/SR.73] on 10 September, the Chairman of ACABQ stated that the Advisory Committee still held the view that lessons learned functions were an integral part of the Organization's operations and should be an ongoing Secretariat-wide function. The proposed programme of work and organizational structure of the Unit were too ambitious and elaborate. The Unit should be a coordinating body, using in-house expertise and seeking additional expertise as required, as was already being done to a certain extent. Given the high vacancy rate in the Department of Peacekeeping Operations (12.8 per cent for Professional and 5.4 per cent for General Service posts), the largely coordinating nature of the Unit's functions, and the pool of experience and expertise available from returning mission personnel, ACABQ recommended

that the requests for the Unit should be met through redeployment from within the complement of posts funded through the support account, rather than through the establishment of new posts.

GENERAL ASSEMBLY ACTION

On 15 September [meeting 107], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.3], adopted **resolution 51/239 B** without vote [agenda item 140 (a)].

The General Assembly,

Recalling paragraph 18 of its resolution 51/239 A of 17 June 1997,

Having considered the report of the Secretary-General on the Lessons Learned Unit, the related statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions and the views expressed by Member States in the Fifth Committee,

1. Takes note of the report of the Secretary-General on the Lessons Learned Unit;
2. Also takes note of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions and the vacancy rates of posts funded from the support account for peacekeeping operations, which, as at 31 August 1997, were 14.2 per cent for posts in the Professional category and above and 5.1 per cent for posts in the General Service category;
3. Notes the usefulness of the lessons learned capacity;
4. Decides to redeploy, on a temporary basis, for the period from 1 January to 30 June 1998, three posts, namely, two Professional posts (1 P-4, 1 P-2/1) and one General Service post, funded from the support account, to carry out the functions described in the report of the Secretary-General, and decides also to revert to this issue for consideration in future budget proposals.

Peacekeeping Reserve Fund

The Secretary-General, in a January report [A/51/778], provided information on the status of the Peacekeeping Reserve Fund, established by the General Assembly in resolution 47/217 [YUN 1992, p. 1022] as a cash-flow mechanism to ensure the Organization's rapid response to the needs of peacekeeping operations; its level was set at \$150 million. As at 31 March 1996, the balance of the Fund was \$94.7 million. Total receipts amounted to \$94.7 million, including transfers (\$89.3 million), interest income (\$5.1 million) and voluntary contributions (\$351,989). An amount of \$60.7 million was still due to the Fund, to be transferred from the United Nations General Fund (\$57.6 million), the United Nations Transition Assistance Group (UNTAG) in Namibia (\$2.2 million) and the United Nations Iran-Iraq Military Observer Group (UNIIMOG) (\$903,071). Loans to six peacekeeping operations had been

repaid in full, and no additional loans had been made to any existing operations.

Concerning the assessment of new Member States for the Fund, the Secretary-General said that there was a serious question of interpretation of paragraphs (e) and (g) of Assembly resolution 47/217. Paragraph (g) of the resolution provided that States joining the United Nations after 23 December 1992, the date of the adoption of resolution 47/217, and without a claim to a share in the Fund should be assessed. Paragraph (e) assigned shares to Member States based on an ad hoc apportionment set out in resolution 45/247 [YUN 1990, p. 175]. A strictly literal interpretation of resolution 47/217 would exclude from participation in the Fund those Member States that had joined the Organization between 21 December 1990 and 23 December 1992. Of the 20 Member States in that category, 15 could be said to have a claim to a share in the Fund. As regards the five remaining nations (Democratic People's Republic of Korea, Marshall Islands, Micronesia, Republic of Korea and San Marino), the Secretary-General believed that the Assembly intended that the resolution should be applied to all States Members and, in that case, paragraph (g) would have to be applied to States that became Members prior to the adoption of resolution 47/217 but after the adoption of resolution 45/247.

Of the 27 Member States that had joined the Organization since 21 December 1990, 18 could be said to have a claim to a share in the Fund in respect of the amounts listed to the credit of Czechoslovakia, the USSR and Yugoslavia.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E, section VI**, without vote [agenda item 140 (a)].

Peacekeeping Reserve Fund

[The General Assembly, . . .]

Taking note of the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Noting that its resolution 47/217 of 23 December 1992 does not include the twenty States which became Members of the United Nations after the adoption of resolution 45/247 of 21 December 1990 and before the adoption of resolution 47/217,

1. Decides to extend the application of resolution 47/217, by which it established the Peacekeeping Reserve Fund, to all States currently Members of the United Nations;

2. Notes that Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, the Czech Republic, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, Slovakia, Slovenia, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan can be

said to have a claim to a share in the Fund, as explained in the report of the Secretary-General;

3. Decides that, beginning on 1 January 1998 and no later than 30 June 1998, the shares in the Peacekeeping Reserve Fund of the following Member States shall be determined as follows:

(a) The Democratic People's Republic of Korea, the Marshall Islands, the Federated States of Micronesia, the Republic of Korea and San Marino shall contribute their shares to the Fund in accordance with the scale of apportionment for peacekeeping operations in effect on the date of their first assessment for United Nations peacekeeping operations;

(b) Estonia, Latvia and Lithuania shall contribute their shares to the Fund in accordance with the scale of apportionment for peacekeeping operations in effect on the date of their first assessment after 1 January 1998 for United Nations peacekeeping operations;

4. Also decides that interests accrued in the Fund shall not be credited to Member States holding shares in the Fund prior to the full capitalization of the Fund;

Voluntary contributions

In an April report [A/51/850] on considering the financing of the United Nations Mission of Observers in Tajikistan (UNMOT), ACABQ noted that voluntary contributions were not clearly presented in the performance reports of that mission. It believed that voluntary contributions could be better articulated within proposed budgets and performance reports. The Advisory Committee recalled that the principle of full budgeting, approved by the General Assembly in resolution 43/230 [YUN 1988, p. 197] and resolution 44/192B [YUN 1989, p. 882], was not consistently applied. ACABQ indicated its intention to address the issue in a later report.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E, section VII**, without vote [agenda item 140 (a)].

Voluntary contributions

[The General Assembly, . . .]

Recalling its resolutions on the financing of peacekeeping operations, in which it invites voluntary contributions to those operations in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the established procedure and practices,

Taking note of the intention of the Advisory Committee on Administrative and Budgetary Questions to address in a report the question of the articulation of voluntary contributions within proposed budgets and performance reports of peacekeeping operations,

1. Welcomes the intention of the Advisory Committee on Administrative and Budgetary Questions to address issues related to the administration of voluntary

contributions to peacekeeping operations in a later report;

2. Requests the Advisory Committee to prepare its report on the administration of voluntary contributions to peacekeeping operations before 31 December 1997;

3. Decides to consider the report of the Advisory Committee during the first week of the first part of its resumed fifty-second session;

Unforeseen and extraordinary expenses

The General Assembly, by **resolution 52/223** of 22 December, authorized the Secretary-General, without the prior concurrence of ACABQ, to enter into commitments not exceeding \$5 million in any one year of the 1998-1999 biennium relating to the maintenance of international peace and security. If a decision of the Security Council resulted in the need for him to enter into commitments exceeding \$10 million, that matter should be brought to the Assembly for consideration.

Reimbursement issues

Troop reimbursement

At its 1997 session [A/52/209], the Special Committee on Peacekeeping Operations expressed concern about continuing protracted delays in the reimbursement of troop contributors which were owed an estimated \$1.2 billion. It requested the Secretary-General to accord high priority to the processing of pending claims.

In June, the General Assembly, in accordance with its decision 50/502, considered the 1996 report of ACABQ [YUN 1996, p. 34] on the subject. ACABQ had pointed out that information from the most recent survey of troop costs was outdated, and stated it was of the opinion that the Secretary-General should carry out a new survey before the Assembly took any action on reimbursement rates.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E**, section V, without vote [agenda item 140 (a)].

Rates of reimbursement

[The General Assembly, . . .]

Recalling section III, paragraph 2, of its resolution 47/218 A of 23 December 1992,

Having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Endorses paragraph 12 of the report of the Advisory Committee on Administrative and Budgetary Questions;

2. Requests the Secretary-General to carry out a new survey of troop-contributing States as suggested in paragraph 12 of the report of the Advisory Committee and to include in his report a complete analysis of all services being provided to troops, together with an indication of the rationale for the provision of each service and how those services are administered and accounted for;

3. Encourages all troop-contributing States to respond to the questionnaire sent out by the Secretary-General requesting information on military costs in effect as at 31 December 1996;

4. Requests the Secretary-General to keep this matter under review and to report thereon to the General Assembly;

Equipment

In 1996 [YUN 1996, p. 35], the Secretary-General had submitted to the General Assembly a draft contribution agreement between the Organization and States contributing resources to UN peacekeeping operations. ACABQ had noted the potential legal difficulties with the term "contribution agreement" and had recommended exploration of alternative terms and their legal implications for the United Nations.

Special Committee consideration. In April 1997 [A/52/209], the Special Committee on Peacekeeping Operations noted the introduction of the new contingent-owned equipment procedures, endorsed by the General Assembly in resolution 50/222 [YUN 1996, p. 35]. The Special Committee reiterated the need to implement in full the recommendations approved by the Assembly in that regard and to report to the competent bodies in detail on the experience of implementing the new procedures for further consideration of the issue.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E**, **section I**, without vote [agenda item 140 (a)].

The General Assembly,

Reaffirming Article 17 of the Charter of the United Nations in respect of the role of the General Assembly in the consideration and approval of budgets of the Organization,

Reaffirming also the requirement of all Member States to fulfil promptly and in full their obligations as set out in the Charter,

Recognizing the detrimental effect of the withholding of assessed contributions on the administrative and financial functioning of the United Nations,

Recognizing also that late payment of assessed contributions adversely affects the short-term financial situation of the Organization,

Recognizing further the need to improve the management of peacekeeping operations,

Desiring to streamline the administrative and budgetary aspects of the financing of peacekeeping operations,

Reiterating the importance of continuous dialogue and transparency between the Organization and Member States aimed at improving current administrative and budgetary practices and procedures,

I

Contingent-owned equipment

Recalling its resolution 50/222 of 11 April 1996 on the reform of the procedures for determining reimbursement to Member States for contingent-owned equipment, and the transitional arrangement,

Reaffirming the importance of proceeding with the implementation of the reformed procedures as called for in its resolution 49/233 A of 23 December 1994,

Taking note of the reports of the Phase II and Phase III Working Groups on Reimbursement of Contingent-owned Equipment and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Also taking note of the clarification given by the Secretary-General on some aspects of the implementation of the new procedures as from 1 July 1996 and the transitional arrangement,

Further taking note of the Contribution Agreement between the United Nations and participating States contributing resources to United Nations peacekeeping operations,

Noting that there are inconsistencies between the reports of the Working Groups and the Contribution Agreement,

1. Requests the Secretary-General to ensure that the Contribution Agreement fully reflects the reports of the Phase II and III Working Groups on Reimbursement of Contingent-owned Equipment and to issue an appropriate corrigendum to the Agreement, and to implement, in full, all the decisions of the General Assembly;

2. Also requests the Secretary-General to convene the Phase IV Working Group prior to submitting his report on the first full year of implementation of the reformed procedures;

3. Further requests the Secretary-General to include in future cost estimates and performance reports of peacekeeping operations information on the factors mentioned in paragraph 49 of the report of the Phase III Working Group;

4. Reiterates that, for missions activated prior to 1 July 1996, countries have the option to accept reimbursement under either the new or the old reimbursement methodology;

...

Note of Secretary-General. In response to the Assembly's request, the Secretary-General submitted a 27 August note [A/51/967 & Corr.1,2] on the reform of procedures for determining reimbursement to Member States for contingent-owned equipment. He proposed that the term "contribution agreement" be replaced by the term "memorandum of understanding". Annexed to the note was a model memorandum of understanding between the United Nations and

the participating State contributing resources to UN peacekeeping operations.

The observations of ACABQ on the Secretary-General's note were contained in its October report to the Assembly [A/52/4101].

Third-party claims

In 1996 [YUN 1996, p. 36], the Secretary-General had elaborated principles governing the scope of UN liability for activities of its forces, procedures for handling third-party claims and limitations of liability. The General Assembly had then requested [GA res. 51/13] him to develop specific measures, including criteria and guidelines for implementing those principles.

In response to that request, the Secretary-General, in May 1997, submitted a report [A/51/903] analysing the provisions of article 51 of the model status-of-forces agreement and the reasons for maintaining the procedure for settlement of disputes. He also elaborated criteria and guidelines for implementing the principles of financial and temporal limitations on the liability of the United Nations, and proposed modalities for establishing those limitations in a legally binding instrument. Annexed to the report was a standard form for the preparation and presentation of claims.

In his conclusion, the Secretary-General stated that the analysis of article 51 of the status-of-forces agreement had revealed that the advantages and disadvantages of a mechanism which had never been activated could not be effectively evaluated. In principle, however, the standing claims commission reflected the practice of the Organization under article 29 of the 1946 Convention on the Privileges and Immunities of the United Nations [GA res. 22 A (I)], and until it was proved in practice to be ineffective it should be retained in the status-of-forces agreement as an option for potential claimants. The scope of application of temporal and financial limitations had been delineated. A time limit of six months for the submission of claims was proposed, from the time the damage was caused or was discovered by the claimant, and not later than one year after the termination of the mandate of the operation. In devising means of financial limitations, a distinction was drawn between personal injury, death or illness and property loss or damage, including non-consensual use of property. With regard to personal injury, it was suggested that compensable types of injury or loss should be limited to economic loss, such as medical and rehabilitation expenses, loss of earnings, loss of financial support, transportation expenses associated with injury, illness or medical care, and burial expenses; the compensation payable would not exceed a

maximum ceiling of \$50,000. With regard to property loss and damage, compensation for non-consensual use of premises should be calculated on the basis of a fair rental value in the local market prior to UN deployment, or a maximum ceiling amount payable per square metre or per hectare; compensation for loss or damage to premises should be calculated on the basis of the equivalent of a number of months of the rental value, or a fixed percentage of the rental amount. Compensation for personal property should cover the reasonable costs of repair or replacement. The proposed modalities for establishing those limitations in a legally binding manner were a General Assembly resolution, a liability clause in the status-of-forces agreement, and the terms of reference of the claims review boards. They would, respectively, provide for a legislative authority for limiting the liability of the Organization, a consensual basis for applying limited liability in the relationship between the Organization and host States, and a basis for the jurisdiction of the claims review boards in claims submitted by individuals against the Organization.

ACABQ, in its October report [A/52/410], recommended that the Assembly endorse the modalities for establishing the financial and temporal limitations in the legal binding instruments proposed by the Secretary-General and consider the adoption of a resolution stipulating those limitations. The Advisory Committee also recommended that should such a resolution be adopted, its implementation should be systematically monitored.

Financial management and management review

The General Assembly in June, at its resumed fifty-first session, considered a 1996 report of the Secretary-General [YUN 1996, p. 41] clarifying the concepts of a management review officer and a roving finance officer, and the observations of ACABQ thereon. The Secretary-General had proposed that trained personnel from Headquarters and other missions be temporarily assigned to new operations as roving finance officers, in view of the shortage of experienced civilian administrative staff.

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E, section III**, without vote [agenda item 140 (a)].

Management review officers and roving finance officers

[The General Assembly, . . .]

Recalling section X, paragraph 3, of its resolution 49/233A,

Having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind that accountability for peacekeeping programmes rests with authorities at Headquarters and in the field,

1. Calls upon the Secretary-General to establish procedures whereby the position descriptions of Secretariat personnel responsible for such financial operations in field missions as financial planning, financial management, operational support and review and control will include oversight for those specific missions, so that those personnel may perform the functions outlined in paragraph 7 of his report;

2. Also calls upon the Secretary-General to include the function of "troubleshooter", as outlined in paragraph 10 of his report, in the position description of staff members at Headquarters overseeing the functional area, so as to provide this service as needed by the various field missions;

3. Endorses the comments and recommendations of the Advisory Committee with respect to the concepts of roving finance officer and management review officer;

4. Requests the Secretary-General to include in the budgets of specific peacekeeping operations information on these functions, to be examined by the Advisory Committee and the General Assembly on a case-by-case basis;

...

Management of peacekeeping assets

Special Committee consideration. The Special Committee on Peacekeeping Operations in April [A/52/209] urged the Department of Peacekeeping Operations to develop a coherent strategy for logistic support of peacekeeping operations. It expressed its concern that little progress had been made in implementing an inventory and materiel control system, in view of the cost to Member States of poorly managed peacekeeping assets. A comprehensive and clearly stated materiel management policy should be derived from the logistic support strategy, to guide the development of a workable system.

Assets management control system

In 1996 [YUN 1996, p. 38], the Secretary-General proposed an overall assets management strategy to overcome the difficulties associated with non-expendable property management, including the non-standard and uncoordinated implementation of asset control systems in each of the field missions. Accordingly, in a July 1997 report [A/51/957], the Secretary-General, responding to General Assembly decision 50/500 [YUN 1996, p. 41], outlined a proposed field assets control system and introduced plans for the development of a comprehensive field mission logistics system (FMLS).

The field assets control system would provide records and controls for non-expendable prop-

erty, for the efficient management of expendable property and for special items of an attractive nature and property issued against property receipts. The system would use the Organization's global mission communications, data storage and transmission infrastructure, and take advantage of modern commercial groupware and bar coding technology for the integration and transfer of asset data between field missions and the Field Administration and Logistics Division. The system would interface with the Reality procurement system and IMIS. It would also assist in the preparation of reports on the disposition of assets of liquidated missions, in resolving discrepancies and in ensuring prompt issuances of receipt and inspection reports by recipient missions.

The Field Administration and Logistics Division was using the existing facilities in the Department of Peacekeeping Operations to implement the system, and had also deployed the system to the United Nations Logistics Base in June/July, where field testing and performance verification had been conducted. The system was expected to be installed and operational in all missions by June 1998. The report outlined the resource requirements for implementing the system.

The Secretary-General said that the Secretariat also intended to develop and progressively deploy additional logistics support systems to create an integrated, on-line FMLS to provide better accountability for contingent- and UN-owned equipment and UN-owned expendable supplies and to improve logistics responsiveness by automating administrative procedures. FMLS would be developed in-house by building on the groupware, data transmission network and electronic data-processing equipment already in place for the field assets control system.

ACABQ, in its September report [A/52/407], recommended that other UN departments be encouraged to utilize the field assets control system, thus ensuring an integrated approach for the entire Secretariat. Other UN funds and programmes should also have access to the system. The Advisory Committee also recommended that the Secretary-General be requested to indicate, in his submission on the support account for peacekeeping operations, the impact of the development of the system on the efficiency and productivity of the various peacekeeping missions.

GENERAL ASSEMBLY ACTION

On 15 October [meeting 31], the General Assembly, on the recommendation of the Fifth Commit-

tee [A/52/453], adopted **resolution 52/1 A, section II**, without vote [agenda item 142 (a)].

Management of peacekeeping assets: field assets control system

[The General Assembly, . . .]

Recalling section VIII, paragraph 4, of its resolution 51/218 E of 17 June 1997,

Having considered the report of the Secretary-General on the field assets control system and the related report of the Advisory Committee on Administrative and Budgetary Questions, as well as the views expressed by Member States in the Fifth Committee,

1. Takes note of the report of the Secretary-General on the field assets control system;
2. Takes note also of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;
3. Endorses the proposal for the development and implementation of the field assets control system described in paragraphs 4 to 22 of the report of the Secretary-General;
4. Notes the intention of the Secretary-General to continue to develop the field mission logistics system described in paragraphs 25 and 26 of his report, and decides to consider this question during the second part of its resumed fifty-second session.

UN Logistics Base

In accordance with General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General, by a February note [A/51/803], transmitted a report of the Office of Internal Oversight Services (OIOS) on the audit of the United Nations Logistics Base at Brindisi, Italy. The OIOS assessment showed that the Base had not fully met expectations in performing its functions of receiving, inspecting, repairing and sorting surplus assets from the closing or downsizing of missions, and maintaining a reserve of equipment in the form of mission-ready start-up kits. It had been unable to perform a technical evaluation of equipment stock, had not established proper inventory recording procedures and was able to provide only limited services to new and expanding missions. Much of the reserve stock of equipment and supplies was in poor condition and would have to be written off. Special administrative procedures needed to be established for reporting non-expendable equipment to Headquarters and for writing off unusable equipment and supplies. Mission-ready start-up kits remained incomplete, owing to the unavailability of material from reserve stock and the lack of funding to purchase new materials. In addition, the classification portion of the Materiel Management Project to address peacekeeping asset management problems was inadequately planned. It appeared that those problems resulted from an inadequate organizational structure and insufficient financial and human resources. To address

them, OIOS recommended that: closing missions should provide accurate inventory data when shipping materials to the Base; the Base should determine the serviceability of materials and supplies by conducting technical reviews; the Base should give priority to high-value equipment when performing receipt and inspection functions; procedures for record-keeping and for write-off and disposal of used peacekeeping equipment should be simplified; only equipment expected to be used in future peacekeeping missions should be shipped to the Base; efforts to complete the start-up kits should be intensified; codification of assets should focus initially on non-expendable equipment in usable condition; and specific legislative approval should be obtained for any additional functions of the Base.

In his note, the Secretary-General stated that measures had been taken or initiated to correct many of the issues addressed in the review and concurred with the recommendations contained in the report.

The Secretary-General transmitted in September the comments [A/52/380] of the Joint Inspection Unit on the OIOS report.

Financing

The Secretary-General, on 19 May, reported [A/51/905] that budget estimates for the UN Logistics Base for the period 1 July 1997 to 30 June 1998 totalled \$ 14,503,900 gross (\$13,952,000 net), which consisted of \$10,220,700 gross (\$9,744,500 net) for maintenance, and \$4,283,200 gross (\$4,207,500 net) for a one-time backlog clearance cost. That represented a net increase of \$2,345,700 compared to cost estimates for the previous year. The budget provided for 23 international and 21 locally recruited staff and also covered alteration and maintenance of premises, spare parts, communications and other equipment, contractual services and freight. The report included a revised mission statement and organizational structure, clarification of the functions of the Base and a cost-avoidance analysis.

In terms of the continued economic operation of the Base, the Secretary-General proposed to adopt the principle of self-funding replenishment by charging field missions for services performed by the Base on their behalf. When a start-up kit was deployed in support of a new mission, the full cost of replacing all materiel would be charged to the new mission's budget. For non-start-up kit materiel, the cost of refurbishment and preservation would be charged to the liquidation budget, which would in future include provision equal to 30 per cent of the total depreci-

ated value of the equipment to be transferred to the Base.

Because the workload of the Base would vary with the level of peacekeeping activity, the Secretariat intended to use general temporary assistance and contractual services to carry out repair, refurbishment and preservation work.

The Secretary-General also proposed a policy for the transfer of used assets to the Base, in accordance with the recommendations of OIOS. Transfers would be based on the principle of whether it was cost-effective to retain individual items, taking into account their condition, the cost of any repair or refurbishment and shipping cost, as well as their remaining useful life. Items shipped to the Base should in future have at least two years' useful life remaining and be either serviceable or repairable at not more than 30 per cent of their depreciated value. The Secretariat intended to include clauses in loan or donation agreements with the original contributor either to accept the return of equipment at the end of its use by the United Nations, or to agree to its transfer to whatever third party had actually operated it during its use by the United Nations. All assets transferred from missions and held by the Base were now recorded as assets of the Base, which would be responsible for their disposal. Any receipts from such disposal should be credited as miscellaneous income.

The Secretary-General proposed further, under the asset retention policy, to limit the Base's maximum holding of any given item to the quantity required for the mission start-up kits, plus two years' worth of projected use for that item. He recommended that the Assembly approve the cost estimates for the period from 1 July 1996 to 30 June 1997 [YUN 1996, p. 41], the estimates for the period from 1 July 1997 to 30 June 1998, and the policies on resourcing and on items transferred to the Base.

GENERAL ASSEMBLY ACTION (June)

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted resolution 51/218 E, **section VIII**, without vote [agenda item 140 (a)].

United Nations Logistics Base at Brindisi, Italy

[The General Assembly, . . .]

Recalling its decision 50/500 of 17 September 1996 and pending consideration of the reports of the Secretary-General on the financing of the United Nations Logistics Base at Brindisi, Italy,

1. Regrets the late submission by the Secretary-General of his report on the financing of the United Nations Logistics Base at Brindisi, Italy;

2. Decides to undertake a detailed review of the reports of the Secretary-General and the related reports of the Advisory Committee on Administrative and

Budgetary Questions on the Logistics Base at its fifty-second session, no later than 15 October 1997;

3. Authorizes the Secretary-General, in the interim period, from 1 July to 15 October 1997, to commit funds not exceeding the current level of expenditures for the last three months for the maintenance of the Logistics Base;

4. Requests the Secretary-General to finalize, in this context, the proposals on the management of United Nations peacekeeping assets and on the role of the Logistics Base.

ACABQ report. ACABQ, in its September report [A/52/407], recommended that the Assembly take the action recommended by the Secretary-General, including approval of the budget for the period from 1 July 1997 to 30 June 1998. It also recommended that the Secretary-General submit a more precise cost-benefit analysis of the value of the Base, with adequate statistics based on minimum running costs for the Base. He should propose different sources or modes of financing and look into other self-financing mechanisms besides those already proposed with regard to start-up kits and refurbishment. He should explore expanding the use of the Base by other UN agencies and programmes such as the Office of the United Nations High Commissioner for Refugees and the World Food Programme.

GENERAL ASSEMBLY ACTION (October)

On 15 October [meeting 31], the General Assembly, on the recommendation of the Fifth Committee [A/52/453], adopted **resolution 52/1 A, section I**, without vote [agenda item 142 (a)].

Financing of the United Nations Logistics Base at Brindisi, Italy

[The General Assembly, . . .]

Recalling section XIV of its resolution 49/233 A of 23 December 1994,

Recalling also its decision 50/500 of 17 September 1996 and section VIII of its resolution 51/218 E of 17 June 1997 on the financing of the United Nations Logistics Base at Brindisi, Italy,

Having considered the report of the Secretary-General on the financing of the Logistics Base and the related report of the Advisory Committee on Administrative and Budgetary Questions, the report of the Office of Internal Oversight Services on the audit of the Logistics Base, the comments of the Joint Inspection Unit thereon and the views expressed by Member States in the Fifth Committee,

1. Takes note of the report of the Secretary-General on the financing of the United Nations Logistics Base at Brindisi, Italy;

2. Takes note also of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. Takes note further of the cost estimates proposed by the Secretary-General and recommended by the Advisory Committee for the maintenance of the Logistics Base for the period from 1 July 1996 to 30 June 1997,

amounting to 7,875,000 United States dollars gross (7,375,200 dollars net), the ad hoc financing of which will be reflected in the respective performance reports of the peacekeeping operations for the period from 1 July 1996 to 30 June 1997;

4. Notes that, according to the recommendation of the Advisory Committee, a more precise cost-benefit analysis of the Logistics Base should be carried out, requests the Secretary-General to prepare a comprehensive cost-benefit analysis of the operation of the Logistics Base for consideration by the General Assembly during the first part of its resumed fifty-second session, and requests the Advisory Committee to assist the Secretary-General in this regard by providing more specific guidance on conducting such an analysis;

5. Requests the Secretary-General, without prejudice to the decision of the General Assembly on the future of the Logistics Base, to make proposals, as appropriate, for different sources or modes of financing, including self-financing mechanisms, and to consider the possibility of expanding the use of the Logistics Base to other agencies and programmes of the United Nations, such as the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as recommended by the Advisory Committee in paragraph 18 of its report, and to make this information available so as to enable the Assembly to take a decision on the future of the Logistics Base, in the context of a coherent strategy for logistic support, during the first part of its resumed fifty-second session;

6. Authorizes the Secretary-General to enter into commitments in the amount of 4,207,500 dollars for the clearance of backlog inventory at the Logistics Base;

7. Requests the Secretary-General to inform the General Assembly during the first part of its resumed fifty-second session on the clearance of backlog inventory referred to in his report;

8. Authorizes the Secretary-General to enter into commitments on a monthly basis in the amount of 812,100 dollars for the maintenance of the Logistics Base for the period from 16 October 1997 to 30 June 1998;

9. Decides that additional appropriations, as may be required, will be considered in the context of the performance reports on peacekeeping operations for that period;

10. Authorizes the Secretary-General to provide for a civilian establishment consisting of ten Professional, six Field Service and twenty-eight locally recruited staff;

11. Endorses the recommendation made by the Advisory Committee in paragraph 13 of its report that the level of staffing should be reviewed in the light of the volume of operations, and requests the Secretary-General to provide this information to the General Assembly during the first part of its resumed fifty-second session;

12. Encourages the Secretary-General to use existing audit capability to provide the functions referred to in paragraph 34 of his report;

13. Decides to refer to the issue of resourcing policy as proposed in section VIII of the report of the Secretary-General in the context of its deliberations on the future of the Logistics Base, as referred to in paragraph 5 above;

14. Approves the policies proposed in sections X and XI of the report of the Secretary-General;

15. Requests the Secretary-General to provide detailed information on the Logistics Base communications relay system and its functions;

...

Procurement

Special Committee consideration. The Special Committee on Peacekeeping Operations [A/52/209] encouraged the Secretariat to continue to enhance the transparency, efficiency and responsiveness of its procurement procedures and supported its intention to double the procurement vendor register, urging its publication and the dissemination of information on procurement procedures, including through UN information centres and offices. The principle of public bidding should be strictly observed, and reasons for exceptions to open, international, competitive bidding should be documented. The Committee emphasized the importance of the timely awarding of transport contracts and enforcement of penalty provisions for non-performance. It recommended that the delegation of procurement authority to field missions include civilian contracts, as well as the provision of military supplies up to an appropriate level.

GENERAL ASSEMBLY ACTION

In resolution 51/231 of 13 June, the General Assembly, having considered the Secretary-General's 1996 reports [YUN 1996, pp. 38 & 39] on procurement reforms, expressed concern about the insufficient use of expertise in procurement planning in eight peacekeeping missions, including UNPROFOR and the United Nations Operation in Somalia, which had led to payment for aircraft services not utilized, assessed at \$2.4 million in UNAVEM and \$400,000 in UNOMIL.

The Assembly requested the Secretary-General to develop an intensified training programme for all procurement personnel of the Secretariat and all its offices, including field offices of peacekeeping operations, to develop the capacity to dispatch in a timely manner qualified and trained procurement personnel to new or expanded missions. It requested the Board of Auditors to report in the next audit report on peacekeeping operations, in January 1998, on the status of the implementation by the Secretary-General of its recommendations concerning the administration of letters of assist.

Personnel matters

Death and disability benefits

In 1996 [YUN 1996, p. 37], the Secretary-General had proposed an accidental death and disability insurance scheme for peacekeeping troops based on a schedule of awards and costed on a per troop/per month basis.

The General Assembly, at its resumed fifty-first session, in June 1997, considered the Secretary-General's proposals and the observations of ACABQ thereon.

GENERAL ASSEMBLY ACTION (June)

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E, section II**, without vote [agenda item 140 (a)].

Death and disability benefits

[The General Assembly, . . .]

Reaffirming the principles enunciated in section III, paragraph 1, of its resolution 49/233 A and in paragraph 1 of its resolution 50/223 of 11 April 1996,

Having considered the reports of the Secretary-General and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

1. Decides to adopt a system of self-insurance and to establish uniform and standardized rates for the payment of awards in cases of death or disability sustained by troops in the service of the United Nations peacekeeping operations, as follows:

(a) A one-time lump-sum award of 50,000 United States dollars for service-incurred death;

(b) A one-time lump-sum award for service-incurred disability, calculated as a percentage of the award for death according to the degree of loss of function, based on the schedule contained in annex I to the report of the Secretary-General;

2. Also decides that the uniform and standardized rates shall apply to cases of death and disability sustained by troops after 30 June 1997;

3. Further decides to continue the present system of budgeting and financing for death and disability compensation and to keep its functioning and use under review, taking into account actual experience in the implementation of the new uniform and standardized rates;

4. Reaffirms that the purpose of uniform and standardized rates for the payment of awards in cases of death and disability is to ensure equal treatment of all contingent troops;

5. Requests the Secretary-General to seek assurances from Member States that amounts payable to beneficiaries for incidents referred to in the present resolution shall be not less than the amounts paid or reimbursed to Member States for this purpose under paragraphs 1 (a) and (b) of the present section, so as to avoid unequal treatment of contingent troops by Member States;

6. Also requests the Secretary-General to submit a report to the General Assembly no later than 31 October 1997 containing detailed implementation proposals, including administrative and payment arrangements and procedures, as well as proposals for administrative

resource reductions resulting from this new, simplified system;

7. Further requests the Secretary-General to continue processing all claims for death and disability compensation as expeditiously as possible for their speedy settlement;

The Assembly, in **resolution 51/239 A** of the same date, noted the information provided by the Secretariat that the current backlog of death and disability claims was 564, and requested the Secretary-General to report quarterly on progress in clearing the backlog.

The Secretary-General, in a September report [A/52/369], provided information on the proposed administrative arrangements for processing of death and disability claims for incidents occurring from 1 July 1997 onwards, and on resource requirements relating to the administration of those claims. With regard to staff resources, the Secretary-General stated that in addition to the P-2 post and a gratis military officer allocated for processing death and disability claims, the Assembly in resolution 51/239 A had approved his request for a P-4 and General Service post to strengthen the claims function, and an additional \$158,500 under general temporary assistance, equivalent to 12 months for one P-3 and one General Service post, for processing the backlog of claims. As at 31 August 1997, 23 incidents of death and disability occurring after 30 June 1997 had been recorded. Since no action had been taken to process those claims, no experience had been gained to date on implementing the new procedures. It was recognized that the simplified procedures should result in a reduction in the number of staff at Headquarters assigned to deal with claims once the backlog under the old procedure had been eliminated. However, since that process was projected to take at least two years and in the absence of experience with regard to the new procedures, no immediate reduction or savings could be identified. The Secretary-General intended to implement the new procedures after the views of the Assembly had been received. Annexed to the report were copies of the notification-of-casualty form, the facsimile confirmation-of-death certificate, claim for death or disability of members of national military contingents, a note verbale submitted by a Government for death or disability of contingent troop members, a schedule of awards, confirmation of illness or injury and a UN letter of payment or reimbursement.

In October, the Secretary-General submitted the first progress report [A/52/538] on the processing of the backlog of death and disability claims up to and including 30 June 1997.

ACABQ, in its October report [A/52/410], recommended that the proposed administrative arrangements for processing death and disability claims, once approved by the General Assembly, should be reflected in a manual, and that their implementation should be systematically monitored. In that connection, there was a need for guidelines for determining what were not mission-incurred events and for a clear definition of what was considered an "accident" and an "incident". Concerning staff resources, the Advisory Committee recommended that, in order to ensure expeditious processing of backlog claims, adequate staff resources should be maintained, especially in view of Assembly **resolution 51/243** on gratis personnel (see below). There was also a need for adequate publicity on claims procedures, including specific information on the filing period and on the UN office to be notified.

GENERAL ASSEMBLY ACTION (December)

On 18 December [meeting 76], the General Assembly, on the recommendation of the Fifth Committee [A/52/453/Add.1], adopted **resolution 52/177** without vote [agenda item 142 (a)].

Death and disability benefits

The General Assembly,

Recalling paragraph 6 of section II of its resolution 51/218 E of 17 June 1997,

Having considered the report of the Secretary-General on death and disability benefits and the related report of the Advisory Committee on Administrative and Budgetary Questions, as well as the views expressed by Member States in the Fifth Committee,

Emphasizing the need for early settlement of death and disability claims,

1. Takes note of the report of the Secretary-General on death and disability benefits;

2. Takes note also of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

3. Authorizes the Secretary-General to implement without delay the administrative and payment arrangements and procedures contained in section II of his report for the payment of awards in cases of death and disability sustained by troops for incidents occurring after 30 June 1997;

4. Reiterates its request to the Secretary-General, in accordance with its resolution 51/218 E, to present, as soon as possible and not later than April 1998, proposals for administrative resource reductions resulting from this new simplified system;

5. Also reiterates its request to the Secretary-General to present, in his next report, information on the cost of the new self-insurance system;

6. Requests the Secretary-General to settle the death and disability claims as soon as possible but not later than three months from the date of submission of a claim;

7. Also requests the Secretary-General to continue, in the new system, to take into account, when considering all mission-related death and disability claims, that

such injury or death should be compensable, unless such injury or death was caused by the gross negligence or wilful misconduct of the injured or deceased member of the contingent, and further requests the Secretary-General to include this notion in the aide-memoire for troop-contributing countries.

Subsistence allowance

The General Assembly, at its resumed fifty-first session in June, considered a 1995 report of the Secretary-General [YUN 1995, p. 313] on entitlements of staff assigned to peacekeeping missions, including mission subsistence allowance.

On 17 June [meeting 102], the General Assembly, on the recommendation of the Fifth Committee [A/51/753/Add.1], adopted **resolution 51/218 E, section IV**, without vote [agenda item 140 (a)].

Mission subsistence allowance

[The General Assembly, . . .]

Recalling section VIII of its resolution 49/233 A,

Having considered the report of the Secretary-General on entitlements of staff assigned to peacekeeping missions, including mission subsistence allowance, and the oral report of the Advisory Committee on Administrative and Budgetary Questions,

1. Requests the Secretary-General to phase out over a period of six months the supplement to the mission subsistence allowance paid to senior officials;

2. Requests the International Civil Service Commission to develop, for submission to the General Assembly at its fifty-second session, a proposal to provide a post allowance and separate maintenance allowance for those personnel who leave their families at their home duty station while they are on mission assignment;

3. Requests the Secretary-General, as an interim measure pending a review of mission allowance criteria, to administer mission subsistence allowance on the basis of a seven-day, rather than a five-day, week;

...

Gratis personnel

The General Assembly, at its resumed fifty-first session in April, reviewed the Secretary-General's 1996 report [YUN 1996, p. 37] on gratis personnel provided by Governments and other entities. In its **decision 51/466** of 3 April 1997, the Assembly requested the Secretary-General to: review the guidelines for accepting gratis personnel; update the information provided, including data on nationality, description of functions and change in their use after 31 October 1996; and submit a comprehensive report on the methodology and level for the application of administrative support costs. In May, the Secretary-General responded to those requests in three addenda [A/51/688/Add.1-3] to his 1996 report.

The General Assembly, in **resolution 51/243** of 15 September, requested the Secretary-General to report on a quarterly basis on the ac-

ceptance of type II gratis personnel and annually on the use of gratis personnel, including their nationality, the duration of their service and functions performed.

In December [A/52/709 & Corr.1], the Secretary-General submitted his first quarterly report covering the period from 16 to 30 September 1997 and his annual report (see PART FIVE, Chapter III, for details).

Special Committee consideration. The Special Committee on Peacekeeping Operations [A/52/209], noting the continuing and growing imbalance within the Department of Peacekeeping Operations between posts financed from the regular budget and the support account for peacekeeping and officers on loan, urged the Secretary-General to address the issue of the reliance on loaned and seconded personnel within the Department. It noted that relevant bodies of the Assembly remained seized of the issue and welcomed the request made to the Secretary-General, on an interim basis and pending further consideration and final decision on the issue, not to expand the number of loaned personnel currently implementing mandated activities. The Special Committee requested that it be kept informed on a regular basis on the issue of loaned personnel and the measures to correct the imbalance.

Other peacekeeping matters

Demining

Special Committee consideration. At its 1997 session [A/52/209], the Special Committee on Peacekeeping Operations welcomed the interest of the Security Council in the question of demining [YUN 1996, p. 42] in the context of peacekeeping operations. The Special Committee stated that operational mine clearance by peacekeeping operations was the responsibility of the Department of Peacekeeping Operations, particularly for the safety of peacekeeping personnel and the effectiveness of their tasks. It stressed that humanitarian mine-clearance activities should be conducted by the Department of Humanitarian Affairs, and reiterated the need for a more coordinated approach between the two Departments to avoid duplication and to ensure a coherent and integrated approach to short- and long-term demining needs. The Special Committee requested the Secretary-General to keep it informed of UN experience in demining in peacekeeping operations, taking into account inputs from those involved.

Cooperation with regional organizations

In his report on the work of the Organization [A/52/1], the Secretary-General noted that, in terms of preventive diplomacy, cooperation with regional organizations offered great potential. Close contacts with the Organization of African Unity (OAU) were a case in point, as were contacts with subregional organizations such as the Economic Community of West African States and the Southern African Development Community. The appointment of a joint UN/OAU Special Representative for the Great Lakes Region, Mohammed Sahnoun, whose mandate extended to other countries in Central Africa, was a further manifestation of that cooperation. Elsewhere, the United Nations continued to work closely with the Organization of American States, particularly in Haiti where the jointly fielded International Civilian Mission in Haiti (MICIVIH) continued to work. The same was true of the Organization for Security and Cooperation in Europe and the Council of Europe in the areas of human rights, electoral assistance, peacemaking and economic development. The Secretary-General said that the United Nations would continue to build upon those positive experiences to promote a more rational and cost-effective division of labour between the world Organization and regional entities.

Special Committee consideration. The Special Committee on Peacekeeping Operations in 1997 [A/52/209] reaffirmed the important contribution regional arrangements and agencies could make to the maintenance of international peace and security. It emphasized that no enforcement arrangement should be taken under regional arrangements or agencies without the authorization of the Security Council, which should be kept fully informed of activities undertaken or contemplated for the maintenance of international peace and security. The Special Committee encouraged the strengthening of cooperation between the United Nations and regional arrangements and agencies to enhance the capabilities of the international community in the maintenance of international peace and security, and urged the Secretary-General to take concrete steps towards that end.

The Special Committee noted the successful experience of cooperation between the United Nations and a number of regional and subregional arrangements, and underlined the important role of OAU and its mechanism for conflict prevention, management and resolution and the need for enhancing consultation and cooperation with the United Nations to improve preparedness for conflict prevention and peacekeeping in Africa. The Special Committee

recommended that the United Nations, in consultation with OAU and with the cooperation of Member States, give particular attention to strengthening OAU's institutional capacity, organizing training programmes for military personnel of African countries and mobilizing assistance, in particular logistical and financial support to African peacekeeping capacity and to OAU activities in conflict prevention, management and resolution. The Secretary-General was requested to report to the General Assembly at its fifty-second (1997) session on measures taken in that regard. He was also encouraged to continue to discuss cooperation in peacekeeping in his meetings on cooperation between the United Nations and regional organizations and to develop working-level contacts with such organizations. He deferred his report to 1998.

Dag Hammarskjöld Medal

On 22 July [meeting 3802], the Security Council considered a draft resolution [S/1997/569], prepared in consultations among Council members, on the establishment of the Dag Hammarskjöld Medal.

Speaking before the Council, the Secretary-General said that the medal would provide a clear, focused and sympathetic way of honouring fully the memory of those women and men, military and civilian, including United Nations Volunteers, who had lost their lives in the service of peace in UN peacekeeping operations. The recognition of their valour and sacrifice was overdue. Since the Blue Helmets had been awarded the Nobel Peace Prize in 1988, there had been qualitative and quantitative changes in UN peacekeeping operations. Peacekeepers had been called upon to perform new tasks and were currently confronted by a broader and greater range of risks. More than 750,000 women and men from 110 countries had participated in UN peacekeeping over the years. The medal would honour both the lives of the more than 1,500 who had paid the ultimate price while serving under the UN flag, and the memory of a Secretary-General who himself had lost his life in the cause of peace.

The Council President, in a statement on behalf of the Council, said that, as members of the Council honoured those who had died in UN operations, they should never forget their own responsibility as Council members towards those participating in the operations whose mandates they established. The Security Council should continue to ensure the proper discharge of its mandates and take every possible measure to enhance the safety and security of all those serving the United Nations in conflict situations.

On 22 July, the Council adopted **resolution 1121(1997)** without vote.

Establishment of Dag Hammarskjöld Medal

The Security Council,

Recalling that maintenance of international peace and security is one of the purposes of the United Nations as set forth in the Charter,

Noting the essential role of United Nations peacekeeping operations in the maintenance of international peace and security,

Recalling also the presentation in 1988 of the Nobel Peace Prize to the United Nations peacekeeping forces,

Recognizing the sacrifice of those who have lost their life in the service of United Nations peacekeeping operations,

Remembering the more than 1,500 individuals from 85 countries who have died in United Nations peacekeeping operations,

1. Decides to establish the Dag Hammarskjöld Medal as a tribute to the sacrifice of those who have lost their life as a result of service in peacekeeping opera-

tions under the operational control and authority of the United Nations;

2. Requests the Secretary-General to establish, in consultation with the Security Council, criteria and procedures for bestowing and administering this Medal;

3. Requests Member States to cooperate, as appropriate, with the presentation of this Medal.

Fiftieth anniversary of peacekeeping

The Special Committee on Peacekeeping Operations, recognizing that 1998 would mark the fiftieth anniversary of peacekeeping, recommended that the first day of the fifty-third (1998) session of the General Assembly be dedicated to a commemorative meeting to remember those who had served in peacekeeping operations, especially those who had lost their lives. It requested Member States and the Secretariat to arrange activities to commemorate the event and to honour those who had served in peacekeeping operations over the past 50 years.

Chapter II

Africa

During 1997, the continent of Africa continued to experience political instability and human suffering, despite some encouraging developments. Ethnic conflict affected many African nations, particularly those in the Great Lakes region. Throughout the year, the United Nations, mainly through the Security Council, attempted to address comprehensively the challenges facing all the nations of Africa by seeking peaceful solutions to conflicts within and between African States. The Organization collaborated frequently with regional and subregional bodies in efforts to resolve situations in such countries as Liberia, Sierra Leone and the former Zaire (the Democratic Republic of the Congo) and continued to assist the Angolan parties in consolidating peace and national reconciliation. On 25 September, the Council held its first ministerial meeting on Africa to assess the situation on the continent and to re-evaluate the role of the international community in support of Africa's goals. It requested the Secretary-General to submit in 1998 a report on the sources of conflict in Africa and ways to prevent and address those conflicts.

The overthrow of the Government of the Democratic Republic of the Congo in May and the massive exodus of refugees from that country, as well as from the United Republic of Tanzania, to Burundi and Rwanda created an unstable social, humanitarian and economic environment throughout the Great Lakes region. Rwanda witnessed an escalation of violence and fighting in certain parts of the country while Burundi's security situation remained unstable. The Council welcomed the decision by regional leaders to ease some of the sanctions imposed against Burundi since the July 1996 coup d'etat there. It also approved the appointments of a joint United Nations/Organization of African Unity Special Representative for the Great Lakes Region and of the Secretary-General's Representative and Regional Humanitarian Adviser for the region.

In the Central African Republic, concerted regional initiatives, supported by the United Nations, led to the signing of a peace agreement in January and to the deployment of an African peace-monitoring force—the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB). The Security Council approved the MISAB mandate and authorized the

intervention. Those peace efforts brought about a gradual improvement in the military and security situation in the country.

In Angola, despite the formation of a Government of national unity, military and political tensions continued to undermine the implementation of the 1994 Lusaka Protocol signed between the Government of Angola and the National Union for the Total Independence of Angola (UNITA). The Council imposed sanctions against UNITA, and a gradual withdrawal of UN peacekeeping troops commenced.

Although the Republic of the Congo experienced factional conflict in 1997, causing UN agencies to evacuate their staff from Brazzaville, the capital, the situation had improved sufficiently by October for humanitarian staff to return to work.

In Liberia, the United Nations contributed to the fulfilment of the 1995 Abuja Agreement by bringing to completion, in cooperation with the Economic Community of West African States (ECOWAS), the disarmament and demobilization of the Liberian factions. National elections and the establishment of a new Government followed.

The democratically elected Government of Sierra Leone was overthrown by a coup d'etat in May, and thousands of Sierra Leoneans fled to neighbouring countries, especially Guinea and Liberia. The Council, concerned with the security situation in the region, imposed sanctions against the military regime, which signed a peace agreement. However, little progress was made in its implementation by the end of the year.

Ethnic conflict continued to undermine political and security stability in Somalia, despite renewed efforts at the regional and international levels to bring about an end to years of fighting. In December, all major Somali leaders signed a declaration calling for, among other things, the establishment of a constitutional federal Government with regional autonomy and the holding of a national reconciliation conference in 1998.

In Western Sahara, the United Nations renewed its efforts towards the holding of a referendum on the self-determination of the Territory. Some progress was achieved in November when Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO) held direct talks and agreed on a

number of issues pertaining to the modalities of the referendum. The ceasefire continued to hold throughout the year.

The United Nations continued its efforts towards achieving sustainable peace and growth in a number of countries through the work of Special Envoys and Special Representatives of the Secretary-General and peacekeeping and observer missions. The United Nations Mission for the Referendum in Western Sahara (MINURSO) continued throughout 1997. The mandate of the United Nations Angola Verification Mission III (UNAVEM III) expired in June and a new operation—the United Nations Observer Mission in Angola/Missão de Observação das Nações Unidas em Angola (MONUA)—was established in July. The mandate of the United Nations Observer Mission in Liberia (UNOMIL), established in 1993, came to an end in September, and was replaced in November by the United Nations Peacebuilding Support Office in Liberia (UNOL). The United Nations was represented in Rwanda by the Human Rights Field Operation in Rwanda (HRFOR) and the Joint Reintegration Programming Unit, established in March by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP). The United Nations Political Office for Somalia (UNPOS) continued to operate in Nairobi, Kenya.

The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 continued its work (see PART FOUR, Chapter II). A United Nations investigation was launched in July to examine alleged human rights violations in the Democratic Republic of the Congo since 1 March 1993.

The sanctions imposed against the Libyan Arab Jamahiriya in 1992 in order to obtain Libya's cooperation in the release of two individuals suspected of involvement in a 1988 aircraft bombing over Lockerbie, Scotland, were upheld by the Council in 1997. The Council also expressed concern over repeated violations of the air flight restriction terms on the part of Libyan authorities. A French investigative team was allowed to visit Libya and to conduct an inquiry pertaining to a 1989 aircraft crash in the Niger.

Conflict prevention

On 25 September, the Security Council convened a meeting at the level of Foreign Ministers to consider the need for a concerted international effort to promote peace and security in Africa. The President of Zimbabwe and Chairman of the Organization of African Unity (OAU), Robert Mugabe, and the OAU Secretary-General, Salim Ahmed Salim, were invited to attend this first ministerial-level Council meeting on the situation in Africa.

In a Presidential statement following the meeting (see below), the Council expressed its grave concern at the number and intensity of armed conflicts on the African continent and requested the UN Secretary-General to submit, by February 1998, a report containing concrete recommendations regarding the sources of conflict in Africa, ways to prevent and address those conflicts and how to lay the foundation for durable peace and economic growth.

The Council had before it a 22 September letter [S/1997/730] from Argentina's Minister for Foreign Affairs, International Trade and Worship, in which he stated that the initiative to convene a ministerial-level meeting on Africa could not have been more timely: over 60 per cent of the Council's agenda was devoted to situations in Africa. In his view, the international community's response to Africa should consist of two dimensions: conflict prevention and settlement; and laying the groundwork for the elimination of the causes of such conflicts. In both cases, the cooperation of the parties involved was essential.

Addressing the Council, President Mugabe stated that in the area of peace and security, Africa's decision and determination to take greater responsibility for leadership in resolving African crises, including armed conflicts, were being pursued in full cognizance of the symbiotic relationship existing between African countries, OAU and the United Nations. The OAU members placed a premium on the establishment and maintenance of peace and security at the national, regional and continental levels for the achievement of sustainable economic growth and development. Conversely, they believed that the peace and security they ardently sought to achieve could not be attained in the conditions of abject poverty prevailing in Africa and were convinced that a politically stable, prosperous and vibrant Africa was the best place to contribute to great global peace and security. President Mugabe noted that since 1990 more than 20 African countries had held free and fair elections but

they had not proved to be the panacea that some had hoped for. OAU had begun to take an unequivocal stand against military Governments or those that assumed power through undemocratic and unconstitutional regimes and it called on the international community to stand behind it in denying legitimacy to such regimes. The United Nations and the international community at large should assist African countries in ensuring that democracy became an irreversible process. The trends towards democratic governance and the rule of law needed to be buttressed economically if African countries were to enjoy the peace dividend following the end of the cold war. President Mugabe concluded by stating that Africa was not asking for charity but for a new partnership that was mutually beneficial. There was a growing interest in investing in and trading with Africa, which was welcomed and encouraged. As the frontiers of peace, democracy and stability broadened in Africa, a favourable environment for security and lucrative investments would undoubtedly grow.

The UN Secretary-General told the Foreign Ministers of the 15 Council members that many developments in Africa were positive, and it was timely and appropriate for the international community to examine how best to support and assist Africa at a time of change and hope. There was a new consensus that the primary responsibility for the solution of Africa's problems rested with Africans themselves, and that realization also called for a re-evaluation of the role of the international community in support of Africa's goals. In place of interventionism, it promised a mature relationship based on mutual support and trust and, in place of papers, studies and documents, offered the prospects of targeted assistance and support based on common goals and shared analysis. However, despite all the advances that had been made, armed conflict, political instability and retreats from democracy were still preventing some African countries from moving forward. In some African countries, nationalism was on the rise, with cleavages between ethnic groups as they battled as much for economic as for political power. Internal conflicts were threatening the cohesion, and even the survival, of those countries, said the Secretary-General. Security, he said, was no longer confined to preventing invasions but was built on a firm foundation of sustainable development. He therefore urged the developed countries to do all in their power to increase official development assistance to African countries. Although Africans had the primary responsibility to mobilize and maximize their internal resources, external financing, from both pub-

lic and private sources, would continue to be of vital importance for years to come. The Secretary-General also cited the need for poverty alleviation strategies, an enabling environment for the private sector, diversification of economies and external debt relief. Development was a necessity in itself, he said, but it was also the only effective, long-term guarantee of lasting peace and security on the African continent.

Mr. Salim emphasized that the issues of peace, security and stability and the problems of economic development needed to be addressed simultaneously. The conflicts continuing to rage in some parts of Africa had caused irreparable loss, damage and destruction to the continent and its peoples. The members of the international community should recommit themselves to pooling resources and energy and working closely together in order to address the scourge of those conflicts and to promote a climate of peace, security, stability and understanding, he said.

SECURITY COUNCIL ACTION

On 25 September [meeting 3819], the President of the Security Council made the following statement [S/PRST/1997/46] on behalf of the members:

The Security Council met on 25 September 1997, at the level of Foreign Ministers, to consider the need for a concerted international effort to promote peace and security in Africa.

The Council reaffirms its commitment to Africa in keeping with the purposes and principles of the Charter of the United Nations. The Council also reaffirms the principles of political independence, sovereignty, and territorial integrity of all Member States.

The Council notes that African States have made significant strides towards democratization, economic reform, and respect for and protection of human rights in order to achieve political stability, peace, and sustainable economic and social development.

Despite these positive developments, the Council remains gravely concerned by the number and intensity of armed conflicts on the continent. Such conflicts threaten regional peace, cause massive human dislocation and suffering, perpetuate instability and divert resources from long-term development.

The Council reaffirms the responsibility of all Member States to settle their international disputes by peaceful means and its own primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations.

The Council welcomes the important contributions of the Organization of African Unity, including through its Mechanism for Conflict Prevention, Management and Resolution, as well as those of sub-regional arrangements, in preventing and resolving conflicts in Africa, and looks forward to a stronger partnership between the United Nations and the Organization of African Unity, as well as subregional

arrangements, in conformity with Chapter VIII of the Charter of the United Nations. The Council supports enhancement of the capacity of African States to contribute to peacekeeping operations, including in Africa, in accordance with the Charter of the United Nations. The Council highlights the important contribution of the African Nuclear-Weapon-Free Zone Treaty to international peace and security.

The Council fully supports the engagement of the United Nations in Africa through its diplomatic, peacekeeping, humanitarian, economic development and other activities, which are often undertaken in cooperation with regional and subregional organizations. The United Nations makes an important contribution to the efforts of Africa to construct a future of peace, democracy, justice and prosperity. The Council underlines the importance of the commitment of the United Nations through the United Nations High Commissioner for Refugees and other humanitarian organizations to assist the efforts of African States to address humanitarian and refugee crises in accordance with international humanitarian law.

The Council considers that the challenges in Africa demand a more comprehensive response. To this end, the Council requests the Secretary-General to submit a report containing concrete recommendations to the Council by February 1998 regarding the sources of conflict in Africa, ways to prevent and address these conflicts, and how to lay the foundation for durable peace and economic growth following their resolution. Because the scope of this report may extend beyond the purview of the Security Council, the Council invites the Secretary-General to submit his report to the General Assembly and other relevant bodies of the United Nations for action as they deem appropriate, in accordance with the Charter of the United Nations.

The Council affirms its intention to review promptly the recommendations of the Secretary-General with a view to taking steps consistent with its responsibilities under the Charter of the United Nations.

Great Lakes region

The situation in the Great Lakes region of Africa remained turbulent in 1997. A contributing factor to the instability in the eastern part of the former Zaire, which became the Democratic Republic of the Congo (DRC) on 17 May, was the presence of large numbers of Rwandan refugees who had fled their country following the 1994 genocide. At the end of 1996 and in early 1997, due to the armed conflict in the region, some 800,000 refugees returned to Burundi and Rwanda from what was then Zaire and from the United Republic of Tanzania. That mass repatriation caused severe reintegration problems in the home countries.

Before the fall of Mobutu Sese Seko in May, Zaire accused the neighbouring countries of Burundi, Rwanda and Uganda of assisting and harbouring the forces of the Alliance of Democratic Forces for the Liberation of Congo-Zaire, which was then carrying out an armed rebellion against the Government. Rwanda, on the other hand, accused Zaire of assisting armed militiamen and ex-soldiers who had been involved in the 1994 genocide and of enlisting them to fight alongside the regular army.

In January, Mohammed Sahnoun was appointed as the Joint United Nations/Organization of African Unity (OAU) Special Representative for the Great Lakes Region. In December, Mr. Sahnoun was named the Secretary-General's Special Envoy in Africa, to follow developments in Central Africa, including the Great Lakes region. Berhanu Dinka was appointed the Secretary-General's Representative and Regional Humanitarian Adviser for the Great Lakes Region.

Political situation

Special Representative

By a 22 January letter [S/1997/73], the Secretary-General informed the Security Council that he and the OAU Secretary-General had agreed that Mohammed Sahnoun (Algeria) would be an excellent candidate for the post of Joint United Nations/OAU Special Representative for the Great Lakes Region and sought the Council's agreement to the proposal.

The Special Representative's tasks would be: to use his good offices to promote peaceful settlements of the various conflicts in the region, with special reference initially to the situations in eastern Zaire and Burundi; to prepare an international conference on peace, security and development in the region, as endorsed by the Council in resolution 1078(1996) [YUN 1996, p. 47]; and to use his good offices to help preserve the unity and territorial integrity of Zaire and to help restore that country's national institutions, including through support for the electoral process. In carrying out those tasks, the Special Representative would work closely with the Governments in the region and other parties concerned and would cooperate with special envoys and other mediators appointed by international organizations and Member States in an endeavour to provide guidance and leadership to a coordinated international effort to address the region's problems.

By a 24 January letter [S/1997/74], the Security Council President informed the Secretary-

General that the Council agreed with the proposal to appoint Mr. Sahnoun.

On 12 December [S/1997/994], the Secretary-General sought the Council's concurrence for a new mandate for Mr. Sahnoun, as well as for a new political and humanitarian presence for the United Nations in the Great Lakes region. He proposed that Mr. Sahnoun be his Special Envoy in Africa, in which capacity he would continue to follow closely developments in Central Africa, including the Great Lakes region. He would also lend his support to existing peacemaking and peace-building initiatives there and give special attention to Burundi.

The Secretary-General further proposed the appointment of Berhanu Dinka as his Representative and Regional Humanitarian Adviser for the Great Lakes Region. He would monitor developments in the region and their implications for peace and security, and seek to contribute to regional efforts in the prevention or peaceful settlement of conflicts. With specific regard to Burundi, he would oversee the political activities of the United Nations and support ongoing political initiatives both inside and outside the country. As Regional Humanitarian Adviser, Mr. Dinka would represent the Emergency Relief Coordinator in the Great Lakes region, facilitate the coordination of humanitarian assistance, support the resident coordinators, humanitarian coordinators and agency heads, and coordinate resource mobilization efforts at the regional level. Mr. Dinka would establish an office in Nairobi, Kenya.

The Security Council President, by a 19 December letter [S/1997/995], informed the Secretary-General that the Council supported his proposals with regard to the new mandates for Mr. Sahnoun and Mr. Dinka.

Peace negotiations

By an 18 February letter [S/1997/136] to the Security Council President, the Secretary-General referred to the mission of Special Representative Sahnoun, who was in Kinshasa, Zaire, at that time. He noted that the Special Representative was working on a five-point peace plan, which was based on the Council President's statement of 7 February (see below, under "Democratic Republic of the Congo"), which he hoped would be accepted by all parties. The points were: immediate cessation of hostilities; withdrawal of all external forces, including mercenaries; reaffirmation of respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region; protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance;

and rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region.

Numerous initiatives were reported under way to restore peace in eastern Zaire; the Foreign Ministers of Kenya, South Africa and the United Republic of Tanzania were already in Kinshasa and those of Cameroon, the Congo and Zimbabwe were to arrive there on 18 February, as was the OAU Secretary-General, the Secretary-General said. It would greatly assist the Special Representative's efforts if the Security Council were to give urgent consideration to acknowledging and supporting his initiative.

By **resolution 1097(1997)** of 18 February (see below, under "Democratic Republic of the Congo"), the Council reiterated its support for the joint UN/OAU Special Representative in the fulfilment of his mandate and endorsed the five-point peace plan. The Council called on all Governments and parties concerned to cooperate with the Special Representative to achieve lasting peace in the region.

On 5 March [S/1997/197], the Secretary-General notified the Security Council President that Special Representative Sahnoun had been informed that the Deputy Prime Minister and Minister for Foreign Affairs of Zaire, Gerard Kamanda wa Kamanda, had issued a statement in Paris formally declaring his Government's acceptance of the five-point peace plan. In that statement, a copy of which the Secretary-General attached to his letter, the Deputy Prime Minister requested the immediate deployment of an international monitoring mechanism to implement the peace plan and to conduct on-site verification of the withdrawal of all foreign troops, including mercenaries and militias. The Secretary-General expressed the hope that all the other parties would declare their adherence to the plan so that attention could be turned to the task of devising its implementation.

On 10 March [S/1997/207], Zaire transmitted to the Security Council President a memorandum given to Mr. Sahnoun during his visit to Kinshasa in February. It stated that the solution of the crisis in eastern Zaire and the restoration of Zaire's authority over the provinces that had been subject to aggression was an indispensable condition for any solution to the crisis in the Great Lakes region. With regard to the Special Representative's mission, Zaire noted that it was out of the question to recognize the persons whom neighbouring aggressor countries had armed against it. The conflicts in the Great Lakes region were not limited to Zaire and Burundi alone. The serious

Tutsi-Hutu crisis in Rwanda was at the root of all the upheaval in the region and there was a serious conflict between the Ugandan Government and its internal armed opposition, a conflict that had been used as a pretext for attacking Zaire. The Tutsi-Hutu conflict in Rwanda and Burundi and the Hima-Baganda conflict in Uganda had been exported to Zairian territory, even though Zaire had not experienced that problem. Until a just and lasting solution to those conflicts was found, it would be difficult to restore peace and stability in the Great Lakes region. Zaire had always advocated the idea of an international conference on the crisis in the Great Lakes region, which should take an integrated approach to the protection of refugees and the provision of assistance for their reintegration into society. It was gratified that the Security Council was reconsidering the idea.

Regional meetings

By a 29 January letter [S/1997/94], Kenya transmitted to the Security Council President the text of a communique issued following the meeting of the Foreign Ministers of Cameroon, the Congo, Kenya, South Africa, the United Republic of Tanzania and Zimbabwe on the situation in the Great Lakes region. The meeting, held in Pretoria, South Africa, on 27 and 28 January, was a follow-up to two regional summits on the crisis that had been held in November and December 1996 [YUN 1996, pp. 52-53]. Kenya's Minister for Foreign Affairs, Stephen K. Musyoka, briefed participants on discussions held on 6 January between President Daniel Arap Moi of Kenya and President Mobutu Sese Seko of Zaire.

The meeting reaffirmed its complete support for the national sovereignty and territorial integrity of Zaire and called on all countries and organizations to refrain from military involvement in the conflict. The Foreign Ministers agreed to visit Zaire, at the earliest opportunity; that visit would be followed by similar visits to Burundi, Rwanda and Uganda in search of a lasting solution to the crisis in the Great Lakes region.

On 19 March, Kenya brought to the attention of the Security Council President the communique [S/1997/238] of the Summit of the Nairobi II Committee on the Crisis in the Great Lakes Region. The Summit of the Committee, as mandated by the Nairobi II Summit of 16 December 1996 [YUN 1996, p. 53], met in Nairobi on 19 March to pursue the peace initiative on eastern Zaire. It expressed grave concern at the rapidly deteriorating situation in eastern Zaire, urged all parties to facilitate access for humanitarian assistance, and invited all UN agencies and other humanitarian organizations to provide that assistance. The Summit reaffirmed the urgent need to imple-

ment the OAU/UN peace plan provided for in Security Council resolution 1097(1997), welcomed the acceptance of the plan by Zaire, and took note of the acceptance in principle by the other party (the Alliance of Democratic Forces for the Liberation of Congo-Zaire). The Summit urged all parties to the conflict to accept and implement the peace plan unconditionally. It underscored the importance of establishing a mechanism for monitoring the implementation of the peace plan, and stressed the importance of Africa making its own significant contribution to that mechanism. The Summit invited the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution to address the issue at its March meeting.

Togo transmitted to the Secretary-General on 2 April a letter [S/1997/269] from its Minister for Foreign Affairs and Cooperation, annexed to which was the statement adopted at the first special session of the Conference of Heads of State and Government of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Lomé, 26-27 March). The Central Organ reiterated its grave concern about the continuing deteriorating security, political, socio-economic and humanitarian situation in the Great Lakes region, especially the armed conflict in eastern Zaire. It recommended to the Security Council the setting up, in co-operation with OAU, of a mechanism for monitoring the implementation of the peace plan on Zaire, as endorsed in Security Council **resolution** 1097(1997), and requested the Secretaries-General of both organizations to undertake consultations to that end. The Central Organ underscored the importance of convening an international conference on peace, security, stability and development in the Great Lakes region under the auspices of OAU and the United Nations.

Gabon, on 7 August [A/52/283-S/1997/644], transmitted the report of the ninth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (Libreville, 7-11 July) (see PARTONE, Chapter VII). The Committee welcomed the calming of the situation in the DRC and welcomed the improvement in the overall situation in Burundi. With regard to the great efforts made by States of the region to receive refugees, the Committee urged the countries of origin to establish conditions to facilitate the return of the refugees to their own countries in dignity and security.

The crisis in the Great Lakes region was also discussed at regional meetings on the Burundi conflict (see below).

Refugee situation

The United Nations continued to be confronted by the challenges of reintegrating refugee returnees throughout the Great Lakes region, especially in Burundi and Rwanda, following the mass repatriation that took place at the end of 1996 and early in 1997 from the former Zaire and the United Republic of Tanzania. In addition, the Organization was attempting to ensure protection and find solutions for the remaining tens of thousands who had chosen not to be repatriated.

In September [A/52/360], the Secretary-General reported that some 726,000 Rwandan refugees had returned to their country from eastern Zaire in November and December 1996. Since that exodus and another in the first part of 1997 had been precipitated by another outbreak of conflict in the region, it was more of a life-saving exercise than a traditional repatriation operation. As the Alliance of Democratic Forces for the Liberation of Congo-Zaire advanced, the refugees dispersed further west. Between January and June 1997, almost 170,000 refugees were repatriated to Rwanda, mainly from Zaire.

In the United Republic of Tanzania, the repatriation movement of more than 500,000 Rwandan refugees in December 1996 and January 1997 followed a sudden departure of refugees from the camps towards the interior of the country, a movement that was redirected to Rwanda by the security forces. At the beginning of July, the Office of the United Nations High Commissioner for Refugees was taking care of 408,000 refugees in the United Republic of Tanzania, some 309,000 of whom were from Burundi and some 95,000 from the Democratic Republic of the Congo (DRC).

In a later report [A/53/328], the Secretary-General stated that the flight of Rwandan refugees from their country in 1994 in the aftermath of genocide had given rise to protection and security problems of exceptional gravity. The camps in the DRC and the United Republic of Tanzania harboured not only genuine refugees but also many of the perpetrators of the 1994 Rwandan genocide (including the remnants of the former Rwandan Government and armed forces), all close to the border of their country of origin. The inability or failure of the international community and of host Governments to effect the separation of criminals and armed elements from refugees had contributed to regional instability and to the outbreak of the civil war in the DRC.

The reintegration of returnees presented a special challenge in the Great Lakes region, given the legacy of genocide in Rwanda and the persistence of conflict in Rwanda, Burundi and the east-

ern part of the DRC, the Secretary-General stated. Successful reintegration required not only material assistance but also measures to promote justice and, eventually, the reconciliation of former refugees with the other members of their home communities.

(See also PART THREE, Chapter XII.)

Democratic Republic of the Congo (Zaire)

In May 1997, after years of inter-ethnic violence in Zaire, troops loyal to Laurent-Désiré Kabila, leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire (AFDL), occupied the capital city of Kinshasa, ending President Mobutu Sese Seko's regime. Soon afterwards, Mr. Kabila proclaimed himself President and the name of the country was changed from the Republic of Zaire to the Democratic Republic of the Congo (DRC).

In August, a United Nations investigative team was deployed in the DRC with the objective of investigating violations of human rights and international humanitarian law committed in the DRC (formerly Zaire) territory since 1 March 1993.

Prior to the fall of the Mobutu regime, the Security Council had repeatedly expressed concern over reports of serious violations of human rights in the region, including massacres. It convened a number of times and called for parties to the conflict to ensure the safety of all refugees and displaced persons, underlining the obligation of those concerned to respect relevant aspects of international humanitarian law.

After President Kabila assumed power, the Security Council welcomed the end of the fighting in the DRC and continued to call for the protection and security of all refugees and displaced persons and for access and safety for humanitarian relief workers.

In July 1997, the Secretary-General appointed Robin Kinloch (United Kingdom) as his Special Representative for the DRC.

Background

The Secretary-General provided [S/1998/581] a comprehensive background to the events affecting the situation in eastern Zaire (see YUN 1996, pp. 55-59), particularly with regard to the provinces of North Kivu and South Kivu.

North Kivu province

Before the arrival of Rwandan refugees in 1994, the ongoing ethnic conflict in North Kivu pitted the Banyarwanda, both Hutus and Tutsis, against those calling themselves "autochtones" (indigenous inhabitants), mainly the Hunde, Nyanga and Tembo. The Banyarwanda—who in 1997 constituted about 75 per cent of the province's population—speak Kinyarwanda, which is also the national language of Rwanda.

Among the Banyarwanda, Hutus outnumbered Tutsis by a large margin. Resentment over land issues and the predominant role of the Banyarwanda in the economic life of the region made the autochtones increasingly hostile towards the Banyarwanda. Some feared that recognition of the Banyarwanda's right to Zairian nationality would further undermine the position of the original inhabitants of the area.

A law adopted in 1972 had granted Zairian nationality to all persons of Rwandan origin who had established residence in Zaire prior to 1 January 1950. However, in 1981, new legislation rescinded that recognition of nationality and, in effect, made most Banyarwanda stateless. As from 1982, Banyarwanda were no longer allowed to vote or to stand as candidates in elections.

In March 1993, Nyanga and Nande militia groups launched attacks against the Banyarwanda population in North Kivu. The Banyarwanda created their own militias and counter-attacked the autochtones. Negotiations, with the participation of church groups and civil leaders as well as representatives of the ethnic communities, brought about a tenuous peace in July 1993.

In July 1994, more than 700,000 Rwandan Hutus fled to North Kivu, after the Tutsi-led Rwandese Patriotic Front (RPF) captured Rwanda's capital, Kigali. Between April and July 1994, a massive genocide took place against Tutsis, and moderate Hutus were also killed, by the predominantly Hutu Habyarimana regime.

Political divisions began to emerge among the Banyarwanda following the 1994 genocide and coup in Rwanda, with Zairian Hutus allying themselves with the Hutu refugees, isolating the Tutsi population even more and making it vulnerable to attacks by the new Hutu alliance, as well as by the autochtones. The Tutsis were then labelled as foreigners, and some were expelled to Rwanda.

The arrival of thousands of former Rwandan soldiers and militia members led to an escalation in clashes between ethnic groups. Whereas the weapons used previously had been mainly machetes and other farming implements, some Rwandan Hutus now possessed automatic firearms.

Zairian troops, who were deployed in 1995 and 1996 to put an end to the carnage, took sides with the various protagonists instead and, in effect, operated as mercenaries, fighting for the faction that made the highest offer, it was reported.

Beginning in mid-1994, the Office of the United Nations High Commissioner for Refugees (UNHCR) established five large camps in North Kivu to deal with the mass exodus of Rwandan Hutus. Some were soldiers tied to the former Rwandan Government; others were members of the Interahamwe militia that had allegedly participated in the 1994 Rwandan genocide.

Zaire provided refuge to the supporters of the fallen Government of Rwanda. The Zairian army disarmed soldiers and militia members when they crossed the border, but arms quickly reappeared in camps dominated, in many cases, by the same leaders responsible for the genocide. In violation of international standards, Zaire allowed the camps to be established close to the border, where they posed a continuing threat to Rwandan security, and made no effort to comply with its obligation to separate those guilty of genocide and crimes against humanity from genuine refugees, it was reported.

The Interahamwe and officials and soldiers of the former Rwandan Government maintained strict control over the camp population and access to food and other essentials, refusing to allow repatriation to Rwanda. Humanitarian workers were threatened and subjected to physical violence. By late 1996, AFDL rebels, with support from the Rwandese Patriotic Army, attacked and disbanded all the camps in North Kivu, with the aim of forcing the refugees to return to Rwanda, thus eliminating the risk of cross-border raids on Rwandan territory by the military and paramilitary forces based in the camps.

An estimated 500,000 to 600,000 Rwandans had returned to Rwanda by 20 November 1996. Many others who fled the fighting in a westward direction, away from Rwanda, were killed in the surrounding hills. It was estimated that hundreds, if not thousands, of displaced camp residents were killed by AFDL during the remaining months of 1996 and in early 1997.

After the break-up of the camps in North Kivu in late 1996, AFDL and its allies, including the Rwandan army, pursued a policy of forcible return of Rwandan Hutus to Rwanda well into 1997.

South Kivu province

The provinces of South Kivu and North Kivu are bordered by the nations of Rwanda and Burundi, to the east. Bukavu is South Kivu's capital.

As in North Kivu, tensions between the Banyamulenge—Rwandan Tutsis who migrated to Zaire

between the sixteenth and eighteenth centuries—and other ethnic groups deteriorated during the 1980s as a result of the measures taken to deprive them of Zairian nationality and their property. Inter-ethnic tensions in South Kivu were further exacerbated by the refugee crises of 1993 and 1994. The first wave of refugees came from Burundi in October 1993, following the assassination of Burundi President Melchior Ndadaye, a Hutu. The assassination provoked widespread massacres as the Hutus fought the Tutsis, who were blamed for the death of the President. Tens of thousands of Burundi Hutus crossed into South Kivu, most settling in refugee camps.

In mid-1994, Burundi refugees were joined in those camps by thousands of Rwandan Hutus. By September 1996, refugees in South Kivu totalled an estimated 300,000, most in some 20 camps supported by UNHCR.

After the enactment in April 1995 of a law preventing Rwandan and Burundi refugees from acquiring Zairian nationality, the situation of the Banyamulenge became increasingly insecure. By October 1996, hundreds of Banyamulenge had been forcibly expelled to Burundi and Rwanda.

A United Nations Investigative Team (see below) declared that those developments had reinforced the determination of the Banyamulenge to resist attempts to expel or persecute them and nourished the perceived need for a strong militia [S/1998/581]. Killings were attributed to Banyamulenge militia.

Reports of massive killings of non-combatants began to emerge as a result of the military offensive mounted by AFDL troops in mid-October 1996, and persisted as the war between AFDL and the government forces intensified. Following attacks on refugee camps during the AFDL offensive, many camp inhabitants fled westward. In December 1996 and January 1997, AFDL attacked new camps that had been set up, killing thousands.

Developments in 1997

Between February and May 1997, attacks took place against a number of refugee camps set up in the interior of the DRC to receive those who had fled the attacks on camps in North and South Kivu. It was reported that tens of thousands of Rwandan Hutus had disappeared as a result.

Communications (January/February). Zaire, in a 6 January letter [S/1997/13] to the Security Council President, declared that the problems of displaced persons, populations affected by the war and refugees were still afflicting the country, and that the number of refugees in Zaire now exceeded 800,000.

Zaire stated that its borders had been violated by Rwanda, Burundi and Uganda, and that it would consider discussing security, the circulation of persons and goods, and good-neighbourliness and stability in the region only after the withdrawal of all foreign occupation forces from its territory.

Zaire called on the Security Council to take the necessary steps to deal with the situation, and declared that the decision by the Council to halt the deployment of a multinational force in Zaire in December 1996 [YUN 1996, p. 51] had resulted in the establishment of new refugee camps.

Uganda, in a 30 January communique [S/1997/97], called statements about its alleged involvement in eastern Zaire false and baseless. Developments in eastern Zaire were internal problems, it said, and Zaire had to address them by identifying the root causes of the armed conflict rather than using Uganda as a scapegoat. President Museveni of Uganda had been in regular contact with President Mobutu Sese Seko of Zaire, exploring ways in which Uganda could contribute to efforts that would bring about stability. Uganda said it did not support the break-up of Zaire and wanted to reassure the international community that it had no soldiers involved in eastern Zaire.

In a 1 February letter [S/1997/98], Zaire reported attacks in its eastern provinces by Ugandan and Rwandan troops. It declared that it had the right to recover its territories, while stressing that it had neither hegemonic intentions nor territorial designs on neighbouring countries. Zaire requested the Security Council to recognize the aggression and to adopt measures to compel Uganda, Rwanda and Burundi to withdraw their troops unconditionally from Zairian territory.

Rwanda, on 4 February [S/1997/109], categorically denied any involvement in the Zairian internal crisis. It asked if it was not Zaire itself that had triggered the national crisis when it passed legislation that denationalized its own citizens and subsequently threatened them with expulsion from their own country during 1995 and 1996. Rwanda cited UNHCR estimates that 1.3 million refugees from the United Republic of Tanzania and Zaire had returned to Rwanda since the outbreak of fighting in October 1996. Rwanda stated there were no more Rwandan refugees in eastern Zaire, as the doors had been opened for all Rwandans to return home.

On 7 February [S/1997/116], Burundi denied that its soldiers were present on Zairian territory. It stated that its army had more than enough to do within its national territory, and that it had no interest in interfering in the internal problems of any of its neighbouring countries.

SECURITY COUNCIL ACTION (7 February)

The Security Council on 7 February [meeting 3738], after consultations among its members, authorized the President to make the following statement [S/PRST/1997/5] on its behalf:

The Security Council expresses its grave concern at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and at its humanitarian consequences on the refugees and inhabitants of the region. It calls for an end to the hostilities and the withdrawal of all external forces, including mercenaries.

The Council also expresses its deep concern over the humanitarian crisis in the region and urges all parties to allow humanitarian agencies and organizations access to deliver humanitarian assistance to those in need. It also demands that the parties ensure the safety of all refugees and displaced persons, as well as the security and freedom of movement of all United Nations and humanitarian personnel. It underlines the obligation of all concerned to respect the relevant provisions of international humanitarian law.

The Council reaffirms its commitment to the sovereignty and territorial integrity of Zaire and other States in the Great Lakes region; and to the principle of the inviolability of borders. In this connection, the Council calls upon all the States in the region to refrain, in accordance with their obligations under the Charters of the United Nations and the Organization of the African Unity, from any act, including cross-border incursions, which would threaten the sovereignty and territorial integrity of any State and exacerbate the situation in the region, including endangering refugees and displaced persons. It also calls upon those States to create the conditions necessary for the speedy and peaceful resolution of the crisis.

The Council expresses its full support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, Mr. Mohammed Sahnoun, in the fulfilment of his mandate as set out in the letter of the Secretary-General to the President of the Security Council dated 22 January 1997. It urges all parties in the region to cooperate fully with the mission of the Special Representative in the search for a peaceful settlement to the crisis and calls upon Member States to provide the Special Representative with all necessary support including logistical support. It also encourages other facilitators and representatives of the regional organizations, including the European Union and the States concerned, to coordinate closely their efforts with those of the Special Representative.

The Council reaffirms the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council welcomes all efforts, including those of the organizations and States of the region, aimed at resolving the crisis, in particular the initiative of President Daniel Arap Moi of Kenya and other heads of State, and encourages them to continue their efforts.

The Council will remain seized of the matter.

Communication (16 February). In a 16 February communiqué [S/1997/138], Zaire stated that the strategy of those committing aggression against its territory, namely Rwanda, Uganda and Burundi, consisted in exporting the Tutsi-Hutu inter-ethnic conflict into Zaire and exterminating the Hutu refugees on Zairian soil on the grounds that they had committed genocide. That was the explanation not only for the attacks by the regular armies of those countries against the refugee camps, but also for the mass graves discovered in a number of locations.

Zaire requested the Security Council to meet urgently in order to examine its complaint against Uganda and Rwanda; to issue a strong condemnation of the aggression to which Zaire was being subjected; to order the withdrawal of the foreign troops from Zairian territory; to establish the monitoring mechanisms required for that purpose; to take appropriate measures to put an end to the extermination of the Hutu refugees in Zaire; and to remove all the Rwandan refugees from its territory.

SECURITY COUNCIL ACTION (18 February)

On 18 February [meeting 3741], the Security Council unanimously adopted resolution 1097(1997). The draft [S/1997/137] was prepared in consultations among Council members.

The Security Council,

Gravely concerned at the deteriorating situation in the Great Lakes region, in particular eastern Zaire, and expressing serious concern over the safety of refugees and displaced persons whose lives are in danger,

Welcoming the letter dated 18 February 1997 from the Secretary-General to the President of the Council regarding progress in the efforts to resolve the crisis in the Great Lakes region,

Reaffirming the statement of 7 February 1997 by the President of the Council,

Reaffirming also the obligation to respect national sovereignty and territorial integrity of the States of the Great Lakes region and the need for the States of the region to refrain from any interference in each other's internal affairs,

Underlining the obligation of all concerned to respect strictly the relevant provisions of international humanitarian law,

Reiterating its support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region in the fulfilment of his mandate, and underlining the need for all Governments in the region and the parties concerned to cooperate fully with the mission of the Special Representative,

1. Endorses the following five-point peace plan for eastern Zaire, as set out in the letter from the Secretary-General of 18 February 1997:

(a) Immediate cessation of hostilities;

(b) Withdrawal of all external forces, including mercenaries;

(c) Reaffirmation of respect for the national sovereignty and the territorial integrity of Zaire and other States of the Great Lakes region;

(d) Protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance;

(e) Rapid and peaceful settlement of the crisis through dialogue, the electoral process and the convening of an international conference on peace, security and development in the Great Lakes region;

2. Calls upon all Governments and parties concerned to cooperate with the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region to achieve lasting peace in the region;

3. Decides to remain actively seized of the matter.

Other communications (February/March).

Uganda, in an 18 February letter [S/1997/146] to the Security Council President, stated that there were no Ugandan soldiers in Zaire and that it had no intention of sending troops into Zairian territory. Uganda was ready to discuss with Zaire agreements of non-aggression or any other mutually acceptable mechanism. Furthermore, Uganda was prepared for and welcomed international monitors at the border and any other confidence-building measures that would contribute to the search for peace in the region.

On 27 February [S/1997/171], Zaire transmitted its reply to Uganda's 30 January communique (see above), stating that Uganda was developing a policy that seriously threatened peace and security in the region. It also noted that it had not invited either the refugees or former members of the Rwandan Armed Forces into its territory. Zaire called on the Security Council to ensure the repatriation of Rwandan and Burundi refugees and to impose an embargo on the supplying of arms to Uganda, Rwanda and Burundi.

In a 19 February memorandum [S/1997/178] to the UN/OAU Special Representative for the Great Lakes Region, Mohammed Sahnoun, Rwanda stated that since September 1996 Zaire had been the scene of a civil war between AFDL and the Mobutu regime. The motives that had given rise to the conflict included the extension of the Rwandan genocide into eastern Zaire, the arbitrary withdrawal from some inhabitants of Zaire of the right to nationality, and the attempt to drive those inhabitants from their land. Rwanda noted that refugee status had been improperly accorded to the perpetrators of genocide. In early 1996, militiamen and ex-soldiers of the regime in power in Rwanda before July 1994 were abusing and even massacring some Zairian citizens, such as the Kinyarwanda-speaking Banyamulenge group, while Kinshasa authorities stood idly by, Rwanda stated. Those militiamen,

when they fled Rwanda, forced hundreds of thousands of refugees into exile by force of arms.

As early as March 1996, Rwanda had started to receive waves of Zairian refugees fleeing the massacres in North Kivu province. Embarrassed by the turn of events since February 1996, some Zairian authorities had tried to trump up charges of involvement on the part of neighbouring countries in a conflict which was strictly between Zairians, Rwanda declared.

With the revolt of the Banyamulenge, it appeared that the Zairian authorities were engaging in massacres of their own population. It was at that time, Rwanda stated, that Zaire had to justify its official involvement by means of an imaginary external threat. Since then, Rwandan ex-soldiers had become fully involved in the Zairian civil war and had continued to fight alongside the Zairian army. It was in those circumstances that hundreds of thousands of refugees held hostage by the same Rwandan militiamen were able to return en masse to their country of origin. Those in charge of the camps, said Rwanda, were occupied elsewhere, or even rendered helpless by the consequences of the civil war.

On 5 March, the Secretary-General, by a letter [S/1997/197] to the Security Council President, provided a statement by the Government of Zaire by which it formally accepted the five-point peace plan set out in Security Council **resolution** 1097(1997) on 18 February (see above). In the statement, Zaire requested the immediate deployment of an international monitoring mechanism in order to implement the peace plan and to conduct on-site verification of the withdrawal of all foreign troops, including mercenaries and militias.

SECURITY COUNCIL ACTION (7 March)

On 7 March [meeting 3748], the President of the Security Council made the following statement on behalf of the Council [S/PRST/1997/11]:

The Security Council expresses its grave concern at the deteriorating situation in the Great Lakes region, in particular in eastern Zaire. It underlines the urgent need for a comprehensive and coordinated response by the international community in support of the efforts of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region to prevent any further escalation of the crisis there.

The Council reiterates, in that respect, its full support for the five-point peace plan for eastern Zaire contained in its resolution 1097(1997) of 18 February 1997, and welcomes the endorsement of that plan by the Council of Ministers of the Organization of African Unity at its sixty-fifth ordinary session, held at Tripoli from 24 to 28 February 1997.

The Council welcomes the declaration of the Government of Zaire of 5 March 1997 regarding its ac-

ceptance of the United Nations peace plan endorsed by the Security Council in its resolution 1097(1997).

The Council calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire to declare publicly their acceptance of resolution 1097(1997) in all its provisions, in particular an immediate cessation of hostilities, and calls on all parties to implement its provisions without delay.

The Council is concerned about the effect that the continued fighting is having on the refugees and inhabitants of the region, and calls upon all parties to allow access by the United Nations High Commissioner for Refugees and humanitarian agencies to refugees and displaced persons and to guarantee the safety of refugees and displaced persons as well as United Nations and humanitarian aid workers. It also takes note with concern of allegations of violations of international humanitarian law in the conflict zone, and welcomes the sending of a United Nations fact-finding mission to the area.

The Council reiterates its full support for the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region, and urges all Governments in the region and all the parties concerned to cooperate with him fully. It also urges the parties to the conflict to begin, under his auspices, a dialogue in order to achieve a lasting political settlement.

The Council welcomes all efforts, including those of the organizations and States of the region, aimed at resolving the crisis, including the initiative of President Daniel Arap Moi of Kenya to convene another regional meeting in Nairobi on 19 March 1997 and the initiative of the Organization of African Unity to organize a summit of the members of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution on the Great Lakes region in Lome before the end of March 1997. The Council encourages other facilitators and representatives of the regional organizations, including the European Union and the States concerned, to coordinate closely their efforts with those of the Special Representative.

The Council reaffirms the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity.

The Council expresses its gratitude to the Secretary-General for keeping it informed of developments in the Great Lakes region, and requests him to continue to do so on a regular basis.

The Council will remain actively seized of the matter.

Additional communications (March/April).

In a 10 March letter [S/1997/207] to the Security Council President, Zaire submitted a memorandum that it had presented to UN/OAU Special Representative Sahnoun during his first visit to Kinshasa in February 1997 (see above, under "Great Lakes region"). Zaire said it was in a state of transition towards the establishment of a democratic State governed by the rule of law. That transition period was expected to climax in

the holding of general elections, preceded by the adoption by referendum of a new Constitution. Zaire added that there was a serious Tutsi-Hutu crisis in Rwanda, which was at the root of all the upheaval taking place in the region, and there was another serious conflict between the Ugandan Government and its internal armed opposition, a conflict used as a pretext for attacking Zaire.

Kenya, on 19 March [S/1997/238], forwarded a communique issued that day by the Summit of the Nairobi II Committee on the Crisis in the Great Lakes Region, expressing grave concern over the deteriorating situation in eastern Zaire (see "Great Lakes region").

In a 2 April letter [S/1997/269] to the Secretary-General, Togo transmitted the text of a statement adopted at the conclusion of the first special session of the Conference of Heads of State and Government of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, held in Lome on 26 and 27 March, devoted to the situation in eastern Zaire (see "Great Lakes region"). Togo also submitted the text of a communique issued at the conclusion of a meeting between the representatives of the Government of Zaire and of AFDL, in which the parties reiterated their commitment to accept the principles of a ceasefire and negotiations.

SECURITY COUNCIL ACTION (4 April)

The Security Council on 4 April [meeting 3762], after consultations among its members, authorized the President to make the following statement [S/PRST/1997/19] on behalf of the Council:

The Security Council reiterates its deep concern about the alarming situation of refugees and displaced persons in eastern Zaire.

The Council underlines the obligation of all concerned to respect the relevant provisions of international humanitarian law.

The Council, while noting that some cooperation has recently been extended to humanitarian relief agencies by the Alliance of Democratic Forces for the Liberation of Congo/Zaire, strongly urges the parties, and in particular the Alliance of Democratic Forces for the Liberation of Congo/Zaire, to ensure unrestricted and safe access by United Nations agencies and other humanitarian organizations to guarantee the provision of humanitarian assistance to, and the safety of, all refugees, displaced persons and other affected civilian inhabitants.

The Council also urges the Alliance of Democratic Forces for the Liberation of Congo/Zaire to cooperate fully with the United Nations in the implementation of the repatriation plan for eastern Zaire of the United Nations High Commissioner for Refugees. In this context, it calls on the Government of Rwanda to facilitate the implementation of this plan.

The Council will remain actively seized of the matter.

Communications (9-18 April). In a 9 April letter [S/1997/293] to the Security Council President, Zaire transmitted a communique on the discussions in Pretoria, South Africa, from 5 to 8 April between representatives of the Government of Zaire and of AFDL. Though the parties had different views on the nature and origin of the crisis in Zaire, it was stated that they agreed to bring about a peaceful, political solution to the conflict through a complete cessation of hostilities and other measures consistent with the implementation of the UN/OAU peace plan. Both parties expressed their commitment to the principles of territorial integrity, inviolability of borders and the unity and sovereignty of Zaire within recognized international borders. They also underlined the need for fundamental and democratic change in Zaire. In that regard, they concurred on the need for a process of transition leading to fair and inclusive elections which would be organized and supervised by an independent body and monitored by the international community.

On 18 April [A/52/118-S/1997/325], the Netherlands transmitted to the Secretary-General a statement made on 10 April by the Presidency of the European Union, expressing concern over the latest political developments in Zaire and hope that order in its capital would be maintained in a peaceful manner. As fighting proceeded in different parts of the country, the Union appealed to all parties to respect the rights of the civilian population, to ensure the safety of foreign citizens and, if necessary, to facilitate their evacuation.

SECURITY COUNCIL ACTION (24 April)

On 24 April [meeting 3771], the President of the Security Council issued the following statement [S/PRST/1997/22] on behalf of the Council:

The Security Council is increasingly alarmed at the deterioration of the situation in Zaire and at the humanitarian consequences this is having on the refugees, displaced persons and other affected civilian inhabitants. It expresses its deep concern at the lack of progress in efforts to bring about a peaceful and negotiated settlement of the conflict in Zaire.

The Council once again underlines the obligation of all concerned to respect the relevant rules of international law, including those of international humanitarian law.

The Council is dismayed by the continued lack of access being afforded by the Alliance of Democratic Forces for the Liberation of Congo/Zaire to United Nations and other humanitarian relief agencies, and by the recent acts of violence which have hampered the delivery of humanitarian assistance. It reiterates the statement of its President of 4 April 1997 and in

particular calls in the strongest terms upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire to ensure unrestricted and safe access by all humanitarian relief agencies so as to allow the immediate provision of humanitarian aid to those affected, and to guarantee the safety of humanitarian relief workers, refugees, displaced persons and other affected civilian inhabitants in the areas which the Alliance of Democratic Forces for the Liberation of Congo/Zaire controls.

The Council also expresses its concern at the obstruction of the repatriation plan of the United Nations High Commissioner for Refugees for eastern Zaire. It calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and the Government of Rwanda to cooperate fully and without delay with the Office of the United Nations High Commissioner for Refugees to enable the early implementation of the plan.

The Council is particularly alarmed by reports of massacres and other serious violations of human rights in eastern Zaire. In this context, it calls upon the Alliance of Democratic Forces for the Liberation of Congo/Zaire and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission.

The Council reiterates its full support for the United Nations five-point peace plan, which it endorsed in its resolution 1097(1997) of 18 February 1997. It calls for an immediate cessation of hostilities and calls upon the Government of Zaire and the Alliance of Democratic Forces for the Liberation of Congo/Zaire to engage seriously and fully in the search for a speedy political solution to the problems in Zaire, including transitional arrangements leading to the holding of democratic and free elections with the participation of all parties. In this context, it calls upon the President of Zaire and the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire to meet as soon as possible.

The Council warmly commends the efforts of the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region. It calls upon all States, in particular those in the region, to support these efforts and to refrain from any action that would further exacerbate the situation in Zaire.

The Council reaffirms once again the importance of holding an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and Organization of African Unity.

The Council expresses its gratitude to the Secretary-General for keeping it informed of developments in the Great Lakes region, and requests him to continue to do so on a regular basis.

The Council will remain seized of the matter.

Communication (27 April). In a 27 April letter [S/1997/337] to the Security Council President, Zaire said that 1,500 troops of the Angolan Armed Forces had grouped in a border location

with the clear intention of invading Zairian territory in support of AFDL. Zaire requested the Council to take urgent measures to ensure the implementation of the five-point peace plan contained in **resolution** 1097(1997) of 18 February, and welcomed the decision taken by the Commission on Human Rights to send an international commission of inquiry to eastern Zaire.

Reports of involvement by the Angolan parties in the Zairian conflict had been discussed by the Secretary-General, during his visit to Angola in March 1997, with Angolan President Jose Eduardo dos Santos and with Jonas Savimbi, leader of the National Union for the Total Independence of Angola (UNITA). Both had denied that they were supporting the warring parties in Zaire, as noted in a 14 April report of the Secretary-General [S/1997/304].

SECURITY COUNCIL ACTION (30 April)

At a meeting of the Security Council on 30 April to discuss the situation in Zaire [meeting 3773], the President made the following statement [S/PRST/1997/24] on behalf of the Council:

The Security Council reaffirms the statement of its President of 24 April 1997 and welcomes the recent agreement by the President of Zaire and the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire on a time and venue for a meeting to discuss a peaceful and negotiated settlement of the conflict in Zaire. It reiterates its full support for the United Nations five-point peace plan, endorsed by its resolution 1097(1997) of 18 February 1997, calls for an immediate cessation of hostilities, and especially calls for both parties to reach a rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

The Council notes the commitment by the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire to allow United Nations and other humanitarian agencies access to refugees in eastern Zaire in order to provide humanitarian assistance and to implement the repatriation plan of the United Nations High Commissioner for Refugees, including the use of both airports in Kisangani. It also notes his commitment to be flexible regarding the duration of the repatriation operation, which should move ahead as quickly as possible. It expresses concern at reports of obstruction of humanitarian assistance efforts, but notes that humanitarian access has improved recently. It calls on the Alliance of Democratic Forces for the Liberation of Congo/Zaire to abide by these commitments and to enable the Office of the United Nations High Commissioner for Refugees repatriation plan to be implemented without conditions or delay.

The Council also expresses its deep concern regarding the continuing reports of massacres, other atrocities and violations of international humanitarian law in eastern Zaire. In this context, it reiterates its call upon the Alliance of Democratic Forces for

the Liberation of Congo/Zaire and others concerned in the region to cooperate fully with the recently established United Nations investigative mission by ensuring unimpeded access to all areas and sites under investigation, as well as the security of the members of the mission. It attaches great importance to the commitment of the leader of the Alliance of Democratic Forces for the Liberation of Congo/Zaire to take appropriate action against members of the Alliance of Democratic Forces for the Liberation of Congo/Zaire who violate the rules of international humanitarian law concerning the treatment of refugees and civilians.

The Council will remain seized of the matter.

Change of government

In a 9 May letter [A/51/894-S/1997/363] to the Security Council President, Gabon presented the Libreville Declaration on the situation in Zaire, issued at a summit meeting of the Central African heads of State held on 8 May in Libreville, Gabon. Among other things, the heads of State noted that Zaire President Mobutu Sese Seko, for health reasons, would not stand for re-election, thus opening up new prospects for a negotiated political settlement in that country. They called on Zairian political forces to proceed to the election of their President so as to allow for the normal functioning of institutions and to promote an orderly and democratic transition (see also "Great Lakes region").

On 17 May, there was a change of regime in Zaire, following the occupation by AFDL troops of the capital city of Kinshasa. The name of the country was changed from the Republic of Zaire to the Democratic Republic of the Congo (DRC), and Laurent-Désiré Kabila, AFDL leader, assumed the office of President.

Communications (May). In a statement of 22 May [A/52/164-S/1997/422], the Presidency of the European Union (EU) said that the Union was encouraged by the fact that the change in government in Kinshasa had taken place without widespread fighting. The EU looked forward to the implementation of President Kabila's commitments to convene a constituent assembly within 60 days and to hold elections within two years, but it regretted that the investigative mission of the UN Commission on Human Rights had been prevented from visiting the country (see below).

In a 21 May statement [A/52/176-S/1997/442], the Congo took note of the accession to power of the new political authorities of the DRC, and expressed its readiness to support their efforts at reconstruction within a democratic context. The Congo also welcomed efforts made by the new authorities of the DRC to avoid a social and political climate of revenge. The Congo appealed to the international community to enable it to cope

with the massive influx of refugees into its territory and thus create conditions for their return to their countries of origin.

SECURITY COUNCIL ACTION (29 May)

The Security Council President, on 29 May [meeting 3784], made the following statement [S/PRST/1997/31] on behalf of the Council:

The Security Council expresses its support for the people of the Democratic Republic of the Congo as they begin a new period in their history. The Council respects the legitimate national aspirations of the people of the Democratic Republic of the Congo to achieve peace, national reconciliation and progress in the political, economic and social fields to the benefit of all, and opposes any interference in its internal affairs.

The Council recalls its resolution 1097(1997) of 18 February 1997, which endorses the United Nations five-point peace plan.

The Council welcomes the end of the fighting, and expresses its satisfaction that stability has begun to return to the country.

The Council reaffirms the national sovereignty and the territorial integrity of the Democratic Republic of the Congo, and calls for the withdrawal of all external forces, including mercenaries.

The Council, in accordance with the United Nations five-point peace plan, calls for the rapid and peaceful settlement of the crisis through dialogue and the convening of an international conference on peace, security and development in the Great Lakes region. The Council also reaffirms the statement of its President of 30 April 1997 calling for rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free elections with the participation of all parties.

The Council believes that the convening of an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity will be essential in promoting regional peace and stability.

The Council, in accordance with the United Nations five-point peace plan, calls for protection and security for all refugees and displaced persons and facilitation of access to humanitarian assistance. It reiterates its call for full respect for the rights of refugees and displaced persons, and for access and safety for humanitarian relief workers. It also reiterates in the strongest terms its call for complete co-operation with the United Nations mission investigating reports of massacres, other atrocities and violations of international humanitarian law in the country, including to provide it full and immediate access and to ensure its security. It is particularly concerned by reports that refugees in the east of the country are being systematically killed. It calls for an immediate end to the violence against refugees in the country.

The Council expresses its deep appreciation to the Secretaries-General of the United Nations and the Organization of African Unity and their Special Representative, to the Government of South Africa,

and to all those inside and outside the region for their efforts to facilitate a peaceful solution to the crisis in the Democratic Republic of the Congo.

Joint investigative mission

On 15 April, the Commission on Human Rights decided to establish a joint investigative mission to investigate allegations of massacres and other issues affecting human rights which had arisen from the situation prevailing in eastern Zaire since September 1996.

On 3 May, the mission was sent to Kigali, Rwanda, with the expectation that it would be able to enter Zaire. However, AFDL raised a number of objections to the team's membership and the time period proposed for the investigation. Consequently, the mission was prevented from entering Zairian territory.

In a 2 July report [A/51/942], the mission, based on oral and written testimony obtained while waiting in Kigali for authorization to visit Zaire, observed that massacres and other serious human rights violations had taken place in eastern Zaire. In particular, the report noted indiscriminate attacks on refugee camps, the systematic blockade of humanitarian assistance intended for refugees camps, measures of intimidation against the refugees, and a policy of war without quarter. (For further information on the report, see PART TWO, Chapter III.)

UN Investigative Team

Following the collapse of the Mobutu regime on 17 May 1997, the Secretary-General and President Kabila met on 3 June at the OAU summit in Harare, Zimbabwe, and agreed on the importance and urgency of an investigation into reports of grave violations of human rights and international humanitarian law. An advance UN team arrived in Kinshasa on 20 June for talks on the practical modalities necessary for the investigation to be carried out.

The Secretary-General established the UN Investigative Team in July to help break the deadlock between the Government of the DRC and the joint investigative mission mandated by the Commission on Human Rights. The Team's mandate, as stated by the Secretary-General in a 15 July letter to President Kabila, was to investigate gross violations of human rights and international humanitarian law committed in the DRC from 1 March 1993, and to collect and analyse information, testimony and other evidence to establish facts and responsibilities in gross violations.

On 1 August [S/1997/617], the Secretary-General informed the Security Council President that he had decided to appoint Atsu-Koffi Amega (Togo) and Andrew R. Chigovera (Zimbabwe) to be, re-

spectively, the Chairman and a member of the Team. On 8 August, Reed Brody (United States) was named as the third member of the Team [S/1997/633]. The Council President, in letters of 6 August [S/1997/618] and 12 August [S/1997/634], took note of the appointments.

In a statement issued on 13 October [S/1997/799], the DRC stated that the fall of the Mobutu regime represented a milestone in the stabilization of the Great Lakes region. That stability would remain fragile, however, unless and until all violations of human rights perpetrated on the Congolese people and on the people of the region were accounted for in a comprehensive manner. As such, all episodes of human rights abuses had to be investigated through a comprehensive inquiry. The DRC called on all concerned regional forces to participate actively in that endeavour and to create the necessary mechanism for the inquiry to take place.

Special Representative

On 17 July [S/1997/571], the Secretary-General informed the Security Council that he would appoint Robin Kinloch (United Kingdom) as his Special Representative for the DRC. The President of the Council, on 22 July [S/1997/572], stated that the Council welcomed that decision.

Committee on the Elimination of Racial Discrimination

On 20 August, the Committee on the Elimination of Racial Discrimination adopted a decision [A/52/18 (dec. 3(51))] on the DRC, in which it expressed alarm about reports of the disappearance of large numbers of refugees and of massacres and other human rights violations. The Committee decided to remain seized of the situation.

End-of-year developments

Communications (October-December). In a 13 October letter [S/1997/790] to the Security Council President, the DRC stated that the city of Kinshasa had been subjected to sporadic mortar fire from the city of Brazzaville, capital of the Congo. In order to prevent any escalation of the situation, the DRC called on the Security Council to help in halting the crisis and to restore harmony in the region.

In a 16 December letter [S/1997/985], the DRC stated that the situation in its territory was becoming rather tense; a refugee camp had been attacked by elements of the former Rwandan Armed Forces and the Interahamwe armed militias, causing over 1,600 deaths, the wounding of some 200 persons and the disappearance of over

1,150 more. According to accounts provided by witnesses, most victims were Congolese. The DRC called on the Security Council to convene in order to discuss the massacre and to establish a favourable atmosphere for restoring security and tolerance in the region.

Rwanda

During 1997, Rwanda was faced with serious difficulties caused by the massive voluntary repatriation of its refugee citizens, mainly from the eastern region of the Democratic Republic of the Congo (the former Zaire). The outflow of refugees from Rwanda followed civil unrest and the large-scale massacre of between 500,000 and 1 million persons between April and July 1994 [YUN 1994, p. 282], while their sudden voluntary return, which began in November 1996 [YUN 1996, p. 66], was caused by fighting between rebel and government forces in the eastern part of the former Zaire. The economic and social problems associated with the return and reintegration of 1.35 million refugees, compounded by persistent and deteriorating security conditions, challenged the Government of Rwanda and humanitarian organizations alike.

The human rights situation in Rwanda (see PART TWO, Chapter III) was closely linked to the deteriorating security situation, particularly in the north-western region of the country. Attacks against both civilian and military targets carried out by armed groups—made up of elements of the former Rwandese Armed Forces (ex-FAR) and former Interahamwe militia who participated in the genocide—escalated during the year, following the mass return of refugees from the former Zaire and the United Republic of Tanzania. Attacks by armed groups further intensified as of October 1997; victims included genocide survivors, returnees who had taken refuge in neighbouring countries and Congolese Tutsi refugees. The Rwandese Patriotic Army (RPA) responded with large-scale counter-insurgency operations, during which significant numbers of persons, including unarmed civilians, were killed.

Although the United Nations Assistance Mission for Rwanda (UNAMIR) was phased out in 1996, the United Nations maintained a presence in the country through the Human Rights Field Operation in Rwanda (HRFOR) and the Joint Reintegration Programming Unit, established in March 1997 by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme. In

addition, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 continued its work (see PART FOUR, Chapter II).

Humanitarian situation

Significant progress was made in providing humanitarian assistance in Rwanda in 1996 and 1997 despite the enormous needs confronting the Government and the international community, said the Secretary-General in a November report to the General Assembly [A/52/568]. The massive return of refugees between November 1996 and September 1997 represented one of the largest single voluntary repatriation movements in African history (see PART THREE, Chapters III and XII, for details on humanitarian assistance and assistance to refugees, respectively).

The Government of Rwanda was embarking upon an extensive rehabilitation agenda and believed that reintegration and reconstruction programmes were more relevant to the needs of the country than relief assistance programmes. The principal constraint on the delivery of humanitarian assistance was the insecurity that continued in the north and north-west in particular, and especially in the Gisenyi and Ruhengeri prefectures. Travel by humanitarian workers was frequently prohibited, resulting in reduced access and a less than regular delivery of much-needed aid to the vulnerable groups in those areas. The murder of eight UN staff members clearly impeded the delivery of humanitarian assistance, and without the presence of aid workers it was difficult to ascertain the exact humanitarian needs of the population and to deliver essential relief items. The Government endeavoured to help through the provision of military escorts, which were obligatory for missions sent by humanitarian organizations to the more insecure prefectures in the country.

It was clear, said the Secretary-General, that Rwanda's greatest challenge was coping with the legacy of the 1994 genocide. A promising start was made on reintegration programmes but substantial additional resources and a cessation of violence and sustained reconciliation initiatives were required for reintegration to succeed.

Repatriation and refugees

Between November 1996 and September 1997, over 1.3 million Rwandan refugees returned to their home country, due largely to the increased political turmoil in the eastern region of the former Zaire. Over 850,000 refugees returned from the former Zaire and approximately 500,000 from the United Republic of Tanzania. Despite efforts to locate and repatriate the remaining Rwandan refugees, UNHCR estimated that over 200,000 refugees remained unaccounted for in the Democratic Republic of the Congo (see PART THREE, Chapter XII, for further details).

Human rights situation

In response to General Assembly resolution 51/114 [YUN 1996, p. 688], the Secretary-General submitted an October note [A/52/486], with a later addendum [A/52/486/Add.1/Rev.1], transmitting the report of the United Nations High Commissioner for Human Rights on HRFOR. The High Commissioner provided an update of the human rights situation in Rwanda since November 1996, noting the massive return of Rwandans to their communes of origin, the serious deterioration in security and the human rights situation in a number of prefectures, an increase in the number of detainees held in Rwandan prisons and other detention centres, and the start of trials of persons accused of having participated in the genocide.

Not only was HRFOR the High Commissioner's largest field presence, but it operated in particularly difficult and dangerous circumstances in a relationship of sensitivity with a post-genocide Government.

In a later report to the Commission on Human Rights [E/CN.4/1998/61], the High Commissioner stated that, particularly since May 1997, the human rights situation had been closely linked to the deteriorating security situation in the north-west of the country, especially in Gisenyi and Ruhengeri prefectures, areas populated mainly by Hutus and perceived by the ruling Rwandan Government as a bastion of genocidal forces. Those two prefectures had seen escalating attacks perpetrated by armed groups comprising elements of ex-FAR and Interahamwe militia, which had acquired weapons with ease despite the imposition by Security Council resolution 918(1994) [YUN 1994, p. 285] of an embargo on the supply of arms in the region. RPA had responded to such attacks with large-scale counter-insurgency operations and the local civilian population had often been caught between the armed groups and RPA.

In 1997, HRFOR documented the killings of at least 5,952 persons, compared with 1,575 reported killings in 1996. Of the 1997 killings, 3,140 were attributed to State agents, 1,536 to members of armed groups and 87 to members of the population carrying out "private justice". The perpetrators of the remaining killings documented remained unknown. Armed groups carried out numerous attacks targeting genocide survivors and those associated with them, and persons who returned to Rwanda from exile in 1959 ("old-caseload returnees"). In addition, at least 457 Congolese refugees of Tutsi origin were killed by armed groups in attacks on a UNHCR-administered camp located in the Mudende sector, northern Gisenyi prefecture. The first attack took place on 22 August, claiming the lives of 131 Congolese Tutsi refugees and resulting in the wounding of 102 others. At least 326 Congolese Tutsi refugees were killed and a further 186 wounded in the second attack, which took place during the night of 10/11 December.

Attacks by RPA during military operations caused the deaths of 137 civilians in Ruhengeri prefecture in March and at least 2,022 persons were killed in May and June during RPA operations in several communes of that prefecture.

Communication. By a 27 August letter [S/1997/671], Rwanda transmitted to the Security Council President a statement from its Ministry of Foreign Affairs and Cooperation concerning the August massacre of Congolese refugees at the Mudende refugee camp (see above). Rwanda appealed urgently to the international community to provide generous assistance to the people of Rwanda in their efforts to achieve national reconciliation. (See PART TWO, Chapter III, for further information on the human rights situation in Rwanda.)

Arms embargo

By a 6 January letter [S/1997/15], the Chairman of the Security Council Committee established pursuant to resolution 918(1994) concerning Rwanda [YUN 1994, p. 285] submitted to the Council President a report covering the Committee's activities during 1996. By the 1994 resolution, the Council, acting under Chapter VII of the Charter, had imposed an arms embargo against Rwanda and established the Committee to seek information regarding the implementation of the embargo, consider information concerning violations of it, and make recommendations on ways to increase the embargo's effectiveness and on measures to respond to violations.

The Committee stated that it had received notifications of imports from Rwanda and of exports from Singapore in 1996 [YUN 1996, p. 68]. On 1 September 1996, in accordance with resolution 1011(1995) [YUN 1995, p. 380], the Council terminated the restrictions on the sale and supply of arms and related materiel to Rwanda and that Government was no longer required to notify the Committee of its imports of arms. However, with a view to preventing the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda, all States were required to continue to restrict sale or supply to such non-governmental forces in Rwanda or to persons in the States neighbouring Rwanda if such sale or supply was for use within Rwanda.

The Committee observed that it relied solely on the cooperation of States and organizations in a position to provide it with pertinent information concerning possible violations of the arms embargo. It therefore reiterated its appeal to all States to observe strictly the mandatory measures specified in Council resolutions.

By a 31 December letter [S/1997/1028], the Committee Chairman transmitted to the Council a report covering Committee activities during 1997. The Committee repeated that all States were required to implement restrictions with regard to supplying arms to non-governmental forces for use in Rwanda and reiterated its appeal for strict observance of the Council's mandatory measures.

UNAMIR financing

During 1997, the General Assembly considered the financial performance of the United Nations Assistance Mission for Rwanda (UNAMIR), the mandate of which expired on 8 March 1996. The Security Council, which had established UNAMIR by resolution 872(1993) [YUN 1993, p. 285], called, in resolution 1029(1995) [YUN 1995, p. 392], for the phasing out of the operation within six weeks of the expiry of the mandate.

In a 14 March 1997 report [A/51/830], the Secretary-General presented the financial performance report of UNAMIR for the period 1 January to 30 June 1996, covering the Mission's final mandate period from 1 January to 8 March of that year, its repatriation during the period from 9 March to 19 April and the administrative closing thereafter for the period up to 30 June 1996.

Total resources provided to UNAMIR for 1 January to 30 June 1996 amounted to \$54,573,600 gross (\$53,566,800 net). However, difficulties in arranging for the removal of UN-

owned assets, the settlement of disputes involving UNAMIR and its contractors, the transfer of equipment and other delays resulted in additional requirements of \$5,046,900 gross (\$5,011,600 net); since a preliminary review of UNAMIR's unliquidated obligations was being conducted, assessment of the additional appropriation was not being requested.

The Advisory Committee on Administrative and Budgetary Questions, having considered the Secretary-General's report, recommended in an 8 May report [A/51/891] that no action be taken on appropriations pending the receipt of a further report on the ongoing review of unliquidated obligations recorded in UNAMIR accounts that would determine if the required additional resources could be offset by any obligations pertaining to prior mandate periods that were no longer required.

By **decision 51/472** of 13 June, the General Assembly took note of the additional requirements in the amount of \$5,046,900 gross (\$5,011,600 net) for the operation of UNAMIR from 1 January to 30 June 1996 and authorized the Secretary-General to utilize credits arising from the liquidation of obligations pertaining to prior periods in an equal amount to meet the additional requirements. It reduced the appropriation for the period from 10 June to 31 December 1995, authorized its resolution 49/20B [YUN 1995, p. 394], from \$109,951,900 gross (\$107,584,300 net) to \$99,628,200 gross (\$97,508,000 net) to reflect the amount apportioned under the terms of that resolution. It also decided to include the item on financing of UNAMIR in the provisional agenda of its fifty-second session.

At that session, by **decision 52/456** of 22 December, the Assembly decided that the Fifth (Administrative and Budgetary) Committee would continue consideration of the item on financing of UNAMIR at its resumed fifty-second session in 1998.

On 24 December, the Secretary-General submitted to the Assembly a financial performance report on UNAMIR [A/52/752] for the period from 1 July 1996 to 30 June 1997 and covering UNAMIR's administrative closing in situ for the period from 1 July to 31 December 1996 and at UN Headquarters in New York thereafter, up to 30 June 1997. It was noted that an additional appropriation and assessment by the Assembly of \$456,900 gross (\$283,100 net) would be required to provide funding for the total expenditures recorded from 1 July 1996 to 30 June 1997. However, the additional resources could be offset by obligations pertaining to prior mandate periods that were no longer required.

Burundi

During 1997, the situation in Burundi remained unstable despite mediation efforts at the national, regional and international levels. Violent clashes between the armed opposition and the army continued, as did hostility between political parties.

Tensions also arose between Burundi and the United Republic of Tanzania when Burundi claimed that Burundi refugees concentrated in Tanzania along the frontier were carrying out deadly incursions into Burundi territory and that Tanzanian forces had attacked villages in Burundi, a charge that Tanzania refuted. Burundi refugees in the United Republic of Tanzania in 1997 were the single largest group of refugees in the Great Lakes region. Although during the year, the spontaneous repatriation occurred of some 100,000 of those refugees to provinces where peace had been restored, a similar number arrived in Tanzania from provinces where new outbreaks of fighting had taken place (see PART THREE, Chapter XII).

At the Fourth Arusha Regional Summit on the Burundi conflict, held in the United Republic of Tanzania on 16 April, regional leaders decided to ease some of the sanctions against Burundi, in place since the July 1996 coup d'etat, in order to alleviate the suffering of the people of that country. They declared their readiness to suspend all sanctions, apart from the arms embargo, once there was movement in the negotiations. That decision was welcomed by the Security Council in a 30 May statement. However, Burundi did not attend the fifth regional summit in September, citing, among other reasons, the deteriorating situation between it and the United Republic of Tanzania. The regional leaders therefore decided to maintain the sanctions.

In December, the Security Council approved the Secretary-General's proposal for a new mandate for Mohammed Sahnoun, who, as the Secretary-General's Special Envoy in Africa, would continue to follow closely developments in Central Africa, lend his support to peacemaking and peace-building initiatives in the Great Lakes region and give special attention to Burundi.

Political situation

The political situation in Burundi continued to reflect the deep divisions within and between the country's leading political movements, the polarizing influence of militant extremist groups at both ends of the political spectrum, the adverse

effects on the security situation of events in former Zaire (Democratic Republic of the Congo), and the lack of an agreed mechanism for negotiations acceptable to all the principal actors.

Despite continuing national and international political mediation efforts, no significant breakthrough was achieved. Mediation efforts during the year followed three linked but distinct tracks: the ongoing regional mediation effort led by the former President of the United Republic of Tanzania, Julius K. Nyerere; the talks between the Government and the Conseil national de defense de la démocratie (CNDD) under the auspices of the San'Egidio Community in Rome; and the United Nations and Organization of African Unity (OAU) decision to appoint a Joint Special Representative for the Great Lakes Region (see above, under "Great Lakes region").

Communication (January). Burundi, in a 15 January letter to the President of the Security Council [S/1997/36], described recent positive developments that had taken place. It reported that there had been a noticeable improvement in security, mainly in the capital and urban centres. In the interior of the country, the population was collaborating more effectively with the local government and with the forces of order to combat terrorists and their armed bands. There was also a massive return of population groups that had been deceived or taken hostage by armed rebels. With respect to refugees returning from neighbouring countries, particularly the former Zaire, Burundi had made arrangements to receive them and resettle them in their regions of origin.

Burundi refuted allegations by some human rights organizations, particularly Amnesty International, that repatriated persons had been executed by Burundi's security forces. It asserted that some of those repatriated persons were returning with arms along the border with Zaire under the cover of the repatriation movement and were encountering its forces, whose main mission was to protect the population. Other refugees had travelled with arms and baggage to the United Republic of Tanzania, from where, it was asserted, they were attempting to destabilize Burundi through murderous incursions against the innocent civilian population. Burundi nevertheless acknowledged that unfortunate mistakes had been committed in the towns of Kizuka, Kobero and Murambi. The Government deplored those cases and had ordered investigations to establish responsibility. Some members of its forces had been arrested and were awaiting trial.

As to allegations by Amnesty International concerning a so-called massacre of innocent persons by Burundi forces in a church in Buta-

ganzwa, the Government stated that those forces had launched an operation to free citizens of Burundi taken hostage by rebels and the latter—not innocent civilians—had been annihilated. The Government urgently reiterated its request that international observers be sent to Burundi to establish the facts of all alleged killings.

The Government again reaffirmed its determination to conduct frank negotiations with all parties involved in the conflict in Burundi, including armed factions. It had recently replied to the invitation of Mr. Nyerere, Facilitator of the Peace Process, to whom it reiterated its commitment to carry out fully the negotiation process. However, the Government had also indicated the obstacles and constraints linked to the embargo imposed by regional leaders (from Ethiopia, Kenya, Rwanda, Uganda, the United Republic of Tanzania and the former Zaire) at a summit meeting [YUN 1996, p. 84] following the July 1996 coup d'état. That embargo was unjustly and harshly affecting the people of Burundi and impeding chances for a return to peace through calm negotiation, it was stated.

The other stage in the search for peace through dialogue was the organization of a national debate, which was scheduled to begin at the end of January 1997.

Thus, the three stages in the dialogue pledged at the summit of the heads of State of the region in October 1996 [YUN 1996, p. 86] had been initiated. In view of the improvement in security and the determination of the Government to carry out its peace programme, Burundi again requested the Security Council to lift the embargo immediately in order to promote the negotiation process and a return to peace.

Fourth Regional Summit

By an 18 April letter [S/1997/319], the United Republic of Tanzania transmitted to the Security Council President the official communique of the Fourth Arusha Regional Summit on the Burundi conflict, which took place on 16 April. The Summit, attended by Burundi, Ethiopia, Kenya, Rwanda, Uganda, the United Republic of Tanzania and Zambia, with the participation of the OAU Secretary-General and the Facilitator of the Peace Process, reviewed the situation and developments in Burundi since its last meeting on 12 October 1996 [YUN 1996, p. 86]. In that regard, the Summit heard a report by President Pierre Buyoya of Burundi on action he had taken in response to the demands of the regional leaders for the restoration of normalcy and a negotiated end to the conflict in Burundi.

The Summit underscored the fact that, as far as Burundi was concerned, its objectives and

those of the African continent and the wider international community converged on the need to end the cycle of violence and on a negotiated settlement. To facilitate the early attainment of those objectives, the Summit appealed to the rest of the continent, and especially to the international community, to exert full political, economic and diplomatic pressure on all the parties in Burundi to pursue a negotiated settlement. Such pressure should include an arms embargo, as well as the denial of visas to those deemed to be obstructing the peace process. The Summit stressed that no one should arm any of the protagonists and called for the immediate cessation of hostilities. It called on the Government of Burundi and all parties to the conflict to take steps urgently to create the necessary environment for negotiations and national reconciliation to take place. In particular, the Government was called on to disband the regroupement camps and allow the normal resumption of activities without hindrance. The Summit urged the Government to restore the freedom of the Speaker of the National Assembly; it considered him an important interlocutor in the process of negotiations.

In order to alleviate the suffering of the people of Burundi, the Summit decided to expand, with immediate effect, the easing of sanctions to include all food and food products, all items relating to education and construction materials, all types of medicines, and agricultural items and inputs. It further decided to designate immediately focal points in every country to facilitate the smooth and efficient implementation of its decision. In the meantime, the Summit called for the speedy implementation of exemptions already agreed upon so as to ensure an uninterrupted flow of humanitarian assistance.

The Summit declared its readiness to suspend all sanctions, with the exception of the arms embargo, once there was movement in the negotiations.

SECURITY COUNCIL ACTION

On 30 May [meeting 3785], the President of the Security Council made the following statement [S/PRST/1997/32] on the Council's behalf:

The Security Council is concerned that, despite recent positive developments, there is continuing instability in Burundi. It recalls its resolution 1072(1996) of 30 August 1996, in which, *inter alia*, it demanded that all sides in Burundi declare a unilateral cessation of hostilities and initiate unconditional negotiations with a view to reaching a comprehensive political settlement.

The Council reiterates its support for the efforts of the regional leaders and takes note of the joint communique of 16 April 1997 issued following the Fourth Arusha Regional Summit on the Burundi

conflict, held at Arusha, United Republic of Tanzania. In particular, the Council welcomes the decision of the regional leaders to ease sanctions in order to alleviate the suffering of the people of Burundi.

The Council welcomes the fact that talks are being held in Rome which are complementary to the Arusha process. It also welcomes the commitment of the Government of Burundi to the comprehensive political dialogue among all the parties within the framework of the Arusha process. It urges all the parties in Burundi to continue to pursue a negotiated settlement and to refrain from actions which are detrimental to such dialogue.

The Council expresses its deep concern at the involuntary resettlement of rural populations and calls upon the Government of Burundi to allow the people to return to their homes without any hindrance.

The Council expresses its support and appreciation to former President Nyerere as well as to the Special Representative of the United Nations and the Organization of African Unity in their efforts to find a peaceful solution to the crisis in Burundi.

The Council requests the Secretary-General to continue to keep the Council informed on the situation in Burundi, especially with regard to the progress of a negotiated and peaceful settlement in the country.

The Council will remain seized of the matter.

Further developments

In response to the Security Council's request to be kept informed of the situation in Burundi, the Secretary-General on 15 July reported [S/1997/547] on the main developments that had occurred since November 1996 [YUN 1996, p. 87]. National and international mediation efforts had continued. For its part, the Government of President Buyoya attempted to consolidate power, secure the lifting of economic sanctions and encourage political dialogue, while stepping up efforts to combat the growing Hutu insurgency and the mounting death toll. However, the hostility between political parties continued to prevent progress in the national debate advocated by the Government and to hamper international efforts to bring the parties to the negotiating table. Divisions within the two main political parties, the rivalry between them and the constraints imposed on their work by the Government continued to feed animosities. These parties included the Front pour la démocratie au Burundi (FRODEBU), CNDD, the Union pour le progrès national (UPRONA), and the Parti pour le redressement national (PARENA), led by former President Jean-Baptiste Bagaza, who continued to enjoy strong support among Tutsi youth and students.

Extremists on both sides continued to disrupt reconciliation efforts by threatening and undermining the President. Anti-Buyoya sentiments culminated in mid-March with the discovery of

an assassination plot against the President, resulting in a large number of arrests. As of mid-July, former President Bagaza was still under house arrest and members of his PARENA party were still detained.

On a more positive note, the restoration of the National Assembly in September 1996 provided a forum for more regular political activity and dialogue among politicians of the different factions.

A further positive development was the re-emergence on the political scene of former President Sylvestre Ntibantunganya, who had left his refuge at the residence of the United States Ambassador in Bujumbura in June. He had pledged himself to civilizing the political debate in Burundi and to contributing to the normalization of political life. He had also declared his readiness to join peace talks with a view to ending the civil war between the armed opposition and the army.

Describing the security situation in Burundi, the Secretary-General stated that rebel attacks and army counter-operations had led to a series of violent clashes throughout the country at the end of 1996. Those clashes had been particularly concentrated in northern provinces, but the situation around Bujumbura remained tense and volatile.

The situation improved during the first months of 1997 with the advance of the Allied Democratic Forces for the Liberation of the Congo in the eastern part of the former Zaire (see above, under "Democratic Republic of the Congo"). However, strong pockets of rebels remained in the former Zaire, enabling them to launch operations against targets in Burundi. Overall, the massive movement of Hutu rebels along the western shores of Lake Tanganyika and across the Lake into the United Republic of Tanzania ultimately caused rebel operations to shift to the south. The resulting rebel infiltration from the United Republic of Tanzania into the southern provinces of Burundi caused a rift between the two Governments (see below).

In March, the areas in and around Bujumbura increasingly became targets of rebel attacks. Mine explosions and counter-insurgency operations by the military claimed dozens of victims. With an enormous increase in rebel activity in the south, the Government established a special crisis committee to deal with security issues. Fierce clashes between rebels and army units continued in April. In May, heavy fighting continued in the southern provinces, causing international aid agencies to evacuate their staff. Violence also flared again in the north-west where rebels attacked regroupement camps. Throughout May and June, fierce fighting was reported close to Bujumbura; on 3 June, the army used mortars and

aircraft to attack rebel positions near Bujumbura after violent encounters with rebels on the outskirts of the capital.

As this violence continued unabated throughout June, rumours that neighbouring countries were preparing to invade Burundi in support of the Government were rampant, as were claims that the rebels wanted to establish a bridgehead on Burundi territory with the support of the international community. In addition, reports were received of increased factional fighting among Hutu rebels and of the involvement of former Rwandan and Zairian soldiers. In response, officials from northern Burundi and southern Rwanda agreed in principle to cooperate on security matters and to extradite each other's rebels.

Still, the Secretary-General reported, despite continuing political mediation efforts, no significant breakthrough had taken place. Former President Nyerere continued as the principal international mediator for the conflict in Burundi.

During the course of the Summit Meeting of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Lome, Togo, 26-27 March), Burundi President Buyoya made the case for lifting the sanctions against his country. As a follow-up to the Fourth Arusha Regional Summit, at a meeting on 20 May in Kampala, Uganda, no agreement was reached on the list of products to be exempted from the regional sanctions regime. Burundi, at the end of June, expressed its disappointment that sanctions had still not been eased. On 27 June, Kenya lifted the fuel and travel embargo against Burundi.

While discussions on sanctions and their possible relaxation were going on, representatives of the Government and CNDD were engaged in direct secret talks under the auspices of the San'Egidio Community in Rome, the Secretary-General reported. The talks concentrated on the need to secure a permanent ceasefire. The public confirmation on 13 May of the secret talks drew harsh criticism from many sectors of Burundi society, across the political spectrum. In a 21 May letter to former President Nyerere, President Buyoya outlined the various steps the peace process in Burundi should follow and asked him to organize all-party negotiations. President Nyerere dispatched a mission to Burundi on 5 July to take stock of the political situation and to encourage all parties to participate in the negotiations.

In order to consolidate the ranks of those who were for peace, the Secretary-General said it was imperative that opportunities for dialogue and debate be created and promoted. In that connec-

don, he had instructed the United Nations Office in Burundi to support all initiatives aimed at promoting peace and reconciliation, including the national debate and the activities of the Speaker of the Assembly.

The Secretary-General noted that, in support of the efforts of the Mediator and of the process begun in Rome, the Security Council had, on 24 January, approved a joint proposal from himself and the OAU Secretary-General to appoint Mohammed Sahnoun as their Joint Special Representative for the Great Lakes Region, with priority attention to be given to the former Zaire and Burundi. Mr. Sahnoun had visited Burundi several times and was following events there very closely, it was stated.

The Secretary-General observed that President Buyoya's determination to pursue all-inclusive negotiations had resulted in improved relations between the Government and those who were interested in advancing a negotiated and peaceful settlement of Burundi's conflict. He was particularly encouraged by President Buyoya's new willingness to cooperate with a variety of international actors in order to find solutions to Burundi's persistent problems and by the gradual rapprochement between the President, the Government and the National Assembly. Should those positive trends continue, Burundi would be able to establish the conditions necessary for the further easing of sanctions.

Fifth Regional Summit

By a 4 September letter [S/1997/687], the United Republic of Tanzania submitted to the Security Council President the communique of the Fifth Regional Summit on the Burundi conflict, which met in Dar es Salaam on 3 and 4 September. The Summit was attended by the Democratic Republic of the Congo, Ethiopia, Rwanda, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe; Kenya, the OAU Secretary-General and former President Nyerere also participated. Mr. Nyerere reported on his efforts to facilitate a negotiated settlement, including his endeavours to convene a meeting of all parties to the conflict in Arusha on 25 August. The Summit regretted that, despite all those efforts, there had been no progress in the negotiation process. It expressed particular disappointment over the refusal of the Government of Burundi to take part in the first session of all-party negotiations in Arusha.

The Summit decided to maintain the existing sanctions and to ensure their scrupulous application. In that regard, it created a special secretariat comprising representatives of all the participating countries to monitor compliance.

As to the issue of the venue of the all-party talks, the Summit noted the position of the President of the United Republic of Tanzania that he not host the talks. The leaders, however, insisted that the next round of talks be held in Arusha, and urged all the parties, including the Government of Burundi, to take part. The talks would be convened by the Facilitator, Mr. Nyerere. In order to create a propitious climate for the talks, the Summit called on the Government of Burundi to halt ongoing trials until a negotiated solution was in place to deal with them; to release unconditionally the Speaker of the National Assembly, Léonce Ngendakumana, former President Sylvestre Ntibantunganya and former President Jean-Baptiste Bagaza to travel freely and participate in the talks; and to disband immediately the regroupement camps.

Burundi views

In an 8 September letter to the Security Council President [S/1997/697], Burundi stated that it had not been invited to attend the Fifth Regional Summit and that the United Republic of Tanzania had submitted the final communique of the Summit to the Council before Burundi had even been informed of it. A response to the Dar es Salaam communique reflecting Burundi's commitment to a peace process in which negotiations were open to all the parties to the conflict would be transmitted to the Council as soon as the Government had been formally notified of the letter and the spirit of the Summit. Burundi transmitted to the Council a 2 September statement by the Government on the peace process and a memorandum by the Government concerning the postponement of the political dialogue open to all parties to the conflict.

By the 2 September statement, the Government warned the general public about a disinformation campaign aimed at creating the impression that it had withdrawn from negotiations, and indicating that it had asked for a postponement of the 25 August all-party negotiations only in order to allow for better consultations. The Government reaffirmed its availability for the opening of negotiations on 29 September and proposed that they take place in a neutral city in the region, such as Addis Ababa (Ethiopia), Harare (Zimbabwe), Lusaka (Zambia) or Pretoria (South Africa). It pointed out that the United Republic of Tanzania would be playing the role of judge at the Summit while taking sides, noting that the relations between Burundi and Tanzania did not create an environment conducive to peace (see below, under "Burundi-United Republic of Tanzania"). The countries of the subregion were therefore requested to initiate a process of me-

diation between the two countries with a view to re-establishing normal relations more conducive to peace.

In its memorandum concerning the postponement of the all-party dialogue, Burundi said that it had sought the delay after assessing preparations for the dialogue and in the light of developments in its relations with the United Republic of Tanzania. The Government had conveyed its concerns to a delegation from the Mediator when it had visited Burundi in July. For the dialogue to take place in an atmosphere of calm, the Government had suggested the following: the easing of sanctions, which had been agreed at the April Arusha Summit; a political dialogue free from the pressure of economic sanctions; preventing terrorist organizations from attacking Burundians; normal diplomatic relations between Burundi and the United Republic of Tanzania; and pressure on terrorist organizations so that hostilities would cease.

It was also stated that the Government of Burundi had not been consulted with regard to negotiations and participants; that the Tanzanian delegation responsible for preparing for the negotiations had arrived only three days before the dialogue was due to begin; and that the Tanzanian side had not replied to Burundi's request to postpone the meeting by one month in order to clarify questions and concerns.

As to the creation of an atmosphere conducive to the holding of a dialogue, Burundi noted with regret that the Tanzanian authorities and the Mediator himself had increasingly made statements and gestures that had only created tension between the two countries and discouraged the participation of certain internal partners in the meeting. In addition, the United Republic of Tanzania had made an issue of the question of economic sanctions and border security. The fact that the Tanzanian authorities had set up refugee camps a few kilometres from the common border, from where armed Burundi refugees regularly attacked Burundi, cast some doubt on the neutrality of the United Republic of Tanzania and made it hard to accept mediation conducted by a noted citizen of that country.

Burundi requested its partners in the sub-region to: ensure that the mediation effort was more neutral; identify a neutral venue outside the United Republic of Tanzania for the peace talks, preferably within the subregion; and hold the first session of the intra-Burundi dialogue before the end of September 1997.

In a 17 September letter to the Security Council President [S/1997/723], Burundi transmitted the text of a message from its Government to the heads of State of the region following the Fifth

Regional Summit. Burundi noted that it had requested postponement of the intra-Burundi negotiations, scheduled for 25 August in Arusha, to allow time for consultations with all its partners and to find another location, outside the United Republic of Tanzania, more suitable for hosting the dialogue. At the September Summit, President Yoweri Museveni of Uganda was mandated to transmit the content and spirit of the Summit conclusions to Burundi, which he did by inviting Burundi's President to Mbarara in Uganda on 12 September.

Burundi again expressed its concern regarding the mediation and which country was to host it. No process could bring about peace in Burundi unless it fully involved the people of the country and was conducted with their full approval. It was therefore essential that there be greater cooperation between the Mediator and the people of Burundi, particularly the Government.

With regard to its objection to the peace talks being held in the United Republic of Tanzania, Burundi described the ongoing tension between the two countries resulting from the refugee camps set up by Tanzania all along the shared border, which it believed were regularly used as bases for incursions into Burundi territory (see below). A mediation endeavour therefore had to be undertaken to settle the conflict between the two countries so as to give the Burundi peace process a chance to succeed and to preserve peace in the region. Burundi called again for a complete end to the sanctions that were injuring its people, particularly the most vulnerable segments of its population.

Burundi saw no justification for the Summit's appeal to halt ongoing trials, stating that such action would throw the country into disorder and jeopardize public security. No Burundian would understand why perpetrators of minor offences should be punished while murderers could not be tried for crimes such as the 1993 assassination of President Ndadaye and the subsequent genocidal massacres. The proper approach was to ensure that every defendant was given a just and fair trial, which the Government had undertaken to do.

As to participation in the peace talks, Burundi reaffirmed its commitment to all-inclusive negotiations in which State bodies and any political or civil organizations might participate. However, the law could not be circumvented. Moreover, only representatives of public institutions and political or civil organizations could participate. In that regard, Burundi appealed to the heads of State of the region for understanding.

In keeping with its desire to lead the country towards peace through dialogue and negotiation, the Government of Burundi would respond to the next invitation to the peace talks but would continue to raise its concerns if they had not been met in the meantime.

Parliamentary days

By a 5 November letter [S/1997/863], Burundi transmitted to the Security Council President the conclusions and recommendations that emerged from parliamentary days held in Bujumbura from 14 to 17 October at the seat of the National Assembly. The theme of the days was: "Contribution of the National Assembly to the process of peace and national reconciliation and to respect for human rights in Burundi".

The participants made a number of recommendations for action by the Government, the National Assembly, the courts, the people of Burundi and the international community.

The representatives of the people and the other participants considered that the parliamentary days had created a new climate of dialogue and confidence between the executive and legislative branches, which would promote the positive evolution of the process of peace and national reconciliation in Burundi.

Special Envoy

By a 12 December letter [S/1997/994], the Secretary-General sought the concurrence of the Security Council for a new mandate for Mohamed Sahnoun, the Joint United Nations/Organization of African Unity Special Representative for the Great Lakes Region of Africa (see above, under "Great Lakes region"). As the Secretary-General's Special Envoy in Africa, Mr. Sahnoun would continue to follow closely developments in Central Africa, including the Great Lakes region. He would also lend his support to existing peacemaking and peace-building initiatives there, and give special attention to Burundi. In addition, he would be available for preventive and other missions that he might be asked to undertake in other regions of Africa as needed.

The Council's agreement was also sought for the appointment of Berhanu Dinka, former Special Envoy for Sierra Leone, as Representative of the Secretary-General for the Great Lakes Region and Regional Humanitarian Adviser for the Great Lakes Region.

By a 19 December letter [S/1997/995], the Security Council President informed the Secretary-General that the Council supported his proposals for new mandates for Mr. Sahnoun and Mr. Dinka.

GENERAL ASSEMBLY ACTION

By **decision 51/477** of 15 September, the General Assembly included in the provisional agenda of its fifty-second session the item entitled "The situation in Burundi". However, the Assembly took no action on the item during that session.

Burundi-United Republic of Tanzania

On 2 October [S/1997/764], Burundi transmitted to the Security Council President the text of a letter to the Secretary-General, annexed to which was a 30 September note verbale requesting UN assistance in solving the problem of Burundi refugees, in general, and the problem of Burundi refugees in the United Republic of Tanzania, in particular.

The note verbale stated that Burundi refugees concentrated along the frontier in the United Republic of Tanzania were carrying out deadly incursions into the territory of Burundi and that the United Nations should take steps to induce the Tanzanian authorities to: accept the reactivation of the technical working group established under the 1991 tripartite agreement between Burundi, the United Republic of Tanzania and the Office of the United Nations High Commissioner for Refugees (UNHCR); move those refugees who did not wish to return to a reasonable distance; and disarm Burundi refugees and prohibit them from engaging in political activity. In addition, the deployment of a group of neutral observers to verify incursions originating in the United Republic of Tanzania would be of great benefit.

Burundi also provided information, dating back to 1972, describing the refugee situation and what it believed were threats to the peace and security of Burundi and of the subregion.

In a 27 October note verbale [S/1997/822], Burundi, citing attacks on its south-eastern frontier by the Tanzanian army, requested the Secretary-General to: help restore communications between the Governments of the two countries; organize mediation between them with a view to normalizing the situation; and establish a neutral observer commission along the common frontier.

By a 3 November letter [A/52/566-S/1997/850], the United Republic of Tanzania categorically refuted the allegations made, asserting that the Burundi army had attacked a detachment of the Tanzanian People's Defence Forces. The United Republic of Tanzania had an obligation to protect its territorial integrity and the security of its citizens.

By a 4 December letter [S/1997/956], Burundi, having examined an aide-memoire prepared by

Tanzania in response to a decision by the Secretary-General to send a fact-finding mission to the shared border between the two countries, deplored the fact that Tanzania continually presented the situation within Burundi from the perspective of members of the armed groups and rebels situated in its territory. Burundi again denounced the setting up of refugee camps that had been transformed into training camps for armed groups less than 20 kilometres from the border, in violation of international conventions.

Burundi reported that tensions between it and the United Republic of Tanzania were far from easing; a representative of Burundi to Dar es Salaam had been expelled on 20 November and the Embassy was in the hands of rebel groups, thanks to the Tanzanian authorities. The aide-memoire contained a number of untruths, Burundi stated, including that the President of the National Assembly had been arrested. In addition, the execution of the sentences handed down on 31 July in the case of genocide followed all Burundi legal procedures and could not be tied to the peace process that the Burundi Government had vigorously embarked upon, and was not contrary to any so-called accord to which Burundi was not a party.

Burundi-Zaire

In response to a 1 February complaint by Zaire [S/1997/98] (see above, under "Democratic Republic of the Congo") alleging aggression against it by the armed forces of Burundi, Rwanda and Uganda, Burundi, in a 7 February letter [S/1997/116], informed the Security Council President that it formally rejected Zaire's false accusation regarding the involvement of Burundi soldiers. Burundi had no interest in interfering in the internal problems of any of its neighbouring countries, it said.

Human rights situation

In December 1997, Special Rapporteur Paulo Sergio Pinheiro carried out his fourth mission to Burundi to assess the human rights situation there (see PART TWO, Chapter III). In a report to the Commission on Human Rights [E/CN.4/1998/72], he noted that security conditions had improved over a large part of the country but continued to be highly unstable. Some provinces were still subject to rebel incursions. The populations of urban centres, such as Bujumbura and Gitega, were better protected than those of the collines, the dispersed settlement of which made it difficult for authorities to protect inhabitants in the event of disturbances or attacks.

In the Special Rapporteur's opinion, rebel activities had increased because of dissension within the various rebel groups; account-settling among rebels in the field was still causing casualties among the civilian population.

Concerning political developments, the Special Rapporteur noted some positive aspects, which, he felt, should be publicly recognized by the international community. Continuing criticism of the Government and isolation of it internationally were not conducive to peace and national reconciliation, he said. Despite contradictory measures, such as the ministerial order of early December 1997 suspending FRODEBU, the dialogue between the Government and National Assembly had made progress.

Included in the Special Rapporteur's recommendations were: that UNHCR should take steps in conjunction with the Tanzanian authorities to move the refugee camps near the frontier with Burundi further into Tanzania; that an evaluation should be made both of the utility of maintaining the economic sanctions against Burundi and of government efforts to initiate an internal dialogue and a nationwide peace process; that until a ceasefire had been established and a process of transition towards democracy initiated, an international embargo should be decreed on sales of arms and services to all parties in the Burundi conflict; and that the question of an international criminal tribunal should again be considered by the United Nations, once the conditions for establishing such a body had been met.

Communications. By a 27 May letter [S/1997/414], Burundi transmitted to the Secretary-General a reminder of its 1996 request [YUN 1996, p. 89] for the creation of an international criminal tribunal for Burundi, as recommended in the report of the International Commission of Inquiry in Burundi [YUN 1996, p. 88] and by the Special Rapporteur on the situation of human rights in Burundi.

Burundi stated that it had just instituted proceedings against the alleged perpetrators of the October 1993 assassination of the President of Burundi [YUN 1993, p. 262] and of the acts of genocide and other massacres committed since then. Burundi welcomed the assistance provided by the UN Centre for Human Rights in defending the accused and assisting victims who were claiming compensation, but wished to strengthen the Centre's cooperation with all judicial bodies and with the Bujumbura Bar Association. It therefore reiterated its request for material and financial assistance to better equip the judicial system to reassure all citizens of their rights.

By an 11 August letter [S/1997/639], Burundi transmitted to the Security Council President a

statement concerning allegations made by Amnesty International, published on 15 July, regarding what it described as the Government of Burundi's policy of forcibly rounding up the Hutu population. Burundi denied that there had ever been such a policy; people had always come together spontaneously in efforts to flee from the violent armed bands that Amnesty International had been careful not to condemn. Burundi denounced Amnesty International's tendency to try to divide the war victims, even in their misfortune. The Government felt there were no lucky ones among the displaced, nor were any of those who had come together better off than the others; there were simply Burundi victims of war who all needed assistance, which the Government was doing everything within its power to provide without distinction. Burundi appealed for objectivity in Amnesty International's reports, adding that it supported the noble cause of safeguarding human rights, in general, and in Burundi, in particular.

Central African Republic

The gradual return to peace and security experienced by the Central African Republic during 1997 was aided by the presence of an inter-African monitoring force provided by Burkina Faso, Chad, Gabon, Mali, Senegal and Togo. The politico-military crisis, which began in 1996 with three successive mutinies within the Central African Armed Forces, stemmed largely from widespread public discontent over social and economic problems exacerbated by prolonged non-payment of salary arrears.

The signing of the Bangui Agreements in January 1997, which included elements for a comprehensive settlement of the crisis and the establishment of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB), played a major role in stabilizing the situation in the country. In particular, MISAB contributed to the peace process by supervising the disarmament of former rebels who had taken weapons from government stores.

The Security Council, in a 6 August resolution, concerned about the situation in the Central African Republic and acting under Chapter VII of the Charter of the United Nations, authorized the States participating in MISAB, as well as those that were providing logistical support, to ensure the security and freedom of movement of their personnel. On 6 November, the Council re-

newed that authorization for a further three months.

The Bangui Agreements, and the implementation of several of their main provisions, were the result of the active mediating role played by a number of African countries, together with the Government of the Central African Republic and with the logistical and technical support of France and the United Nations Development Programme (UNDP).

The efforts of the parties to the Agreements achieved encouraging results in the political, military and security areas, including the re-establishment in August of a government of national union—the Government of Action in Defence of Democracy—and the scheduling of legislative elections for 1998. However, the situation in the social and economic spheres remained problematic, due mainly to the problem of arrears of wages and salaries, pensions and scholarships that had led to a number of national strikes.

In the meantime, the regional security situation also remained precarious, as many countries bordering the Central African Republic were suffering from serious social and political instability. As a result, the Central African Republic was host to some 45,000 refugees from those countries and from the Great Lakes region. Therefore, the Secretary-General warned, any sudden deterioration of the situation in the Central African Republic could have serious regional consequences.

Bangui Agreements

On 18 July [S/1997/561], the Central African Republic transmitted to the Secretary-General and the President of the Security Council a 4 July letter from President Ange-Félix Patassé in which he stated that the Central African Republic was facing a grave crisis and requested the international community's support for peace efforts that were under way.

President Patassé stated that the crisis stemmed from army rebellions that had broken out in 1996, as a result of which a large supply of weapons was still in the hands of the ex-rebels and the militia. He attached to his letter the texts of the Bangui Agreements signed in January 1997. The Agreements comprised a declaration signed by President Patassé, President El Hadj Omar Bongo of Gabon, who represented the delegation of heads of African States, and Ambassador Jean-Marc Simon of France on 25 January; a declaration on the end of the rebellious action, signed on the same date by Amadou Toumani Touré, Chairman of the International Monitoring Committee, and by Captain Anicet

Saulet, on behalf of the military officers; the text of the Preliminary Agreement on a National Reconciliation Pact, signed on 18 January by representatives of political parties, trade unions and civil society (religious denominations, human rights, justice and democracy societies, and national and occupational organizations); and the general report of the Committee on Consensus-building and Dialogue—a body set up by the International Monitoring Committee to find solutions to the crisis, with the logistical and technical support of the Resident Representative of UNDP in Bangui—which met from 11 to 16 January.

Inter-African Mission to Monitor Implementation of Bangui Agreements (MISAB)

In his 4 July letter [S/1997/561], President Patassé noted that, at his request, the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) had been established in January, under the authority of President Bongo, to help to restore peace and security and in particular to disarm the ex-rebels, the militia and all other unlawfully armed individuals. The States participating in MISAB were Burkina Faso, Chad, Gabon, Mali, Senegal and Togo. Appended to President Patassé's letter was the mandate of MISAB, signed on 6 March by President Bongo, and the text of the agreement on the status of the forces.

In the hope of placing the actions of MISAB within an appropriate political and legal framework, the Central African Republic requested the Security Council to authorize the States members of the Mission to carry out the necessary operations neutrally and impartially, to attain the objectives defined by the MISAB mandate and to authorize, under Chapter VII of the UN Charter, the participating States and the States supporting them to ensure the security and freedom of movement of MISAB personnel.

In a 7 July letter [S/1997/543], President Bongo of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements, informed the Secretary-General that MISAB had been deployed in Bangui since 8 February and consisted of approximately 800 men.

In view of the continuing tension and the threat that prolongation of the crisis was likely to constitute for the maintenance of international peace and security, the Governments members of the International Committee and the countries participating in MISAB expressed their wish to have at their disposal, as a legal framework for their intervention, a resolution under Chapter VII of the Charter approving the MISAB mandate and authorizing the intervention.

SECURITY COUNCIL ACTION (August)

On 6 August [meeting 3808], the Security Council unanimously adopted **resolution 1125(1997)**. The draft [S/1997/613] was sponsored by the Central African Republic, Egypt, Guinea-Bissau and Kenya.

The Security Council,

Concerned by the grave crisis facing the Central African Republic,

Taking note with appreciation of the signing of the Bangui Agreements of 25 January 1997 and the creation of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements,

Concerned by the fact that, in the Central African Republic, former mutineers, members of militias and other persons continue to bear arms in contravention of the Bangui Agreements,

Taking note of the letter dated 4 July 1997 from the President of the Central African Republic to the Secretary-General,

Taking note also of the letter dated 7 July 1997 to the Secretary-General from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements,

Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region,

1. Welcomes the efforts of the Member States which participate in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and of those Member States which support them;

2. Approves the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective to facilitate the return to peace and security by monitoring the implementation of the Bangui Agreements in the Central African Republic, as stipulated in the mandate of the Inter-African Mission, including through the supervision of the surrendering of arms of former mutineers, militias and all other persons unlawfully bearing arms;

3. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure the security and freedom of movement of their personnel;

4. Decides that the authorization referred to in paragraph 3 above will be limited to an initial period of three months from the adoption of this resolution, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 6 below;

5. Stresses that the expenses and logistical support for the force will be borne on a voluntary basis in accordance with article II of the mandate of the Inter-African Mission;

6. Requests the Member States participating in the Inter-African Mission to provide periodic reports at least every two weeks through the Secretary-General, the first report to be made within fourteen days after the adoption of this resolution;

7. Decides to remain actively seized of the matter.

First periodic report (August). By a 20 August letter [S/1997/652], the Secretary-General trans-

mitted to the Security Council the first periodic report of the Member States participating in MISAB.

The report, which covered the period from 6 to 18 August, stated that both the International Monitoring Committee to supervise the implementation of the Bangui Agreements and MISAB were under the political authority of General Amadou Toumani Toure, former President of Mali; MISAB was under the patronage of President Bongo of Gabon, senior head of State of the International Mediation Committee. Thus, the International Monitoring Committee was the body that directed the actions of MISAB, since it received political guidance directly from the heads of State concerned.

The International Monitoring Committee's plan of action incorporated the following components: formation of a government of national union; adoption of an amnesty law covering those who committed offences in the context of the third rebellion; disarmament of former rebels, militias and civilians; implementation of the recommendations of an August 1996 General Meeting on National Defence; situation of former heads of State; suspension of the parliamentary audit; and the final phase of national reconciliation through actions aimed at consolidating peace and security (organization of regional and sectoral awareness-raising seminars, organization of a National Reconciliation Conference, elaboration of an electoral code, access by political parties to the State media and other measures).

The report stated that, since its arrival in Bangui in February 1997, MISAB had been of considerable help in creating a climate of security. It comprised almost 800 soldiers and received logistical support from the participating States, France, the Organization of African Unity (OAU) and the Government of the Central African Republic. Although MISAB's activities were many and complex, said the report, its major objective could be summed up as preventing confrontation between the two main forces in the conflict: the loyalists of the Central African Armed Forces and the former rebels.

Owing to the development of organized crime, with the passive or active complicity of the former rebels, MISAB's activities had been extended to operations to maintain security in Bangui. In a city divided into zones controlled by either loyalists or former rebels, MISAB had emerged, after the withdrawal of French operational assistance units, as the only force that could circulate everywhere; thus, it was called upon to perform social and humanitarian functions. In the course of various operations, the

force suffered a number of losses, including six dead soldiers.

The report provided a list of the weapons that had been deposited at the residence of the Ambassador of France for surrender to the International Monitoring Committee and MISAB since the signing of the Truce Agreement of 28 June 1997 and the Ceasefire Agreement of 2 July. It noted that an organized campaign to recover the rest of the missing weapons was under way.

The report further stated that the adoption of **resolution 1125(1997)** on 6 August had had a catalytic effect on the political situation in the Central African Republic. The group of 11 opposition political parties, which had decided to suspend, as from 6 May, participation in the Government of the ministers belonging to its ranks, confirmed the end of the suspension on 9 August.

The report noted that the African mediation in Bangui demonstrated what Africans could do to settle internal conflicts on their continent. However, given the insufficiency of the African countries' own resources, logistical support from the international community, along the lines of the support provided by France to MISAB, remained a necessity.

Second periodic report (September). By a 4 September letter [S/1997/684], the Secretary-General transmitted to the Security Council the second periodic report of the Member States participating in MISAB.

The report, which covered the period from 20 August to 3 September, stated that during the reporting period the International Monitoring Committee had conducted intensive activities designed to secure progress in its plan of action to implement the Bangui Agreements. On 1 September, after the return to the Government of nine opposition ministers, it was officially announced that the Government of Action in Defence of Democracy had been re-established. There was, therefore, guarded optimism that the mediation machinery in the country would be more dynamic so that positive steps could be taken towards peace and national reconciliation.

The amnesty law, promulgated on 15 March, was being implemented with a great deal of pragmatism and understanding, an approach that had enabled the International Monitoring Committee to negotiate with the former rebels and to persuade them to hand over their weapons.

The plan for disarmament, the most delicate step in the national reconciliation process, entailed two phases: an awareness-raising and voluntary participation period, which started on 12 August and was expected to last between one and two months; and an investigation, intervention

and implementation-of-the-law phase. The report provided an updated list of all the weapons, taken by the former rebels from government stores, that had been handed over to MISAB. In the context of restructuring the Central African Armed Forces, the International Monitoring Committee had requested UNDP to set up a fund to assist military personnel wishing to leave active service and return to civilian life. As a result, UNDP had launched a project, to become operational in September 1997, on demobilization, re-training and reintegration for the Central African Armed Forces, which would make it possible to reduce the cost of operating the armed forces and facilitate their restructuring.

The report stated that a few of the claims made by the former rebels could be answered by implementation of the 282 recommendations made at the 1996 General Meeting on National Defence. The International Monitoring Committee, in April 1997, had established an ad hoc committee to examine those recommendations and to set up a schedule for their implementation, breaking them down into categories according to what could be applicable in the short, medium and long term. The results of the ad hoc committee's work had already been transmitted to the Ministry of Defence for implementation.

With regard to the final phase of national reconciliation—the last provision of the plan of action to implement the Bangui Agreements—the International Monitoring Committee, supported by UNDP, was engaged in making preparations for awareness-raising seminars, symposia and meetings. The restructuring of the Central African Armed Forces was also part of the reconciliation effort.

Describing cooperation with the Central African authorities and international organizations, the report stated that the International Monitoring Committee maintained constant contact with the President of the Republic and the Prime Minister, as well as with the National Assembly. It was also in contact with UNDP and with foreign diplomatic missions based in Bangui, with a view to requesting their diplomatic, financial and material support for mediation initiatives.

Third periodic report (September). By a 16 September letter [S/1997/716], the Secretary-General transmitted to the Security Council the third periodic report of the Member States participating in MISAB, covering the period from 3 to 17 September. During that period, the International Monitoring Committee had taken various steps towards progress in each of the elements of the timetable to implement the Bangui Agreements. The Government of Action in Defence of Democracy had resumed its normal activities on

2 September with a meeting of the Council of Ministers, and the amnesty act covering offences relating to the third rebellion and the misappropriation of public funds under investigation continued to be implemented with a great deal of pragmatism and understanding.

A major coordination meeting was held on 9 September, attended by the heads of all defence and security services in the country, members of the International Monitoring Committee and a delegation from the MISAB Command, to evaluate the activities of the security patrols that had been operating since June and the efforts to recover weapons. The meeting was followed by an announcement that the awareness-raising and voluntary participation phase for disarmament would end on 30 September and the second phase, during which legislation with regard to the illegal possession of weapons would be enforced, would commence on 1 October.

The report gave an updated list of weapons that had been handed over to MISAB and described activities carried out by MISAB in addition to security patrols; they included humanitarian assistance and responses to reports of assaults and other criminal actions.

The Central African police force had resumed operations in Bangui, freeing the Presidential Guard to focus on the strategic points that fell under their control by law. That had brought about considerable relaxation of tension among the population of Bangui, leading to the resumption of economic and cultural life. In addition, virtually all government offices had resumed operations; public transport was working; airlines had resumed regular service; and the free movement of persons and goods from place to place within the capital had become a reality.

However, the report noted that progress in the peace process could be jeopardized if UNDP's logistical and technical support to the International Monitoring Committee was terminated at the end of September and if MISAB's mandate was not extended in order to ensure security and peace-building until the next round of elections, scheduled for 1998.

Fourth periodic report (September). In a 30 September letter [S/1997/759], the Secretary-General transmitted to the Security Council the fourth report of MISAB, covering the last two weeks of September.

On 26 September, said the report, a meeting attended by leaders of all political parties and by members of the International Monitoring Committee assessed progress made in the area of disarmament and, thus, of national reconciliation. While all the participants welcomed the progress achieved in recovering weapons taken from the

State arsenal during the 1996 rebellion, some concern was expressed at the proliferation of military weapons that appeared to have been brought in illegally by certain political groups. The Technical Commission on Disarmament decided to take steps to locate and recover those weapons, if any had indeed been brought into the country and were still in circulation after 30 September.

After the meeting, it was decided to observe a national day of disarmament and peace on 30 September. All political parties agreed to sign and issue a joint appeal to the people of the Central African Republic on that day, calling on them to commit themselves to national reconciliation and to turn in any weapons held illegally.

The report also noted that religious groups had started to promote awareness of national reconciliation in general and of disarmament in particular. That was deemed extremely valuable in a country where religions exerted a major influence on the people and where no tensions existed between the various faiths practised.

The ways in which life in Bangui and the rest of the Central African Republic had returned to normal (or nearly so) were outlined. It was noted that the resumption of activities in numerous spheres was a sign of restored peace, which had to be consolidated.

The report hailed UNDP's decision to maintain its logistical and technical support for the International Monitoring Committee and strongly recommended that MISAB's mandate be extended in order to continue to ensure security and consolidate peace until the 1998 elections.

An updated list of seized weapons was again provided in the report, together with information on the sources of logistical support for MISAB.

Fifth periodic report (October). On 14 October, the Secretary-General submitted the fifth periodic report [S/1997/795] of the Member States participating in MISAB.

The report, which covered the period from 1 to 15 October, described progress towards national reconciliation in the Central African Republic. In the context of the restructuring of the Central African Armed Forces, UNDP had established a fund to assist military personnel wishing to leave active service in returning to civilian life. The project, which would assist the reintegration of 1,000 soldiers and reduce the cost of operating the armed forces and facilitate their restructuring, was expected to get under way towards the end of October, with the arrival of international experts.

With regard to cooperation with the Central African Republic authorities, two meetings were

held, on 30 September and 9 October, between the International Monitoring Committee and the group of 11 opposition political parties. Matters discussed related mainly to those aspects of the Bangui Agreements that had not been implemented or were still pending, such as the situation of the former heads of State, the surrender of weapons by the ex-rebels, militias and all other unlawfully armed individuals, and the drawing up of an electoral code. The opposition parties reaffirmed their commitment to the Bangui Agreements.

At the 9 October meeting, issues discussed included the new electoral code, the future of MISAB in the event of a possible withdrawal by the French Operational Assistance Personnel (EFAO), and the problem of back wages owed to workers in the public sector, which had caused strikes in the public schools.

The report concluded that the Government's failure to pay back wages, pensions and study grants had created an ugly social mood in the country and demonstrated how difficult it was for the Central African Republic to honour both those domestic commitments and its external obligations, in particular the arrears owed to the World Bank and the International Monetary Fund. Those arrears could reach more than \$120 million by 31 December 1997.

The report recommended that MISAB's mandate be extended for a two- or three-month period, beginning on 6 November 1997, the date on which the first mandate, which was approved by the Security Council in resolution 1125(1997), would expire.

Sixth periodic report (October). By a 28 October letter [S/1997/828], the Secretary-General transmitted to the Security Council President the sixth periodic report of MISAB, covering the period from 16 to 30 October. Undeniable progress had been made in implementing the Bangui Agreements, but there was still a long way to go in carrying out all their main provisions, the report stated.

With regard to disarmament, the report provided an updated list of weapons that had been turned over to MISAB. There had been a relatively low rate of recovery of light weapons and some former rebels (approximately 132 men) had not returned to their barracks. It had been reported that many of them might have left the Central African Republic taking their weapons with them. There were also suspicions that weapons illegally imported by the political parties were in the country.

In the context of cooperation with the Central African authorities and international organizations, Qin Huasun, Permanent Representative of

China to the United Nations and President of the Security Council for the month of November, had made an information visit to Bangui from 21 to 23 October. He had met with senior officials of the Government and the International Monitoring Committee, the MISAB Command and individuals from diplomatic and political circles. The Military Adviser to the Secretary-General, Major-General Franklin van Kappen, and his Chief of Staff had made a working visit to Bangui from 26 to 28 October and had had numerous contacts with civilian and military authorities and with the International Monitoring Committee and MISAB.

The new electoral code, produced by a national commission that included representatives of all political viewpoints, had given rise to a disagreement over the presidency of the National Electoral Commission. The group of 11 opposition political parties had requested the International Monitoring Committee to arbitrate in the matter and a solution acceptable to all concerned was being sought.

While the mediation efforts had achieved encouraging results in the political, military and security areas, the social situation remained tense. Some trade unions were threatening to strike and others had gone on strike over unpaid wages, in spite of the Government's efforts to engage in a dialogue. Students at the University of Bangui had gone on strike from time to time because the Government was six months behind in paying study grants, and the academic year did not begin on 6 October, as scheduled, because teachers were demanding the payment of back wages before returning to work.

The report noted the need and unanimous support for maintaining the International Monitoring Committee and MISAB for a further three-month period.

Communications (October/November). Gabon transmitted to the President of the Security Council a 23 October letter from President Bongo [S/1997/821], who stated that the adoption of **resolution 1125(1997)**, by which the Council approved the mandate of MISAB, had served as a catalyst and had facilitated the monitoring of the surrender of weapons by the former rebels, the militias and all other illegal holders of weapons. The involvement of the Council in the search for peace in the Central African Republic was well received by the people of the country, he said.

The presence of MISAB contingents in Bangui continued to be useful and necessary, especially because of the continuing tensions in the Central African subregion. President Bongo therefore requested the Council to take the necessary steps

to extend MISAB for three months as from 6 November.

On 4 November [S/1997/840], the Central African Republic transmitted to the Secretary-General a 17 October letter from President Patassé, who expressed his gratitude for the effective and prompt way in which the Security Council and the Secretary-General had responded to the crisis in the Central African Republic. The newly restored climate of de-escalation and detente had to be consolidated, he said, especially in view of the legislative elections to be held in 1998 and the presidential elections scheduled for 1999. Therefore, President Patassé requested the extension of the mandate of MISAB for an additional three-month period after its expiration on 6 November.

SECURITY COUNCIL ACTION

On 6 November [meeting 3829], the Security Council unanimously adopted **resolution 1136(1997)**. The draft [S/1997/849] was prepared in consultations among Council members.

The Security Council,
Reaffirming its resolution 1125(1997) of 6 August 1997,

Taking note of the sixth report to the Council by the International Committee for the follow-up of the Bangui Agreements,

Taking note also of the letter dated 17 October 1997 from the President of the Central African Republic to the Secretary-General,

Taking note further of the letter dated 23 October 1997 to the President of the Security Council from the President of Gabon, on behalf of the members of the International Committee for the follow-up of the Bangui Agreements,

Expressing appreciation for the neutral and impartial way in which the Inter-African Mission to Monitor the Implementation of the Bangui Agreements has carried out its mandate, in close cooperation with the Central African authorities, and noting with satisfaction that the Inter-African Mission has contributed to stabilizing the situation in the Central African Republic, in particular through the supervision of the surrendering of arms,

Noting that the States participating in the Inter-African Mission and the Central African Republic have decided to extend its mandate in order to complete its mission,

Stressing the importance of regional stability, and, in this context, fully supporting the efforts made by the Member States participating in the International Mediation Committee established by the Nineteenth Summit Meeting of Heads of State and Government of France and Africa, and by the members of the International Committee for the follow-up of the Bangui Agreements,

Stressing also the need for all signatories of the Bangui Agreements to continue to cooperate fully in respecting and implementing these Agreements,

Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region,

1. Welcomes the efforts made by the Member States which participate in the Inter-African Mission to Monitor the Implementation of the Bangui Agreements and of those Member States which provide support to them, and their readiness to maintain these efforts;

2. Welcomes also the support provided by the United Nations Development Programme to the International Committee for the follow-up of the Bangui Agreements, and encourages it to continue this support;

3. Approves the continued conduct by Member States participating in the Inter-African Mission of the operation in a neutral and impartial way to achieve its objective as set out in paragraph 2 of resolution 1125(1997);

4. Acting under Chapter VII of the Charter of the United Nations, authorizes the Member States participating in the Inter-African Mission and those States providing logistical support to ensure the security and freedom of movement of their personnel;

5. Decides that the authorization referred to in paragraph 4 above will be limited to a period of three months from the adoption of this resolution;

6. Recalls that the expenses and logistical support for the Inter-African Mission will be borne on a voluntary basis in accordance with article 11 of the mandate of the Mission, requests the Secretary-General to take the necessary steps to establish a Trust Fund for the Central African Republic which would assist in supporting the troops of States participating in the Mission and in providing logistical support to them, and encourages Member States to contribute to the Trust Fund;

7. Requests the Member States participating in the Inter-African Mission to provide periodic reports to the Council at least every month through the Secretary-General, the next report to be made within one month of the adoption of the present resolution;

8. Requests the Secretary-General to provide a report before the end of the three-month period referred to in paragraph 5 above, on the implementation of the present resolution, including recommendations on further international support for the Central African Republic;

9. Urges all States, international organizations and financial institutions to assist in post-conflict development in the Central African Republic;

10. Decides to remain actively seized of the matter.

Periodic reports (December). On 4 December, the Secretary-General transmitted to the Security Council President the first periodic report [S/1997/954] of the Member States participating in MISAB following the Council's extension of MISAB's mandate until 6 February 1998.

The report, which described developments in the Central African Republic from 31 October to 4 December, noted that the provisions of the Bangui Agreements on the formation of a Government of national union, the adoption of an amnesty law covering offences in the context of the third rebellion in 1996, and the situation of

former heads of State had already been implemented. The text of a law on the material benefits to be provided to former Presidents of the Republic was adopted on 30 October and it remained for the current head of State to enact the law.

The bill on the abandonment of the judicial enforcement of the parliamentary audit had been rejected by the National Assembly but would be redrafted and resubmitted.

As to the disarmament question, a coordination and security meeting had taken place on 5 November under the chairmanship of the Coordinator of the International Monitoring Committee, with the participation of the Minister of State for Territorial Administration, the Command of MISAB and the principal officials responsible for various national defence and security services. The meeting had defined a strategy to guide activities to recover the remaining missing arms in good condition, implementation of which began on 10 November. The report again provided an updated list of weapons that had been turned over to MISAB.

The issue of the implementation of the recommendations of the 1996 General Meeting on National Defence remained a problematic one between those in power and the opposition. Of the 282 recommendations, those holding the attention of all political circles involved the dissolution of the National Research and Investigation Centre and of the Survey, Research and Documentation Section, and the reduction of the Presidential Guard.

With regard to the objective of national reconciliation envisaged in the Bangui Agreements, awareness-raising seminars were being organized in various regions of the country between 18 November and 10 December, with the logistical, financial and technical support of UNDP. Conclusions from those seminars would be made available to the National Reconciliation Conference, planned for January 1998. A preparatory committee for the Conference was established on 17 October.

General Toure, Chairman of the International Monitoring Committee, returned to Bangui on 21 November 1997 after a consultative mission with the various heads of State of the countries participating in MISAB. Those meetings were of assistance in: evaluating progress made in implementing the Bangui Agreements; searching for solutions to those provisions that had not been implemented; studying the various hypotheses for the post-MISAB period; searching for solutions to the problem of arrears of wages; and studying the strategy to be adopted to convince the international community of the need to pro-

vide effective assistance to the Central African Republic.

The International Monitoring Committee and MISAB welcomed the adoption of **resolution 1136(1997)** and expressed the hope that the international community would respond within a reasonable time to the Council's invitation to contribute to the Trust Fund for the Central African Republic, which the Secretary-General had been requested to establish. They also hoped that all States, international organizations and financial institutions would assist in post-conflict development in the Central African Republic, as lasting peace could not be achieved without a minimum of economic and social development.

The Central African Republic was still experiencing difficulties in meeting its internal obligations (wages and salaries, pensions, scholarships, the functioning of the State apparatus) and its external commitments, in particular the repayment of arrears due to the Bretton Woods institutions. The greatest concern of the Central African authorities was therefore to find the necessary resources to resolve those problems.

The second periodic report [S/1998/3] of MISAB, which covered developments since 5 December 1997, stated that the process of restructuring the Central African Armed Forces, the National Gendarmerie and the Central African Police Force was inaugurated on 8 December. The general guidelines of the restructuring process envisaged a national, republican and multi-ethnic army, capable of supporting itself with a minimum of external support and able to participate in national development efforts, such as in the opening up of the interior of the country for engineering projects. A national commission, which was established to develop a restructuring plan based on those guidelines, began meeting on 15 December.

The report stressed that the Special Trust Fund established by the Secretary-General needed to be provisioned within a reasonable period of time. Pending the adequate provisioning of the Fund, an interim solution would be desirable, namely extension of the mandate of MISAB for a two-month period. The need for the presence of a military and security force after 6 February 1998 to stimulate the process of national reconciliation and create a peaceful environment for national elections to take place was a widely shared opinion among many officials in Bangui, the report noted.

The National Reconciliation Conference was scheduled to be held from 10 to 14 February 1998 and the preparatory committee was working on its objectives. It was widely agreed

in various political circles that in order to create a favourable climate for reconciliation there was a need, among other things, to find a solution to the financial situation and to the problem of the victims of the rebellions, and to achieve full application of the provisions of the Bangui Agreements.

Pursuant to the Council's request to the Secretary-General to provide a report within three months on the implementation of **resolution 1136(1997)**, a multidisciplinary mission from the UN Secretariat visited Bangui from 6 to 13 December to collect the elements necessary for the preparation of the report. The mission held extensive consultations with a number of international and national officials. The observations of the mission were to be presented to the Secretary-General in early 1998.

Angola

During 1997, a new Government of Unity and National Reconciliation (GURN) was formed in Angola, the culmination of a peace process launched by the United Nations to end almost two decades of civil war. On 1 July, the third United Nations Angola Verification Mission (UNAVEM III) was succeeded by the United Nations Observer Mission in Angola (MONUA).

United Nations peacekeepers were gradually withdrawn over the course of the year, from almost 6,000 troops in early 1997 to some 1,600 by the end of the year.

Military and political tensions continued in 1997 to threaten the security and operational capabilities of UN personnel, as well as the successful completion of the peace process. The Security Council in October imposed sanctions against the National Union for the Total Independence of Angola (UNITA), and called on all Angolan parties to complete without further delay the remaining aspects of the peace process and to refrain from any action that might lead to renewed hostilities.

In its continuing task of implementing the 1994 Lusaka Protocol, a Joint Commission met a number of times during the year. Chaired by the Secretary-General's Special Representative, Alioune Blondin Beye (Mali), the body comprised representatives of three observer nations (Portugal, Russian Federation, United States), the Government of Angola and UNITA.

Implementation of Lusaka Protocol

During 1997, efforts were undertaken to implement the Lusaka Protocol [S/1994/1441], signed in November 1994 by the President of Angola, Jose Eduardo dos Santos, and the leader of UNITA, Jonas Savimbi. It consisted of eight annexes covering legal, military and political issues aimed at achieving lasting peace, stability and reconciliation in Angola. The Protocol dealt with, among other things, the disarming of civilians; integration and creation of a national military and a national police force; the electoral process; the quartering and demilitarization of UNITA troops; and norms of participation by UNITA members in a new government of national unity.

The peace process began in May 1991 when the two Angolan parties signed the "Acordos de Paz" [S/22609], a plan which brought about a ceasefire and eventually led to the first-ever multi-party elections in September 1992.

SECURITY COUNCIL ACTION (January)

The Security Council on 30 January [meeting 3736], after consultations among its members, authorized the President to make the following statement [S/PRST/1997/3] on behalf of the Council:

The Security Council expresses its deep concern at the delay in the formation of a Government of Unity and National Reconciliation as a result of the failure of the União Nacional para a Independência Total de Angola to meet the timetable established by the Joint Commission in the context of the Lusaka Protocol.

The Council also notes with concern the slow pace of implementation of the remaining military aspects of the peace process, in particular the demobilization and integration of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces.

The Council takes note of the conclusions of the meeting of the Joint Commission on 23 January 1997, according to which the Government of Angola and the União Nacional para a Independência Total de Angola agreed to implement the Lusaka Protocol.

the Government of Unity and National Reconciliation beyond 25 January 1997, the União Nacional para a Independência Total de Angola agreed to ensure that all of its National Assembly deputies and the members of the future Government of Unity and National Reconciliation designated by the União Nacional para a Independência Total de Angola would be in Luanda on 12 February 1997 and the Government of Angola agreed to set a date for the inauguration of the Government of Unity and National Reconciliation immediately following the arrival of the deputies of the União Nacional para a Independência Total de Angola.

The Council calls upon the parties to implement this agreement strictly and to form the Government of Unity and National Reconciliation without any linkages and without further delay. Failure to imple-

ment this agreement could jeopardize the peace process and lead the Security Council to consider appropriate measures, as indicated in relevant Security Council resolutions, against those responsible for the delays.

The Council emphasizes that the ultimate responsibility for restoring peace rests with the Angolans themselves. The Council reminds the União Nacional para a Independência Total de Angola and the Government of Angola that the international community can only provide assistance if progress is achieved in the peace process and that it will consider a United Nations presence in Angola after the expiration of the mandate of the United Nations Angola Verification Mission III in this context.

The Council expresses its appreciation to the Special Representative of the Secretary-General and the three observer countries for their efforts to assist the parties in Angola in advancing the peace process.

The Council will continue to monitor closely the implementation of the Joint Commission agreement.

The Council will remain seized of the matter.

Report of Secretary-General (February). On 7

February [S/1997/115], the Secretary-General reported on developments in Angola since December 1996 [YUN 1996, p. 103]. He observed that, despite some encouraging signs, the Angolan peace process was witnessing new delays and difficulties, and the pace of implementation of the remaining military and political tasks was painfully slow and disappointing.

The formation of a new Government, which was to include UNITA representatives, was postponed for a number of reasons, including the unresolved issue of the special status for Mr. Savimbi, leader of UNITA. The Secretary-General's Special Representative, Mr. Beye, together with the three observer States (Portugal, Russian Federation, United States), as well as the Government of Angola and UNITA, decided to launch the new Government following the arrival of UNITA deputies in Luanda.

The Secretary-General noted that the planning for a follow-on UN observer mission in Angola was continuing, as requested by the Security Council in resolution 1087(1996) [YUN 1996, p. 104]. That new mission would focus on political, police and human rights aspects of the situation, as well as humanitarian activities and public information in support of the national reconciliation process.

Although much progress had been made in the military area, the Secretary-General said, the incorporation of selected UNITA soldiers and officers into the Angolan Armed Forces (FAA) and the Angolan National Police (ANP) was proceeding at a very slow pace, while the process of demobilization had yet to commence in earnest. In addition, the overall se-

curity environment remained fragile, though the ceasefire continued to hold throughout Angola. Preparations were under way to undertake a gradual and progressive downsizing of the military units of the United Nations Angola Verification Mission (UNAVEM III).

UN troops were deployed at almost 80 sites throughout the country to verify various military and police aspects of the Lusaka Protocol, including the quartering of UNITA troops and the rapid reaction police, demobilization and formation of the joint Angolan Armed Forces, conducting patrols and performing other essential tasks.

UNAVEM engineer units had undertaken bridge reconstruction, demining and road rehabilitation, with a significant impact on fostering a climate of security and building confidence in Angola. Three demining brigades were operational, and another three were partially functional owing to a lack of supervisors. The mine-awareness programme, conducted by the Angolan National Institute for the Removal of Unexploded Ordnance (INAROE) and the United Nations Children's Fund, in collaboration with several international non-governmental organizations, had been instrumental in sensitizing more than half a million Angolans to the danger of mines, the Secretary-General reported.

UN programmes and agencies in Angola were involved in relief activities to meet the needs of approximately 100,000 ex-combatants and 340,000 dependants, as well as 1 million internally displaced persons and 30,000 returning refugees. The Secretary-General believed that focusing attention on the completion of the demobilization of ex-combatants would serve as an impetus to the return of displaced persons and refugees to their places of origin. The free movement of people and goods throughout the country had improved, although some restrictions remained in several provinces. Acts of banditry in some provinces continued to impede the delivery of humanitarian assistance. (See PART THREE, Chapter III.)

The Secretary-General concluded that the United Nations had done much over the past two years to stabilize the security situation in Angola. It remained of crucial importance that the peace programmes continued to receive the requisite financial support, for the Angolan peace process should be viewed as a long-term endeavour requiring vital rehabilitation and post-conflict reconstruction elements. The Secretary-General recommended that the Security Council extend the UNAVEM III mandate for one month, until 31 March 1997.

SECURITY COUNCIL ACTION (February)

On 27 February [meeting 3743], the Security Council unanimously adopted **resolution 1098(1997)**. The draft [S/1997/162] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement of its President of 30 January 1997,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the Acordos de Paz, the Lusaka Protocol and the relevant Security Council resolutions,

Deeply concerned at the second delay in the formation of the Government of Unity and National Reconciliation, as a result of the failure of the União Nacional para a Independência Total de Angola to meet the timetable established by the Joint Commission, in the context of the Lusaka Protocol,

Also concerned at the continued delay in the implementation of the remaining political and military aspects of the peace process, including the selection and incorporation of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, and demobilization,

Stressing that it is imperative for the parties, in particular the União Nacional para a Independência Total de Angola, to take urgent and decisive steps to fulfil their commitments in order to ensure the continued involvement of the international community in the peace process in Angola,

Having considered the report of the Secretary-General dated 7 February 1997,

1. Welcomes the recommendations contained in the report of the Secretary-General dated 7 February 1997;

2. Decides to extend the mandate of the United Nations Angola Verification Mission III until 31 March 1997;

3. Urges the Government of Angola and, in particular, the União Nacional para a Independência Total de Angola to solve the remaining military and other issues and to establish, without further delay, the Government of Unity and National Reconciliation, and requests the Secretary-General to report by 20 March 1997 on the status of the formation of this Government;

4. Expresses its readiness, in the light of the report referred to in paragraph 3 above, to consider the imposition of measures, including, inter alia, those specifically mentioned in paragraph 26 of resolution 864(1993) of 15 September 1993;

5. Stresses that the good offices, mediation, and verification functions of the Special Representative of the Secretary-General, in close collaboration with the Joint Commission, remain essential for the successful completion of the Angolan peace process;

6. Decides to remain actively seized of the matter.

Report of Secretary-General (19 March). In a 19 March report [S/1997/239], submitted pursuant to **resolution 1098(1997)**, the Secretary-General

observed that despite determined and intensive efforts, especially on the part of his Special Representative, the new Government had yet to be established. That was due primarily to the failure of UNITA to send all of its officials to Luanda as previously agreed. Repeated delays in fulfilling that obligation were having a negative impact on the implementation of major aspects of the peace process, including the normalization of State administration throughout Angola and the demobilization of excess UNITA personnel, who continued to be cantoned in selection and demobilization centres. The situation was undermining the credibility of the peace process and could not be allowed to continue, he declared.

Aware that the patience of the international community was wearing thin, the Secretary-General said he had decided to visit Angola from 22 to 25 March to assess the situation and impress upon the parties the need to establish the new Government without any further delay.

SECURITY COUNCIL ACTION (21 March)

On 21 March [meeting 3755], the President of the Security Council made the following statement [S/PRST/1997/17] on behalf of the Council:

The Security Council takes note of the report of the Secretary-General of 19 March 1997 and once again expresses its deep concern that the Government of Unity and National Reconciliation has not yet been established, owing primarily to the failure of the União Nacional para a Independência Total de Angola to send all of its officials to Luanda as previously agreed. The Council reminds the União Nacional para a Independência Total de Angola of its obligations in accordance with the provisions of the Lusaka Protocol and subsequent agreements between the two parties.

The Council expresses its full support for the Secretary-General in his mission to Angola to assess the situation and impress upon the parties the need to establish the Government of Unity and National Reconciliation without any further delay. It calls upon the parties, in particular the União Nacional para a Independência Total de Angola, to cooperate fully with the Secretary-General, his Special Representative, and the observer States and to use the occasion of the Secretary-General's visit to install the Government of Unity and National Reconciliation.

The Council remains actively seized of the matter and recalls that, in accordance with resolution 1098(1997) of 27 February 1997, it will consider the imposition of measures, including, *inter alia*, those specifically mentioned in paragraph 26 of resolution 864(1993) of 15 September 1993, against the party responsible for the failure to form the Government of Unity and National Reconciliation. The Council, following the next report of the Secretary-General, will also consider the role of the United Nations in Angola after the expiration of the current mandate of the United Nations Angola Verification Mission III on 31 March 1997 on the basis of the progress

made by the parties to full implementation of their commitments under the Acordos de Paz and the Lusaka Protocol as well as their obligations under the relevant Security Council resolutions.

Report of Secretary-General (25 March). In a 25 March report following his visit to Angola [S/1997/248], the Secretary-General said that his meetings in Angola had injected new vigour into the implementation of the Lusaka Protocol. A Joint Commission pronouncement on the future status of the UNITA leader and the promise by Mr. Savimbi to send to Luanda the rest of the UNITA National Assembly deputies with a view to establishing the new Government were encouraging signs.

As far as military matters were concerned, the Secretary-General observed that the ceasefire continued to hold throughout Angola, though small-scale incidents, perpetrated by FAA and UNITA forces alike, persisted. A rapid demobilization plan, endorsed by the Joint Commission, was delayed due to political and financial complications, including non-disbursement of the Government's special subsidy for the demobilization of ex-UNITA under-age personnel. On 12 March, both parties agreed to terminate the integration of UNITA troops into FAA. No progress had been made in dismantling the four remaining UNITA command posts. UNITA had not provided a list of its communications equipment despite numerous promises to do so, nor had it surrendered any further military or communications material. As at 20 March, only a small number of UNITA personnel had been selected by ANP, as many of those screened had not met the educational requirements set by the Government. ANP, in the meantime, continued attempts to disarm the civilian population, while the storage and custody of all weapons collected were monitored and verified by the civilian police of UNAVEM III.

The withdrawal of UNAVEM III troops proceeded as scheduled, the Secretary-General added. Despite administrative and logistic constraints, training and deployment of demining brigades continued. In addition, UNAVEM had diversified and stepped up its human rights promotion activities with the cooperation of the respective provincial committees.

The Secretary-General expressed his confidence in the possibility of establishing a new Government in the near future, pending the fulfilment of the commitments made by the Government of Angola and UNITA. Given the uncertainty as to the exact date for the new Government's inauguration, he recommended that the UNAVEM mandate be extended for two weeks only.

SECURITY COUNCIL ACTION (31 March)

On 31 March [meeting 3759], the Security Council unanimously adopted **resolution 1102(1997)**. The draft [S/1997/262] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statements of its President of 30 January 1997 and of 21 March 1997,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the Acordos de Paz, the Lusaka Protocol and the relevant Security Council resolutions,

Stressing that it is imperative for the parties to take urgent and decisive steps to fulfil their commitments in order to ensure the continued involvement of the international community in the peace process in Angola,

Having considered the report of the Secretary-General of 25 March 1997,

1. Commends the efforts of the Secretary-General during his recent visit to Angola to move the peace process forward;

2. Welcomes the arrival in Luanda, although after considerable delay in the implementation of the provisions of the Lusaka Protocol, of the deputies of the União Nacional para a Independência Total de Angola and future officials of the Government of Unity and National Reconciliation, in accordance with subsequent agreements between the two parties;

3. Also welcomes the decision by the Government of Angola, as announced by the Joint Commission, to install the Government of Unity and National Reconciliation on 11 April 1997;

4. Calls upon both parties to form the Government of Unity and National Reconciliation on that date;

5. Also calls upon both parties to remove all remaining obstacles to the peace process and to implement without further delay the remaining military and political aspects of the peace process, in particular the incorporation of soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces, demobilization, and normalization of State administration throughout the national territory;

6. Decides to extend the mandate of the United Nations Angola Verification Mission III until 16 April 1997, and requests the Secretary-General to report by 14 April 1997 on the status of the installation of the Government of Unity and National Reconciliation;

7. Decides also that, in accordance with resolution 1098(1997) of 27 February 1997, it remains ready to consider the imposition of measures, including, *inter alia*, those specifically mentioned in paragraph 26 of resolution 864(1993) of 15 September 1993, if the Government of Unity and National Reconciliation is not installed by 11 April 1997;

8. Decides to remain actively seized of the matter.

Report of Secretary-General (April). In a 14 April report [S/1997/304], the Secretary-General reported that, on 11 April, a new Government of

Unity and National Reconciliation (GURN) was inaugurated, marking a milestone in the Angolan peace process. He observed that never before had the country been so close to the final resolution of its devastating conflict and to the attainment of lasting peace. On 8 April, the National Assembly, acting on the special status of Mr. Savimbi, defined his rights, duties and immunities. On the following day, UNITA deputies were sworn in as members of the National Assembly.

The Secretary-General, stating that he was convinced that the international community should remain engaged in Angola until the full implementation of the Lusaka Protocol had been achieved, recommended the extension of the mandate of UNAVEM III until 30 June, on the understanding that the operation would gradually proceed with the transition to an observer mission, scheduled to begin on 1 July.

Much remained to be done in Angola, he continued, including the formation of the unified armed forces and the national police, demobilization of excess UNITA soldiers, disarmament of the civilian population, dismantling of illegal command posts and checkpoints, and handover by UNITA of its communications equipment. In addition, the Secretary-General expressed concern at reports of involvement by the Angolan parties in the Zairian conflict. Angolan President dos Santos and the UNITA leader, Mr. Savimbi, in discussions with the Secretary-General during his visit to Angola, denied that they were providing support to the warring parties in Zaire.

The slow pace of the incorporation of selected UNITA soldiers into FAA and ANP continued. The launching of a rapid demobilization programme had been postponed several times, creating additional hardships for UNITA soldiers and their families, and imposing further financial difficulties on the United Nations.

The report noted that the large numbers of deserters and absentees from the selection and demobilization centres remained a source of serious concern. Efforts were under way to make ex-combatants aware of the benefits of demobilization, in order to encourage those who had left the quartering areas to return as soon as possible.

To consolidate progress achieved towards the attainment of national reconciliation, the Secretary-General reaffirmed his hope for a meeting between President dos Santos and Mr. Savimbi.

SECURITY COUNCIL ACTION (April)

On 16 April [meetings 3767 & 3769], the Security Council unanimously adopted **resolution 1106(1997)**. The draft [S/1997/316] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent resolutions,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola of the Acordos de Paz, the Lusaka Protocol and the relevant Security Council resolutions,

Expressing its satisfaction with the recent progress in the peace process, including the approval by the Angolan National Assembly of the special status for the leader of the União Nacional para a Independência Total de Angola as the leader of the largest opposition party and the seating of the deputies of the União Nacional para a Independência Total de Angola in the National Assembly on 9 April 1997,

Reiterating that the ultimate responsibility for the completion of the peace process rests with the Angolans themselves,

Having considered the reports of the Secretary-General of 7 February 1997 and 14 April 1997,

1. Warmly welcomes the inauguration on 11 April 1997 of the Government of Unity and National Reconciliation;

2. Strongly urges the parties, acting through the Government of Unity and National Reconciliation and with the continued support of the Joint Commission, to complete without delay the remaining military aspects of the peace process, including the incorporation of the soldiers of the União Nacional para a Independência Total de Angola into the Angolan Armed Forces and demobilization, and the selection and incorporation of personnel of the União Nacional para a Independência Total de Angola into the Angolan National Police, as well as to move ahead with the political tasks, in particular the normalization of State administration throughout the national territory; in this context, considers that a meeting between the President of Angola and the leader of the União Nacional para a Independência Total de Angola within the territory of Angola would contribute to this process of national reconciliation, and expresses its hope that such a meeting will take place;

3. Welcomes the recommendations contained in the report of the Secretary-General of 14 April 1997;

4. Decides to extend the mandate of the United Nations Angola Verification Mission III until 30 June 1997 to assist in the implementation of these remaining tasks, with the understanding that the Mission will begin, as appropriate, to proceed with the transition towards an observer mission as described in section VII of the report of the Secretary-General of 7 February 1997 using resources already provided or allocated to the Mission for the period ending 30 June 1997;

5. Requests the Secretary-General to complete the withdrawal of military units of the United Nations Angola Verification Mission III as scheduled, taking into account progress in the remaining relevant aspects of the peace process;

6. Expresses its intention to consider the establishment of a follow-on United Nations presence, bearing in mind the reports of the Secretary-General of 7 February 1997 and 14 April 1997, which would succeed the United Nations Angola Verification Mission III, and

requests the Secretary-General to submit for its consideration, no later than 6 June 1997, a report containing his recommendations regarding the structure, specific goals, and cost implications of such a mission;

7. Decides to remain actively seized of the matter.

Report of Secretary-General (June). The Secretary-General, in a 5 June report [S/1997/438], called for a continued but scaled-down presence of the United Nations in Angola following the expiration of the mandate of UNAVEM III on 30 June. He recommended the establishment, for a period of seven months, starting on 1 July 1997, of a new operation to be known as the United Nations Observer Mission in Angola/Missão de Observação das Nações Unidas em Angola (MONUA). In addition to those responsibilities noted in his 7 February report (see above), the overall mandate of the follow-on mission would be to assist the Angolan parties in consolidating peace and national reconciliation, enhancing confidence-building and creating an environment conducive to long-term stability, democratic development and rehabilitation of the country. The Secretary-General detailed the structure and main objectives of MONUA, including political and military aspects, police matters, human rights issues, humanitarian assistance, and administrative matters.

The Secretary-General reported that despite persistent difficulties and delays, events in Angola were generally moving in a positive direction, especially with the formation of GURN, the return of UNITA deputies to the National Assembly, the beginning of the normalization of State administration, and the demobilization of ex-combatants.

Tensions in the northern part of Angola had underscored the unsettled situation prevailing in some areas; also, the psychological and political barriers between the parties were still wide. In that connection, the Secretary-General once again called for a meeting between President dos Santos and Mr. Savimbi to facilitate and accelerate the process of national reconciliation, as well as to resolve the precarious situation in the border area between Angola and the Democratic Republic of the Congo.

The process of extension of State administration to areas formerly under UNITA control was proceeding at a slow pace and, in some instances, had given rise to organized protest. Consultations were also proceeding on the transformation of UNITA into a national political party.

The freedom of movement of UNAVEM military and police observers had been temporarily restricted and some UNAVEM personnel had been attacked.

More than 23,000 demobilized soldiers and their dependants had been transported to areas of origin or choice and provided with basic medical care and multi-purpose reintegration kits. The rapid demobilization programme began on 14 April in the central and southern regions and would eventually be extended to other areas of Angola. The report also noted that the government programme for the disarmament of the civilian population had entered into the second phase of implementation, but showed little tangible progress.

SECURITY COUNCIL ACTION (June)

On 30 June [meeting 3795], the Security Council unanimously adopted **resolution 1118(1997)** establishing MONUA. The draft [S/1997/498] had been prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent resolutions,

Reaffirming also its commitment to the unity and territorial integrity of Angola,

Recognizing the successful contribution of the United Nations Angola Verification Mission III to the restoration of peace and the process of national reconciliation on the basis of the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Recognizing also that the formation of the Government of Unity and National Reconciliation provides a strong basis for the process of national reconciliation,

Emphasizing the need for the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) to implement without further delay the remaining political and military tasks of the peace process,

Expressing its concern about the recent increase in tensions, especially in the north-eastern provinces, and the attacks by UNITA on posts and personnel of the Verification Mission,

Reiterating that the ultimate responsibility for the completion of the peace process rests with the Angolan people themselves,

Having considered the report of the Secretary-General of 5 June 1997,

1. Welcomes the recommendations contained in the report of the Secretary-General of 5 June 1997;

2. Decides to establish, as of 1 July, the United Nations Observer Mission in Angola with the objectives, mandate and organizational structure recommended by the Secretary-General in section VII of his report of 5 June 1997;

3. Also decides, with the expectation of full completion of the Mission by 1 February 1998, that the initial mandate of the United Nations Observer Mission in Angola will extend until 31 October 1997, and requests the Secretary-General to report on the situation by 15 August 1997;

4. Further decides that the United Nations Observer Mission in Angola will assume responsibility for all components and assets of the United Nations Angola Verification Mission III remaining in Angola, includ-

ing formed military units, to deploy as appropriate until they are withdrawn;

5. Requests the Secretary-General to continue to take into account the situation on the ground and progress in completing the remaining relevant aspects of the peace process in implementing the scheduled withdrawal of United Nations military units, and to report thereon in the context of the review requested in paragraph 3 above;

6. Calls upon the Government of Angola to apply *mutatis mutandis* to the United Nations Observer Mission in Angola and its members the Agreement concluded on 3 May 1995 between the United Nations and the Government of Angola on the Status of the United Nations Peacekeeping Operation in Angola (the United Nations Angola Verification Mission III) and requests the Secretary-General to confirm urgently that this has been done;

7. Endorses the recommendation of the Secretary-General that the Special Representative continue to chair the Joint Commission, as established under the Lusaka Protocol, which has proved to be a vital conflict resolution and implementation mechanism;

8. Calls upon the Government of Angola and in particular UNITA to cooperate fully with the United Nations Observer Mission in Angola and to ensure the freedom of movement and the safety of its personnel;

9. Strongly urges the Government of Angola and in particular UNITA to complete the remaining political aspects of the peace process, including the normalization of State administration throughout the national territory according to a timetable and procedures agreed upon by both parties within the context of the Joint Commission, the transformation of the UNITA radio station into a non-partisan broadcasting facility, and the transformation of UNITA into a political party;

10. Also strongly urges the Government of Angola and in particular UNITA to complete without delay the remaining military aspects of the peace process, including the registration and demobilization of all remaining military elements, the elimination of all obstacles to the free circulation of people and goods, and the disarmament of the civilian population;

11. Appeals in the strongest terms to both parties to refrain from any use of force which could obstruct the full implementation of the peace process;

12. Calls upon the Government of Angola to notify the United Nations Observer Mission in Angola of any troop movements, in accordance with the provisions of the Lusaka Protocol;

13. Demands that UNITA provide to the Joint Commission, without delay, complete information regarding all armed personnel under its control, including the security detachment of the Leader of the Largest Opposition Party, the so-called "mining police", armed UNITA personnel returning from outside the national boundaries, and any other armed UNITA personnel not previously reported to the United Nations, in order for them to be verified, disarmed and demobilized in accordance with the Lusaka Protocol and agreements between the parties in the context of the Joint Commission;

14. Expresses its hope that the issues now delaying the full implementation of the Lusaka Protocol may be resolved through a meeting, within the national territory,

between the President of Angola and the Leader of the Largest Opposition Party;

15. Urges the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, the resettlement of displaced persons, and the rehabilitation and reconstruction of the Angolan national economy in order to consolidate the gains in the peace process;

16. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Angola Verification Mission III for assisting the parties in Angola to implement the peace process;

17. Decides to remain actively seized of the matter.

Further developments

Following the termination of UNAVEM III, there were increased tensions in Angola during the month of July.

SECURITY COUNCIL ACTION (July)

The Security Council met on 23 July [meeting 3803], and its President issued a statement [S/PRST/1997/39] on behalf of the Council:

The Security Council expresses its deep concern at recent destabilizing actions in Angola, in particular the failure of the União Nacional para a Independência Total de Angola (UNITA) to comply with resolution 1118(1997) of 30 June 1997 and its continued efforts to restore its military capabilities. The Council considers the information submitted by UNITA to the Joint Commission on 21 July 1997 with regard to the strength of its armed forces, the extension of State administration and the activities of Vorgan radio station to be neither complete nor credible.

The Council condemns the mistreatment of the personnel of the United Nations and international humanitarian organizations in areas under UNITA control, as well as the harassment of United Nations Observer Mission in Angola personnel in the exercise of their functions. Those actions by UNITA are unacceptable and contrary to its commitments under the Lusaka Protocol and to Security Council resolutions. In this regard, the Council fully supports the joint statement by the Observer Mission and the representatives of the three observer States issued on 14 July 1997.

The Council notes with concern that the increasing tension in the northern part of the country is rapidly spreading to the central and southern provinces, with very dangerous implications for the implementation of the remaining tasks of the peace process, including those referred to in its resolution 1118(1997). The Council calls upon both parties to refrain from any use of force, in accordance with their commitments under the Lusaka Protocol.

The Council also calls upon both parties to continue to work closely with the Joint Commission, and in particular UNITA, to cooperate fully with the Observer Mission and to ensure the freedom of movement and the safety of its personnel, as well as of international humanitarian organizations.

The Council reiterates its belief that the long-awaited meeting within the territory of Angola between the President of Angola and the leader of UNITA could greatly contribute to the reduction of tension and to the process of national reconciliation.

The Council notes with concern reports from the Observer Mission that unauthorized aircraft have landed in territory under UNITA control. In this context, the Council calls upon all States to comply fully with paragraph 19 of resolution 864(1993) of 15 September 1993.

The Council reaffirms its readiness to consider the imposition of measures, *inter alia*, those specifically mentioned in paragraph 26 of its resolution 864(1993), unless UNITA takes irreversible and concrete steps immediately to fulfil its obligations under the Lusaka Protocol. These steps should include demilitarization of all its forces, transformation of its radio station Vorgan into a non-partisan broadcasting facility and full cooperation in the process of the normalization of State administration throughout Angola. The Council requests the Secretary-General to keep it fully informed on the implementation of those tasks and to assess their fulfilment by UNITA in his report which is to be submitted by 15 August 1997 in accordance with Council resolution 1118(1997).

The Council will continue to monitor the situation in Angola closely and will remain seized of the matter.

Report of Secretary-General (August). In a 13 August report [S/1997/640], the Secretary-General stated his intention to further postpone the withdrawal of the UN military units from Angola. That was due to the precarious situation in the country, the need to give the parties an additional chance to complete the peace process and taking into account the wish of the Government of Angola to maintain a sizeable UN presence until the demobilization process was over. He hoped that the Government and UNITA realized the dangers involved in any further deterioration of the military situation.

The Secretary-General noted that the peace process in Angola was experiencing some of the most serious difficulties since the signing of the Lusaka Protocol in 1994, due mainly to UNITA's delays in implementing its obligations under that Protocol. Those obligations included the complete demilitarization of UNITA, the restoration of State administration throughout the country, the transformation of the radio station Vorgan into a non-partisan station, and the true transformation of UNITA into a political party. The Secretary-General emphasized that the immediate normalization of State administration was of crucial importance, not only for the unity and territorial integrity of the country but also for the economic and social reconstruction of Angola. Last-minute half-hearted concessions by UNITA, under pressure and on the eve of Security Coun-

cil deliberations, were no longer acceptable, the Secretary-General said.

The mobilization of troops and military equipment, conscription and an increase in hostile propaganda continued to be registered. Reports were received of several attacks by UNITA on government positions, as well as attacks on villages by some elements of FAA. There were also clear indications of extensive military preparations and planting of new mines on the part of UNITA. In the meantime, the selection and incorporation of UNITA personnel into FAA and ANP had been concluded. The hostile attitude of local UNITA commanders and some officers of ANP had slowed down the demobilization process, to the point that that activity had yet to commence in parts of the country.

There were worrisome reports, the Secretary-General went on, of the resumption of mine laying in some parts of the country, compounded by the imposition by UNITA of additional restrictions on survey and other demining activities. The United Nations Development Programme (UNDP), responsible for the UN mine-action programme in Angola, signed a document with the Government for the continuation of support to the programme for another two years.

The Secretary-General urged the parties, but in particular UNITA, to respect the safety and security of personnel of the United Nations, its programmes and agencies, as well as the staff of other international organizations who had helped the Angolan people in their struggle for a lasting peace.

SECURITY COUNCIL ACTION (August)

The Security Council, on 28 August [meeting 3814], adopted unanimously **resolution 1127** (1997). The draft [S/1997/669] was sponsored by Portugal, the Russian Federation and the United States.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent resolutions,

Recalling the statement of its President of 23 July 1997, which expressed its readiness to consider the imposition of measures on the União Nacional para a Independência Total de Angola (UNITA), inter alia, those specifically mentioned in paragraph 26 of resolution 864(1993),

Emphasizing the urgent need for the Government of Angola and in particular UNITA to complete without further delay the implementation of their obligations under the Acordos de Paz, the Lusaka Protocol and the relevant Security Council resolutions,

Expressing its grave concern at the serious difficulties in the peace process, which are mainly the result of delays by UNITA in the implementation of its obligations under the Lusaka Protocol,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Having considered the report of the Secretary-General of 13 August 1997,

Strongly deploring the failure by UNITA to comply with its obligations under the Acordos de Paz, the Lusaka Protocol and with relevant Security Council resolutions, in particular resolution 1118(1997),

A

1. Demands that the Government of Angola and in particular UNITA complete fully and without further delay the remaining aspects of the peace process and refrain from any action which might lead to renewed hostilities;

2. Demands also that UNITA implement immediately its obligations under the Lusaka Protocol, including demilitarization of all its forces, transformation of its radio station Vorgan into a non-partisan broadcasting facility and full cooperation in the process of the normalization of State administration throughout Angola;

3. Demands further that UNITA provide immediately to the Joint Commission, as established under the Lusaka Protocol, accurate and complete information with regard to the strength of all armed personnel under its control, including the security detachment of the leader of UNITA, the so-called "mining police", armed UNITA personnel returning from outside the national boundaries, and any other armed UNITA personnel, not previously reported to the United Nations, in order for them to be verified, disarmed and demobilized in accordance with the Lusaka Protocol and agreements between the parties in the context of the Joint Commission, and condemns any attempts by UNITA to restore its military capabilities;

B

Determining that the resulting situation in Angola constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

4. Decides that all States shall take the necessary measures:

(a) To prevent the entry into or transit through their territories of all senior officials of UNITA and of adult members of their immediate families, as designated in accordance with paragraph 11 (a) below, except those officials necessary for the full functioning of the Government of Unity and National Reconciliation, the National Assembly or the Joint Commission, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

(b) To suspend or cancel all travel documents, visas or residence permits issued to senior UNITA officials and adult members of their immediate families, as designated in accordance with paragraph 11 (a) below, with the exceptions referred to in subparagraph (a) above;

(c) To require the immediate and complete closure of all UNITA offices in their territories;

(d) With a view to prohibiting flights of aircraft by or for UNITA, the supply of any aircraft or aircraft components to UNITA and the insurance, engineering and servicing of UNITA aircraft;

(i) to deny permission to any aircraft to take off from, land in, or overfly their territories if it has

taken off from or is destined to land at a place in the territory of Angola other than one on a list supplied by the Government of Angola to the Committee created pursuant to resolution 864(1993), which shall notify Member States;

- (ii) to prohibit, by their nationals or from their territories or using their flag vessels or aircraft, the supply of, or making available in any form, any aircraft or aircraft components to the territory of Angola other than through named points of entry on a list to be supplied by the Government of Angola to the Committee created pursuant to resolution 864(1993), which shall notify Member States;
- (iii) to prohibit, by their nationals or from their territories, the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision or renewal of direct insurance with respect to any aircraft registered in Angola other than those on a list to be provided by the Government of Angola to the Committee created pursuant to resolution 864(1993), which shall notify Member States, or with respect to any aircraft which entered the territory of Angola other than through a point of entry included in the list referred to in subparagraph (d) (i) above;

5. Further decides that the measures set out in paragraph 4 above shall not apply to cases of medical emergency or to flights of aircraft carrying food, medicine or supplies for essential humanitarian needs, as approved in advance by the Committee created pursuant to resolution 864(1993);

6. Urges all States and international and regional organizations to stop travel by their officials and official delegations to the central headquarters of UNITA, except for the purposes of travel to promote the peace process and humanitarian assistance;

7. Decides that the provisions of paragraph 4 above shall come into force without any further notice at 0001 hours Eastern Standard Time on 30 September 1997, unless the Security Council decides, on the basis of a report by the Secretary-General, that UNITA has taken concrete and irreversible steps to comply with all the obligations set out in paragraphs 2 and 3 above;

8. Requests the Secretary-General to submit by 20 October 1997, and every ninety days thereafter, a report on the compliance of UNITA with all the obligations set out in paragraphs 2 and 3 above, and expresses its readiness to review the measures set out in paragraph 4 above if the Secretary-General reports at any time that UNITA has fully complied with these obligations;

9. Expresses its readiness to consider the imposition of additional measures, such as trade and financial restrictions, if UNITA does not fully comply with its obligations under the Lusaka Protocol and all relevant Security Council resolutions;

10. Calls upon all States and all international and regional organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of adoption of this resolution, and also

calls upon all States to comply strictly with the measures imposed in paragraphs 19, 20 and 21 of resolution 864(1993);

11. Requests the Committee created pursuant to resolution 864(1993):

(a) To draw up guidelines expeditiously for the implementation of paragraph 4 of the present resolution, including the designation of officials and of adult members of their immediate families whose entry or transit is to be prevented and whose travel documents, visas or residence permits are to be suspended or cancelled in accordance with paragraphs 4 (a) and 4 (b) above;

(b) To give favourable consideration to, and decide upon, requests for the exceptions set out in paragraph 5 above;

(c) To report to the Council by 15 November 1997 regarding the actions taken by States to implement the measures set out in paragraph 4 above;

12. Requests Member States having information on flights prohibited in paragraph 4 (d) above to provide this information to the Committee created pursuant to resolution 864(1993) for distribution to Member States;

13. Requests also Member States to provide to the Committee created pursuant to resolution 864(1993) information on the measures they have adopted to implement the provisions of paragraph 4 above no later than 1 November 1997;

14. Demands that the Government of Angola and, in particular, UNITA cooperate fully with the United Nations Observer Mission in Angola, stop restricting the verification activities of the Observer Mission, refrain from laying new mines and ensure the freedom of movement and especially the safety of the Observer Mission and other international personnel;

15. Reiterates its call upon the Government of Angola to notify the Observer Mission of any troop movements, in accordance with the provisions of the Lusaka Protocol;

16. Endorses the recommendation of the Secretary-General in his report of 13 August 1997 to postpone the withdrawal of the United Nations military units from Angola until the end of October 1997, with the understanding that the plan is for the drawdown to be completed in November 1997, taking into account the situation on the ground and progress in completing the remaining relevant aspects of the peace process, and requests the Secretary-General to report thereon no later than 20 October 1997, including on the schedule for the resumed withdrawal of military personnel;

17. Reiterates its belief that the long-awaited meeting within the territory of Angola between the President of Angola and the leader of UNITA could greatly contribute to the reduction of tensions, to the process of national reconciliation and to the achievement of the goals of the peace process as a whole;

18. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Observer Mission in Angola for assisting the parties in Angola to implement the peace process;

19. Decides to remain actively seized of the matter.

Report of Secretary-General (September).

The Secretary-General on 24 September [S/1997/741] reported that he was not yet in a position to advise the Security Council that UNITA had taken the necessary steps to comply with **resolution 1127(1997)**, especially as it pertained to the demilitarization of UNITA forces. That resolution had called for the imposition of sanctions against UNITA, starting on 30 September 1997, unless the Council decided that UNITA had taken concrete and irreversible steps to comply with all the obligations set out in the resolution. Such steps included the provision by UNITA to the United Nations of credible and verifiable information about the strength of its residual armed elements and weapons, and the extension of State administration to UNITA-controlled areas.

The overall slow pace of the process continued to raise doubts about the intentions of UNITA, the Secretary-General observed. The general population had welcomed the normalization of the State administration, hoping that it would lead to the improvement of their daily lives and to the free circulation of people and goods. While a significant number of localities had been handed over to the Government, no progress had been registered in the extension of government authority in a number of strategically important UNITA-controlled areas, especially in the diamond-rich province of Lunda Norte. Public awareness campaigns in support of that exercise had helped to allay some of the initial concerns of the population. MONUA had provided its good offices and logistical and security support to facilitate the implementation of that crucial aspect of the Lusaka Protocol.

At the same time, some advances had been made by UNITA towards the establishment of a non-partisan broadcasting facility to replace radio Vorgan, which had made tangible efforts to reduce the level of hostile propaganda.

The Secretary-General urged the two Angolan parties to comply with and to implement all the remaining tasks under the Lusaka Protocol, for it was only on that basis that eventually the peace process would bring about genuine stability and national reconciliation in Angola.

SECURITY COUNCIL ACTION (September)

On 29 September [meeting 3820], the Security Council, in adopting unanimously **resolution 1130(1997)**, decided that the imposition of sanctions, as called for in resolution 1127(1997), was to be postponed until 30 October. The draft [S/1997/750] had been prepared in consultations among Council members.

The Security Council,

Recalling its resolution 696(1991) of 30 May 1991 and all subsequent resolutions, and in particular resolution 1127(1997) of 28 August 1997,

Noting the report of the Secretary-General of 24 September 1997 and subsequent information on steps taken by the União Nacional para a Independência Total de Angola (UNITA),

Acting under Chapter VII of the Charter of the United Nations,

1. Stresses the need for UNITA to comply fully with all the obligations set out in resolution 1127(1997);

2. Decides that the coming into force of the measures specified in paragraph 4 of resolution 1127(1997) shall be postponed until 0001 hours Eastern Standard Time on 30 October 1997;

3. Affirms its readiness to review the imposition of the measures referred to in paragraph 2 above, and to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997);

4. Decides to remain actively seized of the matter.

Report of Secretary-General (October). In a

17 October report [S/1997/807], the Secretary-General stated that unless additional concrete steps were taken to accelerate the implementation of the remaining tasks, it would be difficult to consider that UNITA had taken all steps necessary to comply with the provisions of **resolution 1127(1997)**.

The Secretary-General affirmed that the presence of the UN military was still required to complete the demobilization of UNITA forces, and that the presence of MONUA in the country remained essential for a successful conclusion to the peace process. Consequently, he advised postponing the withdrawal of UN troops and recommended that the mandate of MONUA be extended for three months, until 31 January 1998. Adequate financial and material assistance from the international donor community, the Secretary-General added, was still needed to support the peace process, especially for the reintegration of demobilized soldiers, demining activities and other pressing humanitarian projects, such as the resettlement of internally displaced persons.

The Secretary-General noted that there had been no significant progress in the demilitarization of UNITA and in the extension of State administration into the areas controlled by Mr. Savimbi's troops, due to political and logistical problems connected mainly to a lack of cooperation on the part of UNITA. At the same time, he urged the Government of Angola to notify MONUA of any movements of its armed forces.

Tensions persisted in a number of provinces, even though the military situation in the country remained generally calm. Despite some restrictions imposed on their verification activities, MONUA military observers were

able to monitor all significant developments and had investigated allegations about cease-fire violations. MONUA also had verified the total strength and location of residual UNITA forces.

SECURITY COUNCIL ACTION (October)

On 29 October [meeting 3827], the Security Council adopted unanimously **resolution 1135** (1997). The draft [S/1997/823] was prepared in consultations among Council members.

The Security Council,

Reaffirming its resolution 696(1991) of 30 May 1991 and all subsequent resolutions,

Expressing its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Stressing the urgent need for the Government of Angola and in particular the União Nacional para a Independência Total de Angola (UNITA) to complete without further delay the implementation of their obligations under the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions,

Having considered the report of the Secretary-General of 17 October 1997,

Expressing its deep concern at the lack of significant progress in the peace process in Angola since the report of the Secretary-General of 24 September 1997,

Strongly deploring the failure by UNITA to comply fully with its obligations under the Acordos de Paz, the Lusaka Protocol and relevant Security Council resolutions, in particular resolution 1127(1997) of 28 August 1997,

Recognizing the important role of the United Nations Observer Mission in Angola at this critical stage of the peace process,

A

1. Decides to extend the mandate of the United Nations Observer Mission in Angola until 30 January 1998, and requests the Secretary-General to submit a report and recommendations no later than 13 January 1998 on the United Nations presence in Angola after 30 January 1998;

2. Endorses the recommendation of the Secretary-General in his report of 17 October 1997 to postpone the withdrawal of United Nations military formed units until the end of November 1997 according to the plan outlined in paragraph 15 of the above-mentioned report, and requests the Secretary-General to report no later than 8 December 1997 on the schedule for the resumed withdrawal of military personnel, taking into account the situation on the ground;

B

3. Demands that the Government of Angola and in particular UNITA complete fully and without further delay the remaining aspects of the peace process and refrain from any action which might lead to renewed hostilities;

4. Demands also that the Government of Angola and in particular UNITA cooperate fully with the United Nations Observer Mission in Angola, including by providing full access for its verification activities, and reiterates its call on the Government of Angola to notify the Observer Mission in a timely manner of its troop

movements, in accordance with the provisions of the Lusaka Protocol and established procedures;

Determining that the present situation constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

5. Demands that UNITA comply immediately and without any conditions with the obligations set out in resolution 1127(1997), including full cooperation in the normalization of State administration throughout Angola, including in Andulo and Bailundo;

6. Takes note that the measures specified in paragraph 4 of resolution 1127(1997) come into force at 0001 hours Eastern Standard Time on 30 October 1997 in accordance with paragraph 2 of resolution 1130(1997) of 29 September 1997, and reaffirms its readiness to review these measures or to consider the imposition of additional measures in accordance with paragraphs 8 and 9 of resolution 1127(1997);

7. Requests the Secretary-General, in lieu of the reports referred to in paragraph 8 of resolution 1127(1997), to report by 8 December 1997, and every ninety days thereafter, on the compliance of UNITA with all the obligations set out in paragraph 5 above;

8. Requests Member States to provide to the Committee created pursuant to resolution 864(1993) information on the measures they have adopted to implement the measures specified in paragraph 4 of resolution 1127(1997) no later than 1 December 1997;

9. Requests the Committee created pursuant to resolution 864(1993) to report to the Council by 15 December 1997 regarding the actions taken by Member States to implement the measures specified in paragraph 4 of resolution 1127(1997);

C

10. Reiterates its belief that a meeting in Angola between the President of the Republic of Angola and the leader of UNITA could facilitate the process of peace and national reconciliation;

11. Urges the international community to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, demining, the resettlement of displaced persons and the rehabilitation and reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

12. Expresses its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Observer Mission in Angola for assisting the parties in Angola to implement the peace process;

13. Decides to remain actively seized of the matter.

Report of Secretary-General (December). The Secretary-General, reporting on 4 December [S/1997/959], said that the peace process continued to proceed slowly, with intermittent surges of UNITA cooperation and long periods of stagnation. Both parties, but in particular UNITA, were responsible for that unsatisfactory state of affairs, the Secretary-General observed. UNITA, in fact, had severed almost all contacts with the Government and MONUA three weeks after the imposition of sanctions against it on 30 October, under Security Council **resolution 1135**(1997).

The resumption by UNITA on 21 November of the implementation of its remaining tasks had slightly improved the security situation in the country. However, UNITA had still delayed the demilitarization of its troops and the extension of State administration throughout Angola, which had been concluded in only 4 of 18 provinces. As of 4 December, 40,059 of 78,887 UNITA personnel had been demobilized; of the 6,889 UNITA registered "residual" personnel, 424 had been demobilized. At the same time, UNITA troops had restricted the freedom of movement of MONUA and had attacked UN staff members. The Secretary-General called on the Government to conduct the extension of State administration in such a way that it would not aggravate the already tense situation in some areas of the country, and to cooperate fully with the United Nations in the investigation of the alleged disappearances and detentions of UNITA supporters.

As many tasks which had to be performed by UN troops had come to an end, especially the completion of the quartering of UNITA troops, the Secretary-General noted that he intended to proceed with the drawdown of MONUA's military personnel. He welcomed the fact that President dos Santos and Mr. Savimbi had agreed on the need to meet in the near future, for such a meeting had the potential to enhance mutual trust and to improve prospects for national reconciliation.

Other matters

Sanctions Committee

In a 31 December letter [S/1997/1027], the Chairman of the Security Council Committee established pursuant to resolution 864(1993) [YUN 1993, p. 256] to monitor sanctions against UNITA reported on its activities in 1997.

The Committee had held two meetings during the year. The Chairman described Committee actions pursuant to its new tasks as set out in Council **resolution 1127(1997)**. Among other things, the Committee was to draw up guidelines for the implementation of sanctions against UNITA and to report to the Council regarding the actions taken by States to implement those measures. After an initial postponement in September by **resolution 1130(1997)**, the letter noted, sanctions had been imposed by the Council on 30 October following the approval of **resolution 1135(1997)**.

On 19 December, the Committee transmitted to all States, international organizations and specialized agencies a list of senior UNITA officials whose entry or transit was to be prevented by all

States, and whose travel documents, visas or residence permits were to be suspended or cancelled, in accordance with **resolution 1127(1997)**. The Committee was also compiling a list of aircraft registered in Angola.

In accordance with **resolution 1135(1997)**, Member States were required to provide the Committee with information on measures adopted to implement sanctions against UNITA. As at 31 December, replies had been received by 29 States, as listed in the report [S/1997/977 & Add.1] of the Committee to the Council.

MONUA financing and composition

In September 1997 [A/52/385 & Corr.1], the Secretary-General presented a report to the General Assembly containing a proposed budget for the operation of MONUA for the period from 1 July 1997 to 30 June 1998, including requirements for the phased drawdown of UNAVEM III. The budget provided for the deployment for MONUA of 86 military observers, 170 contingent personnel and 345 civilian police observers, supported by a civilian establishment of 242 international and 163 local staff and 65 United Nations Volunteers.

That report, together with the Secretary-General's report [A/51/494/Add.3] on the financial performance of UNAVEM III for the period from 1 January to 30 June 1996, were considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ), which issued its own report in October [A/52/478 & Corr.1]. ACABQ recommended that the Assembly appropriate the amount of \$ 155 million gross for the operation of MONUA from 1 July 1997 to 30 June 1998.

GENERAL ASSEMBLY ACTION

On 31 October [meeting 42], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/52/547], approved financing for MONUA by adopting resolution 52/8 A without vote [agenda items 123 & 159].

Financing of the United Nations Angola Verification Mission and financing of the United Nations Observer Mission in Angola

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Angola Verification Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 626(1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696(1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called

the United Nations Angola Verification Mission II), 976(1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation (thenceforth called the United Nations Angola Verification Mission III) and 1118(1997) of 30 June 1997, by which the Council decided to establish, as from 1 July 1997, the United Nations Observer Mission in Angola for an initial period of four months until 31 October 1997,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/213 of 18 December 1996,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Angola Verification Mission as at 15 October 1997, including the contributions outstanding in the amount of 89,144,761 United States dollars, representing 10 per cent of the total assessed contributions from the inception of the Verification Mission to the period ending 30 June 1997, notes that some 26 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear an additional burden owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all Member States to make every possible effort to ensure the payment of their assessed contributions to the United Nations Observer Mission in Angola in full and on time;

5. Takes note of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Decides to maintain the posts of Deputy Special Representative of the Secretary-General and Chief Administrative Officer at their originally authorized levels, and approves the reclassification of the post of Chief of the Human Rights Division at the D-1 level;

7. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to take the necessary steps to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the operational requirements of such posts, and to report on this matter to the General Assembly;

9. Further requests the Secretary-General to entrust to the Office of Internal Oversight Services the preparation of a report to the General Assembly, at the first part of its resumed fifty-second session, on the audit findings on the procurement process in the Verification Mission and to provide a written report to the Assembly, at the second part of its resumed fifty-second session, on efforts to recover losses and corrective measures taken;

10. Decides to continue to use the Special Account for the United Nations Angola Verification Mission, established in accordance with General Assembly resolution 43/231, for the United Nations Observer Mission in Angola beginning 1 July 1997;

11. Decides also that the proposed 25 per cent reduction in the civilian establishment is not commensurate with the nearly 94 per cent reduction in the military component, and that, in the absence of adequate justification, the proposed civilian establishment should be reduced by at least 10 per cent;

12. Decides further to appropriate the amount of 155 million dollars gross (150,371,600 dollars net) for the operation of the Observer Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 49,975,500 dollars gross (48,202,500 dollars net) authorized by the Advisory Committee for the period from 1 July to 31 October 1997;

13. Decides, as an ad hoc arrangement, to apportion the amount of 76,054,200 dollars gross (74,362,800 dollars net) for the period from 1 July to 31 October 1997 among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B and 50/471 A of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994;

14. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above,

their respective share in the Tax Equalization Fund of the additional estimated staff assessment income of 1,691,400 dollars approved for the period from 1 July to 31 October 1997;

15. Decides further, as an ad hoc arrangement, to apportion the amount of 78,945,800 dollars gross (76,008,800 dollars net) for the period from 1 November 1997 to 30 June 1998 among Member States at the monthly rates indicated in the annex below, in accordance with the scheme set out in the present resolution and the scale of assessments for the year 1998, and subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 October 1997;

16. Decides that, for Member States that have fulfilled their financial obligations to the Verification Mission, there shall be set off against their apportionment, as provided for in paragraph 13 above, their respective share in the unencumbered balance of 18,926,500 dollars gross (18,667,900 dollars net) for the period from 1 January to 30 June 1996;

17. Decides also that, for Member States that have not fulfilled their financial obligations to the Verification Mission, their share of the unencumbered balance of 18,926,500 dollars gross (18,667,900 dollars net) for the period from 1 January to 30 June 1996 shall be set off against their outstanding obligations;

18. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

19. Decides to keep under review during its fifty-second session the agenda items entitled "Financing of the United Nations Angola Verification Mission" and "Financing of the United Nations Observer Mission in Angola".

ANNEX

Monthly assessments for the operation of the United Nations Observer Mission in Angola for the period from 1 November 1997 to 30 June 1998

(United States dollars)

Month	Gross	Net
November 1997	15,827,600	15,404,800
December 1997	12,101,600	11,678,800
January 1998	10,096,500	9,722,700
February 1998	9,174,300	8,800,500
March 1998	8,208,000	7,849,100
April 1998	8,118,000	7,759,200
May 1998	7,731,200	7,418,100
June 1998	7,688,600	7,375,600
Total	78,945,800	76,008,800

On 22 December, by **decision 52/456**, the General Assembly decided that the Fifth Committee should continue its consideration of the financing of UNAVEM and MONUA at the resumed fifty-second session in 1998.

Republic of the Congo

The Republic of the Congo experienced renewed political and security unrest during 1997. In October, after almost five months of factional fighting, soldiers loyal to former President Denis Sassou-Nguesso defeated President Pascal Lissouba's troops and gained control of the country.

Fighting had erupted in the capital city, Brazzaville, on 5 June when the armed forces of President Lissouba clashed with the militia of Mr. Sassou-Nguesso. The conflict abated for some weeks following the signing of a ceasefire agreement in mid-July, but resumed in August.

Owing to the security situation, there was virtually no access to most parts of the Congo. All UN agencies had been evacuated from the capital, resulting in, except in the city of Pointe-Noire, no permanent international presence in the country.

Efforts to end the crisis were led by the International Mediation Committee chaired by President El Hadj Omar Bongo of Gabon. The joint UN/Organization of African Unity (OAU) Special Representative, Mohammed Sahnoun, was also actively involved, in close collaboration with the Governments of States within and outside the region.

The Security Council endorsed the request made by the International Mediation Committee for the deployment to Brazzaville of an appropriate international force. It approved the three conditions set by the Secretary-General for the establishment of such a force: adherence to an agreed ceasefire; agreement to international control of Brazzaville airport; and a commitment by the parties to a negotiated settlement covering all political and military aspects of the crisis. The Secretary-General devised plans for the deployment of such a force and sent a technical survey team to Libreville, Gabon, and Brazzaville in July to assess the situation on the ground.

In a 13 August statement, the Council determined that the conditions for the operation had not been met. Furthermore, the rapid evolution of events in October, which resulted in a change in regime and in a relative improvement in the security situation in Brazzaville, led the United Nations to shift its focus from military planning towards greater humanitarian assistance. The United Nations Security Coordinator downgraded the security level to Phase Four for the entire country, which meant that security and essential humanitarian staff could go back to work in the Congo.

Political and security developments

Communications (June/July). The Republic of the Congo on 13 June [S/1997/459] transmitted to the President of the Security Council a press release issued in New York on 10 June, stating that Brazzaville had become the theatre of bloody clashes between government forces and former President Sassou-Nguesso's militiamen.

It was recalled that since August 1992, when he was defeated in the first democratic presidential election, Mr. Sassou had been seeking to destabilize the country by fomenting an armed insurrection. The current violence, which was triggered by the killing of a law enforcement officer by one of Mr. Sassou's militiamen, was taking place despite the fact that Mr. Sassou and the other main political leaders had signed an agreement on 31 May 1997 undertaking to disarm the militias and to hold presidential elections on 27 July. That agreement was based on an initiative of the head of State and under the auspices of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

The press release also accused Mr. Sassou of smuggling large quantities of weapons into the country from the former Zaire and of bringing large numbers of militiamen to Brazzaville in an attempt to regain power through a coup d'etat. The Government of the Congo called on the world community for support in preserving its democratic institutions.

On 20 June [S/1997/483], the Secretary-General transmitted to the Security Council President a letter from President Bongo of Gabon dated 16 June. President Bongo said that the International Mediation Committee, under his chairmanship and consisting of heads of State and Government of the subregion, had met in Libreville on 16 June. Since the ceasefire, which went into force on 15 June, was particularly fragile, the Committee requested that the Council authorize the deployment of an inter-African force to Brazzaville. The purpose of the force would be to ensure respect for the ceasefire and to establish an environment favourable to the holding of presidential elections. The Committee had obtained the agreement of all the Congolese parties concerned and the assurance that they would cooperate with such a force.

In a 20 June letter [S/1997/484], the Secretary-General reported to the Security Council President on the fighting that had erupted in Brazzaville, which had claimed the lives of hundreds of civilians. The humanitarian situation in the city and in some other areas of the country had worsened significantly and the expatriate community, including UN staff, had been evacuated from the city with the help of international forces.

The efforts of the International Mediation Committee, which was assisted by the Special Representative of the United Nations and OAU in the region, Mr. Sahnoun, had resulted in a temporary ceasefire. The Secretary-General said that one option for the formation and deployment of an inter-African force, as requested by the Committee, was the establishment of a multinational force by a group of Member States with the authorization of the Security Council. The second option would be to deploy a UN peacekeeping force, composed mainly of African contingents provided with adequate military capability and with sufficient financial and logistical support to fulfil the tasks entrusted to it. Given the gravity of the crisis and the experience of the international community in dealing with similar situations, it was estimated that the initial size of the force would have to be no less than battalion group strength (approximately 1,600 to 1,800 troops) with the necessary support units (400 to 800 people), plus UN military observers.

The Secretary-General noted that although a force of that size and configuration could be deployed only with adequate preparation, delays in deployment could adversely affect the ceasefire arrangements mediated by the International Mediation Committee. He therefore stressed that it was important for the international community to take urgent steps in support of the regional initiative.

In order to avoid the creation of a vacuum, the Secretary-General intended to request countries with proven military capability to dispatch to Brazzaville an advance military detachment to be entrusted with establishing a secure environment for the deployment of the eventual force. Such an advance detachment would operate under the command and control arrangements agreed between potential contributors and would also include a limited number of UN military observers to provide liaison with the warring parties and to verify the ceasefire. The advance military detachment could consist of troops fielded by regional States as well as by other Member States, especially those which could ensure rapid deployment and logistical support. The support of French troops would be desirable, the Secretary-General said, in the light of the positive role played by them in Brazzaville during the preceding weeks. The United Nations would be ready to provide, on a temporary basis, 40 to 50 military observers who could be drawn from existing UN peacekeeping operations to be deployed to Brazzaville on short notice.

In a 21 June letter [S/1997/486] to the Security Council President, the Congo endorsed the idea of sending a peacekeeping force to Brazzaville to

restore peace and provide reassurance for the electoral process. The elections were to be carried out consensually by the Government, the political parties and civil society under the supervision of international observers with UN guarantees.

At an informal meeting on 21 June, the Security Council authorized the Secretary-General to consult with potential troop contributors to a force in the Congo.

On 30 June [S/1997/502], the Congo informed the Secretary-General that it proposed making available to the United Nations the sum of \$ 1 million as a contribution to the financial effort required for the rapid deployment of the peacekeeping force.

On 26 June [S/1997/495], the Secretary-General transmitted to the Council President letters from the Secretary-General of OAU, Salim Ahmed Salim, and from President Pascal Lissouba of the Congo.

In his 23 June letter, Mr. Salim said that the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution had met that day in Addis Ababa, Ethiopia, and had fully supported the request of President Bongo for an inter-African force in Brazzaville. In a communique issued at the end of its deliberations, the Central Organ appealed to all African States, especially those with relevant capability, to make available contingents that could serve as part of the force and called on all parties to the conflict to cooperate fully with the International Mediation Committee by committing themselves to a ceasefire and to a political solution to the dispute.

President Lissouba, in his letter of 24 June, affirmed that he supported the request for the deployment of an inter-African peacekeeping force, and, in particular, for the securing of polling stations during the presidential elections and for the decommissioning of weapons, especially the neutralization of heavy weapons.

By a 2 July letter [S/1997/512], Togo transmitted to the Secretary-General the text of a declaration adopted by the Conference of Chiefs of State and Heads of Government of the West African Economic and Monetary Union (WAEMU) on security and peace in Africa, held in Lome on 23 June. In that declaration, the WAEMU member States affirmed their willingness to participate in the deployment in the Congo of a multinational peace force under the authority of the United Nations and OAU.

Mali, in a 27 June communique [S/1997/511], stated that it supported the decisions that had resulted from the joint efforts of the International

Mediation Committee and the summit meeting of WAEMU. Mali expressed its willingness to participate in the concerted African effort to restore peace in the Congo and to ensure that the democratic process there was given every chance to succeed.

SECURITY COUNCIL ACTION (August)

On 13 August [meeting 3810], the President of the Security Council, on behalf of the members of the Council, made the following statement [S/PRST/1997/43]:

The Security Council is deeply concerned about the situation in the Republic of the Congo following the outbreak of factional fighting in Brazzaville on 5 June 1997. The Council is particularly concerned at the plight of civilians caught up in the fighting, which has resulted in widespread loss of life, displacement of the population and severe humanitarian conditions in Brazzaville. The Council considers that the situation in the Republic of the Congo is likely to endanger peace, stability and security in the region.

The Council expresses its full support for the efforts of the International Mediation Committee under the Chairmanship of the President of Gabon and the National Mediation Committee under the Chairmanship of the Mayor of Brazzaville to persuade the parties involved to reach agreement on a ceasefire and a peaceful settlement of the current crisis. It also affirms its support for the important and constructive role of the Joint United Nations/Organization of African Unity Special Representative for the Great Lakes Region in these negotiations.

The Council expresses its grave concern at the recent recurrence of fighting in Brazzaville, calls upon the two parties to the conflict to halt all acts of violence immediately and underlines the need to respect the ceasefire agreement signed on 14 July 1997. It also calls upon the two parties to resolve the crisis on the basis of the proposals submitted by the President of Gabon currently under discussion in Libreville, including agreement on an interim government of national unity and a timetable for the holding of Presidential elections.

The Council recalls the letter of 20 June 1997 to its President from the Secretary-General drawing attention to the request of the President of Gabon for deployment of an appropriate force to Brazzaville, and the relevant letters to the Secretary-General from the President of the Republic of the Congo and the Secretary-General of the Organization of African Unity. The Council endorses the three conditions for the establishment of such a force set by the Secretary-General, namely complete adherence to an agreed and viable ceasefire, agreement to the international control of Brazzaville airport and a clear commitment to a negotiated settlement covering all political and military aspects of the crisis.

The Council is of the view that, despite some positive political developments, these conditions have not yet been fulfilled and calls upon the parties to fulfil them without delay. The Council intends to

take a decision on this matter once the Secretary-General has submitted a report to it on the question of the fulfilment of these conditions and containing recommendations on further United Nations involvement in the Republic of the Congo.

The Council also calls upon both parties to respect relevant provisions of international humanitarian law and to ensure safe and unimpeded access by international humanitarian organizations to persons in need of assistance as a result of the conflict, and in any other way to facilitate the effective implementation of humanitarian programmes.

The Council will remain seized of the matter.

Communications (August/September). On 29 August [S/1997/675], the Congo transmitted to the Secretary-General a decision of its Constitutional Council, dated 19 July. The Council, noting that it was impossible for the Government to organize the presidential elections scheduled for 27 July in the light of the ongoing armed conflict, decided to postpone such elections and, accordingly, to extend the mandate of the current President until the proclamation of a successor elected by universal suffrage. The new date for the elections would be determined by the Government in agreement with the Congolese political community as a whole.

On 3 September [S/1997/682], the Congo transmitted to the Secretary-General the text of a 27 August statement by the Government, in which it alleged that Mr. Sassou-Nguesso's militias, made up mainly of mercenaries recruited from former members of the Rwandese and Zairian armed forces, were holding the inhabitants of the northern districts of Brazzaville hostage, and were using certain public buildings as bases from which to shell positions of the Congolese armed forces. The armed rebellion had claimed over 7,000 lives in Brazzaville, had displaced a number of people and had destroyed public buildings. The Government affirmed that it was using all necessary means to stop the threat to the State.

At the same time, the Government remained committed to the mediation efforts of President Bongo and was also open to any other initiative aimed at a peaceful settlement. In that spirit, President Lissouba supported the 18 August proposal by President Laurent-Désiré Kabila of the Democratic Republic of the Congo (the former Zaïre) to mediate in the conflict and his intention to send an inter-African peacekeeping force with the cooperation of the other countries of central and eastern Africa.

The Government alleged that lobbyists close to Mr. Sassou were trying to force the French oil company ELF to put a financial squeeze on the Congo and hamper petroleum production. It further alleged that the same lobbyists, in complicity with individuals from the Congolese La-

bour Party of Mr. Sassou, were trying to bring mercenaries into Pointe-Noire, the economic capital of the Congo, with the aim of sabotaging foreign petroleum interests. Such terrorist actions, said the Government, were designed to provoke reactions against it in the countries where those companies were based.

On 5 September [S/1997/688], the Congo transmitted to the Secretary-General a statement by the National Assembly concerning the ongoing legal and military crisis. The National Assembly, which met in an extraordinary session on 4 September, condemned the failed coup d'état of 5 June fomented by the Forces démocratiques unies of Mr. Sassou, which had been transformed into a civil war. According to the statement, the crisis had caused the indiscriminate killing of many people, most of them civilians, an unprecedented exodus of people fleeing Brazzaville and its environs, destruction of public and private buildings, and looting on an unprecedented scale, leading to the destruction of the socio-economic fabric.

The Assembly congratulated the Congolese armed forces for their defence of the governing institutions and the nation's territorial integrity. It condemned any interference in Congolese affairs on the part of the oil company ELF Congo, certain neighbouring countries and certain major Powers.

The Assembly welcomed the establishment of the Espace républicain pour la défense de la démocratie et de l'unité nationale (ERDDUN), a union of all major political groups, parties and associations, which had set as its main objectives the restoration of peace and the continuation of the electoral process. The Assembly noted the efforts being made by international and national mediators to find solutions to the crisis and congratulated President Bongo, Chairman of the International Mediation Committee, and Bernard Kolelas, Mayor of Brazzaville and Chairman of the National Mediation Committee, on the work they had done.

On 16 September [S/1997/734], the Congo transmitted to the Secretary-General the Solemn Declaration issued by ERDDUN in Brazzaville on 28 August, the Protocol of Agreement concluded by ERDDUN on 29 August and a letter of transmittal dated 8 September from ERDDUN to the President of the Congo.

In the letter of transmittal, ERDDUN noted with regret that the Libreville negotiations had reached a standstill, most recently over the appointment of the Prime Minister, his functions and his political affiliation. Having agreed that the person who assumed the post, in addition to having attained a political and electoral majority,

should be capable of promoting peace and national unity and safeguarding democracy, ERD-DUN proposed that Mr. Kolelas should assume that office.

SECURITY COUNCIL ACTION (October)

On 16 October [meeting 3823], the President of the Security Council made the following statement on behalf of the members of the Council [S/PRST/1997/47]:

The Security Council is deeply concerned about the grave situation in the Republic of the Congo and calls for an immediate end to all hostilities. It deplores the loss of life and the deteriorating humanitarian situation and calls upon all parties to ensure the safety of the civilian population and the safe and unrestricted delivery of humanitarian assistance.

The Council calls upon all States in the region to support a peaceful resolution of the conflict and to avoid any actions which could exacerbate the situation. It condemns all external interference in the Republic of the Congo, including the intervention of foreign forces, in violation of the Charter of the United Nations, and calls for the immediate withdrawal of all foreign forces including mercenaries.

The Council reiterates the importance of a political settlement and national reconciliation and calls upon the parties to cooperate with the International Mediation Committee chaired by the President of Gabon and with the Joint United Nations/Organization of African Unity Special Envoy in reaching rapid agreement on peaceful transitional arrangements leading to the holding of democratic and free and fair elections with the participation of all parties.

The Council remains ready to consider how the United Nations can further contribute to a political settlement, including the possibility of a United Nations presence, on the basis of recommendations to be provided by the Secretary-General as soon as possible.

Report of Secretary-General (October). The Secretary-General, in a 21 October report [S/1997/814], stated that, since the issuance of the Security Council statement of 13 August, in which the Council had endorsed the deployment of a force to Brazzaville (see above), the situation in the Congo had undergone both a sharp deterioration and a radical transformation. Those developments had forced a complete change in the assumptions on which the UN military planning had been based.

The Secretary-General said that, following a recent sharp intensification of the fighting, the forces of Mr. Sassou-Nguesso appeared to have broken the deadlock that had persisted since the onset of the crisis and had seized effective control of the capital. In the preceding few days, the conflict had spread to part of the city previously controlled by Mr. Kolelas, the former Mayor, who

had been named Prime Minister by President Lissouba in September. The sudden upsurge in fighting had forced thousands of Brazzaville residents to abandon the city. Much of the capital had already been deserted by its inhabitants since June, when rival forces formed confrontation lines that split the main business and residential district in two. The number of fatalities, estimated at 4,000 well before the latest and most violent phase of the fighting, remained unknown.

The fighting had not been confined to Brazzaville, stated the Secretary-General, and it was reported to have involved the use of foreign forces, including mercenaries. Information from a number of sources indicated that Angolan troops equipped with tanks had entered the Congo and had seized two southern cities near the Cabinda enclave of Angola. The city of Pointe-Noire, the heart of the Congolese oil trade, had since surrendered to the Sassou-Nguesso forces.

The Secretary-General noted that elements of the former Zairian and Rwandan armed forces, as well as elements of the União Nacional para a Independência Total de Angola (UNITA), were alleged to be operating on one side or the other of the conflict, as were foreign mercenaries. There had also been a number of exchanges of shellfire between Brazzaville and Kinshasa across the Congo River. In response to those attacks, military observers of the Democratic Republic of the Congo (DRC) had reportedly been sent from Kinshasa into Brazzaville. (See below for communications on the above allegations.)

On 12 and 13 July, in Brazzaville, after extensive mediation involving President Bongo, Mr. Kolelas and the joint UN/OAU Special Representative, Mr. Sahnoun, President Lissouba and Mr. Sassou-Nguesso signed, with certain reservations, a ceasefire agreement, which went into effect at midnight on 14 July. Talks then continued in Libreville under the aegis of the International Mediation Committee, which, on the basis of a draft accord submitted by President Bongo, included the following elements: priority measures to consolidate the ceasefire, including the dissolution of all militias and the creation of a mixed military commission; agreement by both parties to the deployment of an international peacekeeping force under the aegis of the United Nations and OAU; the establishment of a Government of national union responsible for organizing free, transparent and democratic presidential elections under the supervision of the United Nations and OAU; and specific measures to consolidate peace, reconciliation and national unity.

Despite reaching agreement on many aspects of the accord, the parties remained divided over

the selection of a Prime Minister to lead the Government of national union, as well as the distribution of powers between the Prime Minister and the President and the modalities of eventual elections. In addition, an offer to mediate in the conflict and to deploy an inter-African buffer force in the Congo by President Kabila of the DRC was rejected by the Sassou-Nguesso side.

Pursuant to the Security Council's decision of 21 June authorizing the Secretary-General to consult with potential troop contributors to a force in the Congo, the UN Department of Peacekeeping Operations carried out a series of meetings with 45 countries from all regional groups. A number of Governments expressed willingness to contribute ground troops or logistical and air transport support, and some offered specific units. Of the two options proposed by the Secretary-General on 20 June (see above), most Governments expressed their preference for a UN peacekeeping operation rather than a multinational force.

After consultations with members of the Security Council, the Secretary-General dispatched a technical survey team to Libreville and Brazzaville on 25 July to assess conditions on the ground and to assemble information concerning the availability and capacity of transport, servicing and supply facilities. The team also held meetings with President Lissouba, Mr. Sassou-Nguesso and Mr. Kolelas, as well as with the military staffs and political representatives of the two Congolese parties. The Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, briefed the Security Council on the findings of the team on 8 August.

The team found the humanitarian situation in Brazzaville to be cataclysmic, with at least 500,000 of the original 900,000 inhabitants displaced and with the consequent risks of malnutrition and the spread of disease. As a result of the fighting in Brazzaville, there had been significant loss of life, heavy material damage and large-scale population displacements. Casualties were feared to be in the tens of thousands and at least 500,000 people were thought to be internally displaced. Since there was no international presence in the country, except in Pointe-Noire, information on the humanitarian situation was sketchy. The World Food Programme had begun a large-scale food distribution exercise in Pointe-Noire, and the United Nations Children's Fund, together with the International Committee of the Red Cross and Médecins sans frontières, was providing emergency health assistance to the displaced population in that city.

At an informal meeting on 14 October, the Secretary-General had briefed members of the

Security Council on the latest proposed military plan, which was developed immediately prior to the reports of major advances by the Sassou-Nguesso forces. The plan called for the initial deployment of an advance mission headquarters in Libreville, followed by the deployment of peacekeeping forces in Brazzaville and Pointe-Noire and three other strategic locations in the north of the country.

The rapid evolution of the situation in the Congo since then, with reports of Mr. Sassou-Nguesso's troops being in control of the entire country, had prompted the Secretary-General to call for a review of the efforts and options of the United Nations. It was anticipated that the military situation in the Congo would continue to be precarious owing to the existence of heavily armed militias and the uncontrolled flow of arms into the country. Therefore, said the Secretary-General, planning would need to focus on facilitating the provision of humanitarian assistance. The Organization would also, upon request, draw up plans for assisting with the disarming and demobilization of the militias.

The Secretary-General noted with satisfaction that Mr. Sassou-Nguesso had expressed to Mr. Sahnoun his willingness to allow the humanitarian agencies access to the country and to facilitate their access to Brazzaville. He had also affirmed his intention to engage in a dialogue with all political leaders in order to work out transitional arrangements for governing the country, stating that the transitional period would be of a reasonable duration and would lead to the conduct of free and fair elections. Mr. Sassou was reported to have acknowledged that he would need the assistance of the international community to organize those elections and to rehabilitate the country. The Secretary-General was concerned, however, at reports that some members of Mr. Sassou's forces had made vengeful and belligerent statements; he appealed to all concerned to recognize that the time for violence had passed and to act in a spirit of national reconciliation.

The damage inflicted by the armed forces of the Congolese parties on their capital had created a need for a considerable reconstruction and rehabilitation programme. The Secretary-General intended to seek the views of potential donors on the role the UN system and bilateral donors could play in mobilizing resources for such a programme and in assisting in its implementation. In the event that the United Nations was requested to help to ensure the safety and security of humanitarian operations, the Secretary-General was prepared to draw up plans for a suitable UN presence. He would also initiate preparations

for assisting in a programme of national reconciliation leading to the conduct of free elections.

Congo-Angola

In a 13 October letter [S/1997/791] to the Security Council President, the Congo alleged that Angolan troops had entered Congolese territory and that Angolan military aircraft had dropped bombs on Brazzaville. The Council was asked to take action.

Angola, in a 16 October letter [S/1997/802] to the Secretary-General and the Council President, denied the allegations, stating that a unit of the Angolan armed forces, exercising their right to self-defence, had pursued UNITA armed groups that were operating from the Congo. Following that action, the Angolan forces had immediately returned to their base in Cabinda.

Congo-Democratic Republic of the Congo

In a 15 October communique [S/1997/803], the Democratic Republic of the Congo (DRC) noted that, according to information published in the press, the Security Council President had specifically asked the DRC to withdraw its troops from the Congo. The DRC affirmed that it had had no troops in the territory of the Congo since the return of a number of observers who had been sent, by joint agreement, to the two warring factions. However, the DRC did not rule out any future intervention in response to further shelling from the Congo on the population of Kinshasa, and, should that occur, it reserved the right to defend its territory and people.

Liberia

In 1997, after four years of operation, the mandate of the United Nations Observer Mission in Liberia (UNOMIL) came to an end, as the terms of the 1995 Abuja Agreement [YUN 1995, p. 358] for settling the conflict were fulfilled, with the completion of the disarmament and demobilization of the factions, the holding of presidential and legislative elections on 19 July and the installation of a new Government on 2 August. Established in 1993 [YUN 1993, p. 269, SC res. 866(1993)] to monitor the 1993 Cotonou Agreement [ibid., p. 268], and, later, the 1994 Akosombo Agreement [YUN 1994, p. 380] and the 1995 Abuja Agreement, UNOMIL was the first UN peacekeeping operation undertaken in cooperation with an operation already established by another organization,

the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG).

During the year, UNOMIL cooperated with ECOMOG in the disarmament and demobilization process, and provided technical assistance to the Liberian Electoral Commission to prepare for the holding of elections, as well as electoral observers. It also monitored the human rights situation.

In 1997, the Secretary-General submitted to the Security Council five progress reports on UNOMIL and the situation in Liberia. Twice during the year, the Council extended UNOMIL's mandate, with the last extension terminating the Mission on 30 September. The Mission was replaced by the United Nations Peace-building Support Office in Liberia, established on 1 November for a period of one year.

Anthony B. Nyakyi (United Republic of Tanzania) was succeeded as the Secretary-General's Special Representative for Liberia on 15 April by Tuliameni Kalomoh (Namibia).

UN operation in Liberia

Political aspects

Report of Secretary-General (January). The Secretary-General, in a 29 January report [S/1997/90], stated that the disarmament and demobilization exercise in Liberia had been hindered by continuing difficulties. Its slow pace had been attributed to lingering suspicions among faction leaders and insufficient incentives for the fighters. On 14 January, the Secretary-General wrote to the Chairman of the Liberian Council of State expressing concern at the continuing difficulties in the disarmament process and asking her to urge the faction leaders to accelerate it. The Council of State met on 16 January, in the presence of an ECOWAS delegation, the ECOMOG Force Commander, the Secretary-General's Special Representative and others. At that meeting, the ECOWAS Special Envoy, Chief Tom Ikimi of Nigeria, appealed to all Council members to cooperate fully to ensure a successful conclusion of the Liberian peace process. On the same date, the second ECOWAS verification and assessment meeting was convened in accordance with the revised timetable for the implementation of the Abuja Agreement. In an 18 January statement, Chief Ikimi called on faction leaders to ensure a substantial handover of weapons and the demobilization of fighters by the 31 January deadline. The assessment team recommended that the Ministerial Meeting of the ECOWAS Committee of Nine on Liberia (Benin, Burkina Faso, Cote d'Ivoire, Gambia, Ghana, Guinea, Nigeria,

Senegal, Togo) be convened in early February to assess the outcome of the disarmament exercise and endorse the mode of implementation of the rest of the programme. By 26 January, only 12,510 fighters had been disarmed. ECOMOG and UNOMIL revised an earlier estimate of the number of fighters in the country to be disarmed from 60,000 to 33,000 and requested all factions to meet that number by 31 January.

Report of Secretary-General (March). Updating developments in Liberia in a 19 March report on UNOMIL [S/1997/2371, the Secretary-General stated that there had been further progress towards implementation of the Abuja Agreement, including achievement of a significant level of disarmament of fighters, making it possible to begin preparations for the holding of elections and extension of ECOMOG's presence into the interior of the country, thereby facilitating greater access by humanitarian agencies and freer movement of the civilian population. The ECOWAS Committee of Nine held its second Ministerial Meeting in Monrovia on 13 and 14 February. The Ministers held extensive consultations with the Council of State, which resulted in important decisions concerning the implementation of the final phase of the peace process, particularly the conduct of the elections. Their recommendations were endorsed by the Chairman of ECOWAS and supported by the Secretary-General (see below).

The period following the dissolution of the armed factions on 31 January witnessed a revitalization of civil society and reactivation of political parties in preparation for the elections. As at 18 March, eight political parties had officially registered and another 12 were proposed for registration. The parties were engaged in selecting their candidates for the presidential elections.

The Secretary-General noted the proposal of the ECOWAS Chairman for the restructuring of the Liberian armed forces, the police and other security agencies, with UN and international assistance, following the withdrawal of ECOMOG from Liberia, due to begin six months after the elections. He considered the proposal an essential peace-building step which would help the incoming Government build on the progress made.

In a related development, the second Ministerial Meeting of the ad hoc Special Conference to Support the Peace Process in Liberia was held in New York on 20 February [S/1997/167]. Organized at the request of the United States on behalf of the International Contact Group on Liberia, of Nigeria on behalf of ECOWAS and of the Netherlands, it also brought together the Bretton Woods institutions and relevant UN bodies. The meeting addressed the immediate needs of the peace

process and requirements for the medium term, and demonstrated strong support for the role played by ECOWAS. Donor countries and the European Commission made firm pledges of financial and other support. The Resident Representative of the United Nations Development Programme (UNDP) was named Director of the Office of the Special Representative of the Secretary-General to coordinate post-election and development efforts. According to the Secretary-General, the meeting demonstrated that there was the necessary political will both inside and outside Liberia for the peace process to succeed.

Electoral process

Following the visit of the UN technical survey team to Monrovia in December 1996 [YUN 1996, p. 119], the United Nations prepared a set of draft recommendations dealing primarily with the requirements for establishing a credible political framework for elections to take place and the need for the elections to be inclusive, operationally simple and cost-effective. On 14 January 1997, the Secretary-General dispatched Lansana Kouyate, Assistant Secretary-General for Political Affairs, as his Special Envoy to the region, for consultations on those recommendations with the Chairman of ECOWAS, the head of State of Nigeria, and the Liberian parties and civil society. It was proposed that a provisional electoral package should be enacted at a special summit-level meeting in mid-February of the ECOWAS Committee of Nine with the Liberian political parties and become an integral part of the Abuja Agreement. At that meeting, held in Monrovia on 13 and 14 February, agreement was reached on a basic framework for the holding of the elections. The recommendations of the meeting, which were endorsed by the Chairman of ECOWAS, provided for: elections to be held on 30 May 1997, organized by an independent Elections Commission, assisted by technical advisers from ECOWAS, the United Nations and the Organization of African Unity (OAU); disputes to be adjudicated by the Liberian Supreme Court; a parliament to be elected comprising a 64-member House of Assembly and a 26-member Senate; parliamentary elections to be conducted on the basis of proportional representation; and refugees to be required to return to Liberia to vote.

On 26 February, the Secretary-General sent an assessment mission to Liberia to assess electoral requirements and to make recommendations on the role UNOMIL would play in the electoral process. The mission concluded that conditions in Liberia provided a reasonable basis for the organization and conduct of elections on 30 May.

The timetable for doing so would entail the enactment of electoral law and regulations by the end of March, the registration of voters in April and the conduct of the election campaign in May. The mission also concluded that refugee participation in the elections could best be enhanced through a proactive approach to repatriation and additional efforts to facilitate their registration and voting.

The United Nations was expected to play an essential role in the elections, providing, in conjunction with ECOWAS and other international organizations, technical assistance to the electoral authorities. UNOMIL, in addition to observing all stages of the electoral process, would support the transportation and information infrastructure during the registration and polling process and assist voter education, particularly through a public information programme. To carry out those functions, the Secretary-General recommended that UNOMIL's electoral unit comprise four electoral officers and 36 civilian electoral observers, and that a consultant be recruited to serve as the UN technical adviser and non-voting member of the Elections Commission; that 200 additional personnel be recruited to observe the polling and counting of votes; that provision be made for undertaking a "quick count"; that the international community provide additional resources for repatriation of refugees; that an understanding be reached with ECOMOG regarding its responsibilities for security of international personnel during the electoral process; and that UNOMIL and UN information personnel produce and broadcast daily radio programmes for voter education purposes. The Secretary-General also outlined logistical arrangements for the electoral observation.

SECURITY COUNCIL ACTION (March)

On 27 March [meeting 3751], the Security Council unanimously adopted **resolution 1100(1997)**, by which it welcomed the Secretary-General's recommendations and decided to extend the UNOMIL mandate until 30 June. The draft [S/1997/254] was prepared in consultations among the members.

The Security Council,

Recalling its previous resolutions concerning the situation in Liberia, in particular resolution 1083(1996) of 27 November 1996,

Welcoming the report of the Secretary-General dated 19 March 1997, especially his conclusion that the period under review has witnessed an improvement in the security situation, revitalization of civil society, and reactivation of political parties to prepare for elections,

Noting the agreement between the Council of State and the Economic Community of West African States

on a basic framework for the holding of elections in Liberia scheduled for 30 May 1997,

Emphasizing that the holding of free and fair elections as scheduled is an essential phase of the peace process in Liberia,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Noting with appreciation the active efforts of the Economic Community of West African States to restore peace, security and stability to Liberia, and commending the States which have contributed to the Economic Community of West African States Monitoring Group,

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia and those which have contributed to the Trust Fund for Liberia,

Emphasizing that the continued presence of the Mission is predicated on the presence of the Monitoring Group and its commitment to ensure the safety of the Mission,

1. Decides to extend the mandate of the United Nations Military Observer Mission in Liberia until 30 June 1997;

2. Welcomes the Secretary-General's recommendations contained in paragraphs 29 and 30 of his report dated 19 March 1997 concerning the role of the Mission in the electoral process;

3. Expresses its concern at the delay in the installation of the new independent Elections Commission and the reconstituted Supreme Court, and the implications of this delay for the electoral process, and urges that they be installed immediately;

4. Urges the international community to provide financial, logistical and other assistance to the electoral process in Liberia, including through the Trust Fund for Liberia, and to provide additional support for the Monitoring Group to enable it to sustain a secure environment for the elections;

5. Stresses the importance of close contacts and enhanced coordination between the Mission and the Monitoring Group at all levels and, in particular, the importance of the Monitoring Group to continue to provide effective security for international personnel during the election process;

6. Urges all Liberian parties to cooperate with the peace process, including by respecting human rights and facilitating humanitarian activities and disarmament;

7. Stresses the importance of respect for human rights in Liberia, not least in the period leading up to elections, and emphasizes the human rights aspect of the mandate of the Mission;

8. Also stresses the importance of assisting with the prompt repatriation of refugees who are willing to return to Liberia in time to participate in the registration and voting process;

9. Further stresses the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985(1995) of 13 April 1995;

10. Requests the Secretary-General to keep the Council informed on a regular basis of the situation in Liberia and, in particular, significant developments in the electoral process, and to submit a report by 20 June 1997;

11. Decides to remain seized of the matter.

Report of Secretary General (June). The Secretary-General, reporting on 19 June [S/1997/478], stated that the Liberian Independent Elections Commission, which was responsible for organizing and conducting the elections, was installed on 2 April, and the reconstituted Supreme Court, which was to adjudicate electoral disputes, was installed five days later, although in each case about a month later than anticipated by the schedule set by the ECOWAS Committee of Nine. The delays in preparations had raised doubt about prospects for holding elections on 30 May. Nevertheless, UNOMIL and ECOMOG continued their election planning by deploying civilian electoral observers all over the country. The Office of the United Nations High Commissioner for Refugees (UNHCR) had begun repatriating those Liberians in the subregion who wished to return to participate in the elections.

Between 24 and 27 April, an ECOWAS assessment team visited Liberia to evaluate the status of electoral preparations. The Elections Commission and the registered Liberian political parties unanimously requested the ECOWAS team to extend the electoral schedule. UNOMIL also took the view that it would not be possible to hold credible elections on 30 May. Consequently, the ECOWAS assessment team recommended a 30-day extension of the electoral calendar. An Extraordinary Summit Meeting of the ECOWAS Committee of Nine (Abuja, Nigeria, 21 May) approved the electoral law as amended by the political parties, and decided to extend the electoral schedule by 60 days and to postpone the elections for the legislative assembly and presidency until 19 July. It also approved the extension of the tenure of the Liberian Council of State until the inauguration of the new Government, and a reduced electoral budget of \$5.4 million. At the Special Conference to Support the Peace Process in Liberia, reconvened in Geneva on 12 June at the ministerial level, participants pledged in excess of \$15 million for the Liberian peace process.

UNOMIL preparations for elections were carried out on schedule. Electoral observer teams with a total of 34 civilian electoral observers and 78 military observers were set up to operate from 16 observation bases in the field and in Monrovia. The observer teams reported on the activities of political parties prior to elections and shared UNOMIL's communications network and trans-

portation means with other electoral observers. UNOMIL's Public Information Unit assisted in providing civic information on registration and voting to the electorate. It produced radio programming four times weekly on each of eight functioning radio stations, and produced leaflets explaining proportional representation and voter registration.

Communication. The heads of State of the West African Economic and Monetary Union, at a conference on security and peace in Africa (Lome, Togo, 23 June), welcomed the decision of the Summit Meeting of the ECOWAS Committee of Nine to postpone the presidential and legislative assembly elections in Liberia to 19 July. In a declaration [S/1997/512] adopted at the conference, they noted with satisfaction the encouraging progress made in the implementation of the Abuja Agreement and appealed to the international community to provide the assistance promised so that the elections might take place in favourable conditions on the scheduled date.

SECURITY COUNCIL ACTION

On 27 June [meeting 3793], the Security Council unanimously adopted **resolution 1116(1997)**, by which it decided to extend UNOMIL's mandate until 30 September 1997, in the expectation that it would terminate on that date. The draft [S/1997/493] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1100(1997) of 27 March 1997,

Welcoming the report of the Secretary-General dated 20 June 1997,

Noting the decision of the Economic Community of West African States to postpone the election date to 19 July 1997,

Emphasizing that the holding of free and fair elections is an essential stage of Liberia's peace process and that the United Nations Observer Mission in Liberia is mandated to observe and verify the election process, including the legislative and presidential elections, as stated in resolution 866(1993) of 23 September 1993,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Emphasizing that the presence of the United Nations Military Observer Mission in Liberia is predicated on the presence of the Monitoring Group of the Economic Community of West African States and its commitment to ensure the safety of UNOMIL military observers and civilian staff,

Noting with appreciation the active efforts of the Economic Community of West African States to restore peace, security and stability to Liberia, and commending those African States that have and continue to contribute to the Monitoring Group of the Economic Community of West African States,

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia and those which have contributed to the United Nations Trust Fund for Liberia,

1. Decides to extend the mandate of the United Nations Military Observer Mission in Liberia until 30 September 1997, in the expectation that it will terminate on that date;

2. Calls upon the Liberian parties to implement fully all the agreements and commitments they have entered into, and urges all Liberians to participate peacefully in the electoral process;

3. Expresses its gratitude to the international community for providing financial, logistical and other forms of assistance for the electoral process in Liberia, including through the Trust Fund for Liberia, and for providing support to the Monitoring Group of the Economic Community of West African States to enable it to carry out its peacekeeping responsibilities and to sustain a secure environment for the elections;

4. Emphasizes the need for constructive collaboration between the United Nations, the Economic Community of West African States, the Liberian Independent Elections Commission and the international community in coordinating assistance for the elections;

5. Stresses the importance of close coordination between the United Nations Military Observer Mission in Liberia, the Monitoring Group, and the joint electoral coordination mechanism at all levels and, in particular, the importance that the Monitoring Group of the Economic Community of West African States continue to provide effective security for international personnel during the election process and provide the necessary logistical support to the Independent Elections Commission;

6. Stresses also the importance of respect for human rights in Liberia, and emphasizes the human rights aspect of the mandate of the United Nations Military Observer Mission in Liberia;

7. Further stresses the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788(1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo and to bring all instances of the violations of the embargo before the Committee established pursuant to resolution 985(1995) of 13 April 1995;

8. Requests the Secretary-General to keep the Council informed on a regular basis of the situation in Liberia and, in particular, of developments in the electoral process, and to submit a report by 29 August 1997;

9. Decides to remain seized of the matter.

Elections. A total of 13 political parties fielded candidates for the presidential and legislative elections. Electoral campaigning started on 16 June as scheduled and was conducted without major incidents of violence or intimidation. The Independent Elections Commission had registered more than 750,000 voters and the elections were observed by some 317 electoral observers deployed throughout the 13 counties of Liberia.

The final results of the election were announced on 24 July, giving the National Patriotic

Party (NPP) 75.3 per cent, the Unity Party (UP) 9.5 per cent and the All Liberia Coalition Party (ALCOP) 4 per cent of the national vote. The Alliance and the United People's Party (UPP) each received 2.5 per cent, while the remaining eight parties received less than 2 per cent each. Voter turnout for the election was 85 per cent of registered voters.

Charles Ghankay Taylor was elected President, and his party, NPP, won 21 of the 26 Senate seats, and 49 of the 64 seats in the House of Representatives. The opposition was led by UP, with three and seven seats in each chamber, respectively. Mr. Taylor was inaugurated as President, and Enoch Dogolea as Vice-President, on 2 August.

In a 24 July letter [S/1997/581] the Secretary-General informed the Security Council President that the Liberian electoral process had been successfully completed and the results officially announced, thus concluding the final element of the revised schedule of implementation of the Abuja Agreement. Annexed to the letter was a Joint Certification Statement by the Secretary-General and the ECOWAS Chairman declaring that the entire electoral process was conducted in an impartial and transparent manner, with no reports of irregularities. The electoral process was declared free, fair and credible.

SECURITY COUNCIL ACTION (July)

On 30 July [meeting 3805], the President of the Security Council issued the following statement [S/PRST/1997/41] on behalf of the members:

The Security Council welcomes the successful holding of presidential and legislative elections in Liberia on 19 July 1997. The Council notes with satisfaction the letter from the Secretary-General to the President of the Security Council and the declaration in the Joint Certification Statement by the Secretary-General of the United Nations and the Chairman of the Economic Community of West African States (ECOWAS) that the electoral process was free, fair and credible, and that the outcome of the elections reflects the will of the Liberian voters.

The Council calls upon all parties to abide by the results of the elections and to cooperate in the formation of a new Government. The Council also calls upon the new Government to protect the democratic system and to promote human rights and fundamental freedoms under the rule of law.

The Council congratulates the people of Liberia on the courage and determination they have shown in proceeding with the elections under difficult circumstances. The Council commends all international personnel, especially those of the United Nations Observer Mission in Liberia and the Military Observer Group of ECOWAS, who contributed to the successful holding of elections.

The Council welcomes the goodwill and cooperation demonstrated by the parties in the electoral process, which provides a strong foundation for the peo-

ple of Liberia to achieve a durable peace, the re-establishment of constitutional government, and a return to the rule of law. The Council expresses the hope that the successful holding of elections will encourage refugees to exercise their right of return and calls upon the new Government to fulfil its obligations under international law regarding returning refugees.

The Council notes that the successful holding of elections represents a critical step towards economic development. The Council urges the international community to continue to provide support and assistance to Liberia through this period of reconstruction.

The Council further notes that the successful conclusion of the electoral process marks the fulfilment of a key element of the mandate of the Observer Mission.

The Council will remain seized of the matter.

Post-election period

Reports of Secretary-General (August and September). On 13 August [S/1997/643], the Secretary-General, in his progress report on UNOMIL issued after the Liberian elections, stated that the holding of presidential and legislative elections on 19 July and the installation of the new Government on 2 August marked the completion of the terms of the Abuja Agreement. On 3 August, the Secretary-General's Special Envoy and his Special Representative for Liberia were received by President Taylor, who requested UN assistance in mobilizing international support for the reconstruction of Liberia and expressed his desire for a continued UN presence following the termination of the UNOMIL mandate on 30 September.

UNOMIL had begun transferring its personnel from Liberia, and withdrawal was expected to be substantially completed by the expiration of its mandate. The bridging activities designed as an interim measure to absorb demobilized combatants were transferred from the UN Humanitarian Assistance Coordination Office to the relevant UN agencies and were dovetailed into the reintegration programme. Pending further consultations with the new Government, the Secretary-General intended to recommend the establishment of a peace-building support office to succeed UNOMIL.

On 12 September, the Secretary-General issued his final report on UNOMIL [S/1997/712]. He stated that President Taylor had formed a new Government, which had begun to establish and consolidate its authority throughout the country, and a reconstituted Supreme Court had been sworn in. Superintendents had been appointed for all 13 counties and the Liberian National Police was preparing to re-open police stations across the country.

At a meeting in late August in Abuja, the ECOWAS heads of State and Government agreed to extend the stay of ECOMOG in Liberia to help consolidate and strengthen security in the country, and to assist with the restructuring and training of the armed forces as well as police and security services. They decided to lift all sanctions and embargoes on Liberia (see below) and called on the international community to do the same. They also appealed for international support for the reconstruction of the country.

The Secretary-General's Special Envoy and his Special Representative for Liberia held discussions with President Taylor on 2 September regarding arrangements for a continued UN presence following UNOMIL's withdrawal. Mr. Taylor welcomed the Secretary-General's proposal to establish a small UN office in Liberia. Priority was being given to reconstruction of the economy, infrastructure and institutions, and efforts were soon to be launched to revive the productive sectors of the economy. The Government had indicated that it had inherited an empty treasury, a domestic debt of some \$200 million and an external debt of more than \$2 billion. The Special Envoy and Special Representative also held discussions with the Liberian Minister of Finance and of Economic Planning to discuss the mobilization of resources for rehabilitation and economic recovery. To capitalize on the successful completion of the peace process and to strengthen peace-building efforts, the Secretary-General had decided to convene a Special Conference on Liberia on 3 October in New York (see below).

Reviewing the Mission's history, the Secretary-General stated that the completion of disarmament and demobilization in February, and the restoration of a climate of security, ensured by the presence of ECOMOG troops, had been crucial to holding the elections. Credit was also due to the successful organization and conduct of the elections, and the financial support made available both by bilateral contributions from interested States and through the UN Trust Fund for Liberia. UNOMIL played a much more significant role than that strictly defined by its mandate, which was to observe and verify the elections, providing technical expertise and placing logistical, transportation and communications assets at the disposal of the Liberian Independent Elections Commission. UNOMIL had also trained and deployed 200 electoral observers sent by the United Nations, and coordinated their and other international observers' activities during the polling period. Human rights activities of UNOMIL also contributed to the peace process by investigating reported violations and providing

assistance to Liberian human rights organizations in an effort to build local capacity.

The Secretary-General warned that the situation in Sierra Leone in 1997 remained a potential threat to the security and stability of Liberia. In a 21 October statement [S/1997/835], the Foreign Ministry of Liberia expressed similar concerns, and announced the closure of its border with Sierra Leone and its refusal to permit any military engagement involving the use of force from its territory by any group against Sierra Leone, except where sanctioned by ECOWAS and approved by the Security Council and the Liberian Government.

Special Conference on Liberia

The fourth Ministerial Meeting of the ad hoc Special Conference on Liberia (previously known as the ad hoc Special Conference to Support the Peace Process in Liberia) was convened in New York on 3 October [S/1997/817]. The meeting brought together the members of the International Contact Group on Liberia, the European Union and ECOWAS, as well as the Netherlands, the Bretton Woods institutions, the African Development Bank, and relevant UN departments, programmes and specialized agencies. The OAU Secretary-General and the Executive Secretary of ECOWAS also participated in the meeting.

The purpose of the meeting was to build upon the momentum generated by the successful completion of the Liberian peace process, and to support efforts to consolidate the peace in Liberia, including the establishment of a viable framework for the mobilization of resources for reconstruction and development. In that regard, Liberia presented a paper outlining its vision for a new Liberia, entitled "An Agenda for Rebuilding Liberia".

The meeting focused attention on the need to provide continued support to Liberia following the successful completion of the peace process. It expressed strong support for the establishment of a United Nations Peace-building Support Office in Liberia, President Taylor's efforts to establish an inclusive administration, and actions by the new Government to promote reconciliation and national unity. The meeting reacted positively to the Government's plans for rebuilding Liberia, as set out in the "Agenda for Rebuilding Liberia", and the Bretton Woods institutions supported the Government's economic and political initiatives, the economic and customs reforms instituted thus far and the presentation to the Legislature of a balanced cash-based budget. Support was also expressed for a donors' conference for Liberia in 1998.

The Secretary-General concluded that, in view of the difficult peace consolidation and reconstruction challenges confronting Liberia, he intended to continue to move as expeditiously as possible with the establishment of a United Nations Peace-building Support Office in Liberia (see below), as requested by the Government. The Secretariat would be consulting with Liberia and the principal bilateral and multilateral donors on the most effective means of following up on the positive outcome of the meeting, including the timing of the anticipated donors' conference on reconstruction and development.

Establishment of UN Support Office

The United Nations Peace-building Support Office in Liberia (UNOL) was established on 1 November. On 12 December, the Secretary-General appointed Felix Downes-Thomas (Gambia) to head the Office, which was expected to mobilize international assistance for Liberia, work with the Government, bilateral donors and multinational institutions and act as a focal point for post-conflict peace-building; provide technical assistance and support for reconciliation efforts and the establishment of democratic institutions; and facilitate communications between the Government and the United Nations on peace-building matters.

In November, the Secretary-General submitted to the General Assembly's Fifth (Administrative and Budgetary) Committee revised estimated budgets for 1998-1999 [A/C.5/52/24] for five good offices, peacemaking and preventive diplomacy missions, including UNOL. For that Office, an estimated \$2,304,900 would be needed for one year. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) recommended in December [A/52/7/Add.6] that the Assembly appropriate \$9.3 million for the five missions for the 1998-1999 biennium.

UNOMIL financing

Revised 1996/97 budget

In February, the Secretary-General issued the second revised budget of UNOMIL for the period from 1 July 1996 to 30 June 1997 [A/51/756/Add.1] totalling \$36,941,700 gross, an increase of \$22,925,700. It incorporated additional requirements for the implementation of the disarmament and demobilization programme as authorized by the Security Council in November 1996 [YUN 1996, p. 118, SC res. 1083(1996)].

In March [A/51/423/Add.1], ACABQ noted that those estimates were revised downwards to an amount of \$17,899,000 gross, due to a reduction

in the expected number of fighters to be demobilized from 60,000 to 33,000 (see above) and to a delay in deployment of military and civilian personnel.

GENERAL ASSEMBLY ACTION

On 27 March [meeting 94], the General Assembly, on the recommendation of the Fifth Committee [A/51/504/Add.1], adopted **resolution 51/3 B** without vote [agenda item 135].

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 866(1993) of 22 September 1993, by which the Council established the United Nations Observer Mission in Liberia, and subsequent resolutions in which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1083(1996) of 27 November 1996,

Recalling also its decision 48/478 of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/3 A of 17 October 1996,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Liberia as at 12 March 1997, including the contributions outstanding in the amount of 4,610,679 United States dollars, representing 6 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 31 March 1996, notes that some 39 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the Liberian peace process are administered in a coordinated fashion with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Observer Mission in Liberia the amount of 12,169,600 dollars gross (11,838,800 dollars net), already authorized and apportioned under the terms of its resolution 50/210 of 23 December 1995, for the maintenance of the Observer Mission for the period from 1 February to 31 March 1996 and to extend the period covered by the appropriation from 31 March to 30 June 1996;

8. Decides also to appropriate to the Special Account for the Observer Mission an additional amount of 17,899,000 dollars gross (17,544,100 dollars net) for the operation of the Observer Mission for the period from 1 July 1996 to 30 June 1997;

9. Decides further to apportion among Member States the amount of 5,840,000 dollars gross (5,494,500 dollars net) for the maintenance of the Observer Mission for the period from 1 July to 30 November 1996 in accordance with the composition of the groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 345,500 dollars approved for the Observer Mission for the period from 1 July to 30 November 1996;

11. Decides also to apportion among Member States the additional amount of 13,192,345 dollars gross (12,989,545 dollars net) for the operation of the Observer Mission for the period from 1 December 1996 to 31 March 1997 in accordance with the scheme set out in the present resolution;

12. Decides further that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 202,800 dollars approved

for the Observer Mission for the period from 1 December 1996 to 31 March 1997;

13. Decides to apportion among Member States the amount of 4,706,655 dollars gross (4,554,555 dollars net) at the monthly rate of 1,568,885 dollars gross (1,518,185 dollars net) for the maintenance of the Observer Mission for the period from 1 April to 30 June 1997 in addition to the amount of 1,168,000 dollars gross (1,098,900 dollars net) per month already authorized under General Assembly resolution 51/3 A and in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 March 1997;

14. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 152,100 dollars, which is equivalent to a monthly rate of 50,700 dollars, approved for the Observer Mission for the period from 1 April to 30 June 1997;

15. Decides further that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraphs 9 and 11 above, their respective share in the unencumbered balance of 13,466,400 dollars gross (13,443,900 dollars net) for the period from 1 July 1995 to 30 June 1996;

16. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 13,466,400 dollars gross (13,443,900 dollars net) for the period from 1 July 1995 to 30 June 1996 shall be set off against their outstanding obligations;

17. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

18. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Observer Mission in Liberia".

1997/98 budget

In a later report [A/51/756/Add.2], the Secretary-General submitted the proposed budget of UNOMIL for the period from 1 July 1997 to 30 June 1998, amounting to \$19,688,400 gross, 38 per cent less than for the previous period, due primarily to the elimination of requirements for the completed disarmament and demobilization programme.

During ACABQ consideration of the report [A/51/423/Add.2], it was informed that should there be a postponement or delay in the holding of elections, potential costs not exceeding \$500,000 would arise, but those would be met from the previous budget.

GENERAL ASSEMBLY ACTION (June)

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/51/504/Add.2], adopted **resolution 51/3 C** without vote [agenda item 135].

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia, the related report of the Advisory Committee on Administrative and Budgetary Questions and the relevant report of the Board of Auditors,

Recalling Security Council resolution 866(1993) of 22 September 1993, by which the Council established the United Nations Observer Mission in Liberia, and subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1100(1997) of 27 March 1997,

Recalling also its decision 48/478 of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/3 B of 27 March 1997,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Liberia as at 15 May 1997, including the contributions outstanding in the amount of 17,879,409 United States dollars, representing 16 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 30 June 1997, notes that some 16 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Board of Auditors;

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Observer Mission in Liberia the amount of 20,447,100 dollars gross (18,918,300 dollars net) for the maintenance of the Observer Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 758,700 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 1,703,925 dollars gross (1,576,525 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 30 June 1997;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,528,800 dollars approved for the Observer Mission for the period from 1 July 1997 to 30 June 1998;

9. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly.

In September, the Secretary-General submitted a revised budget of \$8,952,900 gross for the period from 1 July 1997 to 30 June 1998 [A/52/401], providing for the repatriation of 92 military observers, 80 international civilian personnel, 7 UN Volunteers and UNOMIL assets comprising transport, communication and other equipment.

The comments of ACABQ on the revised budget were contained in its October report [A/52/451].

GENERAL ASSEMBLY ACTION (October)

On 31 October [meeting 42], the General Assembly, on the recommendation of the Fifth Committee [A/52/543], adopted **decision 52/407** without vote [agenda item 133].

Financing of the United Nations Observer Mission in Liberia

At its 42nd plenary meeting, on 31 October 1997, the General Assembly, on the recommendation of the Fifth Committee and having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia and the related report of the Advisory Committee on Administrative and Budgetary Questions:

(a) Endorsed the observations and recommendations contained in the report of the Advisory Committee;

(b) Decided to reduce the appropriation authorized under the terms of General Assembly resolution 51/3 C of 13 June 1997 for the Observer Mission for the period from 1 July 1997 to 30 June 1998 from 20,447,100 United States dollars gross (18,918,300 dollars net) to 8,952,900 dollars gross (8,434,900 dollars net), inclusive of the amount of 758,700 dollars for the support account for peacekeeping operations;

(c) Decided also, taking into account the amount of 5,111,775 dollars gross (4,729,575 dollars net) already assessed under the terms of General Assembly resolution 51/3 C for the period from 1 July to 30 September 1997 and pending the review and consideration of the performance report of the Observer Mission for the period from 1 July 1996 to 30 June 1997, to defer the apportionment of the additional amount of 3,841,125 dollars gross (3,705,325 dollars net);

(d) Decided further to keep under review at its fifty-second session agenda item 133, entitled "Financing of the United Nations Observer Mission in Liberia".

By **decision 52/456** of 22 December, the Assembly decided to continue consideration of the item on UNOMIL financing at its resumed fifty-second (1998) session.

Military aspects

At the beginning of January, violations of the ceasefire continued to be reported in Liberia, particularly by the two wings (ULIMO-J and ULIMO-K) of the United Liberation Movement of Liberia for Democracy (ULIMO), the former organized by General Roosevelt Johnson and the latter by Alhaji Kromah. However, the situation improved considerably and the Secretary-General reported that relative peace had prevailed in Liberia since mid-January. In June, he said that the country was considered secure enough for elections to take place. Those conditions continued to prevail for the remainder of UNOMIL's presence there.

ECOMOG troops, at a total strength of 7,500 at the beginning of the year, were deployed in Monrovia and 12 disarmament sites throughout the country. ECOMOG had established buffer zones between ULIMO-J and ULIMO-K as well as between the National Patriotic Front of Liberia and the Liberian Peace Council. UNOMIL's strength was 78 military observers deployed at disarmament

sites. By mid-March, ECOMOG's strength had increased to 10,000 and UNOMIL to 92 military observers.

The disarmament and demobilization process, provided for under the terms of the Abuja Agreement, began on 22 November 1996 and continued through early 1997. ECOMOG and UNOMIL revised an earlier estimate of the overall number of fighters in the country from 60,000 to 33,000, and requested the factions to meet that goal for demobilization and disarmament by the deadline of 31 January 1997.

Following the expiry of the 31 January deadline, ECOMOG announced a one-week grace period to allow all fighters to disarm. By 9 February, a total of 20,332 fighters (61.6 per cent of the estimated total) had been disarmed under UNOMIL supervision, while 21,315, including 4,306 child fighters under the age of 18, had been demobilized by the UN Humanitarian Assistance Coordination Office. More than 9,570 weapons were also surrendered. To uncover remaining pockets of armed fighters in areas inaccessible during the disarmament period, ECOMOG and UNOMIL mounted joint disarmament operations in cooperation with former local commanders of the disbanded factions. Also, 10 of the 15 disarmament and demobilization centres remained opened to encourage voluntary disarmament. Those operations resulted in the recovery of approximately 3,750 additional assorted weapons. To ensure security for the holding of elections, ECOMOG strength, by mid-June, had been increased to approximately 11,000 troops deployed at 48 locations. UNOMIL completed its deployment at 16 sites and converted its disarmament processing sites to electoral observation bases.

A new threat to the stability of Liberia was posed by outbreaks of fighting on 6 and 10 July in south-eastern Sierra Leone, just across the Liberian border, causing an influx of refugees into Liberia, including about 200 Sierra Leonean Kamajor militiamen, who were disarmed by ECOMOG. The fighting also resulted in casualties among Liberian civilians. There was also concern among Liberians about the increase in armed robberies in Monrovia and its environs.

By September, following the successful holding of elections, UNOMIL had closed all its field offices and withdrawn all personnel and assets to Monrovia in preparation for its complete departure from Liberia. Nearly all military observers had been repatriated, except for nine, who would remain until the end of September in connection with the joint ECOMOG/UNOMIL custody of approximately 10,000 weapons surrendered by factional fighters. A decision on the final disposal of those weapons had not been made by the new

Government by the time of the Secretary-General's September report.

Other matters

Sanctions against Liberia

Liberia, on 21 November [S/1997/919], requested the Security Council to lift the arms embargo imposed on it in 1992 [YUN 1992, p. 192, SC res. 788(1992)]. In that connection, Liberia noted the confirmation by the Secretary-General that free and fair elections had been held on 19 July, and a new Government installed, thus bringing the civil conflict to a peaceful resolution. Furthermore, the heads of State and Government of the ECOWAS countries, at their summit meeting (Abuja, Nigeria, 28-29 August), had decided to lift all sanctions and embargoes against Liberia and had requested the international community to do the same, since the conditions that prevailed at the time of their imposition no longer existed.

The Security Council Committee established pursuant to resolution 985(1995) [YUN 1995, p. 355] to monitor sanctions against Liberia issued a report on 31 December 1997 [S/1997/1026], covering its activities for the year. The Committee noted that in **resolutions 1100(1997) and 1116(1997)** (see above), the Council had stressed the obligation of all States to comply strictly with the 1992 embargo on all deliveries of weapons and military equipment to Liberia, to take action to ensure its implementation, and to bring all instances of violations to the Committee's attention.

Human rights

UNOMIL human rights officers conducted investigations in 1997 into several reported incidents of human rights abuses. UNOMIL received reports of incidents that took place in 1996, including the massacre at Sinje on 28 September 1996, which was reported by the Ceasefire Violations Committee. In January 1997, six persons were killed by armed fighters, five of whom were ULIMO-J fighters; accusations were made against the Congo Defence Force. Other complaints of alleged human rights violations received by UNOMIL included reports of the harassment and detention of members of the international humanitarian community by ULIMO-J fighters, as well as the discovery of more than 100 skeletons.

As the peace process advanced, the Liberian human rights community was strengthened and at least four new human rights organizations were created, all of which collaborated with UNOMIL and functioned as members of the Liberia Human Rights Centre. UNOMIL assisted in

the establishment of the Centre in Monrovia to serve as a focal point for addressing human rights issues. It also housed the National Library of Human Rights Issues. UNOMIL hosted a seminar on 1 and 2 May for 55 representatives of Liberian human rights and related organizations. In pursuance of its capacity-building mandate and prior to the elections, UNOMIL collaborated with the Carter Center in Atlanta, Georgia, United States, to provide a one-week training programme (18-25 June) for the Liberia Human Rights Centre and representatives of other Liberian human rights organizations. The programme was attended by representatives of 12 organizations. The Centre and other human rights organizations participated in observing and monitoring the elections.

In the month before and two weeks after the elections, UNOMIL conducted a series of assessment missions to monitor the human rights situation in the countryside. No major human rights violations by Liberians were confirmed during those missions. The Secretary-General reported in August [S/1997/643] that he would consult with the United Nations High Commissioner for Human Rights on the recommendation that the UN Centre for Human Rights provide advisory services and technical assistance to the new Liberian Government to assist it in reviving the country's human rights structures. He was encouraged by President Charles Taylor's commitment to the establishment of a national human rights commission and said he would discuss with Liberia how best the United Nations could assist it in fulfilling those goals.

Humanitarian aid

The UN Humanitarian Assistance Coordination Office (HACO) was responsible for the operational aspects of demobilization of fighters and for coordinating bridging and reintegration activities in Liberia. Its activities were hampered at the beginning of the year by the lack of secure access to many areas of the country. The Department of Humanitarian Affairs of the Secretariat coordinated humanitarian assistance activities, while UNDP coordinated long-term reintegration/rehabilitation activities. Among agencies providing assistance to Liberia were the International Labour Organization (ILO), which began a vocational training programme, the Food and Agriculture Organization of the United Nations (FAO), which distributed food to displaced persons, the World Health Organization (WHO), which strengthened a rapid epidemic response task force and trained health workers in disease control, and the United Nations Children's Fund (UNICEF), which contributed to primary schools

and basic health services such as water and sanitation services.

Reconstruction and reintegration remained the focus of many humanitarian assistance programmes. Following the disarmament period, a number of disarmament and demobilization sites functioned as centres for early phase reintegration and served as bases for providing health and humanitarian services in the countryside. Encouraged by the presence and activity of humanitarian assistance workers, refugees and displaced persons began returning to their homes. A reconstruction plan was undertaken by UNDP and the World Bank, while FAO assisted in the development of a national plan for reintegration in agriculture by providing jobs for war-affected farmers and ex-combatants.

The Secretary-General reported in August that emergency needs in Liberia were likely to continue to be great for the remainder of the year and that donor organizations were reorienting their activities to address longer-term rehabilitation requirements in agriculture, education, health and infrastructure. UNHCR had also updated its operational plan for the repatriation and reintegration of Liberian refugees. The expected increase in stability was likely to prompt more refugees to return, and UNHCR would continue to facilitate voluntary repatriation. The responsibility of administering and monitoring HACO projects was transferred to UNDP/United Nations Office for Project Services in July. The bridging programme had employed approximately 15,000 ex-fighters who assisted in the restoration of essential services. The World Food Programme had begun an assessment of internally displaced persons in preparation for its resettlement programme. WHO carried out a vaccination campaign against yellow fever, while UNICEF continued its water and sanitation activities and provided assistance to children and war-affected women. Its educational activities also intensified.

The Secretary-General, in a November report [A/52/678], described emergency assistance provided by the UN system to Liberia.

In December, the General Assembly, in **resolution 52/169 E**, called for continued efforts to mobilize relief and rehabilitation assistance for the country (see PART THREE, Chapter III).

Sierra Leone

During 1997, Sierra Leone experienced renewed political and security instability when, on

25 May, the Armed Forces Revolutionary Council (AFRC), under the leadership of Major Johnny Paul Koroma, carried out a coup d'état and overthrew the democratically elected Government of President Ahmad Tejan Kabbah. After seizing power, AFRC formed an alliance with another military rebel group, the Revolutionary United Front (RUF).

The Economic Community of West African States (ECOWAS), as the regional organization directly concerned, took the lead in trying to bring about the restoration of President Kabbah's Government, calling for sanctions against the military regime of Sierra Leone and a blockade against all petroleum products as well as military equipment.

By an 8 October resolution, the Security Council, concerned with the security and humanitarian situation in the subregion, imposed sanctions against the illegitimate regime of Sierra Leone and called for the restoration of constitutional order.

A Committee of Four, made up of Cote d'Ivoire, Ghana, Guinea and Nigeria, later expanded to a Committee of Five with the addition of Liberia, was established by ECOWAS to monitor developments in Sierra Leone. On 23 October, the Committee and the military junta adopted an ECOWAS peace agreement for Sierra Leone—the Conakry Agreement—which called for the immediate cessation of hostilities throughout the country. In November, the Secretary-General dispatched an exploratory team to the region to assess what kind of assistance the United Nations might provide to support the peace agreement.

Following the May coup d'état, hundreds of thousands of Sierra Leoneans fled to neighbouring countries, posing a threat to the peace, stability and security of the entire subregion. Guinea received the largest number of refugees, including the deposed President Kabbah, most of his cabinet members and Sierra Leonean members of Parliament. Liberia also received a large number of refugees, at a time when it was on the verge of ending its own seven-year-old civil war.

The Sierra Leone crisis began in 1991 when RUF, under the leadership of Corporal Foday Sankoh, launched guerrilla warfare against the Government. After five years of civil war, Sierra Leone embarked on a successful transition to multi-party democracy, culminating in parliamentary and presidential elections in February and March 1996. In addition, a peace accord was concluded between the newly elected civilian Government of Sierra Leone and RUF in Abidjan, Cote d'Ivoire, on 30 November 1996. The Abidjan Accord [YUN 1996, p. 123] addressed the roots of the conflict by providing a framework to fur-

ther the process of democratization and declared an immediate end to the armed conflict. However, its implementation was interrupted by the May 1997 coup d'état.

Assessment Team mission

In accordance with a December 1996 letter from the Security Council President [YUN 1996, p. 123], by which the Council supported the Secretary-General's proposal to send an assessment team to Sierra Leone, the Secretary-General submitted a 26 January report [S/1997/80] containing the findings of that team. The Assessment Team's mandate was to develop recommendations on ways that the United Nations could assist in the implementation of the Abidjan Accord.

The Assessment Team, working under the guidance and overall authority of the Special Envoy for Sierra Leone, Berhanu Dinka, and led by Brigadier-General Yogesh K. Saksena, Deputy Force Commander of the United Nations Angola Verification Mission (UNAVEM III), arrived in Sierra Leone on 22 December 1996 and returned to New York on 6 January 1997 after meeting with government and RUF officials.

During meetings with the interlocutors, the Assessment Team emphasized that it was imperative for the parties to abide by a strict timetable in implementing the Abidjan Accord, noting that its political and military provisions had to be carried out simultaneously, in order to create the confidence necessary to proceed with the peace process. In that connection, the Team provided to the Commission for the Consolidation of Peace (CCP), for its consideration, a draft timetable for the implementation of the Accord. The draft was annexed to the Secretary-General's report.

CCP, which was established in accordance with the Abidjan Accord, held its first session on 19 December 1996. It comprised four representatives of the Government and four representatives of RUF, and was to act as a verification mechanism responsible for supervising and monitoring the implementation of the Accord. CCP was to establish a Joint Monitoring Group to monitor the withdrawal of forces and disarmament of combatants and a Demobilization and Resettlement Committee to coordinate the encampment, disarmament, demobilization and resettlement of the RUF combatants.

In January, the Secretary-General met with the Secretary-General of the Organization of African Unity (OAU), Salim Ahmed Salim, and wrote to the Secretary-General of the Commonwealth, Chief Emeka Anyaoku, in order to develop a concerted programme of action. The Accord stipulated that the Government of the Cote d'Ivoire,

the United Nations, OAU and the Commonwealth were to act as moral guarantors to the peace process. Mr. Salim expressed the view that the United Nations should take the lead role in assisting the parties to fulfil their obligations under the Accord and that assistance from OAU should be coordinated by the United Nations. Chief Anyaoku informed the Secretary-General that a number of Commonwealth countries had indicated that any decision on their providing assistance in the implementation of the Accord would be taken in the light of the type of assistance to be provided by the United Nations.

The report noted that over the preceding five years the strength of the Republic of Sierra Leone Military Forces (RSLMF) had grown from about 3,000 to approximately 13,000. Many of the recent recruits did not have the advantage of formal training and, as a result, some elements in the army had not always shown the necessary discipline. During the last period of the conflict, the former Government engaged a private security firm, Executive Outcomes, to train its security forces and assist its efforts against RUF; the firm was maintained by the new Government. In addition, in the months before the signing of the Abidjan Accord, village-based hunters, known as Kamajors, were organized by paramount chiefs to protect their villages, mostly against looting from both RUF and undisciplined RSLMF elements. The Government estimated the number of Kamajors, who were armed mainly with light weapons, to be approximately 2,500. Reports had been received, however, that Kamajors were still being recruited and their number could be much higher.

While precise figures on the size of RUF were not available, its strength was estimated at approximately 5,000 armed and 5,000 non-armed combatants. The RUF forces were concentrated mainly in the eastern and central parts of the country.

With the signing of the November 1996 Abidjan Accord, both RSLMF and RUF had been ordered to refrain from hostile action, to remain confined to their current locations and to dismantle roadblocks. The Kamajors were also requested to refrain from military attacks against RUF. While the ceasefire had generally held, the overall security situation in Sierra Leone remained tenuous. Since 30 November, there had been some clashes between the various forces as armed elements had left their bases in search of food and medicine.

The Abidjan Accord foresaw not only the disarmament and demobilization of RUF, but also the downsizing of RSLMF and the withdrawal of foreign forces from the country. Prior to the sign-

ing of the Accord, the Government had established a Disarmament, Demobilization and Reintegration Programme Unit within the Ministry of National Reconstruction, Resettlement and Rehabilitation. That Unit was responsible for preparing and implementing a demobilization and resettlement plan for RUF combatants. The plan, which envisioned the disarmament and encampment of RUF combatants by a local security force and which had been agreed with the concerned UN agencies and non-governmental organizations (NGOs), had not yet been discussed with RUF, stated the report.

In that connection, the Government had informed the Assessment Team that, in its view, the handing over of weapons to either RSLMF or the Kamajors would not be acceptable to RUF, nor would it be acceptable to RUF if either of those forces were charged with providing security for assembly sites. The Government had therefore considered the possibility of using the Special Security Division (SSD) of the national police to carry out those responsibilities. The Government informed the Team, however, that it did not have the logistic or financial resources necessary for SSD to carry out the task.

The report said that the timely implementation of the disarmament and demobilization plan was dependent not only on the decisions taken by the Demobilization and Resettlement Committee of CCP, but also on the provision of voluntary funding by donor Governments for the establishment and management of assembly sites and on finding a satisfactory solution with regard to the provision of security at the sites. As at January 1997, only the United Kingdom had provided funds, totalling \$1.5 million, for disarmament and demobilization, which was expected to cover the establishment and operation of three sites for three months.

As part of its resettlement efforts, the Government had screened 1,500 RUF elements who had spontaneously demobilized. However, only 200 of them were classified as ex-combatants in accordance with government criteria. The vast majority of those former RUF members had since returned to their areas of origin. Since demobilization had been undertaken only on an ad hoc basis, there were no active official programmes for the resettlement of ex-combatants.

The achievement of a durable peace rested on the successful demobilization and resettlement of RUF combatants as well as on the establishment of a professional national army, noted the report. In that connection, the Government had committed itself, under the Abidjan Accord, to downsizing and restructuring RSLMF and to strengthening the civilian police. The Government had

requested UN assistance in developing a plan for demobilizing and restructuring RSLMF and monitoring the withdrawal to barracks of those units not required for normal security duties.

Although the Government of Sierra Leone and RUF had requested observers to monitor the peace process, the Assessment Team determined that a capable security presence would also be required to deter undisciplined elements from impeding the process. Such a presence would help to provide the confidence necessary for RUF to leave its bases, turn over its arms and demobilize; for RSLMF to withdraw to barracks; and for the Kamajors to return to their villages and traditional roles.

Since the Government had indicated that it did not have the means to ensure an adequate security presence for encampment and disarmament, the Team concluded that the required tasks could not be carried out by a mission composed only of unarmed military observers. It felt that a peacekeeping operation, combining military observers with a limited number of formed troops, would be able to assist the parties to implement the Accord effectively. The role of such a mission and its concept of operations were set out in an annex to the report.

The report stated that the Government of Sierra Leone had confirmed to the Assessment Team its readiness to ensure the timely implementation of the Abidjan Accord and to extend its full cooperation to a UN peacekeeping operation. While it was not possible for the Team to get the same assurances from the RUF before it left Abidjan, the Secretary-General said that he had received from Corporal Foday Sankoh, the leader of RUF, two letters, dated 13 and 17 January. In his second letter, Corporal Sankoh confirmed his willingness to receive the peace monitors foreseen under the Accord and to cooperate fully with them. The Secretary-General had therefore decided to submit to the Security Council, at the earliest opportunity, the appropriate recommendations regarding the establishment of a peacekeeping operation in Sierra Leone.

In a 31 January addendum to his report [S/1997/80/Add.1], the Secretary-General informed the Council that the establishment and maintenance of a peacekeeping operation in Sierra Leone for an eight-month period was projected at some \$47 million. The recurrent maintenance costs of the operation were expected to amount to approximately \$30 million, which would provide for the support of up to 720 formed troops, 60 military observers and 276 civilian staff. A breakdown of the estimated costs was provided.

Coup d'etat (May)

On 25 May, a coup d'etat was carried out by the Armed Forces Revolutionary Council (AFRC), led by Major Johnny Paul Koroma, overthrowing the democratically elected Government of President Alhaji Ahmad Tejan Kabbah.

SECURITY COUNCIL ACTION

On 27 May [meeting 3781], the President of the Security Council made the following statement on behalf of the Council [S/PRST/1997/29]:

The Security Council is deeply concerned about the military coup d'etat in Sierra Leone, especially when the United Nations is assisting the process of reconciliation in that country. It strongly deplores this attempt to overthrow the democratically elected Government and calls for an immediate restoration of constitutional order. The Council takes note of the communique of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution of 26 May 1997, and underlines the imperative necessity of implementing the Abidjan Agreement, which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.

The Council strongly condemns the violence which has been inflicted on both local and expatriate communities, in particular United Nations and other international personnel serving in the country. It recalls the obligations of all concerned to ensure the protection of United Nations and other international personnel in the country, and calls for an end to the looting of premises and equipment belonging to the United Nations and international aid agencies.

Communications. On 28 May [S/1997/407], Mali transmitted to the Secretary-General a 26 May statement expressing dismay over the news of the coup d'etat that had taken place on 25 May against President Kabbah, who had been elected on 13 March 1996. Mali reaffirmed its support for the legal Government of Sierra Leone and called on OAU and the international community to bring about the immediate restoration of legality in the country.

By a decision adopted at its sixty-sixth ordinary session (Harare, Zimbabwe, 28-31 May) [A/52/465 (CM/Dec.356(LXVI))], the Council of Ministers of OAU condemned the coup d'etat and called for the immediate restoration of constitutional order, appealing to the leaders of ECOWAS to assist the people of Sierra Leone in that regard.

In a 28 May statement [A/52/165-S/1997/423], the European Union (EU) deplored the attempt to overthrow the Government of Sierra Leone and urged the restoration of democratic civilian government. The EU was deeply concerned at the level of violence against both local and foreign communities and expressed the hope that the

peace process would be continued when constitutional order was restored.

ECOWAS ministerial meeting (June)

On 27 June [S/1997/499], Nigeria transmitted to the Security Council President the text of the final communique of the meeting of the Foreign Ministers of ECOWAS on the situation in Sierra Leone (Conakry, Guinea, 26 June).

The Ministers agreed that the following objectives should be pursued by ECOWAS: early reinstatement of the legitimate Government of President Kabbah; the return of peace and security; and the resolution of the issues of refugees and displaced persons. They recommended a combination of three measures to be applied in the pursuit of those objectives: dialogue; the imposition of sanctions and enforcement of an embargo; and the use of force. The communique stressed that no country should grant recognition to the regime that emerged following the coup d'etat.

The Ministers established a Committee of Four made up of Cote d'Ivoire, Ghana, Guinea and Nigeria, to be joined by the representatives of the OAU and ECOWAS secretariats. The Committee was entrusted with the task of monitoring developments in Sierra Leone and the implementation of the measures adopted at the meeting. It was asked to report to the Chairman of ECOWAS and brief him on the outcome of its efforts within two weeks.

In a 9 July letter [S/1997/531] to the Security Council President, Nigeria, whose head of State was the ECOWAS Chairman, requested an open meeting of the Council, preferably on 11 July, to consider the situation in Sierra Leone. The meeting would afford the ECOWAS Committee of Four the opportunity to express the views of the countries of the subregion on the situation and to appeal to the international community for support.

On 11 July [S/1997/536], Kenya requested permission for the Permanent Observer of OAU to attend the 11 July Council meeting.

By a 2 July letter [S/1997/512] to the Secretary-General, Togo transmitted the text of a declaration by the Conference of Chiefs of State and Heads of Government of the West African Economic and Monetary Union (WAEMU) on security and peace in Africa (Lome, 23 June). The Conference condemned the coup d'etat and emphasized the need for the parties concerned to make use of the follow-up machinery under the Abidjan Agreement to search for a just and equitable solution to the crisis.

SECURITY COUNCIL ACTION

On 11 July [meeting 3798], the President of the Security Council issued the following statement

[S/PRST/1997/36] on behalf of the members of the Council:

The Security Council recalls the statement of its President of 27 May 1997 following the military coup d'etat in Sierra Leone on 25 May 1997. It remains deeply concerned about the continuing crisis in Sierra Leone and its negative humanitarian consequences on the civilian population including refugees and internally displaced persons and, in particular, the atrocities committed against Sierra Leone's citizens, foreign nationals and personnel of the Economic Community of West African States (ECOWAS) monitoring group. It reiterates its view that the attempt to overthrow the democratically elected Government of President Ahmad Tejan Kabbah is unacceptable and calls again for the immediate and unconditional restoration of constitutional order in the country.

The Council is concerned about the grave crisis in Sierra Leone which endangers the peace, security and stability of the whole region and, in particular, about its possible negative impact on the ongoing peace process in neighbouring Liberia.

The Council strongly supports the decision adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session held in Harare, Zimbabwe, from 2 to 4 June 1997, in which it appealed to the ECOWAS leaders and the international community to help the people of Sierra Leone to restore constitutional order in that country and in which it underlined the imperative need to implement the Abidjan Agreement, which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.

The Council welcomes the participation of the ECOWAS Committee of Four Foreign Ministers in its 3797th meeting, held on 11 July 1997.

The Council welcomes the mediation efforts initiated by ECOWAS and expresses its full support for the objectives of these efforts as set out in the final communique, issued at the meeting of the Foreign Ministers of ECOWAS, held in Conakry, Guinea, on 26 June 1997.

The Council calls upon those who have seized power to cooperate fully with these efforts so that constitutional order in Sierra Leone will be restored immediately.

The Council will continue to follow closely the progress of efforts aimed at the peaceful resolution of the crisis and stands ready to consider appropriate measures if constitutional order in Sierra Leone is not restored without delay.

The Council will remain actively seized of this matter.

ECOWAS meeting (July)

By a 15 August letter [S/1997/646] to the Security Council President, Nigeria forwarded the text of the Declaration of the ECOWAS Committee of Four on Sierra Leone issued following the second meeting with representatives of the leader of the coup d'etat, Major Koroma (Abidjan, Cote d'Ivoire, 29-30 July).

Following the decisions reached between the Committee and the Sierra Leone delegation at their first meeting on 17 and 18 July, which endorsed the Committee's mandate, the Committee requested the delegation to present its proposals on the detailed modalities for the restoration of constitutional order to their country, including the early reinstatement of the legitimate Government of President Kabbah. In presenting their proposals, the delegation reneged on the agreements reached during the first meeting, particularly on the question of the reinstatement of the legitimate Government.

The Committee expressed disappointment at the sudden change of position by the Sierra Leone delegation and therefore decided that it would serve no useful purpose to hold further discussions. The Committee also expressed dismay at the announcement by the illegal regime in Freetown, while the meeting was still in session, of its decision to suspend the Constitution of Sierra Leone and to remain in office until the year 2001.

In view of those circumstances, the Committee decided to submit its recommendations to the Chairman of ECOWAS on 31 July. The recommendations would emphasize the need to strengthen the sanctions and embargo regimes against Sierra Leone.

SECURITY COUNCIL ACTION

On 6 August [meeting 3809], the President of the Security Council, on behalf of its members, issued the following statement [S/PRST/1997/42]:

The Security Council recalls the statements of its President of 27 May 1997 and 11 July 1997 following the military coup d'état in Sierra Leone on 25 May 1997. It condemns the overthrow of the democratically elected Government of President Ahmad Tejan Kabbah and calls upon the military junta to take immediate steps to bring about the unconditional restoration of that Government. The Council remains deeply concerned about the situation in Sierra Leone, which endangers peace, security and stability in the whole region.

The Council underlines the need to implement the Abidjan Agreement which continues to serve as a viable framework for peace, stability, and reconciliation in Sierra Leone.

The Council expresses its appreciation to the Committee of Four Foreign Ministers of the Economic Community of West African States (ECOWAS) for their efforts to negotiate with representatives of the military junta on 17 and 18 July and 29 and 30 July 1997 in Abidjan on a peaceful resolution of the crisis, and reiterates its full support for the objectives of this mediation. It deeply regrets the breakdown of these talks, and considers that the responsibility for this failure rests entirely with the military junta, which refused to negotiate in good faith.

The Council considers that the military junta's attempt to set conditions for the restoration of the

democratically elected Government is unacceptable, and calls upon the junta to renounce its declared intention to remain in power and to resume negotiations with the ECOWAS Committee of Four Foreign Ministers without delay.

The Council will, in the absence of a satisfactory response from the military junta, be ready to take appropriate measures with the objective of restoring the democratically elected Government of President Kabbah.

The Council remains deeply concerned about the deteriorating humanitarian situation in Sierra Leone, and at the continued looting and commandeering of relief supplies of international agencies. It calls upon the military junta to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone. The Council condemns the continuing violence and threats of violence by the junta towards the civilian population, foreign nationals and personnel of the ECOWAS monitoring group, and calls for an end to such acts of violence. The Council also expresses its concern at the effects of the continuing influx of refugees into neighbouring countries, in particular Guinea, due to the crisis in Sierra Leone. It calls upon all States and relevant international organizations to provide help to these countries in dealing with this problem.

The Council will remain actively seized of this matter.

Communication. In a 20 August letter [S/1997/650] to the Secretary-General, the exiled Government of Sierra Leone affirmed that, as a result of the coup d'état of 25 May, a very large proportion of the citizenry of Freetown as well as other areas of the country had left Sierra Leone and were seeking refuge in various countries of the subregion and other parts of the world. It stated that the majority of the people of Sierra Leone had made clear their total opposition to the military junta by organizing pro-democracy demonstrations, while the regime had reacted by using force against the demonstrators.

New Special Envoy

On 28 August [S/1997/680], the Secretary-General informed the Security Council President that he had decided to appoint as his new Special Envoy for Sierra Leone, Francis G. Okelo (Uganda), who was currently serving as Deputy Head of the UN Special Mission to Afghanistan. Mr. Okelo would take up his assignment in the second half of September, replacing Berhanu Dinka (Ethiopia), who had been Special Envoy since February 1995.

On 3 September [S/1997/681], the Council President informed the Secretary-General that the Council welcomed Mr. Okelo's appointment.

Sanctions

In an 8 September letter [S/1997/695] to the Security Council President, Nigeria transmitted the final communique of the ECOWAS summit (Abuja, 28-29 August), which included a decision on sanctions against the junta in Sierra Leone.

Expressing its deep concern about the breakdown of the 30 July negotiations between the Committee of Four and the illegal regime in Sierra Leone, ECOWAS approved a package of sanctions and blockade on all supplies of petroleum products, arms and military equipment as a further measure to ensure the restoration of the legitimate Government of President Kabbah. The heads of State and Government mandated the ECOWAS monitoring group (ECOMOG) to monitor the ceasefire, enforce the sanctions and embargo and secure the peace in Sierra Leone.

ECOWAS decided to enlarge the membership of the Committee responsible for monitoring the situation in Sierra Leone to five countries by including Liberia, and to raise the status of the Committee to the level of heads of State and Government.

Secretary-General's recommendations. In a 7 October letter [S/1997/776] to the Security Council President, the Secretary-General stated that repeated efforts by ECOWAS and other organizations since May 1997 to get the Sierra Leone junta to stand down had been met with a series of stalling and diversionary actions. Not only had the military regime shown no signs of wanting to relinquish power, there was evidence that it was planning for a prolonged stay in power.

Efforts for the peaceful resolution of the situation and for the junta to stand down deserved the support of the Security Council and the international community. In that connection, the ECOWAS sanctions and the corresponding support requested of the Council could be seen as measures intended to promote a peaceful resolution of the situation. The Secretary-General expressed confidence that the Council would wish to lend its support to measures that it considered conducive to a peaceful outcome.

SECURITY COUNCIL ACTION (October)

On 8 October [meeting 3822], the Security Council unanimously adopted resolution 1132(1997). The draft [S/1997/777] was prepared during consultations among Council members.

The Security Council,

Recalling the statements of its President of 27 May 1997, 11 July 1997 and 6 August 1997 condemning the military coup in Sierra Leone,

Taking note of the decision of the thirty-third summit of the Organization of African Unity held in Harare,

Zimbabwe, from 2 to 4 June 1997 concerning the situation in Sierra Leone,

Taking note also of the communique issued at the meeting of the Foreign Ministers of the Economic Community of West African States on Sierra Leone, held in Conakry, Guinea, on 26 June 1997, the Declaration of the Economic Community of West African States Committee of Four Foreign Ministers on Sierra Leone (the Economic Community of West African States Committee) of 30 July 1997, the final communique of the summit of the Economic Community of West African States held at Abuja on 28 and 29 August 1997 and the Decision on sanctions against the military junta in Sierra Leone issued at the summit,

Taking note also of the Secretary-General's letter of 7 October 1997,

Expressing its full support and appreciation for the mediation efforts of the Economic Community of West African States Committee,

Reaffirming its view that the Abidjan Agreement continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone,

Deploping the fact that the military junta has not taken steps to allow the restoration of the democratically elected Government and a return to constitutional order,

Gravely concerned at the continued violence and loss of life in Sierra Leone following the military coup of 25 May 1997, the deteriorating humanitarian conditions in that country and the consequences for neighbouring countries,

Determining that the situation in Sierra Leone constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that the military junta take immediate steps to relinquish power in Sierra Leone and make way for the restoration of the democratically elected Government and a return to constitutional order;

2. Reiterates its call upon the junta to end all acts of violence and to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone;

3. Expresses its strong support for the efforts of the Economic Community of West African States Committee to resolve the crisis in Sierra Leone, and encourages it to continue to work for the peaceful restoration of the constitutional order, including through the resumption of negotiations;

4. Encourages the Secretary-General, through his Special Envoy, in cooperation with the Economic Community of West African States Committee, to assist the search for a peaceful resolution of the crisis and, to that end, to work for a resumption of discussions with all parties to the crisis;

5. Decides that all States shall prevent the entry into or transit through their territories of members of the military junta and adult members of their families, as designated in accordance with paragraph 10 (f) below, provided that the entry into or transit through a particular State of any such person may be authorized by the Committee established by paragraph 10 below for verified humanitarian purposes or purposes consistent with paragraph 1 above, and provided that nothing in

this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

6. Decides that all States shall prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory;

7. Decides that the Committee established by paragraph 10 below may authorize, on a case-by-case basis, under a no-objection procedure:

(a) Applications by the democratically elected Government of Sierra Leone for the importation into Sierra Leone of petroleum or petroleum products; and

(b) Applications by any other Government or by United Nations agencies for the importation of petroleum or petroleum products into Sierra Leone for verified humanitarian purposes, or for the needs of the Military Observer Group of the Economic Community of West African States,

subject to acceptable arrangements for effective monitoring of delivery;

8. Acting also under Chapter VIII of the Charter of the United Nations, authorizes the Economic Community of West African States, cooperating with the democratically elected Government of Sierra Leone, to ensure strict implementation of the provisions of this resolution relating to the supply of petroleum and petroleum products and arms and related materiel of all types, including, where necessary and in conformity with applicable international standards, by halting inward maritime shipping in order to inspect and verify their cargoes and destinations, and calls upon all States to cooperate with the Economic Community of West African States in this regard;

9. Requests the Economic Community of West African States to report every 30 days to the Committee established under paragraph 10 below on all activities undertaken pursuant to paragraph 8 above;

10. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraphs 5 and 6 above;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraphs 5 and 6 above and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraphs 5 and 6 above, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 5 and 6 above;

(e) To consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products in accordance with paragraph 7 above;

(f) To designate expeditiously members of the military junta and adult members of their families whose entry or transit is to be prevented in accordance with paragraph 5 above;

(g) To examine the reports submitted pursuant to paragraphs 9 above and 13 below;

(h) To establish liaison with the Economic Community of West African States Committee on the implementation of the measures imposed by paragraphs 5 and 6 above;

11. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the provisions set out in paragraphs 5 and 6 above;

12. Requests the Secretary-General to provide all necessary assistance to the Committee established by paragraph 10 above and to make the necessary arrangements in the Secretariat for this purpose;

13. Requests States to report to the Secretary-General within 30 days of the date of adoption of this resolution on the steps they have taken to give effect to the provisions set out in paragraphs 5 and 6 above;

14. Requests all those concerned, including the Economic Community of West African States, the United Nations and other international humanitarian agencies, to establish appropriate arrangements for the provision of humanitarian assistance and to endeavour to ensure that such assistance responds to local needs and is safely delivered to, and used by, its intended recipients;

15. Urges all States, international organizations and financial institutions to assist States in the region to address the economic and social consequences of the influx of refugees from Sierra Leone;

16. Requests the Secretary-General to submit an initial report to the Council within 15 days of the adoption of the present resolution on compliance with paragraph 1 above, and thereafter every 60 days after the date of adoption of the present resolution on its implementation and on the humanitarian situation in Sierra Leone;

17. Decides, if the measures set out in paragraphs 5 and 6 above have not been terminated in accordance with paragraph 19 below, to conduct, 180 days after the adoption of the present resolution and on the basis of the most recent report of the Secretary-General, a thorough review of the application of these measures and of any steps taken by the military junta to comply with paragraph 1 above;

18. Urges all States to provide technical and logistical support to assist the Economic Community of West African States to carry out its responsibilities in the implementation of the present resolution;

19. Expresses its intention to terminate the measures set out in paragraphs 5 and 6 above when the demand in paragraph 1 above has been complied with;

20. Decides to remain seized of the matter.

Communication (October). In a 15 October letter [S/1997/800] to the Secretary-General, the exiled Government of Sierra Leone reported on alleged acts of aggression and intimidation committed by the military junta against civilians and ECOMOG since the adoption of **resolution 1132(1997)**, as well as on statements allegedly made by officials of the junta.

Report of Secretary-General (October). In a 21 October report [S/1997/811], the Secretary-General informed the Security Council that the situation in Sierra Leone remained serious, and that the attitude of the military junta towards the efforts of the ECOWAS Committee of Five continued to be marked by prevarication and a seeming insistence on holding on to power. The breakdown of organized governance was taking a heavy toll on the civilian population.

Clashes between AFRC troops and ECOMOG forces were reported to have taken place in Freetown and other locations. Fighting between AFRC and Kamajors was also reported in the Tongo Fields (diamond) area.

The ECOWAS Committee met in Abuja on 10 and 11 October to assess the situation in Sierra Leone. AFRC was not invited to the meeting. The Committee called on the Secretary-General to establish a contact group on Sierra Leone to facilitate the provision of technical and logistical support by the international community for ECOWAS. Consultations were under way to respond to the request.

The Committee reaffirmed its willingness to resume negotiations with the junta, despite what it called the junta's continued attacks on and harassment of ECOMOG troops, and agreed to hold its next meeting in Conakry on 22 October. AFRC had accepted the Committee's invitation to attend the talks.

The serious humanitarian situation in the country posed a dilemma for the international community because the security and safety of both personnel and humanitarian supplies could not be assured under prevailing conditions. The number of displaced persons registered with humanitarian organizations during July and August stood at around 100,000. However, the actual number was thought to be much higher. The number of Sierra Leoneans who had registered as refugees in neighbouring countries had risen to over 60,000. A much larger number of people had moved temporarily to neighbouring countries, but they had not yet sought refugee status.

Peace plan

By a 28 October letter [S/1997/824] to the Security Council President, Nigeria transmitted the communique and the ECOWAS six-month peace

plan for Sierra Leone issued following the meeting between the Ministers for Foreign Affairs of the ECOWAS Committee of Five and a 13-member delegation representing the AFRC regime, which was held in Conakry on 22 and 23 October.

The Committee of Five and the junta's delegation agreed to accelerate efforts towards the peaceful resolution of the Sierra Leonean crisis. To that end, they adopted an ECOWAS peace plan and a timetable for its implementation over a six-month period with effect from 23 October.

The peace plan provided for, among other things: the immediate cessation of hostilities and establishment of a monitoring and verification mechanism to be staffed by ECOMOG and, subject to Security Council approval, UN military observers; the disarmament, demobilization and reintegration of combatants (1-31 December); the resumption of humanitarian assistance, to be monitored by ECOMOG (14 November); the return of refugees and displaced persons, with the assistance of the Office of the United Nations High Commissioner for Refugees (1 December); the restoration of the constitutional Government of President Kabbah and the broadening of the power base (22 April 1998); and the provision of immunities and guarantees for the coup leaders (22 April). Under the plan, Corporal Foday Sankoh, leader of the Revolutionary United Front (RUF), was expected to return to Sierra Leone to make his contribution to the peace process. He had been arrested and detained in Nigeria since March 1997.

The Committee and the junta delegation agreed to continue negotiations towards effective and prompt implementation of the peace plan. The meeting reiterated the appeal to the international community to provide adequate assistance to the neighbouring countries of Sierra Leone, which had recorded an increased influx of refugees to their territories. It also expressed its appreciation to the United Nations and OAU for their cooperation with ECOWAS and appealed to them for material, logistic and financial support.

Communication (November). On 13 November [S/1997/886], the democratically elected Government of Sierra Leone forwarded to the Security Council President a press release issued on 5 November by President Kabbah, in which he announced his acceptance of the ECOWAS six-month plan by for Sierra Leone (the Conakry Agreement). He urged all Sierra Leoneans to embrace the plan, which took into account a good part of the Abidjan Accord [YUN 1996, p. 123], and to regard it as an instrument of rehabilitation and reconciliation for the entire country.

ECOWAS report (November)

On 14 November [S/1997/895], the Secretary-General transmitted to the Security Council the first report of the ECOWAS Committee of Five on Sierra Leone, covering the period from 8 October to 5 November 1997, as requested in **resolution 1132(1997)**.

The Committee stated that during the period 8 to 22 October, the situation in Sierra Leone, which was bad enough at the inception of the coup d'etat, worsened significantly. The junta had carried out attacks against ECOMOG troops; continued to recruit and train citizens for its army; mistreated, detained and even killed opponents of the regime; appointed its own cabinet; and established AFRC as its highest ruling body.

From the signing of the peace plan on 23 October until 5 November, all hostilities had ceased and the combatants were holding on to their positions. The junta had agreed to meet with the ECOMOG High Command on modalities for implementing the peace plan during the week beginning 3 November.

In the meantime, in violation of the sanctions, merchant ships continued to enter Sierra Leone ports to discharge their cargoes. However, the country was experiencing an acute scarcity of petroleum, petroleum products and food. The AFRC/RUF spokesman was reported to have said that the junta had taken delivery of modern weapons from some developed countries and was ready to engage ECOMOG in warfare. During the reporting period, human rights violations continued unabated.

ECOMOG's enforcement of the blockade of delivery of petroleum products and military supplies by sea had been largely handicapped by lack of serviceable ships to effect the blockade by sea. However, ECOMOG was able to prevent the entry of ships to the ports, block off land supply routes and deny the junta use of airspace. It was also inspecting all incoming cargo to ensure that it consisted only of humanitarian supplies. ECOMOG's fleet of aircraft were employed in deterring defiant ships and supporting its troops. ECOMOG locations had become safe havens for the internally displaced persons and refugees, the numbers of which had increased greatly. The situation in those areas had worsened due to the absence of relief materials. The number of Sierra Leone refugees in the neighboring countries of Guinea and Liberia was increasing.

At its fifth meeting (Abuja, 10-11 October), the ECOWAS Committee of Five had directed the ECOWAS Executive Secretary to establish a technical committee to work out modalities for the creation of safe havens, the establishment of humanitarian corridors for delivery of relief materials

and the registration of NGOs. That committee was also given the task of providing advice on all issues relating to the delivery of humanitarian assistance.

In compliance with that mandate, the Executive Secretary had established a Technical Committee composed of the Ambassadors of the Committee of Five accredited to Nigeria, namely, the Ambassadors of Cote d'Ivoire, Ghana, Guinea and Liberia. Nigeria was to be represented by an official of its Ministry of Foreign Affairs. Also on the Technical Committee were three staff members of the ECOWAS secretariat and the ECOMOG Liaison Officer in the secretariat. The Technical Committee met on 28 October to establish its working modalities.

ECOWAS renewed its appeal to the international community to provide assistance for the realization of its objectives in Sierra Leone, including humanitarian assistance to refugees and displaced persons. ECOWAS member States were urged to strengthen the operational capacities of ECOMOG, and ECOWAS appealed to the international community to provide material and logistic support. The Security Council was asked to send a team of UN military observers to participate in the monitoring and verification of complete cessation of hostilities, and ECOWAS appealed to the Secretary-General to use his good offices to establish a contact group on Sierra Leone.

SECURITY COUNCIL ACTION

On 14 November [meeting 3834], the Security Council President, on behalf of the members, made the following statement [S/PRST/1997/52]:

The Security Council recalls its resolution 1132(1997) of 8 October 1997 and the statements of its President of 27 May 1997, 11 July 1997 and 6 August 1997 in response to the military coup in Sierra Leone on 25 May 1997. It reiterates its condemnation of the overthrow of the democratically elected Government of President Ahmad Tejan Kabbah, and its concern about the threat to peace, security and stability in the region which the situation in Sierra Leone continues to present.

The Council expresses its full support and appreciation for the continued efforts of the Committee of Five on Sierra Leone of the Economic Community of West African States (ECOWAS) to seek a peaceful settlement of the crisis and the restoration of the democratically elected Government and constitutional order. In this regard, it welcomes the peace plan agreed in Conakry on 23 October 1997 between the ECOWAS Committee and representatives of the junta as set out in the documents issued after the meeting. It also notes with satisfaction President Kabbah's acceptance of the peace plan in his statement of 5 November 1997.

The Council calls upon the junta to fulfil its obligations under the peace plan, and in particular the

ongoing maintenance of the ceasefire. It calls upon all parties concerned to work for the early and effective implementation of the peace plan, and encourages the ECOWAS Committee to cooperate closely with the Special Envoy of the Secretary-General on Sierra Leone.

The Council takes note with appreciation of the briefing on the outcome of the meeting in Conakry on 23 October 1997 provided to its members in New York by representatives of the ECOWAS Committee on 11 November 1997. It expresses its readiness to consider how it can support the implementation of the peace plan, and looks forward to early recommendations from the Secretary-General on the role the United Nations could play to that end.

The Council reiterates the need for the provision and distribution of humanitarian assistance in response to local needs, and calls upon the junta to ensure its safe delivery to its intended recipients. It urges all States and relevant international organizations to continue to assist those countries dealing with the influx of refugees caused by the crisis in Sierra Leone.

The Council reminds all States of their obligation to comply strictly with the embargo on the sale or supply of petroleum and petroleum products and arms and related matériel of all types to Sierra Leone, and with the other measures imposed by its resolution 1132(1997).

Further developments

In a 5 December report [S/1997/958], the Secretary-General, in response to **resolution 1132(1997)**, described developments in Sierra Leone since his first report of 21 October. He welcomed the signing of the Conakry Agreement on 23 October. However, despite some encouraging indications, little concrete progress had been made in its implementation.

Although the ceasefire between ECOMOG and the junta's troops in the Freetown area appeared to be holding, heavy fighting had been reported between the Kamajors and AFRC/RUF in the south-east and in the diamond-producing areas in the east, and there were numerous reports that all armed elements in Sierra Leone were recruiting, training and acquiring weapons. There had also been reports of difficulties in the relationship between AFRC and RUF, the Secretary-General noted, and while the junta appeared to be in control of Freetown, the extent to which it was willing, or able, to negotiate the implementation of the Conakry Agreement was not clear.

ECOMOG was continuing its preparations to implement the military provisions of the Conakry Agreement, including the identification of possible sites for the disarmament and demobilization of all Sierra Leonean armed elements.

The military, political and humanitarian aspects of the Conakry Agreement required further clarification and negotiation, as well as the

early formulation of the practical modalities for its implementation, said the Secretary-General. Those aspects should include the development of a concept of operations for the deployment of ECOMOG throughout the country, the conduct of disarmament, and the timing and modalities of implementation of an effective national reconciliation process. Disarmament should be followed by the demobilization and reintegration of ex-combatants, which would require assistance from the international community.

The Secretary-General noted that, although the junta had publicly committed itself to the implementation of the Agreement and held discussions with ECOMOG on the modalities for the disarmament process, it had issued several statements criticizing key provisions of the Agreement and raised several issues that could undermine the accord. In particular, during two meetings in November with the ECOMOG Force Commander, Major-General Victor Malu, the junta insisted that no military progress could be made on the deployment of ECOMOG troops throughout Sierra Leone until the release of Corporal Sankoh; the removal of Nigerian troops from ECOMOG; and the exclusion of Armed Forces of Sierra Leone troops from the disarmament exercise. However, the junta had agreed to the formation of three committees to deal with disarmament, ceasefire violations and humanitarian assistance. The committees were to have become operational on 1 December but no progress had been made in that regard.

In order to assess conditions on the ground and formulate recommendations as to the form that UN assistance in the implementation of the Conakry Agreement might take in terms of humanitarian aid, the deployment of military observers and support for ECOWAS and ECOMOG, the Secretary-General dispatched an exploratory team to the subregion during the second half of November, led by his Special Envoy for Sierra Leone, Mr. Okelo.

The team met with the Minister for Foreign Affairs of Liberia, Monie Captan, and with senior ECOMOG officers in Monrovia, as well as with President Kabbah and the Minister for Foreign Affairs of Guinea in Conakry. Mr. Captan stated his Government's support for the restoration of constitutional rule in Sierra Leone but expressed concern at the danger of the conflict there spilling over into Liberia. Those concerns had been expressed in a 31 October letter [S/1997/835] from Liberia to the Security Council President. At a meeting with Major Koroma, Chairman of AFRC, in Freetown on 27 November, the Special Envoy and the Executive Secretary of ECOWAS stressed the commitment of the interna-

tional community to the restoration of constitutional order in Sierra Leone and the need for the junta to cooperate fully in the implementation of the Conakry Agreement. Major Koroma did not express any objections. However, at a meeting in Jui on the same day between General Malu and junta military representatives, including the AFRC Secretary-General and its Chiefs of Staff, very little progress was made in discussing the practical modalities for implementing the Agreement's military provisions.

In concluding observations, the Secretary-General stated that implementation of the Conakry Agreement should be pursued with a sense of urgency, with pressure being exerted on the Freetown junta, which should not be allowed to manipulate the talks and procrastinate in carrying out its commitments under the Agreement. In the meantime, the military, political and humanitarian aspects required further clarification and negotiation, the Secretary-General said.

If the steps he had outlined were carried out and should security conditions on the ground permit, the Secretary-General would dispatch a technical survey team to Sierra Leone. Its findings would enable him to present to the Council recommendations concerning the role that the United Nations could play in assisting in the implementation of the Conakry Agreement. He had also requested his Special Envoy to reopen a small liaison office in Sierra Leone, the functions of which would include liaison with ECOMOG and with the various political forces in the country.

By a 16 December letter [S/1997/980], the Security Council President expressed the Council's support for the Secretary-General's proposal to reopen his liaison office in Freetown, subject to security and budgetary conditions. The Council also supported his proposal to send a technical team to examine the situation on the ground and to offer recommendations on the role to be played by the United Nations in implementing the Conakry Agreement.

ECOWAS meeting (December)

The seventh meeting of the ECOWAS Ministers for Foreign Affairs of the Committee of Five on Sierra Leone met in Abuja on 19 December [S/1998/103]. The Ministers noted that there had been some violations of the ECOWAS and UN sanctions imposed on the junta in Sierra Leone, relating specifically to the arms embargo and travel restrictions imposed on members of the illegal regime and their families. The Ministers therefore called on all countries to adhere strictly to those sanctions. They also requested countries harbouring members of the military junta, their

families and all others on the restricted list to repatriate such persons to Sierra Leone.

Somalia

Efforts continued throughout 1997 at both the international and regional levels to reconcile the warring factions in Somalia, which had been without a central Government since 1991. In two presidential statements on Somalia issued during the year, following reviews of the situation in the country, the Security Council expressed its full support for the efforts of organizations and States of the region to promote a direct political dialogue and facilitate a broad-based political settlement. The Intergovernmental Authority on Development (IGAD), the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC) and the League of Arab States (LAS) all took an active role in fostering an environment conducive to peace by convening a number of meetings among the various Somali factions.

The Security Council welcomed the signing on 22 December by the Somali leaders of the Cairo Declaration, in particular the decision to adopt a federal system of government with regional autonomy, as well as their agreement to form a transitional government of national unity and to hold a conference of national reconciliation in early 1998. It also expressed its support for the Secretary-General's efforts to explore means for the United Nations to assist in restoring peace and stability, and noted with appreciation his decision to strengthen the United Nations Political Office for Somalia (UNPOS) in Nairobi, Kenya.

In both its February and December statements, the Council called on all States to implement the arms embargo imposed against Somalia in 1992. The Council's Committee on Somalia, which monitored the implementation of the embargo, continued its work in 1997.

Regional peace initiatives

On 8 January [S/1997/17], Ethiopia transmitted to the Security Council President a 6 January letter and appendices from its Minister for Foreign Affairs concerning the High-level Consultative Meeting of the Somali political movements, held in Sodere, Ethiopia.

The Government of Ethiopia, which had a mandate from both OAU and IGAD to assist in the search for peace in Somalia, had succeeded in October 1996 in bringing together 27 Somali leaders, representing 26 political factions, in Ad-

dis Ababa and later in Sodere. On 3 January 1997, after more than eight weeks of negotiations, the High-level Consultative Meeting adopted a declaration of national pledges and commitments and a solemn declaration. The two declarations were signed by all 27 Somali leaders present but neither Hussein Aidid nor Mohamed Ibrahim Egal, the leaders of two major factions, participated in the meeting.

The Sodere declarations set up a National Salvation Council of 41 members selected from the 26 factions represented at the meeting. They also included an agreement to convene a National Reconciliation Conference at a later time. The Council was to prepare the setting up of a Transitional Central Authority or a Provisional Central Government. A Transitional National Charter, also to be prepared by the Council, was to be approved by the National Reconciliation Conference, which was to be followed by a Concluding National Conference at which the international community would be represented. In the declarations, the Somali leaders stated that they were ready to give priority to the national interest as opposed to the realization of individual ambitions. They also called on the international community to assist Somalia.

However, Mr. Aidid rejected the outcome of the Sodere meeting, claiming that Ethiopia was not fit to make peace among Somalis because of alleged arms supply to some of the factions. Ethiopia denied those charges.

On 13 January [A/51/773-S/1997/43], Indonesia transmitted to the Secretary-General the text of the final communique of the OIC Annual Coordination Meeting of the Ministers for Foreign Affairs (New York, 2 October 1996). The Meeting urged all Somali political factions and movements to cease armed hostilities and abide by the 1993 Addis Ababa Peace Accords [YUN 1993, p. 292], and reaffirmed its commitment to the restoration of the unity, sovereignty, territorial integrity and independence of Somalia.

Also on 13 January [A/51/774-S/1997/45], Indonesia transmitted the final communique and resolutions adopted at the twenty-fourth session of the OIC Conference of Foreign Ministers (Jakarta, 9-13 December 1996). In a resolution on the situation in Somalia, OIC invited all Somali factions to work for the simultaneous disarmament of militias and other groups and called on all States, particularly neighbouring States, to cooperate in implementing Security Council resolution 733(1992) [YUN 1992, p. 199], which had established an arms embargo against Somalia.

Report of Secretary-General (February). In a 17 February report [S/1997/135], the Secretary-General noted that the Security Council, at infor-

mal consultations on 15 January, had reviewed the situation in Somalia following a briefing by the Secretariat and in the light of the declarations adopted on 3 January by the High-level Consultative Meeting (see above). The Council had welcomed the Sodere declarations as a positive step and expressed the hope that those Somali factions that had not attended the meeting would soon join in the peace process. In the hope of assisting regional peacemaking efforts, the Council requested the Secretary-General to consult countries in the region and to submit recommendations on the supporting role that the United Nations, including the Council, could play. The Secretary-General's report responded to that request and also covered developments in Somalia since the last report in January 1996 [YUN 1996, p. 124].

Describing the security and political situation in the various regions of Somalia, the Secretary-General said that most of the fighting among the various clans was taking place in Mogadishu, in the Juba valley area and in the Bay and Bakool areas. The Gedo area, the Hiran and Middle Shabelle regions, and the north-east and the north-west of the country were enjoying relative peace.

On 1 August 1996, General Mohamed Farah Aidid, a major faction leader, died from injuries sustained during fighting in Medina. The leaders of other major factions then called for an immediate ceasefire but the leaders of the Aidid group rejected those appeals and declared that they would continue with the policies of the late General's "government". Subsequently, Hussein Aidid, General Aidid's son, was selected to succeed his father, whose policies he promised to pursue as "President" of Somalia.

At a meeting on 9 August 1996 in Nairobi, UNPOS and representatives of diplomatic missions and organizations, after reviewing the situation in Somalia, considered that conditions were still not favourable for a major initiative or a formal mission to Somalia by the international community. They agreed that neighbouring States and regional organizations, such as OAU, IGAD, LAS and OIC, as well as the United Nations, should first assess the evolving situation.

The Secretary-General stated that peacemaking efforts by some Somali political leaders, Ethiopia, Kenya, as Chairman of IGAD, regional organizations and the United Nations continued throughout the year. President Daniel Arap Moi of Kenya succeeded in bringing together Hussein Aidid, Osman Atto and Ali Mahdi Mohamed in Nairobi in October 1996. The seven-day meeting marked the first participation of the Aidid faction in a meeting with the Mohamed faction since

the UN-brokered Nairobi declaration of March 1994 [YUN 1994, p. 320]. It was also the first reunion between the Aidid faction and that of Mr. Atto since the latter broke away from General Aidid early in 1995.

In a statement issued at the end of the Nairobi meeting, and annexed to the Secretary-General's report, the Somali faction leaders asked President Moi to continue his mediation efforts and agreed to a cessation of hostilities throughout the country. However, implementation of the agreements reached in Nairobi had been adversely affected by the reluctance of Mr. Aidid to settle his differences with Mr. Atto, whom he was said to hold responsible for the death of General Aidid and from whom he had sought to regain an enclave in south Mogadishu.

The report noted that conflicts within the sub-clans (especially Modulod, Habr Gedir, Hawadle and Murosade) of the Hawiye clan, to which Mr. Mohamed, Mr. Aidid and Mr. Atto all belonged, constituted a major obstacle to national reconciliation and settlement of the civil war in Mogadishu. Reconciliation between the Hawiye leaders would facilitate the reopening of the Mogadishu seaport and airport and improve prospects for national reconciliation and the establishment of a broad-based government.

The mediation efforts of Ethiopia culminated in the signing of the Sodere declarations on 3 January 1997 (see above). However, Mr. Aidid had rejected the outcome of the meeting. Since the Sodere meeting, Member States and international organizations accredited to Somalia had held three meetings, facilitated by UNPOS, to assess the declarations. They expressed the hope that Mr. Aidid and Mr. Egal would eventually join in the process. At one of the meetings, the participants were briefed on the efforts of Italy's Special Envoy for Somalia, Giuseppe Cassini, who on 20 January had successfully arranged a meeting between Mr. Aidid and Mr. Mohamed, the first meeting between the leaders of the two Hawiye groups inside Somalia since 1992. Though the parties agreed to form a joint committee to deal with a number of issues, the committee had yet to meet.

In a 31 January letter to the UN Secretariat, which was annexed to the report, Ethiopia and Kenya, representing the regional States and organizations involved in the search for peace in Somalia, called on the United Nations, among other things, to exert the necessary pressure on all Somali factions and groups to show greater commitment to national reconciliation. They also affirmed that the Sodere declarations were sufficiently inclusive to merit the full support of the United Nations.

The Secretary-General stated that, during the period under review, UN efforts in Somalia had continued in the form of the good offices of the Secretary-General; UNPOS facilitation of mediation efforts; cooperation with regional organizations and neighbouring States; periodic reviews by the Security Council; humanitarian assistance (see PART THREE, Chapter III); and efforts to improve respect for human rights. Those efforts would continue. However, since the regional actors had clearly indicated the assistance they would like to receive from the Organization, the Secretary-General recommended that the Security Council take into consideration the following options: enhancing relief and rehabilitation assistance; securing the cooperation of all Somali factions; designating a Special Envoy for Somalia, if considered desirable by the regional actors; urging all States to observe fully their obligations to the arms embargo; requesting financial assistance for regional peacemaking efforts through the establishment of a trust fund for the implementation of the Nairobi and Sodere declarations, should the regional Governments so wish; and reactivating the idea of sending a joint UN-OAU fact-finding mission to Somalia to examine what more could be done to help the Somali people to restore peace, should the regional actors indicate that such a mission would be useful.

The Secretary-General emphasized that the best hope for restoring peace in Somalia lay in the negotiation of a political settlement entrusting power to a broad-based Government in which all the principal factions would be represented. The onus, he stated, was on the factions that did not join in the negotiation of the Nairobi and Sodere declarations. They were to be held accountable for any further suffering on the part of the Somali people.

SECURITY COUNCIL ACTION (February)

On 27 February [meeting 3742], the President of the Security Council made the following statement on behalf of the Council [S/PRST/1997/8]:

The Security Council has considered the report of the Secretary-General on the situation in Somalia dated 17 February 1997.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia, bearing in mind respect for the sovereignty and territorial integrity of Somalia, in accordance with the principles of the Charter of the United Nations. It reiterates that full responsibility for achieving national reconciliation and for restoring peace rests with the Somali people.

The Council expresses its full support for the efforts of regional and other interested States, as well as those of international and regional organizations,

particularly the Organization of African Unity, the Intergovernmental Authority on Development and the League of Arab States, to promote a direct political dialogue and facilitate a broad-based political settlement in Somalia.

The Council calls upon all Somali factions to cease immediately all hostilities and to cooperate with the regional and other efforts for peace and national reconciliation in Somalia, including the Sodere and Nairobi initiatives.

The Council encourages all States to contribute generously to the appeals of the United Nations to ensure continued relief and rehabilitation efforts in Somalia, including those aimed at the strengthening of civil society. It also encourages States to contribute to regional mediation efforts for Somalia.

The Council reiterates its call upon all States to fulfil their obligations to implement the embargo imposed by resolution 733(1992) on all deliveries of weapons and military equipment to Somalia. In this context, it calls upon all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council expresses again its appreciation for all United Nations agencies and other organizations and individuals carrying out humanitarian activities in Somalia. It calls upon the Somali factions to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief to the Somali people, including through the opening of the airport and harbour of Mogadishu.

The Council encourages the Secretary-General to continue his consultations with the Somali parties, regional States and organizations on the role the United Nations can play in supporting the peace efforts, including on specific options contained in his report. It requests the Secretary-General to continue monitoring the situation in Somalia and to report to it in an appropriate manner on those consultations and developments in the situation generally.

The Council will remain seized of the matter.

Further peace initiatives

On 16 April [S/1997/324], Kuwait transmitted to the Security Council the text of a 31 March resolution on the situation on Somalia adopted at the one hundred and seventh regular session of the LAS Council, which welcomed the creation of the Council of National Salvation of Somalia and called for the holding of a national reconciliation conference and the establishment of a broadly representative national authority reflecting the wishes of the different segments of the Somali population.

On 2 June [S/1997/418], Egypt transmitted a copy of the Cairo Joint Agreement signed by Mr. Aidid and Mr. Mohamed at a meeting held in Cairo on 27 and 28 May. The two Somali leaders agreed to cease all hostilities as from 28 May and to exert the necessary efforts for holding a conference of national reconciliation as soon as possible. With regard to the capital city of Moga-

dishu, the two leaders agreed to work together to cease all hostilities; to abolish the so-called green line in the city and to unite the community; to make joint efforts to establish an efficient administration; and to form a technical committee to implement the steps agreed upon. All parties were invited to join in the agreement.

On 10 July [S/1997/535], Kenya forwarded the final text of the communique issued at the Extraordinary Summit of the Heads of State and Government of IGAD, held in Nairobi on 8 and 9 July. The Summit noted with grave concern that peace in Somalia remained elusive, despite efforts to find a lasting solution. It welcomed the efforts being made with regard to the IGAD/OAU peace initiative on Somalia and noted that the agreements reached by Somali factions at meetings organized in Nairobi, Sodere, Sana'a (Yemen) and Cairo had contributed to advancing the process. The Summit noted with satisfaction that the situation in northern Somalia was relatively stable and encouraged all the factions in the south to attend the national reconciliation conference in Bossaso in November 1997.

Report of Secretary-General (September). On 16 September, the Secretary-General submitted to the Security Council a report [S/1997/715] on the situation in Somalia, based on the findings of his Special Envoy's visit to the region from 6 to 20 August.

The Special Envoy, Ismat Kittani, held consultations with all the major Somali groups and with the leaders of regional and international organizations, as well as with government officials in countries involved in the peace process (Djibouti, Egypt, Ethiopia, Italy, Kenya and Yemen).

Mr. Kittani's mission had shown that the political process in Somalia was at another critical juncture. Having set 1 November as the opening date for the national reconciliation conference in Bossaso, the Sodere group, led by the five Co-Chairmen of the National Salvation Council (NSC), had made clear its intention to proceed with that conference, even if efforts failed to persuade Mr. Aidid to partake in a serious dialogue on issues concerning peace. There appeared to be a substantial amount of sympathy for that position in the region. The Aidid and the Egal groups, in separate meetings with Mr. Kittani, had expressed various objections to the Bossaso conference.

The Secretary-General had directed that certain steps be taken as a matter of priority in line with the findings of and recommendations made by the Special Envoy. First, a meeting at the ambassadorial level would be convened in New York in September 1997, with the participation of representatives of all the countries Mr. Kittani had

visited, together with those of IGAD, OAU, LAS and OIC. Interested members of the Security Council would be invited to participate. The purpose of the meeting would be to harmonize views on mechanisms and measures to maximize the international community's efforts to help Somalia achieve national reconciliation.

Secondly, the Secretary-General had reviewed the role of UNPOS and concluded that its continuation and strengthening were essential for the United Nations to continue to assist those engaged in peacemaking efforts for Somalia. He had accepted his Special Envoy's conclusion that UNPOS personnel should undertake more visits to Somalia on a regular basis, security conditions permitting. Consequently, the Secretary-General had decided to increase the UNPOS staff. Unfortunately, it was not possible to move UNPOS to Mogadishu from Nairobi due to security concerns. For planning and budgetary purposes, it was envisaged that UNPOS would continue to exist during the biennium 1998-1999. The necessary financial resources would need to be authorized and allocated.

The Secretary-General affirmed that every effort would continue to be made to help the Somali people in the relief, rehabilitation, reconstruction and development fields and that a general review of the UN role in Somalia would be conducted in November/December 1997 in the light of the results of the national reconciliation conference, if held, or of the prevailing situation if it was not.

Referring to the September report, the Security Council President, by a 30 September letter [S/1997/756] to the Secretary-General, said the Council members supported a more active UN role in coordinating international mediation efforts in Somalia and they agreed with the decision to strengthen the staff of UNPOS.

Cairo Declaration

On 22 December [S/1997/1000], Egypt transmitted to the Security Council the Cairo Declaration on Somalia. The Declaration was signed on 22 December by Mr. Aidid and Mr. Mohamed, as Co-Chairmen of the meeting held in Cairo, mediated by the Government of Egypt and encouraged by LAS. A number of other Somali political leaders were also signatories to the Declaration, including Mr. Atto.

Recognizing the need for a transitional mechanism of national authority until the establishment of a constitutional federal Government with regional autonomy, the Somali leaders resolved to hold a National Reconciliation Conference on 15 February 1998 in the capital of the Somali Bay re-

gion, Baidoa. The purpose of the Conference was to elect a presidential council and a Prime Minister and to adopt a transitional charter. The charter would serve as the supreme law of the land and as a framework for the protection of individual rights and liberties. The agenda for the Conference was outlined in the Declaration. Pursuant to the provisions of the Conference, a Government in transition would be established. The transitional Government would conduct a national census from which an electoral system, including electoral registration, elections and other related functions could be implemented. The transitional Government would limit its existence to three years, with a possible extension of two additional years. The popular approval of a permanent Constitution and first election of a succeeding constitutional Government would be held before the completion of the transitional period and by the transitional Government.

In addition, a Constituent Assembly, composed of various Somali social groups, would be formed to act as the legislative authority, and an independent judiciary system would be established.

SECURITY COUNCIL ACTION (December)

On 23 December [meeting 3845], the President of the Security Council made the following statement on behalf of the Council [S/PRST/1997/57]:

The Security Council has considered the situation in Somalia, including the recent developments in the political, military and humanitarian fields.

The Council reaffirms its commitment to a comprehensive and lasting settlement of the crisis in Somalia, bearing in mind respect for the sovereignty and territorial integrity of Somalia, in accordance with the Charter of the United Nations. In this context, it stresses that the responsibility for achieving genuine national reconciliation and peace rests with the Somali people themselves.

The Council expresses its full support for the efforts of regional and other interested States as well as those of international and regional organizations, particularly the Organization of African Unity, the Intergovernmental Authority on Development, the League of Arab States, the European Union and the Organization of the Islamic Conference, to promote a direct political dialogue and facilitate the emergence of a broad-based central Government in Somalia.

The Council welcomes the outcome of the meetings between the Somali leaders held in Cairo and concluded on 22 December 1997, in particular their decision to adopt a federal system with regional autonomy and their agreement to form a transitional government of national unity and to hold an inclusive conference of national reconciliation in Baidoa through which a presidential council and a Prime Minister will be elected. It also welcomes the signing of the Cairo Declaration on Somalia and other important agreements attached thereto, particularly on the creation of an elected Constituent Assembly, the

establishment of an independent judicial system and the preparation of a transitional charter. The Security Council calls upon all Somali leaders to contribute positively to the current momentum for peace and reconciliation created by the significant progress achieved in Cairo, and by the other previous initiatives of Sodere, Nairobi and Sana'a, through the widest possible participation in the planned conference and to cease immediately all acts of violence and to observe the ceasefire.

The Council urges all States to contribute generously to the appeals of the United Nations to ensure continued relief and rehabilitation efforts in all regions of Somalia, including those aimed at the strengthening of civil society. It also stresses the urgent need to address the humanitarian situation in those areas affected by the recent floods.

The Council reiterates its call upon all States to fulfil their obligations to implement the embargo imposed by resolution 733(1992) of 23 January 1992 on all deliveries of weapons and military equipment to Somalia. In this context, it calls upon all States to refrain from any actions which might exacerbate the situation in Somalia.

The Council expresses also its support for the efforts exerted by the Secretary-General aimed at exploring means for the United Nations to assist in restoring peace and stability in Somalia. It notes with appreciation the decision of the Secretary-General to strengthen the United Nations Political Office for Somalia in Nairobi. In this regard, it stresses the need for closer coordination of all efforts for peace in Somalia.

The Council expresses again its appreciation to all United Nations agencies, other organizations and individuals carrying out humanitarian activities in all regions of Somalia. It calls upon the Somali factions to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief, including through the immediate reopening of the airport and seaport of Mogadishu.

The Council encourages the Secretary-General to continue his consultations with the Somali parties, interested and regional States and organizations concerned on means for the United Nations to support peace and reconciliation efforts, including through specific options contained in his report of 17 February 1997. It requests the Secretary-General to keep it regularly informed and submit a report about these consultations and developments in the situation in due course.

The Council will remain seized of the matter.

Arms embargo

By a 6 January letter [S/1997/16] to the President of the Security Council, the Chairman of the Council Committee on Somalia transmitted a report covering the Committee's work from 1 January to 31 December 1996. The Council had established the Committee in resolution 751(1992) [YUN 1992, p. 202] in order to monitor the implementation of the military and weapons embargo

against Somalia imposed by resolution 733(1992) [YUN 1992, p. 199].

The Committee held its 11th and 12th meetings in 1996. On 3 January 1996, the Committee took action on a case of suspected violation of the embargo concerning the purchase and shipment of a consignment of military hardware and ammunition to one of the Somali factions. The Governments cited in the information provided to the Committee subsequently refuted the allegations. At its 11 September meeting, the Committee appealed to Governments, national and international organizations and individuals for information on violations of the arms embargo, and a note verbale was sent to all States reminding them of the obligation to ensure its implementation.

By a 31 December letter [S/1997/1029] to the Council, the Committee submitted a report on its work for the period from 1 January to 31 December 1997. At its 13th meeting on 6 January, the Committee reminded all States of their obligation to comply with Council resolutions relating to the arms embargo.

UNOSOM II financing

On 15 September, by **decision** 51/484, the General Assembly decided to include in the provisional agenda of its fifty-second session an item on financing the United Nations Operation in Somalia (UNOSOM II). UNOSOM II had been withdrawn from Somalia in March 1995 [YUN 1995, p. 400].

By **decision** 52/456 of 22 December, the Assembly decided that the Fifth (Administrative and Budgetary) Committee should continue to consider the financing of UNOSOM II at its resumed fifty-second session in 1998.

Western Sahara

The United Nations in 1997 continued its efforts to organize a referendum for the people of Western Sahara, as outlined in the 1990 settlement plan approved by the Security Council in resolution 658(1990) [YUN 1990, p. 920]. The plan, agreed to by both Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO), set out conditions for a referendum by which the people of the Territory could exercise their right to self-determination by choosing, in a free, fair and transparent manner, between independence or integration with Morocco.

To implement the plan, the Security Council, in 1991 authorized the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO) [YUN 1991, p. 794, SC res. 690(1991)], which was composed of civilian, military and civilian police units. The ceasefire reached in 1991 continued to be monitored in 1997 by MINURSO, with only minor technical violations taking place, reported by the Secretary-General [S/1997/166]. MINURSO had helped the parties maintain their commitment to the ceasefire through its presence and patrolling activities, he added.

In early 1997, implementation of the 1990 settlement plan remained at an impasse, but momentum increased after the Secretary-General appointed James Baker III, former Secretary of State of the United States, as his Personal Envoy, who was to assess the situation and try to reactivate the plan. Subsequently, the parties consented to direct talks, during the course of which they agreed on issues related to identification of prospective voters, repatriation of Saharan refugees, and a code of conduct for the referendum campaign. A detailed referendum plan, based on the original 1990 settlement plan, was put forward by the Secretary-General on 13 November.

The General Assembly in December welcomed the agreements reached by the two parties at the direct talks under the auspices of the Personal Envoy, and urged them to implement those agreements fully. The Assembly also reaffirmed the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan.

The Security Council extended the mandate of MINURSO three times in 1997: on 22 May, 29 September and 20 October. The last extension was until 20 April 1998. The date of 31 May 1998 was set for completing the process.

Implementation of settlement plan

Report of Secretary-General (February). The Secretary-General, in a 27 February report [S/1997/166], described efforts to break the impasse regarding the implementation of the settlement plan, with particular respect to the voter identification process. The Security Council, in resolution 1084(1996)[YUN 1996, p. 139], had asked the Secretary-General to propose alternative steps, in the framework of the plan, should there be no meaningful progress towards removing the obstacles to its implementation.

The Secretary-General stated that his Acting Special Representative, Erik Jensen, had maintained contact with the parties, visiting Rabat, Morocco, and Tindouf, Algeria, in December

1996 and January 1997. Both Morocco and POLISARIO had reiterated their commitment to the settlement plan; however, there had been no change in their respective attitudes to continuing the identification process. By late 1995, 77,058 persons had been convoked and 60,112 identified, the Secretary-General said. Those figures corresponded to the number of persons estimated to have survived since 1974, when a Spanish census indicated that 73,497 Saharans resided in the Territory.

The conditions set out by the two sides for further identification were incompatible, the report said. Morocco maintained that all persons for whom applications had been presented had the right to come forward for identification. All the groups treated as tribes and subfractions in the 1974 Spanish census should be considered as such, it stated, adding that tribal leaders (sheikhs) had been elected in 1973. POLISARIO insisted that, in accordance with the compromise proposal, in addition to individuals whose names appeared in the census, only members of a Saharan subfraction included in the 1974 census had the right to be identified, and that certain groups in the census were not recognized Saharan tribes composed of authentic subfractions.

From a technical point of view, the Secretary-General said, it was possible to resume and finish the identification process. The full programme drawn up in 1996 would have taken 32 weeks to complete, presupposing a commitment by both sides to participate as scheduled. If agreement were reached to resume the process, a certain amount of time would be required to recruit personnel and reopen identification centres.

Another aspect of the settlement plan concerned the release of political prisoners. On 14 January 1997, POLISARIO provided a revised list of persons detained for political reasons in Morocco. Two days later, the Acting Special Representative transmitted the list to Morocco, in accordance with the July 1996 agreement secured by Independent Jurist Emmanuel Roucounas during his visit to the region.

Planning for the voluntary repatriation of refugees had been undertaken by the Office of the United Nations High Commissioner for Refugees (UNHCR), which continued to update the arrangement drawn up in 1991. UNHCR, which planned a pre-registration of potential returnees, continued assistance to the most vulnerable refugees. Its field office in Tindouf had been operational since July 1996.

Throughout 1997, the military component of MINURSO numbered about 230 personnel, who continued to monitor and verify the ceasefire through ground and air patrols; it reported that

collaboration with both sides was good. The civilian police component, numbering 91 police officers in January 1996, was reduced to nine by the end of February 1997, and completely phased out by June. Its principal functions were to ensure security for the computerized data and computer equipment of the former identification centres, and to maintain a security presence in Tindouf, as well as to carry out occasional escort duties. Following staff reductions, all computerized data and computer equipment were assembled within the MINURSO compound at Laayoune.

The Secretary-General reported that further progress was possible only if both sides committed themselves to implementing the settlement plan. Unless that happened the continued presence of MINURSO would be increasingly questioned. He said that the international community could not continue to spend resources on Western Sahara in the absence of any progress in the implementation of the plan.

Communication. Morocco, on 10 March [S/1997/208], reaffirmed its commitment to the settlement plan and expressed regret that the February report had not mentioned the main reasons why the identification process had been halted in late 1995. That delay was due to the POLISARIO position that the right to participate in the referendum should be limited to persons whose names appeared in the 1974 Spanish census. POLISARIO also wanted the lists of persons eligible to vote made available when prepared; Morocco felt that was contrary to the provisions of the settlement plan, which stipulated that those lists should be made available only at the end of the process.

Morocco also noted the Secretary-General's statement that the number of persons identified by the time the identification process had stalled corresponded to the number of persons estimated to have survived since the 1974 census; linking those figures could create misunderstandings, it added. The Identification Commission had received a certain number of applications for persons both inside the Territory and in surrounding border areas, 233,487 of which had been processed by late 1995 [YUN 1995, p. 257].

Personal Envoy. Referring to the Security Council request [YUN 1996, p. 139, SC res. 1084(1996)] that he continue efforts to break the impasse regarding the Western Sahara plan, the Secretary-General on 17 March [S/1997/236] informed the Council of his appointment of James Baker III, former Secretary of State of the United States, as his Personal Envoy to help him assess the situation and make recommendations.

On 19 March, Morocco transmitted to the Council a letter of 11 March [S/1997/234] from its Prime Minister to the Secretary-General, commending the appointment of Mr. Baker.

SECURITY COUNCIL ACTION (March)

On 19 March [meeting 3754], the Security Council President, speaking on behalf of the Council after consultations, made the following statement [S/PRST/1997/16]:

The Security Council welcomes the interim report of the Secretary-General of 27 February 1997 on the situation concerning Western Sahara. It is disappointed at the lack of progress on the implementation of the plan for the settlement of the question of Western Sahara noted in the report. It concurs with the Secretary-General's assessment that it is essential to maintain the ceasefire, a breach of which could seriously threaten regional stability, and that it is also essential to move the process forward. It believes that the presence of the United Nations Mission for the Referendum in Western Sahara has been essential in helping the parties to maintain their commitment to the ceasefire. It looks forward to receiving the Secretary-General's assessment of the future tasks and configuration of the Mission.

The Council expresses its strong support for the Secretary-General's efforts to overcome the current stalemate in implementing the settlement plan. In this context, it welcomes the appointment by the Secretary-General of a Personal Envoy to the region and urges the parties to cooperate fully with him.

Communication. POLISARIO provided its views on the impasse in the implementation of the settlement plan in a letter dated 7 April to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. That letter was included in a working paper [A/AC.109/2087] on Western Sahara.

POLISARIO said that a ceasefire with no prospect for the application of the peace plan was perhaps the optimum scenario for Morocco, as the occupying colonial Power, but that was not acceptable either to the Sahrawi people or to the United Nations, in that it would mean the perpetuation of a fait colonial and would eventually lead to an outbreak of armed conflict. In those circumstances, POLISARIO saw no other means of overcoming the impasse than direct negotiations between the two parties, under UN auspices. It stated its desire to continue and step up the direct dialogue initiated with the Moroccan Government in September 1996. For that to be the case, POLISARIO said, the two parties needed the active involvement and resolve of the United Nations and the Organization of African Unity (OAU).

Report of Secretary-General (May). The Secretary-General in May reported on further developments concerning Western Sahara [S/1997/358].

To examine the possibility of overcoming the persisting stalemate, his Personal Envoy, Mr. Baker, had visited the region from 23 to 28 April, meeting with the Secretary-General of POLISARIO and heads of State and other senior officials of Morocco and the neighbouring countries of Algeria and Mauritania. Mr. Baker, together with the Secretary-General's Acting Special Representative, Mr. Jensen, met in Tindouf with OAU observers to MINURSO.

Pointing out that six years had elapsed since the establishment of MINURSO with the aim of holding a referendum on self-determination, the Secretary-General said that the international community could not support the extension of MINURSO's mandate indefinitely and that the parties must demonstrate the political will to bring about a fair and lasting solution to the problem. He recommended that the MINURSO mandate be extended for four months, until 30 September 1997.

Although no ceasefire violations were reported during the period under review, there had been instances where the Royal Moroccan Army (RMA) failed to comply with certain technical requirements of the ceasefire rules. The MINURSO Force Commander requested RMA and POLISARIO to refrain from live-fire exercises with heavy weapons during May and June, in order to avoid any potential rise in tension towards the end of the Mission's current mandate.

POLISARIO provided the Special Envoy with a list of 85 prisoners of war whom it proposed to release; the list was transmitted also to Morocco and the International Committee of the Red Cross.

SECURITY COUNCIL ACTION (May)

On 22 May [meeting 3779], the Security Council unanimously adopted **resolution 1108(1997)**, extending MINURSO's mandate as the Secretary-General recommended. The draft [S/1997/381] was prepared in consultations among Council members.

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Recalling the statement of the President of the Security Council of 19 March 1997 on the situation concerning Western Sahara and the designation of a Personal Envoy of the Secretary-General to the region,

Having considered the report of the Secretary-General of 5 May 1997, and welcoming in particular the intention of the Secretary-General to evaluate the situation

in the light of the findings and recommendations to be provided by his Personal Envoy,

1. Reiterates its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the parties;

2. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 September 1997;

3. Urges the parties to continue to cooperate with the Personal Envoy of the Secretary-General in his mission as outlined by the Secretary-General and to demonstrate the political will to overcome the persisting stalemate and find an acceptable solution;

4. Requests the Secretary-General to keep the Security Council informed of progress in the situation and to submit to the Council, by 15 September 1997, a comprehensive report on the results of his evaluation of all aspects of the Western Sahara issue;

5. Decides to remain seized of the matter.

Direct talks

Special Committee consideration. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Western Sahara on 6 June [A/52/23]. The Committee granted a request for hearing to Boukhari Ahmed of POLISARIO and reviewed a working paper on developments concerning the Territory over the previous year [A/AC.109/2087].

According to the paper, the period under review witnessed an intensive effort to break the deadlock in the implementation of the settlement plan. There had been some positive developments, including the release of prisoners and detainees and contacts between Morocco and POLISARIO. Governments in the region and POLISARIO had welcomed the appointment of the Secretary-General's Personal Envoy.

On 12 September [S/1997/721], the Secretary-General described recent developments concerning Western Sahara, stating that his Personal Envoy had held separate meetings in London on 10 and 11 June with the two parties as well as with Algeria and Mauritania. It was agreed that the only way to assess the "implementability" of the settlement plan would be through direct talks between the two parties, under UN auspices. Algeria and Mauritania would be invited as observers, but would attend discussions only on issues directly affecting them. The talks were to be private and no issue would be considered as finally agreed until all outstanding issues were agreed.

Under those conditions, the first round of direct talks under the auspices of the Personal Envoy was held in Lisbon, Portugal, on 23 June, after which the Personal Envoy submitted bridging

proposals on the identification of prospective Saharan voters. A second round was held in London on 19 and 20 July, at which the parties agreed on issues related to the identification process and to preparatory work of UNHCR for the return of refugees. The third round, in Lisbon on 29 August, resulted in agreement on issues related to the confinement of troops from the two sides and to the release of prisoners of war and Saharan political detainees. A fourth round was to be held in Houston, Texas, United States, from 14 to 16 September, to discuss a proposed code of conduct for the referendum campaign. In order to take the results of those talks into account, the Secretary-General proposed deferring the submission of his report to the Security Council until late September.

The Council President, in a letter of 18 September [S/1997/722], said that the members looked forward to receiving the report in time to take action on MINURSO, the current mandate of which would expire on 30 September.

On 24 September [S/1997/742], the Secretary-General reported on the activities of his Personal Envoy and progress made at the direct talks. An agreement on the code of conduct for the referendum campaign—ensuring freedom of speech and assembly, freedom of the press, and freedom of movement out of and within the Territory—was reached in Houston on 16 September. A declaration relating to the authority of the United Nations during the transitional period was formulated, as was a set of practical measures for the resumption of the identification process.

The Secretary-General reported that the Independent Jurist had met with Moroccan officials to seek specific information on a list of 167 alleged political prisoners and detainees, submitted by POLISARIO. Moroccan officials said virtually all those listed were either dead, unknown, had joined POLISARIO or had been released. UNHCR continued preparations for the repatriation of Saharan refugees, in investigating facilities and conditions in the Territory, in refugee camps in the Tindouf area, and in Mauritania. A pilot registration project was carried out in three refugee camps, where residents were interviewed to determine whether they wished to be repatriated.

The Secretary-General noted the progress made and the spirit of cooperation at the talks, stating that the main contentious issues had been satisfactorily addressed, creating the conditions needed to proceed towards full implementation of the settlement plan.

Identification would begin at four centres, and would be expanded to a maximum of nine centres operating concurrently, with a total of 72

identification staff and 81 civilian police officers. The list of eligible voters would be published, and the referendum could be held within a year. Identification records, stored in Geneva since July 1996, were to be transferred back to MINURSO in Laayoune and Tindouf. The list of Saharan sheikhs called upon to testify would be revised, and identification personnel and civilian police officers would be recruited. The Secretary-General then recommended that the MINURSO mandate be extended for three weeks, until 20 October 1997, and thereafter for a period of six months. A full plan for the referendum would be provided in November, he added.

The Secretary-General also reported to the General Assembly on 26 September, in line with its resolution 51/143 [YUN 1996, p. 140]. That report [A/52/364] covered the period from 28 September 1996 to 11 September 1997, and was updated in an addendum issued on 2 October [A/52/364/Add.1]. The Secretary-General summarized his efforts to exercise his good offices with the parties concerned in order to implement the settlement plan.

SECURITY COUNCIL ACTION (September/October)

On 29 September [meeting 3821], the Security Council unanimously adopted **resolution 1131(1997)**, thereby extending the MINURSO mandate until 20 October 1997. The action was made on the basis of a draft [S/1997/751] prepared by the members in informal consultations.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 24 September 1997 and the agreements reached between the parties recorded in that report,

Expressing its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General, and urging the parties to continue this cooperation by fully implementing the said agreements and the settlement plan,

Reiterating its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 October 1997, in accordance with the recommendation of the Secretary-General contained in his report;

2. Welcomes the other recommendations contained in the report of the Secretary-General of 24 September 1997, and expresses its readiness to consider further action in accordance with these recommendations;

3. Decides to remain seized of the matter.

The Security Council acted again on 20 October [meeting 3825] to renew the MINURSO mandate, extending it until 20 April 1998. It took that ac-

tion in resolution 1133(1997), adopting it unanimously on the basis of a draft [S/1997/806] prepared in the course of the Council's consultations.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and in particular its resolution 1131(1997) of 29 September 1997,

Reaffirming its welcome for the report of the Secretary-General of 24 September 1997 and the agreements for the implementation of the settlement plan reached between the parties recorded in that report,

Reaffirming its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Reiterating its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General,

1. Calls upon the parties to continue their constructive cooperation with the United Nations by fully implementing the settlement plan and the agreements which they have reached for its implementation;

2. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998, in order that the Mission may proceed with its identification tasks, and to increase its size in accordance with the recommendation of the Secretary-General contained in his report;

3. Requests the Secretary-General to begin the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties with the aim of finishing the process by 31 May 1998;

4. Also requests the Secretary-General to submit to the Council, no later than 15 November 1997, a comprehensive report, including a detailed plan, a timetable and financial implications, for the holding of the referendum for the self-determination of the people of Western Sahara, in accordance with the settlement plan and the agreements reached between the parties for its implementation;

5. Further requests the Secretary-General to report to the Council every 60 days from the date of extension of the mandate of the United Nations Mission for the Referendum in Western Sahara on the progress of the implementation of the settlement plan and the agreements reached between the parties and to keep the Council regularly informed of all significant developments in the interim period;

6. Decides to remain seized of the matter.

Referendum plan

On 13 November [S/1997/882], the Secretary-General provided a detailed plan, timetable and financial implications for the holding of a referendum in Western Sahara, as well as a description of developments since his September report. A technical team visited the Mission area from 7

to 15 October to reassess resources needed to fulfil the settlement plan, including logistic, personnel and other requirements.

He said preparatory work had begun to ensure the resumption of the identification operation by 1 December. Identification files stored in Geneva had been returned to Laayoune and Tindouf by early November, and four identification centres were being restored to full working order. MINURSO planned to open 12 centres eventually.

Morocco promised to provide practical support for the resumption of identification, and POLISARIO agreed to make available premises previously organized as identification centres. The list of sheikhs eligible to testify was to be updated, and arrangements made for selecting alternates. Both parties had one week to check current addresses and three weeks to ensure that people were notified. Applicants would be convoked only once, and no further applications would be accepted, except for those from Saharan political detainees and prisoners of war. As agreed, the Acting Special Representative notified the parties of the results, by number, of the identification process so far.

Regarding political prisoners, the Independent Jurist had stated that he would visit the region if any new information on the names submitted by POLISARIO surfaced. UNHCR continued preparations for the repatriation of Saharan refugees.

It was also reported that MINURSO's military component remained at approximately 230 throughout 1997, and its civilian police component had been phased out. Subsequently, 11 Member States had agreed to contribute to a renewed civilian police component to assist the Identification Commission. The new civilian police contingents were scheduled to begin arriving at MINURSO headquarters in late November.

The Secretary-General stressed that the proposed plan and timetable were based on a best-case scenario—on the assumption that MINURSO and UNHCR would be provided with adequate and timely resources, that full authority for implementation was vested in the Special Representative, that the two parties and the two observer countries would cooperate fully with MINURSO, and that the Security Council would continue to extend full support for fulfilment of the UN mandate in Western Sahara. Unless all those conditions were met, it would not be possible to hold the referendum before the end of 1998, if at all, the Secretary-General emphasized.

The parties had to abide fully by the letter and spirit of the plan and agreements reached during their direct talks, he said, including respect for the sole and exclusive responsibility of the

United Nations for all matters relating to the organization and conduct of the referendum. In view of a few undetermined variables, the time allotted for implementation could change, in particular concerning the period required for repatriation, which would depend on the final number of potential voters and their immediate families who wished to return to the Territory. The timely and successful completion of the identification process would be a determining factor for the start of the transitional period and full implementation of the settlement plan.

On the basis of his proposed timetable, the Secretary-General recommended that the Security Council authorize the expansion of MINURSO for the full implementation of the settlement plan, in order to enable contributing Member States and the Mission to proceed on time with preparations for full deployment. Under his plan, the identification operation would be resumed on 1 December 1997, and the transitional period would begin on 7 June 1998.

Details of plan

The referendum plan put forward in the Secretary-General's November report [S/1997/882] incorporated the basic elements of the earlier settlement plan: identification of prospective voters; a transitional period during which a referendum would be conducted; the ceasefire followed by an exchange of prisoners of war, a reduction of Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations; and a proclamation of amnesty, followed by the release of Saharan political prisoners. The transitional period, starting on 7 June 1998 (D-Day), could end on 7 December 1998 with the announcement of the results of the referendum. If prisoners of war, political prisoners and detainees were released by 14 June, they could be interviewed by the Identification Commission so they could participate in the referendum. POLISARIO armed forces would be confined, in locations and numbers to be designated by the Special Representative, in Western Sahara, Mauritania and Algeria. Each party would inform the Secretary-General of the strength and location of its military forces one week before D-Day, by 1 June. As agreed in earlier plans, Morocco was prepared to reduce its troops in the Territory to a level not exceeding 65,000, within 11 weeks following D-Day, or by 22 August.

To proceed with voluntary repatriation, MINURSO would ensure that all conditions conducive to safe return were met, including the neutralization of paramilitary units in existing police forces and arrangements for the maintenance of law and order during the transitional

period. A number of points at which returnees would be able to cross into the Territory would be designated. MINURSO would provide security at both crossing points and reception centres, and would also ensure that repatriation took place in areas where Moroccan Army troops had been withdrawn. Mine clearing of designated repatriation routes and sites would be required.

The estimated number of potential returnees, comprising voters and members of their immediate families, was 120,000. UNHCR believed that 15 weeks would be required for repatriation, and would cost \$50 million, mostly for logistics and transport.

As for completion of the identification process, the Secretary-General noted that since all persons who had not yet been identified would be convoked only once, including those who were convoked previously but not yet identified, some 117,000 persons remained to be convoked. The identification of potential voters was an intricate and time-consuming operation, the Secretary-General went on. The 1974 Spanish census of the Territory had divided the Saharan population into 88 tribes and sub-groups. Members of those groups were dispersed throughout Western Sahara and also in parts of Algeria, Mauritania and Morocco. As previously, identification sessions would have to be organized for almost every tribal sub-group at each centre, with two sheikhs present, one from each side, in addition to observers from Morocco, POLISARIO and OAU. To complete identification of all remaining applicants, some 500 sessions would be required.

A detailed programme had been drawn up which, with total cooperation of both parties and no significant disruption due to other causes, would allow completion of identification within 26 weeks, by 31 May 1998, and issuance of a list of eligible voters by 7 June. Following a period of six weeks for any appeals, the final list would be issued by the Special Representative on 26 July, upon authorization by the Secretary-General in consultation with the OAU Chairman.

The Special Representative, assisted by a Referendum Commission, would establish conditions and modalities for the conduct of the referendum campaign to ensure that it was free and fair, without military or administrative constraints, and that there was no intimidation or interference in the process. That Commission would become operational when the Identification Commission completed its work. As agreed by the two parties in Houston, the Special Representative would set the date for the commencement of the referendum campaign once he was satisfied that those conditions had been met, three weeks prior to the referendum. The Refer-

endum Commission would also advise the Special Representative on the actual conduct of the referendum.

Voting, scheduled for 7 December 1998, would take place only in the Territory. The location of voting centres and number of polling stations would be determined on the basis of data collected during the registration of voters, as well as existing population centres and areas where returning Western Saharans had been located. It was estimated that up to 250 polling stations would be established at voting centres in seven localities. Results should be proclaimed within 72 hours, and, depending on the results, Moroccan military troops would be withdrawn within six weeks or POLISARIO troops demobilized within four weeks.

Further developments

In a 12 December letter to the Security Council President [S/1997/974], the Secretary-General stated that, at separate meetings with his Acting Special Representative, the two sides had nearly resolved all remaining differences on the updated list of the tribal leaders. In a later report [S/1998/35], he said that the comprehensive list of tribal leaders required to provide oral testimony during identification had been agreed by the parties and published on 20 December.

In November, Identification Commission staff arrived in the mission area and a training programme was launched. The process resumed on 3 December as planned, at Laayoune and Camp Smara in the Tindouf region. Preparations for identification work in Mauritania were somewhat behind schedule, and were expected to resume in late January 1998.

From 3 to 12 December, more than 3,000 persons were convoked and 2,386 identified. Both parties had supported Commission efforts in that process. The difficulties encountered were mostly of a technical nature and had arisen in part because of the late return of updated data by the parties and in part because of the sequence of convocation.

By year's end, the civilian police component of MINURSO was re-established, totalling 48 officers.

The Secretary-General reported that so far the effort made to ensure the successful resumption of the identification process and the renewed expression by both parties of their commitment to implement the settlement plan encouraged him to believe that MINURSO would be able to complete its tasks in accordance with the timetable. He cautioned, however, that for that to happen all elements of the timetable had to be strictly adhered to, including the provision of the necessary

resources in full and on time, in particular the deployment of engineering and other resources to undertake operational demining and to prepare for the deployment of the Mission's military component.

By a 26 December letter [S/1997/1023], the Secretary-General reported his intention to appoint Charles F. Dunbar (United States) as his Special Representative for Western Sahara.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly adopted **resolution 52/75** without vote [agenda item 18]. The Assembly acted on the recommendation of its Fourth (Special Political and Decolonization) Committee [A/52/613].

Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 51/143 of 13 December 1996,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658(1990) of 27 June 1990 and 690(1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council and General Assembly resolutions relating to the question of Western Sahara,

Taking note with satisfaction of the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Taking note with satisfaction of the agreements reached by the two parties during their private direct talks aimed at the implementation of the settlement plan, and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Taking note of Security Council resolution 1131(1997) of 29 September 1997,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Grant-

ing of Independence to Colonial Countries and Peoples,

Having also examined the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;
2. Takes note with satisfaction of the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and faithfully;

3. Urges the two parties to continue their cooperation with the Secretary-General and his Personal Envoy and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

4. Commends the Secretary-General and his Personal Envoy for their efforts in reaching these agreements as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

5. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

6. Reiterates its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658(1990) and 690(1991), by which the Council approved the settlement plan for Western Sahara;

7. Takes note of Security Council resolution 1131(1997);

8. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the General Assembly at its fifty-third session;

9. Invites the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution.

UN Mission for the Referendum in Western Sahara

The United Nations Mission for the Referendum in Western Sahara (MINURSO) reported that the situation in Western Sahara remained stable in 1997 despite some minor incidents. The strength of its military component, reduced by 20 per cent in 1996, was 230 personnel for most of the year. Despite its reduced strength, the Mission increased slightly the number of its ground and air patrols. The civilian police component was reduced to nine in early 1997, and was phased out completely by mid-1997. However, in anticipation of renewed efforts to implement the settle-

ment plan, it was re-established in December with 48 members.

Major-General Jorge Barroso de Moura (Portugal) completed his tour of duty as the Force Commander of MINURSO on 18 July. He was succeeded on 28 August by Brigadier-General Bernd S. Lubenik (Austria).

Financing of MINURSO

In February [A/51/763/Add.1] the Secretary-General reported on a proposed budget to maintain MINURSO from 1 July 1997 to 30 June 1998, in the amount of \$29,107,800 gross (\$27,308,400 net), a 9 per cent decrease from the previous year's budget. It would support MINURSO's current strength of 203 military observers, 27 military support personnel and 9 civilian police observers, and a civilian establishment of 167 personnel and 2 observers from OAU.

The Advisory Committee on Administrative and Budgetary Questions considered the report, issued its comments [A/51/847], and recommended that the Assembly appropriate \$29,107,800 to maintain the Mission until 30 June 1998.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly adopted **resolution 51/2 B** without vote, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/502/Add.1] [agenda item 126].

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 690(1991) of 29 April 1991, by which the Council established the United Nations Mission for the Referendum in Western Sahara, and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1108(1997) of 22 May 1997,

Recalling also its resolution 45/266 of 17 May 1991 on the financing of the Mission, and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/2 A of 17 October 1996,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economi-

cally less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Mission for the Referendum in Western Sahara as at 13 May 1997, including the contributions outstanding in the amount of 40,805,574 United States dollars, representing 16 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 November 1996, notes that some 30 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Mission for the Referendum in Western Sahara the amount of 7,557,450 dollars gross (7,107,600 dollars net) for the maintenance of the Mission for the period from 1 July to 30 September 1997, inclusive of the amount of 280,500 dollars for the support account for peacekeeping operations, to be apportioned among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 449,850 dollars approved for the period from 1 July to 30 September 1997;

9. Decides further to appropriate the amount of 22,672,350 dollars gross (21,322,800 dollars net) for the maintenance of the Mission for the period from 1 October 1997 to 30 June 1998, inclusive of the amount of 841,500 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 2,519,150 dollars gross (2,369,200 dollars net) in accordance with the scheme set out in the present resolution, subject to the decision of the Security Council to extend the mandate of the Mission beyond 30 September 1997;

10. Decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,349,550 dollars approved for the Mission for the period from 1 October 1997 to 30 June 1998;

11. Decides also that, for Member States that have fulfilled their financial obligations to the Mission for the period ending 30 November 1996, there shall be set off against the assessment for the period beyond 30 November 1996 their respective share in the unencumbered balance of 19,392,900 dollars gross (16,687,100 dollars net) in respect of the period ending 30 June 1996;

12. Decides further that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 19,392,900 dollars gross (16,687,100 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

Revised budget

In September, the Secretary-General, in recommending the expansion of MINURSO, estimated the full cost of completing the identification process at \$20.8 million [S/1997/742/Add.1].

In December, a revised budget for financing the Mission from 1 July 1997 to 30 June 1998 [A/52/730] was presented, amounting to \$48,078,900 gross (\$44,572,500 net).

On 22 December [meeting 79], the Assembly, on the recommendation of its Fifth Committee [A/52/746], decided that the Fifth Committee should continue its consideration of the financ-

ing of MINURSO at its resumed fifty-second session in 1998. The Assembly took that action in **decision** 52/456.

Libyan Arab Jamahiriya

In 1997, the Security Council upheld sanctions imposed on the Libyan Arab Jamahiriya under resolution 748(1992) [YUN 1992, p. 55] and strengthened under resolution 883(1993) [YUN 1993, p. 101], despite the renewed efforts by a number of regional organizations, including the Organization of African Unity (OAU) and the League of Arab States (LAS), to have them lifted. The Security Council measures were intended to obtain, in particular, Libya's surrender for trial in the United Kingdom or the United States of two Libyan nationals suspected of involvement in the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland.

The sanctions covered air links with, provision of military supplies to, restrictions on diplomatic and consular personnel of, and restrictions on suspected terrorist nationals of Libya. The Security Council issued three statements during the year condemning Libya for repeated violations of the air flight restriction terms of resolution 748(1992).

The Secretary-General, at the invitation of the United Kingdom, dispatched two representatives to Scotland to study the Scottish judicial system in connection with the possibility of a trial of the two Lockerbie suspects. The representatives reported that the suspects would receive a fair trial under the Scottish judicial system.

With regard to the 1989 crash of Union de transports aériens (UTA) flight 772 in the Niger, Libya allowed an investigative visit by a French judicial team. The French judge in charge of the investigation reported that Libyan judicial cooperation satisfied most of the French demands.

The Sanctions Committee issued a report covering its activities during 1997.

Sanctions regime

Communications (January). By a 15 January letter [S/1997/35], the Libyan Arab Jamahiriya transmitted to the Security Council President the text of a resolution adopted at the twenty-fourth session of the Islamic Conference of Foreign Ministers (Jakarta, Indonesia, 9-13 December 1996). Concerned over the humanitarian and material damage inflicted on the Libyan people, the Conference, among other things, appealed to

the Council to lift the sanctions and declared its support for the holding of a trial of the two Libyan suspects in the bombing of Pan Am flight 103 by Scottish judges in accordance with Scottish law at the seat of the International Court of Justice (ICJ) in The Hague, Netherlands, as proposed by LAS in 1994 [YUN 1994, p. 129]. The Conference also supported Libya's right to reparations for material and human losses and damages sustained as a result of the sanctions.

By a 13 January letter [A/51/773-S/1997/43], Indonesia forwarded to the Secretary-General the text of the final communique of the Organization of the Islamic Conference (OIC) annual coordination meeting of the Ministers for Foreign Affairs (New York, 2 October 1996). The meeting expressed its appreciation for the readiness demonstrated by Libya to cooperate in efforts to combat terrorism and to settle the dispute with France, the United Kingdom and the United States peacefully through dialogue. It condemned the continuation of sanctions against Libya and called on the Security Council to lift them.

In a 17 January letter [S/1997/52] to the Security Council President, the Secretary of Libya's General People's Committee for Foreign Liaison and International Cooperation referred to a United States censure of Libya's refusal to allow the balloonist, Steve Fossett, to pass through Libyan airspace. Libya stated that, in view of the United States censure, it would allow Mr. Fossett's passage through its airspace and would also approve passage for all aircraft through its airspace and the landing of all aircraft at its airports. Libyan Arab Airways would also immediately resume its flights to all the world's countries.

SECURITY COUNCIL ACTION (January)

On 29 January [meeting 3734], the Security Council President made the following statement on behalf of the Council [S/PRST/1997/2]:

The Security Council notes with concern the letter of 17 January 1997 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the President of the Security Council, announcing that Libyan Arab Airways would resume international flights out of the Libyan Arab Jamahiriya immediately. The Council considers the position expressed in the letter of 17 January 1997 to be incompatible with Security Council resolution 748(1992). Resolution 748(1992) does not prohibit overflights of Libyan territory. Paragraph 4 (a) of the resolution does, however, prohibit all international flights to and from the Libyan Arab Jamahiriya. The Security Council would consider any such flights to be a violation of the terms of resolution 748(1992).

The Council takes note of the reports that a Libyan-registered aircraft, in apparent violation of

resolution 748(1992), flew from Tripoli, Libyan Arab Jamahiriya, to Accra, Ghana, on 21 January 1997, where it landed and from where it later departed. The Council has requested the Committee established pursuant to resolution 748(1992) to follow up this matter. The Council draws the attention of Member States to their obligations under resolution 748(1992) in the event that Libyan-registered aircraft seek to land in their territory.

Communications (March/April). On 3 March [S/1997/176], Libya forwarded to the Security Council President the declaration of the sixty-fifth ordinary session of the OAU Council of Ministers (Tripoli, 24-28 February), concerning the dispute between Libya and France, the United Kingdom and the United States. The Ministers noted that Libya had met the requirements demanded in Council resolution 731(1992) [YUN 1992, p. 53] but had found it impossible to extradite its two nationals allegedly implicated in the 1988 bombing over Lockerbie. They expressed deep concern at the human and material deprivations to which the Libyan people had been subjected and emphasized that the sanctions were also having detrimental effects on Libya's neighbouring countries and African workers from other countries of the continent.

The Ministers called on the Security Council to accept one of three recommendations that had been adopted jointly by OAU and LAS: the holding of the trial of the two Libyan suspects in a third and neutral country to be determined by the Council; having the two suspects tried by Scottish judges at ICJ headquarters in The Hague, in accordance with Scottish law; or establishing a special criminal tribunal at ICJ headquarters to try the two suspects. The Ministers reiterated that the continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people further suffering. In that regard, they mandated the OAU Secretary-General to prepare a practical plan of action to be considered for implementation at the thirty-third ordinary session of the OAU Assembly of Heads of State and Government, to be held in June.

On 3 April [S/1997/273], Libya transmitted to the Security Council President a copy of a resolution, adopted by the LAS Council at its one hundred and seventh regular session on 31 March, entitled "Coercive measures and threats by the United States of America, the United Kingdom of Great Britain and Northern Ireland and France against the Great Socialist People's Libyan Arab Jamahiriya". The Council urged those three countries to respond positively to regional and international efforts to devise a settlement to the crisis. It decided to coordinate action with

OAU with a view to urging the Security Council to convene a special meeting to consider adopting one of the options listed by OAU in the declaration adopted in February (see above).

SECURITY COUNCIL ACTION (April)

On 4 April [meeting 3761], the Security Council President made the following statement on behalf of the Council [S/PRST/1997/18]:

On 29 March 1997, a Libyan-registered aircraft flew from Tripoli, Libyan Arab Jamahiriya, to Jeddah, Saudi Arabia. The Security Council considers this clear violation of Council resolution 748(1992) of 31 March 1992 as totally unacceptable and calls on the Libyan Arab Jamahiriya to refrain from any further such violations. It recalls that arrangements have been made consistent with resolution 748(1992) in order to fly Libyan pilgrims to perform the Hajj. The Council will review the matter should further violations occur.

The Council has requested the Committee established pursuant to resolution 748(1992) to draw to the attention of Member States their obligations under resolution 748(1992) in the event that Libyan-registered aircraft land in their territory.

Communications (April/May). By a 7 April letter [S/1997/284] to the Council President, Libya expressed its concern and regret with regard to the Council's statement and noted that the flight to Saudi Arabia that took Libyan pilgrims to the Islamic Holy Places was purely a religious matter. The Council should not have given it a political dimension as it was not a tourist or commercial flight. In addition, due to the economic restrictions, Libya was unable to lease aircraft from other companies for the carriage of pilgrims, and was thus forced to use whatever means of aerial transport that were available to it.

On 16 May [S/1997/373], the Permanent Representative of Libya to the United Nations informed the Council President that an 8 to 10 May visit by Libyan head of State Colonel Muammar Qaddafi to the Niger and Nigeria had been undertaken for purely religious reasons. On 19 May [S/1997/378], the Permanent Representative stated that he had not received any official notification from his country as to the means of transport used by Colonel Qaddafi on that visit. The visit was undertaken in response to the invitation of the African Islamic leaders, who were part of the world peoples' Islamic leadership led by Colonel Qaddafi. Libya reaffirmed its readiness to solve the Lockerbie issue in accordance with the proposals made by it and by OAU, LAS or the Movement of Non-Aligned Countries. It also expressed the hope that the Council would send a commission of inquiry to Libya in order to establish the lack of any connection with terrorism.

SECURITY COUNCIL ACTION (May)

On 20 May [meeting 3777], the Security Council President made a statement [S/PRST/1997/27] on behalf of the members. The Council's Sanctions Committee, established pursuant to resolution 748(1992) (see below), took due note of the contents of communications concerning Colonel Qaddafi's flight to the Niger and Nigeria addressed to its Chairman by Libya, the Niger and Nigeria.

The Security Council takes note with concern of reports that Libyan-registered aircraft flew from the Libyan Arab Jamahiriya to the Niger on 8 May 1997 and returned to the Libyan Arab Jamahiriya from Nigeria on 10 May in violation of resolution 748(1992). The Council has requested the Committee established pursuant to resolution 748(1992) to follow up this matter directly with the representatives of the Libyan Arab Jamahiriya, the Niger and Nigeria. The Council calls upon all States to fulfil their obligations under resolution 748(1992) in the event that aircraft flights originating in the Libyan Arab Jamahiriya seek to land in their territory.

The Council takes note of the letters from the Permanent Representative of the Libyan Arab Jamahiriya dated 16 May 1997, and from the Permanent Representative of the Niger, dated 13 May 1997, and the note verbale from the Permanent Representative of Nigeria, dated 15 May 1997. The Security Council recalls that, in paragraph 4 of its resolution 748(1992), it decided that all States should deny permission to any aircraft to take off from, land in or overfly their territory if it was destined to land in or had taken off from the territory of the Libyan Arab Jamahiriya, unless the particular flight had been approved on grounds of significant humanitarian need by the Committee established pursuant to paragraph 9 of that resolution.

Further communications (May-December).

By a 27 May letter [S/1997/404] to the Secretary-General, Libya transmitted the seventh comprehensive report, covering the period from 15 April 1992 to 31 December 1996, on the damage caused by the implementation of Council resolutions 748(1992) [YUN 1992, p. 55] and 883(1993) [YUN 1993, p. 101]. The report described the adverse humanitarian and economic consequences of the sanctions, noting that they had caused all development programmes and plans for the expansion of infrastructure to be blocked and had thus thwarted the aspirations of the Libyan people to achieve further progress. The maintenance of the sanctions had caused some \$23,590,379,992 in financial losses over the six years since they were first imposed, the report stated.

On 26 June [S/1997/497], OAU and LAS forwarded to the Security Council President a joint letter of 19 June from their Secretaries-General concerning their efforts to find a solution to the dispute between Libya and the United States and

the United Kingdom. The two organizations had agreed to call on the Security Council to convene a special meeting in order to consider the proposals set forth in the February declaration of the OAU Council of Ministers (see above). Pending the adoption of one of the proposals, OAU and LAS urged the Council to exempt the following Libyan flights from the air embargo: flights for humanitarian purposes of medical treatment and the importation of medicines; special flights to send material assistance from Libya to African countries; flights for religious purposes; and flights related to participation in official missions.

In a 7 July letter [S/1997/518] to the Council President, Libya noted that, in accordance with paragraph 13 of its resolution 748(1992), the Council was reviewing the measures imposed against Libya under that resolution and under resolution 883(1993). That review, according to Libya, had become nothing more than an automatic extension of the sanctions without any reference being made to the specific measures taken by Libya to implement resolution 731(1992) [YUN 1992, p. 53].

Libya stated that it had proposed direct negotiations or negotiations through the United Nations; it had agreed to a fair and impartial trial of the two Libyan suspects at a location where they could be guaranteed a minimum standard of neutrality; it had cooperated with the United Kingdom in providing all the information it had about the Irish Republican Army; and it had cooperated fully with the French examining judge who had visited Tripoli in July 1996 to inquire about the attack on UTA flight 772 on 19 September 1989.

Libya noted that during all its contacts with the States members of the Council, it had been invited to solve the problem with the other parties, namely the United States and the United Kingdom. Those two countries, nevertheless, had repeatedly stated that the problem concerned only Libya and the Council, and they rejected the initiatives made by the Libyan side as well as the efforts of regional organizations to settle the outstanding issues. Libya stated that it had appointed two judges to investigate the two Libyan nationals who were considered suspects in the case of the Pan Am aircraft that crashed over Lockerbie in December 1988. However, the parties concerned refused to cooperate with those two judges. After a further refusal on the part of the United States and the United Kingdom to cooperate with Libya, the case was referred to ICJ, where it was still pending.

Libya requested that the Council name a place other than the United States and the United

Kingdom where the two suspects might be tried; suspend the sanctions against Libya; and send a committee to Libya to discuss the text and implications of paragraph 2 of resolution 748(1992) and report thereon to the Council.

In an 8 July letter [S/1997/524] to the Council President, France, the United Kingdom and the United States stated that the 19 June letter from the Secretaries-General of OAU and LAS (see above) tried to misrepresent the question of Libya as a dispute between Libya and two countries, which was not the case. The sanctions imposed on Libya in Council resolutions 748(1992) and 883(1993) were a result of Libya's refusal to comply with obligations which had been required of it by the unanimous decision of the Council in resolution 731(1992). Therefore, the question that the Council continued to address was not a dispute between a few States, but the matter of Libya's continued defiance of a unanimous and binding decision of the Council.

The three States regretted that the Secretaries-General of OAU and LAS did not mention Libya's failure to comply with the Council resolutions relating to Libya nor did their repetitions of the proposals for the trial of the Lockerbie accused conform to the requirements of the relevant resolutions. The first objective of all Member States and regional organizations interested in seeing an end to the matter, the letter stated, should be to persuade the Government of Libya to fulfil its obligations so that sanctions could be lifted and the Council's authority upheld.

With regard to the proposals relating to humanitarian flights, resolution 748(1992) already contained provisions for the Libyans to apply to the Committee established pursuant to that resolution for special dispensation for such flights; that resolution did not limit humanitarian needs to medical evacuations. In addition, for the past three years the Committee had permitted flights for the Hajj, thus facilitating travel by Libyan citizens to undertake that act of religious devotion. The three States saw no reason why that practice should not continue.

On 9 July [S/1997/529], Zimbabwe submitted to the Security Council President a declaration on the dispute between Libya and the United States and the United Kingdom, adopted by the Assembly of Heads of State and Government of OAU at its thirty-third ordinary session (Harare, 2-4 June). The declaration stated that Libya had fully met the requirements demanded by the Council in resolution 731(1992). Libya had condemned terrorism in all its forms as well as those perpetrating or encouraging it. However, Libya had found it impossible to extradite its two nationals

allegedly implicated in the bombing over Lockerbie in 1988.

OAU expressed concern over the human and material deprivations to which the Libyan people had been subjected and emphasized that the sanctions were also affecting neighbouring countries as well as African workers from other countries of the continent. It noted that Libya had accepted the LAS initiative supported by OAU, the Movement of Non-Aligned Countries and OIC, to the effect that the two Libyan suspects should be tried by Scottish judges and according to Scottish law at ICJ headquarters.

The declaration expressed the hope that the Council would consider and adopt one of the proposals set forth in the February declaration of the OAU Council of Ministers (see above). In addition, it endorsed the position expressed by the Council of Ministers to the effect that continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people further suffering.

In a 15 July letter [S/1997/549/Rev.1] to the Security Council President, Libya referred to a Council meeting of 10 July, which was devoted to the review of the sanctions imposed against it. Libya reiterated that it had responded fully to the demands made in the relevant Council resolutions and that it was the United States and the United Kingdom that were preventing a court from trying the two Libyans suspected in the Lockerbie case. Libya affirmed that it reserved the right to take the necessary steps to safeguard its political and legal rights, as well as to seek compensation for the damage suffered from the imposition of sanctions.

On 22 August [S/1997/665], Libya transmitted to the Security Council President the text of a press communique on the Lockerbie case, issued by the heads of State of Burkina Faso, Chad, Mali and the Niger following a five-Power summit Conference held in Libya from 15 to 17 August. The heads of State expressed their concern over the maintenance of the sanctions against Libya, which had adverse consequences for the economies of their countries. They called on the Secretary-General to send a special fact-finding mission to Libya to acquaint itself with the effects that the Council's embargo was having on the Libyan people.

In a 6 November letter [S/1997/856] to the Council President, the OAU Committee of Five established to mediate the dispute between Libya and the United Kingdom and the United States, composed of Cameroon, Ghana, Tunisia, Uganda and Zimbabwe, requested an open Council debate when the sanctions against Libya next came up for review and discussion.

Also on 6 November [S/1997/857], Libya stated that the sanctions against it had been imposed in violation of the UN Charter and in disregard of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation [YUN 1976, p. 739]. Libya noted that it had agreed that the two Libyan suspects should appear before a just and impartial court. It had also accepted the resolutions adopted in that connection by LAS, OAU, OIC and the Non-Aligned Movement. Recalling that it had dealt with the Council's resolutions in a constructive spirit by agreeing to various suggestions aimed at reaching a fair settlement of the dispute, Libya requested, among other things, that the sanctions be lifted, that the two suspects be tried in a neutral country and that a formal meeting of the Council be held under Article 31 of the Charter.

In a 12 November letter [S/1997/880] to the Council President, Libya expressed appreciation to those members of the Council who, during the 7 November review of the sanctions against Libya, had placed on record the positions adopted by their countries in support of rectitude and of the demands set forth in Libya's 6 November letter (see above). Libya stated that the sanctions should be lifted as they represented the "collective punishment" of an entire people on grounds of mere suspicion of two Libyan citizens, who had not been questioned, not brought to trial and not condemned in accordance with any judicial verdict.

Sanctions Committee

The Committee established pursuant to Security Council resolution 748(1992) concerning the Libyan Arab Jamahiriya (Sanctions Committee) issued a report on 31 December [S/1997/1030] covering its activities since the beginning of 1997. During the year, the Committee held seven meetings and handled over 100 incoming communications relating to the implementation of the sanctions, as well as a comparable number of replies.

The Committee approved 70 medical emergency evacuation flights in 1997, compared to 63 in 1996. On 19 March, it approved a request from Egypt for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, as well as return flights, for transporting Libyan pilgrims to perform the Hajj. As in previous years, the Committee approved the Egyptian request with certain conditions, including that none of the aircraft could be owned by, leased from or controlled by Libya or any Libyan entity.

On 3 February, the Committee considered action pursuant to the Security Council's 29 January statement [S/PRST/1997/2] in which the Council responded to Libya's announcement that

Libyan Arab Airways would resume international flights out of Libya in violation of resolution 748(1992). The Council had also taken note of reports that a Libyan-registered aircraft had flown from Tripoli to Accra on 21 January. The Committee decided to address letters to the Permanent Representatives of Ghana and Libya to the United Nations, seeking further information on the incident.

At a meeting on 11 April, the Committee considered action pursuant to the Council's statement of 4 April [S/PRST/1997/18] in which a 29 March flight of a Libyan-registered aircraft from Tripoli to Jeddah was cited as a violation of resolution 748(1992). The Committee approved the text of a note verbale to be addressed to all Member States, drawing their attention to their obligations under resolution 748(1992) in the event of a Libyan-registered aircraft landing in their territory.

As a result of the informal consultations conducted on 13 May by the Security Council on the visit by the head of State of Libya to the Niger and Nigeria (see above), the Council requested the Committee to gather the facts and to report on the visit. The Committee met on 15 and 19 May and decided that the flights by the Libyan head of State were unauthorized and that they constituted a breach of the sanctions regime. The Committee also took note of communications addressed to its Chairman by Libya, Nigeria and the Niger. The Chairman briefed the Security Council on the Committee's decision on 20 May, whereupon the Council President made a statement concerning the incident [S/PRST/1997/27].

During the year, in accordance with resolution 748(1992), in which the Council decided to review Libya's compliance with the resolution, the Council undertook three reviews, on 14 March, 10 July and 7 November. On those three occasions, the members found that conditions did not exist for modifying the sanctions regime.

Compliance with sanctions

In a 17 January note verbale [S/1997/82] to the Secretary-General, the Netherlands said that it had implemented measures to give effect to the financial sanctions against Libya, as well as measures in the field of trade, non-financial services and air traffic.

By a 16 June note verbale [S/AC.28/1997/1] to the Chairman of the Sanctions Committee, Guinea said that it had fulfilled its obligations and commitments with regard to resolution 748(1992).

Latvia, in a note verbale of 11 August [S/1997/713], informed the Secretary-General that it had no diplomatic consular representation in Libya and vice versa. Latvia stated that it would

deny permission to any aircraft to take off from, land in or overfly its territory if it was destined to land in or had taken off from Libya, unless the particular flight had been approved on grounds of humanitarian need.

Report on Scottish judicial system

By a 31 October letter [S/1997/845], the United Kingdom transmitted to the Security Council President the text of a message that it had delivered to the Secretary-General on 28 October inviting UN representatives to visit Scotland to discuss the arrangements for a trial of the two Lockerbie suspects. Similar messages had been passed to the Secretaries-General of OAU and LAS.

The United Kingdom said that there existed comprehensive safeguards under Scottish law to meet the concern that the trial of the two suspects should be demonstrably fair and free from prejudice. In order to brief the UN Secretariat on those safeguards and discuss how international observers might best be accommodated in the court proceedings, the United Kingdom invited the Secretary-General to send two representatives to Scotland. They would be able to visit Scottish prison and court facilities, have full access to the suspects before and during the trial, and witness all the court proceedings.

On 3 November [S/1997/844], Libya submitted to the Council President the text of a 31 October statement issued by the General People's Committee for External Communication and International Cooperation, which addressed the 28 October message from the United Kingdom. Libya did not doubt the honesty or fairness of the Scottish judicial system but it pointed out that there were practical difficulties involved in holding the trial in that country, such as the fact that the Libyan Criminal Code prohibited the extradition of Libyan citizens. In addition, Libya noted that biased publicity campaigns had given rise to a social and psychological climate detrimental to the holding of a fair trial in the United Kingdom or in the United States.

Libya said that the United Kingdom's offer to invite two UN representatives to Scotland to observe the Scottish judicial system was an attempt to dilute the serious initiatives that had been made by regional organizations and to destroy, trivialize or cripple all attempts to resolve the long-standing crisis. If the United Kingdom wished to dispel any doubts about the impartiality of a trial in Scotland, it needed only to accede to the suggestions of regional and international organizations concerning the holding of the trial in a neutral country.

On 18 December [S/1997/991], the Secretary-General transmitted to the Security Council President a report by Enoch Dumbutshena, former Chief Justice of Zimbabwe, and Henry G. Schermers of Leiden University in the Netherlands, whom he had requested to visit Scotland and study its judicial system. The two representatives, having reviewed the pre-trial procedure, detention, the trial proceedings, post-trial procedures, the United Kingdom's international obligations and other factors, concluded that the accused would receive a fair trial under the Scottish judicial system. Their rights during the pre-trial, trial and post-trial proceedings would be protected in accordance with international standards. The presence of UN and other international observers could be easily accommodated. A trial by jury would not prejudice the accused's right to a free trial. If, however, the accused could reasonably establish that their right to a free trial would be prejudiced by a jury trial, the representatives suggested that the idea of dispensing with the jury be pursued with the Government of the United Kingdom.

On 29 December [S/1997/1015], Libya transmitted to the Secretary-General a 25 December statement by the Lockerbie Suspects Defence Group, which comprised lawyers from countries such as Germany, Malta, Switzerland, the United Kingdom and the United States, in response to the report of Dr. Dumbutshena and Professor Schermers. The statement averred that the issue was not the study of any judicial system, but rather to find a solution that would guarantee a fair trial. Towards that end, the Defence Group proposed that the trial should not take place in Libya, the United Kingdom or the United States, and that the jurors should be replaced by a group of judges, to be agreed upon, presided over by a Scottish judge. The Group welcomed the position taken by the families of the victims in Scotland and the United States, and their support for a suggestion that the trial should be held in The Hague by a group of judges, to be agreed upon, presided over by a Scottish judge. The judges would act as unbiased jurors.

French investigation of UTA DC-10 attack

By a 6 November letter [S/1997/858], France transmitted to the Secretary-General the text of a letter addressed to its Minister for Foreign Affairs by Judge Jean-Louis Bruguière concerning the judicial inquiry conducted on the attack on the Union de transports aériens DC-10 flight 772 in the Niger on 19 September 1989.

The judge said that he had ordered the transmittal of the file on the inquiry with a view to the committal for trial of six Libyan nationals in-

dieted in the course of the procedure, who would have to be tried in absentia. The attack resulted in the death of 170 people. In the course of the judicial inquiry opened six days after the attack by the public prosecutor in Paris, lengthy investigations, conducted in particular in Africa, showed that Libyan nationals might have been involved in that terrorist act. Four international arrest warrants were subsequently issued for Libyan nationals.

In July 1996, after years of non-cooperation on the part of Libya, Libya allowed the French judge to travel to Tripoli and meet with competent judicial authorities. The Libyan judicial cooperation satisfied most of the French demands, although some of them had still not been met. The judge had issued two additional arrest warrants for Libyan nationals. He stated that the Libyan authorities would have to assume all the consequences that would result from a coercive judgement against their nationals.

1986 attack against Libya

The General Assembly on 18 December 1997 adopted **decision** 52/430, by which it deferred consideration of the agenda item "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" and included it in the provisional agenda of its fifty-third (1998) session.

Sudan

In 1997, the Sudan was involved in disputes with neighbouring countries, reporting to the Security Council alleged acts of aggression against its territory by Eritrea, Ethiopia and Uganda, and claiming those nations supported Sudanese opposition groups. Those three States denied involvement in any aggression against the Sudan, stressing their view that problems in southern Sudan stemmed from internal political issues.

On 21 April [A/52/510], the Sudanese Government and six rebel groups signed a document entitled "The Sudan Peace Agreement", which aimed to bring an end to the civil war that had killed an estimated 1.3 million persons since 1983 and had resulted in the displacement of approximately three times that number. However, the largest rebel faction was not a party to the negotiations on the Peace Agreement. That docu-

ment, enacted into law via a constitutional decree in July [A/52/525], created a coordinating council to administer southern Sudan during a four-year interim period, after which there would be a referendum on self-determination.

The Extraordinary Summit of the Heads of State and Government of the Intergovernmental Authority on Development (IGAD) (Nairobi, 8-9 July) reviewed developments in southern Sudan. In its 9 July communique [S/1997/535], participants (Djibouti, Eritrea, Ethiopia, Kenya, the Sudan, Uganda) expressed concern over the conflict in southern Sudan, and welcomed the acceptance by the Sudan of the Declaration of Principles as the basis for discussions and negotiations. They requested the Chairman of the IGAD peace initiative [YUN 1994, p. 837] to take the necessary measures for a speedy resumption of negotiations, and called on the parties to the conflict to create a conducive environment necessary for resumption of negotiations.

Despite the efforts to find peaceful solutions to the ongoing civil conflict in the Sudan, fighting among the warring parties intensified during the year, further destabilizing the lives of millions of Sudanese civilians (see PART TWO, Chapter III) and exacerbating the humanitarian crisis (see PART THREE, Chapters III and XII).

Sudan-Eritrea

The Sudan, in letters [S/1997/2, 11, 271, 342, 395] to the Security Council in 1997, alleged various military and terrorist actions against it by Eritrea, which it said wanted the destruction of the Government of the Sudan. Eritrea denied those allegations [S/1997/12, 31, 44, 309, 446].

On 4 July [S/1997/517], Eritrea reported to the Council an alleged plot by the Sudan to assassinate the President of Eritrea, Isaias Afwerki. The Sudan responded [S/1997/674] that those allegations had been fabricated in collaboration with Sudanese terrorist elements.

Eritrea, in August and October [S/1997/635, 781], alleged further aggression by the Sudan against Eritrea. On 8 September [S/1997/701], the Sudan responded that Eritrean troops had violated Sudanese territory in April, and denied attacks against Eritrea.

Sudan-Ethiopia

In January 1997, the Sudan alleged Ethiopian aggression against Sudanese territory [S/1997/32], and asked the Security Council to take action. Ethiopia denied the allegations [S/1997/37, 39], stating that the Sudan had acted to destabilize its neighbours, in the form of a call for a jihad

against those States. Ethiopia noted that the Security Council had sought the Sudan's assistance in extraditing to Ethiopia three suspects wanted in connection with the assassination attempt against President Hosni Mubarak of Egypt in Adis Ababa on 26 June 1995 [YUN 1995, p. 412].

On 28 January [S/1997/83], the Sudan claimed that Ethiopian forces had taken hostage 3,000 to 4,000 civilians, mostly women and children. It called for international action, including an official investigation [A/52/73-S/1997/113].

Ethiopia, on 11 February [S/1997/120], charged that the Sudan was deporting Ethiopian refugees and it asked the United Nations High Commissioner for Refugees to resume the repatriation process of the remaining Ethiopian refugees in the Sudan.

Sudan-Uganda

On 13 March [S/1997/223], the Sudan told the Security Council that Uganda had violated the 1996 agreement on the normalization of relations between the two countries [YUN 1996, p. 133] by carrying out an armed attack against the Sudan on 9 March.

On 7 April [S/1997/287], Uganda forwarded a statement issued at the end of quadrilateral talks between Iran, Malawi, the Sudan and Uganda (Entebbe, Uganda, 13-15 March), at which the situation regarding the normalization of relations between the Sudan and Uganda had been reviewed and establishment of a verification team discussed. Uganda alleged that the Sudan had bombed Ugandan territory.

Other questions

Mozambique

In a report dated 25 February 1997 [A/51/807], it was proposed that special arrangements be made to deal with financial obligations to Governments that had provided contingents and/or logistic support for the United Nations Operation in Mozambique (ONUMOZ). ONUMOZ had been launched on 15 October 1992. Following the October 1994 elections and the establishment of a new Government on 16 December 1994 [YUN 1994, pp. 362 & 364], ONUMOZ was terminated on 31 January 1995 [YUN 1995, p. 367].

In a report of 14 November [A/52/680], the Secretary-General provided updated information on the disposition of assets of ONUMOZ. The Operation's inventory as at 30 April 1995 had been valued at \$38.5 million.

On 15 September 1997, the General Assembly, by **decision 51/485**, decided to include in the provisional agenda of its fifty-second (1997) session the item on ONUMOZ.

In **decision 52/456** of 22 December, the Assembly decided that the Fifth (Administrative and Budgetary) Committee should continue to consider that agenda item during the resumed fifty-second session in 1998.

Mayotte

The question of the Comorian island of Mayotte—one of four islands in the Indian Ocean Comoro Archipelago—remained on the General Assembly's agenda in 1997. Although the Islamic Federal Republic of the Comoros acceded to independence from France in 1975, France continued to administer the island of Mayotte.

By **decision 52/435** of 18 December 1997, the Assembly decided to defer consideration of the item on the question of the Comorian island of Mayotte and to include it in the provisional agenda of its fifty-third (1998) session.

Cooperation between OAU and the UN system

In response to General Assembly resolution 51/151 [YUN 1995, p. 416], the Secretary-General submitted a report [A/52/374] on cooperation between the United Nations and the Organization of African Unity (OAU).

The Secretary-General noted that since January 1997 he and the Secretary-General of OAU had discussed the need to build closer ties with a view to enhancing their mutual capacity for preventing and resolving conflicts. An important step in that connection was the appointment of Mohammed Sahnoun as joint United Nations/OAU Special Representative for the Great Lakes Region and the Congo (see above). In January 1997, they agreed to meet twice a year to discuss priority areas of cooperation and to coordinate their efforts.

The first such meeting between the two Secretaries-General and their advisers was held in Harare, Zimbabwe, on 3 June during the annual Assembly of Heads of State and Government of OAU. They met again in New York in October during the General Assembly.

The Secretary-General reviewed cooperation and the exchange of information between the two organizations in the field of peace and security, which involved cooperation by the Department of Political Affairs, the Department of Peacekeeping Operations and the Centre for Human Rights. He also reviewed cooperation in the area

of economic and social development, which involved the Economic Commission for Africa, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Population Fund, the United Nations International Drug Control Programme, the World Food Programme, the United Nations Centre for Human Settlements, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund, the International Fund for Agricultural Development and the United Nations Industrial Development Organization. Cooperation in other areas involved the International Civil Aviation Organization, the Universal Postal Union, the World Meteorological Organization, the International Maritime Organization and the United Nations Office for Outer Space Affairs.

In a 25 September statement [S/PRST/1997/46] (see above, under "Conflict Prevention"), the Security Council welcomed the important contributions of OAU, including through its Mechanism for Conflict Prevention, Management and Resolution, as well as those of subregional arrangements, in preventing and resolving conflicts in Africa. It looked forward to a stronger partnership.

GENERAL ASSEMBLY ACTION

On 24 November [meeting 52], the General Assembly adopted **resolution 52/20** without vote [draft: A/52/L.8] [agenda item 42].

Cooperation between the United Nations and the Organization of African Unity

The General Assembly,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity,

Recalling the provisions of Chapter VIII of the Charter of the United Nations on regional arrangements or agencies, which set forth the basic principles governing their activities and establishing the legal framework for cooperation with the United Nations in the area of the maintenance of international peace and security, as well as resolution 49/57 of 9 December 1994, the annex to which contains the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling also the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity as updated and signed on 9 October 1990 by the Secretaries-General of the two organizations,

Recalling further its resolutions on the enhancement of cooperation between the United Nations and the Organization of African Unity, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1989, 45/13 of 7 November 1990, 46/20 of 26 November 1991, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994, 50/158 of 21 December 1995 and 51/151 of 13 December 1996,

Recalling that, in its resolutions 46/20, 47/148 and 48/25, it, inter alia, urged the Secretary-General and the relevant agencies of the United Nations system to extend their support for the establishment of the African Economic Community,

Recalling also its resolution 48/214 of 23 December 1993 on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s,

Taking note of the resolutions, decisions and declarations adopted by the Council of Ministers of the Organization of African Unity at its sixty-sixth ordinary session, held at Harare from 28 to 31 May 1997, and by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session, held at Harare from 2 to 4 June 1997,

Noting the holding of the ministerial meeting of the Security Council on the situation in Africa on 25 September 1997 and the acceptance of the symbiotic relationship between peace and development,

Considering the important statement made by the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity before the General Assembly on 24 September 1997,

Considering also the important statements made by the Chairman of the Assembly of Heads of State and Government and the Secretary-General of the Organization of African Unity before the ministerial meeting of the Security Council on 25 September 1997,

Mindful of the need for continued and closer cooperation between the United Nations and its specialized agencies and the Organization of African Unity, in particular in the political, economic, social, technical, cultural and administrative fields,

Noting that the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity is developing its capacity in preventive diplomacy,

Noting also the efforts of the Organization of African Unity, and the assistance of the United Nations, to promote the peaceful settlement of disputes and conflicts in Africa and the harmonious continuation of the process of democratization,

Deeply concerned that, despite the policies of reform being implemented by most African countries, their economic situation remains critical and African recovery and development continue to be severely hindered by the persistence of lower-level commodity prices, the heavy debt burden and the paucity of funding possibilities,

Aware of the efforts being made by the Organization of African Unity and its member States in the area of economic integration and of the need to accelerate the process of implementation of the African Economic Community,

Deeply concerned about the gravity of the situation of refugees and displaced persons in Africa and the ur-

gent need for increased international assistance to help refugees and, subsequently, African countries of asylum.

Acknowledging the assistance already rendered by the international community, in particular to refugees, displaced persons and African countries of asylum,

Recognizing the importance of developing and maintaining a culture of peace, tolerance and harmonious relationships in order to contribute to the prevention of conflicts and wars in Africa,

1. Takes note of the report of the Secretary-General on cooperation between the United Nations and the Organization of African Unity and of his efforts to strengthen that cooperation and to implement the relevant resolutions;

2. Notes with appreciation the continued and increasing participation of the Organization of African Unity in the work of the United Nations and the specialized agencies and its constructive contribution to that work;

3. Calls upon the United Nations organs, in particular the Security Council and the Economic and Social Council, to continue to involve the Organization of African Unity closely in all their activities concerning Africa;

4. Welcomes the initiative of the ministerial meeting of the Security Council on the situation in Africa, which took place on 25 September 1997, and awaits the report of the Secretary-General on the sources of conflict in Africa;

5. Also welcomes the fact that both the United Nations and the Organization of African Unity continue to strengthen and broaden their cooperation in measures to prevent and resolve conflict in Africa, and in this regard invites the United Nations to provide the Organization of African Unity with the necessary support for the consolidation and promotion of a culture of peace, tolerance and harmonious relationships in Africa;

6. Calls upon the United Nations to coordinate its efforts and to cooperate with the Organization of African Unity in the context of the pacific settlement of disputes and the maintenance of international peace and security in Africa, as provided for under Chapter VIII of the Charter of the United Nations;

1. Commends the efforts of the Organization of African Unity to strengthen its capacity in the field of conflict resolution and to enhance its Mechanism for Conflict Prevention, Management and Resolution in Africa;

8. Also commends the United Nations and the Organization of African Unity for their ongoing cooperative activities in the resolution of conflicts in Africa, and stresses the need to enhance and strengthen the existing pattern of exchange of information and consultations, especially in the areas of preventive diplomacy, peacemaking and peacekeeping operations;

9. Invites the United Nations to assist the Organization of African Unity in strengthening its institutional and operational capacity in the prevention, management and resolution of conflicts in Africa, in particular in the following areas:

- (a) Establishment of an early-warning system;
- (b) Technical assistance and training of personnel, including a staff exchange programme;
- (c) Exchange and coordination of information between their respective early-warning systems;

(d) Logistical support;

(e) Mobilization of financial support;

10. Urges the United Nations to enhance its cooperation with, and facilitate the participation of, the Organization of African Unity in its preventive diplomacy, peacemaking and peacekeeping operations and in joint fact-finding missions in Africa, by providing technical assistance and secondments and assisting in the mobilization of financial and logistical support;

11. Also urges the United Nations to encourage donor countries, in consultation with the Organization of African Unity, to provide adequate funding and training for African countries in their efforts to enhance their peacekeeping capabilities, with a view to enabling those countries to participate actively in peacekeeping operations within the framework of the United Nations;

12. Notes with appreciation the assistance provided by the United Nations and its agencies to African countries in the context of the democratization process;

13. Urges the United Nations to continue to support the Organization of African Unity in its efforts to manage a peaceful democratic transition in Africa, in particular in the areas of education for democracy, election observation, human rights and freedom, including technical support to the African Commission on Human and Peoples' Rights;

14. Urges all Member States and regional and international organizations, in particular those of the United Nations system, as well as non-governmental organizations, to provide the necessary and appropriate economic, financial and technical assistance to refugees and displaced persons, as well as to the African countries of asylum, taking into account recent disquieting developments in this respect;

15. Commends the continued efforts of the Organization of African Unity to promote multilateral cooperation and economic integration among African States, and requests the United Nations agencies to continue to support those efforts;

16. Stresses that the economic, technical and development assistance provided to Africa by the organizations of the United Nations system must continue, and emphasizes the current need for those organizations to accord priority to Africa in this field;

17. Urges the Secretary-General, Member States, regional and international organizations, in particular those of the United Nations system, and non-governmental organizations to extend their support to the operations of the African Economic Community and to assist in economic integration and cooperation in Africa, in particular the strengthening of the regional economic communities, the preparation of the protocols to the Treaty Establishing the African Economic Community, its popularization and the strengthening of its institutional support;

18. Requests the agencies of the United Nations system working in Africa to include in their programmes at the national and regional levels activities that will enhance regional cooperation in their respective areas and to facilitate the realization of the objectives of the Treaty Establishing the African Economic Community;

19. Calls upon the United Nations agencies to intensify the coordination of their regional programmes in Africa in order to create interlinkages among them and

to ensure the harmonization of their programmes with those of the African regional and subregional economic organizations;

20. Emphasizes the urgency of the need to adopt appropriate measures to ensure the effective implementation of the United Nations New Agenda for the Development of Africa in the 1990s, in particular regarding (a) economic reforms, including the effective mobilization and efficient utilization of domestic resources, (b) promotion of the private sector and foreign direct investment, (c) intensification of the democratic process and the strengthening of civil society, (d) environment and development, (e) resource flows, (f) solution of Africa's debt problem, (g) trade facilitation and market access, (h) diversification of African economies, (i) improvement of physical and institutional infrastructure and social and human resource development and (j) women in development;

21. Urges all States and international subregional and regional organizations actively to implement the recommendations of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the United Nations New Agenda for the Development of Africa in the 1990s, as adopted by the General Assembly at its fifty-first session;

22. Invites the Secretary-General to associate closely the Organization of African Unity with the follow-up and monitoring of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including the conduct of the final review of its implementation in the year 2002;

23. Invites the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and requests that it be given prominence at the annual meeting of the two organizations;

24. Recalls its resolution 48/214, in paragraph 10 of which it invited the Secretary-General to follow up and promote the responses of the United Nations system and the international community to the development

concerns of Africa, as expressed in the United Nations New Agenda for the Development of Africa in the 1990s;

25. Takes note with appreciation of the recommendations of the meetings between the secretariats of the Organization of African Unity and the United Nations, and requests the convening of a follow-up meeting in 1998 to review and evaluate the progress made in the implementation of the recommendations agreed upon at their last meeting and to adopt new and effective joint action;

26. Calls upon the relevant organs of the United Nations system to ensure the effective, fair and equitable representation of Africa at senior and policy levels at their respective headquarters and in their regional field operations;

27. Requests the relevant organs of the United Nations system to continue to assist the Organization of African Unity in strengthening its capacity for information gathering, analysis and dissemination through the training of personnel and the mobilization of technical and financial assistance;

28. Requests the Secretary-General to strengthen and improve follow-up, monitoring and evaluation of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s;

29. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution and on the development of cooperation between the Organization of African Unity and the organizations of the United Nations system.

By an 18 September letter [A/52/465] to the Secretary-General, Guinea-Bissau transmitted the decisions adopted by the Council of Ministers of OAU at its sixty-sixth ordinary session, held in Harare from 28 to 31 May, and the declarations and decisions adopted by the Assembly of Heads of State and Government of OAU at its thirty-third ordinary session, held in Harare from 2 to 4 June 1997.

Chapter III

Americas

In 1997, the United Nations continued to address situations of political, social and economic crisis in Latin America, Central America and the Caribbean.

Throughout Central America, there were efforts to enhance the goals of peace, democratization, reconciliation, development and justice; stability in democratically elected Governments, even in the face of internal difficulties; and the strengthening of democratic institutions and continued efforts to bring military and public security bodies under the control of civilian authorities.

In Guatemala, the United Nations undertook the new verification tasks entrusted to it in the peace accords signed in 1996 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). The United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) had been mandated to verify human rights in accordance with a number of previously adopted human rights agreements.

In Haiti, the United Nations continued its cooperation with the Organization of American States (OAS) through the jointly fielded International Civilian Mission to Haiti (MICIVIH), established in 1993 to verify the observance of human rights and fundamental freedoms, provide institution-building, and support the development of a programme for the promotion and protection of human rights. In July, the United Nations Support Mission in Haiti (UNSMIH) was succeeded by the United Nations Transition Mission in Haiti (UNTMIH)—with a mandate limited to a single four-month period ending on 30 November 1997—to continue to provide assistance to Haiti in the professionalization of the Haitian National Police (HNP). Subsequently, UNTMIH was replaced by the United Nations Civilian Police Mission in Haiti (MIPONUH), with a one-year mandate ending on 30 November 1998 to continue to assist HNP.

In 1997, the General Assembly continued consideration of the United States economic embargo against Cuba. It concluded consideration of the Universal Congress on the Panama Canal,

held in September in Panama City. In October, the Assembly approved observer status for the Andean Community.

Central America

As requested by the General Assembly in resolution 51/197 [YUN 1996, p. 155], the Secretary General in September updated [A/52/344] progress achieved in Central America in the areas of peace, freedom, democracy and development. The report concentrated on the five signatories to the Esquipulas II process [YUN 1987, p. 188] (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua) and, in accordance with the new Central American agenda and the composition of Central American summit meetings, reference was also made to the situation in Panama and in Belize.

The Secretary-General noted the observance, on 7 August 1997 in Guatemala City, of the tenth anniversary of the signing of the Esquipulas II commitments, establishing the "Procedure for a Firm and Lasting Peace in Central America". The civil wars of the 1980s had become a thing of the past, following the signing of the 1996 Agreement on a Firm and Lasting Peace [YUN 1996, p. 168] by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), he stated.

Throughout the region, the Secretary-General said he had observed: efforts to enhance the goals of peace, democratization, reconciliation, development and justice; stability in democratically elected Governments, even in the face of internal difficulties; and the strengthening of democratic institutions and continued efforts to bring military and public security bodies under the control of civilian authorities. However, institutions in the region responsible for public security continued to be confronted by alarming levels of common criminality due to economic and social conditions, combined with difficulties in reintegrating former combatants and those displaced by conflict.

Central America's economic horizon seemed promising in 1997, with growth coming from the

increase in coffee prices and new commitments from the international community in support of the peace processes. Although a 2 per cent rise in regional growth was expected during the year, it would still not allow for a sustained improvement in living standards. The consistently weak growth of non-traditional exports was an important indicator of the need to continue structural change efforts that would permit the diversification of production and markets for Central American products. The Secretary-General stated that the pursuit of policies necessary for macroeconomic stabilization, liberalization of the economy and modernization of the State had done little to alleviate widespread poverty or create employment.

In his review of regional cooperation and integration, the Secretary-General pointed out that further consolidation had taken place in the Alliance for the Sustainable Development of Central America (ALIDES), as called for in the 1994 Declaration of Guacimo, the documents of the 1994 Managua Environment Summit and the 1994 International Conference on Peace and Development [YUN 1994, p. 389]. At their nineteenth summit (Panama City, 10-13 July 1997), the Central American Presidents approved a reform of the System of Regional Integration, aimed at deepening Central American integration in any way that would facilitate the transition from an inter-governmental system to a community system. Other reform proposals called for streamlining the Central American Parliament, the Central American Court of Justice and the Secretariat of Central American Integration. At the twentieth regional summit (Managua, Nicaragua, 2 September), high-level representatives of the Governments of Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras and Panama signed the Nicaragua Declaration, initiating the process of building a Central American Union to further regional integration and better harness their common efforts to attain sustainable development and to meet the challenges of globalization. Positive developments were reported on the issue of territorial disputes. In April, Honduras and El Salvador signed a protocol which guaranteed the rights of property, nationality and land ownership to the inhabitants of the land pockets (bolsones) along their common border. Honduras and Nicaragua in July signed an agreement establishing a binational commission responsible for the creation of a "common interoceanic corridor", and were expected to proceed, according to Honduras, with the demarcation of their frontier in the Gulf of Fonseca.

In terms of extraregional cooperation, the Second United States-Central America Trade and

Investment Forum (Guatemala City, 13 March) welcomed an initiative by the Central American Presidents known as the Regional Project of Competitiveness for Sustainable Development in which Central America could become the hemisphere's commercial axis, assuming the continuation of current regional coordination in the areas of telecommunications, energy, financial services, tourism and agro-industries. The Forum also supported the participation of the private sector in public sector decision-making and the strengthening of relations between private sectors in the United States and Central America.

A meeting of the Permanent Secretariat of the General Treaty on Central American Economic Integration and the Association of Caribbean States in February resulted in a cooperation agreement to identify and promote programmes to seize the commercial and investment potential of the region, as well as an agreement to integrate working groups to support commercial and investment initiatives. The Summit of Presidents of the United States, Central America and the Dominican Republic in May issued the San Jose Declaration, which dealt with corruption, drug trafficking, crime, migration, trade and negotiations on the establishment of a Free Trade Area of the Americas.

The Organization of American States (OAS) continued to contribute to the Central American process, having assumed a leading role on trade issues throughout the Americas. Political dialogue and economic cooperation with the European Union (EU) was enhanced at the San Jose XIII Ministerial Conference (The Hague, Netherlands, 25-26 February), at which EU affirmed its willingness to continue and increase its cooperation with Central America on strengthening the rule of law, and support social policies and the Central American integration process.

As for the United Nations, the Secretary-General reported that the Organization continued to support the countries of Central America in their efforts to consolidate peace, democracy and development. He discussed the UN presence in El Salvador and the peace process in Guatemala (for details, see below). UN assistance through operational activities covered peace and democratic governance, economic and social development and sustainable development of the environment.

The Secretary-General pointed out that Central America was finally without armed conflict for the first time in more than three decades, and noted that the region was in a favourable position to pursue economic growth, social justice and further democratization.

Communications. Guatemala transmitted to the Secretary-General an 8 September letter from its Minister for Foreign Affairs [A/52/394] informing of the creation of the Central American Union, which aimed to enable all Central American social sectors to take full advantage of the region's strategic geographical location, economic potential, ecological wealth and human resources within the new international order, and to confront the challenges of the next millennium.

In a 10 November letter [A/52/677] addressed to the Secretary-General, the Nicaraguan Minister for Foreign Affairs presented what he said were clarifications of some of the issues in the Secretary-General's report regarding the Gulf of Fonseca, namely, the delimitation of the frontier between Nicaragua and Honduras, Nicaragua's rights in the Gulf outside the zone delimited with Honduras, and shared fishing rights in the Gulf.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 76], the General Assembly adopted **resolution 52/176** without vote [draft: A/52/L.31 & Add.1] [agenda item 45].

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

The General Assembly,

Considering the relevant resolutions of the Security Council, particularly resolution 637(1989) of 27 July 1989, and its own resolutions, particularly resolution 43/24 of 15 November 1988, in which it requests the Secretary-General to continue his good offices and to afford the fullest possible support to the Central American Governments in their efforts to achieve the objectives of peace, reconciliation, democracy, development and justice established in the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" of 7 August 1987,

Reaffirming its resolutions in which it recognizes and stresses the importance of international economic, financial and technical cooperation and assistance, both bilateral and multilateral, aimed at promoting economic and social development in the region with a view to furthering and supplementing the efforts of the Central American peoples and Governments to achieve peace and democratization, particularly resolution 50/58 B of 12 December 1995, concerning international assistance to and cooperation with the Alliance for the Sustainable Development of Central America,

Emphasizing the importance of the establishment of the Central American Integration System as the institutional framework having as its main objective to promote a comprehensive integration process, the adoption of the Alliance for the Sustainable Development of Central America, which constitutes the new integrated programme for national and regional development containing the commitments and priorities of the countries of the area for the promotion of political, economic, social, cultural and environmental progress,

the establishment of the subsystem and of the regional social policy, the new model of democratic Central American security and the implementation of other agreements adopted at the presidential summit meetings, which taken together constitute the global frame of reference for maintaining and consolidating the peace process and the basis for a mutually advantageous redefinition of relations between Central America and the international community,

Welcoming the Agreement on a Firm and Lasting Peace signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca on 29 December 1996, whereby all the agreements signed within the context of the peace process and under the auspices of the United Nations came into force, thereby putting an end to the last and most longstanding armed confrontation in the region,

Recognizing the progress made in the fulfilment of the commitments contained in the Guatemala Peace Agreements, implementation of which is being verified by the United Nations Verification Mission in Guatemala, including those relating to the demobilization and reintegration of former combatants into civilian life, the treatment of returnees, the establishment of special commissions, the promotion and protection of human rights and progress with respect to constitutional reforms,

Recognizing with satisfaction the role played by the peacekeeping operations and observer and monitoring missions of the United Nations, which carried out successfully their mandate in Central America pursuant to the relevant resolutions of the Security Council and the General Assembly, respectively,

Welcoming the changes and progress made by the peoples of Central America, whose efforts have brought about, *inter alia*, constitutional reforms, the strengthening and demilitarization of civil society, the creation of new political forms, the holding of free and pluralistic elections, the creation of mechanisms for the protection and promotion of human rights, freedom of expression, the strengthening of democratic institutions and of the rule of law, the execution of judicial reform processes and the adoption of a fairer development model providing greater opportunities for the Central American peoples,

Emphasizing the importance of the end of a critical period in Central American history and the start of a new phase free from armed conflict, with freely elected Governments in each country and with profound political, economic, social and other changes which have created a climate conducive to the promotion of economic growth and further progress towards the consolidation and further development of democratic, just and equitable societies,

Reaffirming that the re-establishment of firm and lasting peace and democracy in Central America is a dynamic and ongoing process that faces serious structural challenges and whose continuation and consolidation are closely related to progress in human development, including the alleviation of extreme poverty, the promotion of economic and social justice, judicial reform, the safeguarding of human rights and fundamental freedoms, respect for minorities and the satisfaction of the basic needs of the most vulnerable groups among the people of the region, issues which have been a primary source of tension and conflict and

which deserve to be discussed with the same urgency and dedication as was the case in the settlement of the armed conflicts,

Emphasizing the joint participation of the presidents of the Central American countries in the general debate at its fifty-second session, during which, in accordance with the commitments undertaken, they reaffirmed their decision and political will to continue doing their utmost to expedite, gradually and progressively, the Central American Union referred to in the Declaration of Nicaragua of 2 September 1997, as a higher expression of the common association called for in the Tegucigalpa Protocol of 12 December 1991,

1. Takes note with appreciation of the report of the Secretary-General;

2. Commends the efforts of the peoples and Governments of the Central American countries to re-establish peace and democracy throughout the region and promote sustainable development by implementing the commitments adopted at the summit meetings, and supports the decision of the presidents that Central America should become a region of peace, freedom, democracy and development;

3. Emphasizes the importance of the global frame of reference and the establishment of national and regional development priorities as the basis for promoting the effective, consistent and sustainable progress of the Central American peoples, and for providing international cooperation in accordance with the new circumstances in and outside the region;

4. Recognizes the need to continue to follow closely the situation in Central America in order to support national and regional efforts to overcome the underlying causes that have led to armed conflicts, avoid setbacks and consolidate peace and democratization in the area, and promote the objectives of the Alliance for the Sustainable Development of Central America;

5. Welcomes the signing of the Agreement on a Firm and Lasting Peace and the entry into force of the other agreements concluded during the peace process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, as well as the progress achieved in implementing those agreements, and urges all sectors of Guatemalan society to combine efforts and work with courage and determination to consolidate peace in keeping with the spirit and letter of the Peace Agreements;

6. Requests the Secretary-General, the bodies and programmes of the United Nations system, and the international community to continue to support and verify in Guatemala the implementation of all the peace agreements signed under United Nations auspices, compliance with which is an essential condition for a firm and lasting peace in that country, and to provide their resolute support for the United Nations Verification Mission in Guatemala in the fulfilment of its mandate;

7. Recognizes the importance of the Central American Integration System as the necessary legal and institutional body for coordinating and harmonizing efforts to achieve economic, social, cultural, environmental and political integration of the Central American countries in accordance with the goals and priorities established by the Governments of the isthmus in order to consolidate peace and democratization, and calls upon the international community, the United

Nations system and other international governmental and non-governmental organizations to provide generous and effective cooperation with a view to improving the competence and efficiency of the Central American Integration System in the fulfilment of its mandate;

8. Encourages the Central American Governments to continue to carry out their historic responsibilities by fully implementing the commitments they have assumed under regional or national agreements, especially the commitments to implement the social programme to overcome poverty and unemployment, establish a more just and equitable society, improve public safety, consolidate a modern and transparent public administration and to eliminate corruption, impunity, acts of terrorism and drug and arms trafficking, all of which are necessary and urgent measures for establishing a firm and lasting peace in the region;

9. Reiterates its deep appreciation to the Secretary-General, his special representatives, the groups of friends for the peace processes in El Salvador (Colombia, Mexico, Spain, United States of America and Venezuela) and Guatemala (Colombia, Mexico, Norway, Spain, United States of America and Venezuela), the support group for Nicaragua (Canada, Mexico, Netherlands, Spain and Sweden), the political dialogue and cooperation with the European Union, and also to other cooperating countries and the international community in general for its support and solidarity in the building of peace, democracy and development in Central America;

10. Reaffirms the importance of international cooperation, in particular cooperation with the bodies, funds and programmes of the United Nations system, and the donor community in the new stage of consolidating peace and democracy in Central America, and urges them to continue to support Central American efforts to achieve those goals, bearing in mind the global framework of the new regional development strategy, which is in keeping with the collective aspirations and needs of the Central American peoples;

11. Requests the Secretary-General to continue to lend his full support to the initiatives and activities of the Central American Governments, particularly their efforts to consolidate peace and democracy through the implementation of a new, comprehensive sustainable development programme and the initiative to establish the Central American Union, and to report to the General Assembly at its fifty-third session on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-third session the item entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

Guatemala

In 1997, the Guatemalan peace process entered a new phase, centred on the implementation of the Agreement on a Firm and Lasting Peace [YUN 1996, p. 168] signed on 29 December 1996 in Guatemala City by the Government of Guatemala and URNG, ending 36 years of war. The Security

Council in January welcomed the Agreement which, it said, put a definitive end to the internal Guatemalan conflict and would foster national reconciliation and economic development.

In a 5 February letter[A/51/796-S/1997/114], the Secretary-General transmitted to the General Assembly and the Security Council the texts of the 1996 Agreement on a Firm and Lasting Peace and the 1996 Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (the Timetable Agreement). Implementation of commitments entered into by the Government and URNG was to take place over a four-year period, from 1997 to 2000, and was divided into three phases.

MINUGUA

The United Nations undertook the new verification tasks entrusted to it under the peace agreements, following the extension, until 31 March 1997, of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA). The General Assembly, by resolution 51/198 A [YUN 1996, p. 168], changed the mandate of the operation, which previously had verified only human rights in accordance with the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407] and the human rights aspects of the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 431]. The verification requirements arising from the Agreement on the Definitive Ceasefire of 4 December 1996 [YUN 1996, p. 168] included verification of the parties' compliance with the ceasefire, separation and concentration of the respective forces, and disarmament and demobilization of former URNG combatants. To assist in monitoring the Definitive Ceasefire Agreement, the Secretary-General had requested the deployment of 155 military observers and requisite medical personnel, to be attached to MINUGUA.

In order to reflect its new mandate, the Mission, which was to subsume the functions performed by the existing United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, was to be called, as from 1 April 1997, the United Nations Verification Mission in Guatemala, while retaining the acronym MINUGUA.

Report of Secretary-General. In response to General Assembly resolution 51/198 A [YUN 1996, p. 168], the Secretary-General in March submitted recommendations [A/51/828] on redesigning the structure and staffing of MINUGUA to fulfil its new responsibilities following the December

1996 signing of the Agreement on a Firm and Lasting Peace.

He outlined the steps taken to implement the peace accords and noted the setting up of a military observer group attached to MINUGUA (see below), the establishment on 5 February of the Commission to Follow up the Implementation of the Peace Agreements and steps to establish the Commission for Historical Clarification (see below, under "Human rights aspects"), which was inaugurated on 31 July 1997.

Regarding the restructuring, the Secretary-General noted that MINUGUA's mandate had been limited to verifying the 1994 Comprehensive Agreement on Human Rights [YUN 1994, p. 407] and the human rights aspects of the 1995 Agreement on Identity and Rights of Indigenous Peoples [YUN 1995, p. 431]. In addition, the Mission carried out relevant institution-building activities.

The restructuring of MINUGUA to carry out broader verification tasks included identifying current Mission members with expertise in the new areas covered by the agreements; training staff to fulfil the new mandate; cooperation with UN agencies with relevant experience; working with United Nations Volunteers; and recruiting local staff. Staff were to operate in five separate verification areas: human rights, indigenous affairs, social, economic and agrarian matters, the strengthening of civilian power and role of the army in a democratic society, and resettlement and integration.

The Secretary-General added that MINUGUA's mandate should be renewed for a further period of one year, until 31 March 1998.

GENERAL ASSEMBLY ACTION

On 27 March [meeting 94], the General Assembly adopted **resolution 51/198 B** without vote [draft: A/51/L.69 & Add.1] [agenda item 40].

The General Assembly,

Recalling its resolutions 45/15 of 20 November 1990, 46/109 A of 17 December 1991, 47/118 of 18 December 1992, 48/161 of 20 December 1993 and 48/267 of 19 September 1994, in which it decided to establish the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and its resolutions 49/137 of 19 December 1994, 49/236 A of 31 March 1995, 49/236 B of 14 September 1995, 50/220 of 3 April 1996 and, in particular, 51/198 of 17 December 1996, in which it decided to authorize the renewal of the mandate of the Mission for a further period of three months, that is, until 31 March 1997, and requested the Secretary-General to submit recommendations on how the structure and staffing of the Mission should be redesigned to enable it to fulfil its new responsibilities after the signing at Guatemala City on 29 December 1996 by the Government of Guatemala and the Unidad Revolucionaria Nacional Gua-

temalteca of the Agreement on a Firm and Lasting Peace,

Recalling also the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994 and all subsequent agreements, in which the parties agreed to request the United Nations to carry out international verification of the peace accords,

Welcoming the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca signed at Guatemala City on 29 December 1996, which, together with the overall package of peace accords signed previously at Madrid, Mexico City, Oslo and Stockholm, put a definitive end to the internal Guatemalan conflict and will foster national reconciliation and economic development,

Encouraged by progress made in the verification of the ceasefire, the separation of forces and the disarmament and demobilization of combatants of the Unidad Revolucionaria Nacional Guatemalteca by the group of military observers whose attachment to the Mission was authorized by the Security Council in its resolution 1094(1997) of 20 January 1997,

Encouraged also by the establishment of the Follow-up Commission, which will oversee implementation of the agreements, and by the preparatory work carried out with a view to the establishment of the historical clarification commission,

Taking into account the note by the Secretary-General transmitting the sixth report of the Director of the Mission,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Acknowledging also the efforts of the Secretary-General, the Group of Friends of the Guatemala peace process, the United Nations system and other international agencies throughout the process that culminated in the signing of the peace agreements,

Recalling the request of the parties that the United Nations verify all the agreements signed by them as reflected in the Framework Agreement and stressed in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements,

Recalling also the letter of the Secretary-General to the President of the General Assembly and the President of the Security Council proposing that a new mission, to be called the United Nations Verification Mission in Guatemala, subsume the functions currently performed by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala,

Having considered the recommendations of the Secretary-General regarding the restructuring of the Mission to enable it to fulfil its new responsibilities and the renewal of its mandate, as contained in his report on the Mission,

1. Welcomes the report of the Secretary-General on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala;

2. Takes note with satisfaction of the sixth report of the Director of the Mission;

3. Commends the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca for their sustained efforts in search of peace, which culminated with the signing of the historic agreement of 29 December 1996;

4. Calls upon both parties to continue to implement fully the commitments they entered into in the Comprehensive Agreement on Human Rights and those in the other agreements that have come into effect with the signing of the Agreement on a Firm and Lasting Peace;

5. Decides to authorize the renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, to be known henceforth as the United Nations Verification Mission in Guatemala, for a further period of one year, that is, until 31 March 1998, to carry out international verification of the peace accords in accordance with the recommendations of the Secretary-General;

6. Requests the Secretary-General to continue to develop appropriate means to identify resources for the Mission within the limits of the approved budget for the current biennium;

7. Also requests the Secretary-General to submit a report to the General Assembly with his recommendations on the structure and staffing of the Mission after 31 March 1998;

8. Invites the international community to intensify its support for peace-related activities in Guatemala, through voluntary contributions to the Trust Fund for the Guatemala peace process established by the Secretary-General and through other mechanisms provided for by the international donor community;

9. Requests the Secretary-General to keep the General Assembly fully informed on the implementation of the present resolution.

Reports of Secretary-General and ACABQ. In response to the General Assembly's March request (resolution 51/198 B), the Secretary-General on 31 October presented recommendations [A/52/554] on the structure and staffing of MINUGUA at the termination of its mandate in March 1998. He stated that an assessment mission had visited Guatemala in September to ensure that the Mission could respond adequately to the demands of the verification process until the end of the year 2000.

Following the recommendations of the assessment mission, it was determined that minor adjustments would need to be made to the Mission's staffing and regional deployment during the 1998-1999 biennium to strengthen its capacity to coordinate its work, attract and retain highly qualified staff, ensure an adequate geographical coverage of the country, address the substantive areas of verification in compliance with its mandate, and ensure adequate liaison with other international institutions and bodies. The Secretary-General estimated the financial requirements, inclusive of support staff and opera-

tional costs for 21 months from 1 April 1998 to 31 December 1999, at \$61 million. He recommended the renewal of MINUGUA's mandate beyond 31 March 1998 until 31 December 1999.

On 2 December [A/52/707], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) made proposals to achieve significant economies and requested that a performance report be presented, by the end of 1998, to allow better monitoring of MINUGUA resources.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 76], the General Assembly adopted **resolution 52/175** without vote [draft: A/52/L.19/Rev.1 & Add.1] [agenda item 45].

United Nations Verification Mission in Guatemala

The General Assembly,

Recalling its resolutions 51/198 B of 27 March 1997, in which it decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala for one year, that is, until 31 March 1998, and 51/198 C of 31 July 1997, in which it encouraged the two parties and all sectors of Guatemalan society to join efforts for the implementation of the second phase of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, until 31 December 1997,

Taking into account the note by the Secretary-General transmitting the seventh report on human rights of the United Nations Verification Mission in Guatemala,

Taking into account also the report of the Secretary-General relating to progress achieved by Central American countries in the areas of peace, freedom, democracy and development,

Having considered the report of the Secretary-General on the work of the Mission and the recommendations therein, which are aimed at improving its capacity to respond adequately to the demands of the verification process during the biennium 1998-1999,

Encouraged by the efforts of the parties and sectors of Guatemalan society in support of the peace agreements,

Acknowledging the support given to the Mission by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca,

Acknowledging also the support and improved coordination on the part of the international community for the programmes and projects deriving from the peace agreements,

Recalling the request of the parties that the duration of the mandate of the Mission should be the same as that of the Implementation, Compliance and Verification Timetable for the Peace Agreements, namely four years, from 1997 to 2000,

1. Takes note with satisfaction of the report of the Secretary-General on the United Nations Verification Mission in Guatemala;

2. Welcomes the seventh report on human rights of the Mission;

3. Welcomes also the report of the Secretary-General relating to progress achieved by Central American

countries in the areas of peace, freedom, democracy and development;

4. Calls upon the parties to continue to implement the commitments they entered into in the Comprehensive Agreement on Human Rights and those in the other peace agreements, in particular, those contained in the second phase of the Implementation, Compliance and Verification Timetable for the Peace Agreements;

5. Urges the parties and all sectors of Guatemalan society to strengthen further the efforts towards consensus building, reconciliation and development, with particular attention to the most vulnerable sectors of society;

6. Decides to authorize the renewal of the mandate of the Mission from 1 April to 31 December 1998;

7. Requests the Secretary-General to submit an updated report to the General Assembly at its fifty-third session, with his recommendations on the structure and staffing for the Mission after 31 December 1998;

8. Invites the international community to continue its support for peace-related activities in Guatemala, *inter alia*, through voluntary contributions to the Trust Fund for the Guatemala peace process established by the Secretary-General;

9. Requests the Secretary-General to keep the General Assembly fully informed of the implementation of the present resolution.

Military Observer Group

A Military Observer Group was deployed for a three-month period—from 3 March to 27 May 1997—to verify the Agreement on the Definitive Ceasefire.

SECURITY COUNCIL ACTION (January)

On 20 January [meeting 3732], the Security Council unanimously adopted **resolution 1094(1997)**. The draft [S/1997/49] was prepared in consultations among Council members. Prior to adopting the text, the Council considered a 1996 report of the Secretary-General [YUN 1996, p. 168] and a January position paper [S/1997/53] submitted by China on the authorization of the deployment of UN military observers in Guatemala by the Council.

The Security Council,

Expressing its full support for the peace process in Guatemala,

Noting the fact that the peace process in Guatemala has been monitored by and under the auspices of the United Nations since 1994,

Noting the letter to the President of the Security Council dated 20 January 1997 from the Permanent Representative of China to the United Nations,

Recalling the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994 and all subsequent agreements, in which the parties agreed to request the United Nations to carry out international verification of the peace accords,

Acknowledging the efforts of the Secretary-General, the Group of Friends of the Guatemala Peace Process, the international community, the United Nations system and other international agencies in support of the peace process,

Taking note of the report of the Secretary-General of 26 November 1996 on the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala, which states that verification measures related to the agreement on the definitive ceasefire signed at Oslo on 4 December 1996 would involve inter alia the deployment of United Nations military personnel,

Taking note also of the report of the Secretary-General of 17 December 1996 outlining the measures necessary for the verification of the agreement on the definitive ceasefire and the addenda to this report of 23 and 30 December 1996, and noting that the ceasefire will enter into force on the date the United Nations mechanism is in place with full operational capacity,

Welcoming the agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca which were signed at Guatemala City on 29 December 1996 and which, with the overall package of peace accords signed in Madrid, Mexico City, Oslo and Stockholm, put a definitive end to the Guatemalan internal conflict and will foster national reconciliation and economic development,

1. Decides, in accordance with the recommendations contained in the report of the Secretary-General of 17 December 1996, to authorize for a three-month period the attachment to the United Nations Mission for the Verification of Human Rights and Compliance with the Comprehensive Agreement on Human Rights in Guatemala of a group of 155 military observers and requisite medical personnel for the purposes of verification of the agreement on the definitive ceasefire, and requests the Secretary-General to notify the Council no later than two weeks before the operation is to begin;

2. Calls upon both parties to implement fully their commitments under the agreements signed in Guatemala City and to cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of combatants of the Unidad Revolucionaria Nacional Guatemalteca, as well as commitments under the other agreements in the overall package of Peace Accords;

3. Invites the international community to continue its support for the peace process in Guatemala and, in particular, for the implementation of the agreements referred to in paragraph 2 above;

4. Requests the Secretary-General to keep the Council fully informed on the implementation of the present resolution and to report on the conclusion of the military observer mission.

Brigadier-General José B. Rodríguez Rodríguez was named as Chief Military Observer of the Military Observer Group [S/1997/91]. Jean Arnault was appointed as Special Representative of the Secretary-General and Head of MINUGUA [A/51/794-S/1997/106].

On 11 February [S/1997/127], the Secretary-General proposed that military observers and medical personnel be provided by Argentina, Australia, Austria, Brazil, Canada, Ecuador, Germany, India, Norway, the Russian Federation, Singapore, Spain, Sweden, Ukraine, the United States, Uruguay and Venezuela. On 14 February, the Council agreed with his proposal [S/1997/128].

On 13 February, the Secretary-General informed the Council that the verification mission would begin on 3 March [S/1997/123].

SECURITY COUNCIL ACTION (March)

On 5 March, at a meeting of the Security Council [meeting 3744], its President made a statement [S/PRST/1997/9] on behalf of the Council:

The Security Council recalls its resolution 1094(1997) of 20 January 1997 and takes note of the report of the Secretary-General on its implementation.

The Council welcomes the deployment on 3 March 1997 of the group of United Nations military observers attached to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala for the purposes of verification of the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca signed at Oslo on 4 December 1996.

The Council recalls its constant support for the peace process in Central America, which it has expressed since the adoption of its resolution 530(1983) of 19 May 1983. It reaffirms its full support for the peace process in Guatemala.

The Council reiterates its call in resolution 1094(1997) that both parties implement fully their commitments under the agreements signed in Guatemala City on 29 December 1996 and cooperate fully with the verification of the ceasefire, separation of forces, disarmament and demobilization of combatants of the Unidad Revolucionaria Nacional Guatemalteca, as well as the commitments under the other agreements in the overall package of Peace Accords.

The Council will remain actively seized of the matter.

Mission conclusion

Report of Secretary-General. As requested by the Security Council in resolution 1094(1997), the Secretary-General in June reported [S/1997/432] on the conclusion of the military observer mission.

Of the 155 authorized personnel, 132 military observers were deployed to the mission area from Argentina, Australia, Brazil, Canada, Ecuador, Norway, the Russian Federation, Spain, Sweden, Ukraine, the United States, Uruguay and Venezuela. In addition, 13 medical personnel from Austria, Germany and Singapore had served in

the Mission. The Secretary-General reported that on 21 February the Military Observer Group had been deployed to six verification centres (Finca Sacol, Finca Claudia, Finca Las Abejas, Tululché, Tzalbal, Mayalán) responsible for monitoring the eight URNG assembly points. Two sector headquarters and a main headquarters were set up to provide command and control.

The formal ceasefire entered into force on 3 March 1997, the date on which the Secretary-General had informed the Security Council that the operation could begin. Until then, the parties maintained the informal ceasefire that had been observed since 19 March 1996 [YUN 1996, p. 167]. The Secretary-General noted that the success achieved in the ceasefire process was due to the international community, which had provided its resources and experience to demobilize URNG combatants.

The Secretary-General described the separation of forces between the Guatemalan Army and URNG, which was carried out through the establishment of two concentric areas around each URNG assembly point. Regarding disarmament, he stated that, as former combatants concentrated at the assembly points, their weapons, munitions, explosives, mines and related military equipment had been registered and handed over to the UN military observers for storage in special containers and explosive dumps. In accordance with the 1996 Agreement on the Definitive Ceasefire, URNG members were allowed to retain their personal weapons until their final mobilization. Although demining was not foreseen in the Agreement, URNG helped to identify and clear all its minefields. However, the presence of unexploded ordnance, including grenades, bombs and mortar rounds, still posed a risk to the population in some areas.

The demobilization of URNG was carried out according to the phased approach established in the Agreement, with demobilization certificates issued to each former combatant upon leaving the assembly point. On 14 May, URNG weapons, munitions and equipment, as well as the lists of destroyed explosive devices, were delivered to the Ministry of the Interior of Guatemala; that act signalled the completion of the Military Observer Group's mandate. The Group's repatriation began on 17 May. A rear party remained until 27 May, when the last observers left Guatemala.

The Secretary-General commented that the exemplary manner in which the Agreement had been implemented was a testimony to the determination of the Government and URNG to end the bitter armed conflict.

SECURITY COUNCIL ACTION

At a Security Council meeting on 22 May [meeting 3780], the President made a statement [S/PRST/1997/28] on behalf of the Council:

The Security Council welcomes the successful conclusion of the military observer mission attached to the United Nations Verification Mission in Guatemala, in accordance with resolution 1094(1997) of 20 January 1997, to verify the agreement on the definitive ceasefire between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca signed at Oslo on 4 December 1996. The Council commends the Secretary-General, his Special Representative, the Chief Military Observer and other dedicated personnel of the United Nations who have contributed to this undertaking. The Council further welcomes the full compliance of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca with the terms of the definitive ceasefire.

The Council commends both parties for the progress made in the implementation of the Peace Accords to date, in particular for the establishment of the Follow-Up Commission, which will oversee the implementation of the agreements, and for steps taken towards the establishment of the Historical Clarification Commission. The Council reiterates its call for both parties to continue to implement fully their commitments under the agreements signed in Guatemala City on 29 December 1996 as well as the commitments under the other agreements in the overall package of Peace Accords signed in Madrid, Mexico City, Oslo and Stockholm.

The Council reaffirms its full support for the peace process in Guatemala. The Council expresses its confidence that the Special Representative of the Secretary-General, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, and the international community will continue their support for the peace process in Guatemala and, in particular, for the implementation of the peace accords.

Financing of Military Observer Group

Reports of Secretary-General and ACABQ. In a 3 March report [A/51/815], the Secretary-General presented a proposed budget for the deployment and operation of the Military Observer Group of MINUGUA for the period from 15 February to 31 May 1997.

Revised estimates were later presented to ACABQ, which on 11 March reported [A/51/826] that for 142 military observers, 13 military medical personnel and 30 supporting civilian staff at six verification team sites, the General Assembly should approve \$4 million gross (\$3,956,300 net) for the period, inclusive of \$3 million already authorized under the terms of Assembly resolution 49/233 A [YUN 1994, p. 1338]. ACABQ also accepted the Secretary-General's recommendation

to establish a special account for the Military Observer Group.

GENERAL ASSEMBLY ACTION

On 3 April [meeting 95], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/844], adopted **resolution** 51/228 without vote [agenda item 165].

Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala

The General Assembly,

Having considered the report of the Secretary-General on the financing of the Military Observer Group of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1094(1997) of 20 January 1997, in which the Council authorized the attachment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala of a group of one hundred and fifty-five military observers and requisite medical personnel for a period of three months,

Recognizing that the costs of the Observer Group are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Observer Group, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Group with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Military Observer Group of the United Nations Verification Mission in Guatemala in full and on time;

3. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

4. Requests the Secretary-General to take all necessary action to ensure that the Observer Group is administered with a maximum of efficiency and economy;

5. Also requests the Secretary-General to establish a special account for the Observer Group in accordance with paragraph 15 of his report;

6. Decides to appropriate the amount of 4 million United States dollars gross (3,956,300 dollars net) for the operation of the Observer Group for the period from 15 February to 31 May 1997, inclusive of the amount of 3 million dollars gross (2,949,300 dollars net) already authorized by the Advisory Committee on Administrative and Budgetary Questions under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

7. Decides also, as an ad hoc arrangement, to apportion the amount of 4 million dollars gross (3,956,300 dollars net) for the period from 15 February to 31 May 1997 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 43,700 dollars approved for the Observer Group for the period from 15 February to 31 May 1997;

9. Invites voluntary contributions to the Observer Group in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

10. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala".

On 15 September [meeting 107], the Assembly, by **decision** 51/486, decided to conclude consideration of the item entitled "Financing of the Military Observer Group of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala", after being informed that an item entitled "Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala" had been included in the provisional agenda of its fifty-second (1997) session.

On 22 December [meeting 79], the Assembly, on the recommendation of the Fifth Committee [A/52/46], adopted **decision 52/456**, by which it decided that the Committee should continue to consider the item on the financing of the Military Observer Group at the resumed fifty-second session in 1998.

Verification of compliance

The Secretary-General in June [A/51/936] reported on the results of the Mission's verification of fulfilment of the commitments covered under the first phase (15 January-15 April 1997) of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (the Timetable Agreement). That Agreement did not include general and ongoing commitments, such as the general commitment to human rights and other commitments set forth in the 1994 Comprehensive Agreement on Human Rights. The Secretary-General's report covered only verification aspects of the Comprehensive Agreement included in the Timetable Agreement.

The Secretary-General stated that in the Peace Agreements the parties had established a comprehensive, long-term agenda for Guatemala, which, as indicated in the preamble to the Timetable Agreement, was intended to overcome the causes of social, political, economic, ethnic and cultural conflict, as well as the consequences of the armed conflict. The Timetable Agreement identified basic criteria governing implementation of the agenda, including the need to: rationalize the human and material resources available in each phase; stagger implementation of fundamental components of the Agreements to avoid dissipating governmental and non-governmental efforts; emphasize the establishment of the consultation machinery provided for; establish the necessary institutional, legal or financial basis; and promote the participation of social sectors in meeting their needs and in establishing public policies concerning them.

To facilitate implementation of the Peace Agreements, the Timetable Agreement provided for the establishment of a Follow-up Commission, set up by Governmental Agreement 83-97 of 3 February. Both parties were equally represented in the body, which also included four citizens from different sectors of society, a Congressional representative and the Head of MINUGUA. It was reported that the Commission reviewed bills drafted by the Government to ensure their consistency with the Peace Agreements; used its good offices to overcome difficulties in the work of commissions established under the Agreements; rescheduled commitments when neces-

sary; and, on 3 June 1997, submitted a progress report on the peace process.

The Secretary-General also described the work of subsidiary commissions and compliance with the commitments under the first phase of the timetable. Regarding the 1994 Comprehensive Agreement on Human Rights, the Government complied with the commitment that compensation for and/or assistance to victims of human rights violations should be coordinated by the Peace Secretariat (SEPAZ), which had been designated as the State agency responsible for government policy for those matters. SEPAZ had proposed a compensation programme which the Mission felt was generally consistent with the Comprehensive Agreement. The Presidential Human Rights Commission (COPREDEH), charged with bringing together relevant non-governmental organizations (NGOs) to discuss the proposal, was to start work in June. The Mission believed that the consultation process under COPREDEH, combined with recommendations expected from the Clarification Commission, was the best way to respond to the needs of victims within the country's financial possibilities.

In reviewing compliance under the 1994 Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (the Resettlement Agreement) [YUN 1994, p. 407], the Secretary-General noted: the Technical Commission for the Resettlement Agreement had drafted amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict to solve documentation problems of uprooted population groups and demobilized URNG members; government submission of a report on the availability of land for resettlement; the inception, on 26 March, of the mine-clearance programme; support to the fund to finance projects and programmes for the resettlement of uprooted population groups, established by the United Nations Development Programme (UNDP); revision of an education plan for the uprooted population; and expedition of operational aspects of the return process, including the beginning of operations in June of a government office in Comitán, Chiapas, Mexico.

Under the 1994 Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer [YUN 1994, p. 407], the constitution of the Clarification Commission was completed on 22 February. The Mission stated that it intended to continue to support the Commissioners (see below, under "Human rights aspects").

As to the 1995 Agreement on Identity and Rights of Indigenous Peoples, compliance was

evident in government agreements establishing the Commission for the Official Recognition of Indigenous Languages, the Commission on Holy Places and the Joint Commission on Education Reform. In addition, legislative proposals relating to indigenous peoples had been submitted to the Congress of Guatemala, including a bill on the treatment of ethnic discrimination as a crime, a definition of sexual harassment, and amendments to the Code of Penal Procedure concerning certain aspects of customary law.

Measures to comply with the 1996 Agreement on Social and Economic Aspects and the Agrarian Situation (the Agreement on Social and Economic Aspects) [YUN 1996, p. 165] were reflected in a government report on legislative reforms carried out in 1996 to enforce labour laws, which included ratification of International Labour Organization Convention No. 169 [YUN 1989, p. 917], dealing with indigenous and tribal peoples; approval of trade union statutes and membership; and the creation of eight labour and social welfare courts of first instance. The report stated that, in order to fulfil the commitment to penalize severely violations of labour laws, the Ministry of Labour and Social Welfare's enforcement capacity, through its labour inspection services, must be strengthened, and the legislative agenda of the second phase of the timetable should include the legal or regulatory reforms required for that purpose. The Government submitted the National Civic Education Programme for Democracy and Peace, intended for schoolchildren.

A Ministry of Finance report on fiscal policy commitments contained in the Agreements emphasized that government fiscal policy was geared to meeting the target of increasing the tax burden by 50 per cent so that it reached 12 per cent of gross domestic product by 2000, as stipulated in the Peace Agreements. In March, the Government submitted a bill on the establishment of a Tax Administration Superintendency, fulfilling the commitment to strengthen institutional mechanisms for tax collection and auditing. Concerning the commitment to promote the convening of a women's forum, the Timetable Agreement's failure to stipulate convening procedures caused controversies that delayed its implementation. Through the good offices of the Follow-up Commission, a Coordinating Commission for the Women's Forum was established in May to decide on its agenda and organization.

The commitment to expand participation in the National Agricultural Development Council was reflected in the inclusion of a number of different sectors. The verification process showed that the functions and terms of reference of the Council were not adequately well known, the

Secretary-General reported. Hence, there was a need for more publicity and for prompt issuance of the regulations governing admission. Although the Government reported on steps taken to establish and adapt political and institutional coordination mechanisms and to modernize the land registry system, land surveying in pilot areas had not yet started. The Government had worked towards the establishment of a Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, including a survey of the types of disputes that existed and the appointment of members of the Board of Directors. In addition, a body had been created to coordinate government policies for compliance with the commitments relating to land. In April, the Government submitted a rural development public investment programme totalling 737.9 million quetzales for the year, exceeding the amount provided for in the Agreement on Social and Economic Aspects.

Concerning socio-economic aspects, URNG expressed concern at economic and social measures, the sale of State assets and the approval of legal provisions which might contradict the provisions of the Agreements. Several commitments corresponding to the Agreement on Social and Economic Aspects, scheduled for the second phase of the timetable, were already being implemented, among them, those relating to the establishment of the Land Trust Fund, the broad-based banking institution for rural credit and its land trust, the implementation of measures to reduce the cost of medicines and the incorporation of the priorities of the Peace Agreements into the guidelines for the preparation of the preliminary draft national budget.

In compliance with the 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (the Agreement on the Strengthening of Civilian Power) [YUN 1996, p. 167], the Government established the Commission on the Strengthening of the Justice System. Although the Commission's composition was consistent with the provisions of the Agreement, it was considered that there was an imbalance in the representation of State institutions of the justice sector, as the Public Prosecutor's Office had only one representative, the judiciary was represented by four judges, and the Public Defender's Office was not represented. The Guatemalan Congress adopted the National Civil Police (PNC) Act, which was sent to the Follow-up Commission so that it could examine the draft regulations for consistency with the Peace Agreements. The PNC Act and regulations concerning the disciplinary regime were considered by a technical body set up by the Follow-up

Commission and comprising government, URNG and MINUGUA representatives. Regarding proposed regulations governing training at the Policy Academy, it was necessary to clarify the Academy's role in selecting, training and evaluating future police personnel to guarantee the objectivity and impartiality of admission procedures. The Government took corrective measures related to concerns that police personnel involved in human rights violations were being admitted to retraining courses; the Secretary-General stressed the importance of the commitment to purify and professionalize the security forces. With regard to the commitment to demobilize the Voluntary Civil Defence Committees (CVDCs), the Congress repealed the decree creating them in late 1996 [YUN 1996, p. 167], and former CVDC members no longer had any organic relationship with the armed forces. As to the commitments included in the second phase of the timetable, the Working Group on the Civic Service Act decided to present its preliminary bill in August 1997.

The 1996 Agreement on Constitutional Reforms and the Electoral Regime [A/51/776-S/1997/51] contained a series of proposals for constitutional reform focusing on the recognition of the identity and rights of indigenous peoples, the Congress of Guatemala, the judiciary, PNC, the armed forces and the functions of the President of the country. The Follow-up Commission gave its opinion on the text of the Government's reform proposal and made recommendations aimed at ensuring its compatibility with the Agreement. The executive branch presented draft constitutional amendments to the Congress in May and commitments in that regard had been fulfilled. The Supreme Electoral Tribunal established the Electoral Reform Commission, which adopted an open-ended agenda of 15 items related to matters dealt with in the Agreement and invited interested organizations and individuals to submit proposals or request hearings by 15 May. As of that date, the Commission had received 22 proposals. In addition, it began consideration of the agenda items that had constitutional implications.

To comply with the 1996 Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca [A/51/776-S/1997/51], which outlined a comprehensive programme for the integration of URNG members into society, the Government set up the Special Integration Commission. The Commission was overseeing the implementation of an emergency plan which covered the period up to 3 August and met the needs of demobilized combatants in the

areas of education, vocational guidance and training and other areas provided for in the Integration Agreement. URNG complied with the commitment to transmit to the verification authority lists of members subject to the demobilization process and not subject to one, whether resident in Guatemala or elsewhere. As required by the Agreement, the Mission continued to pay attention to the issue of government security for URNG members. In other action, URNG carried out an assessment of vocational guidance and training needs in camps for demobilized combatants; a plan was drawn up which included epidemiological monitoring, basic sanitation and medical care; information-gathering was carried out to locate the families of former combatants; and legal procedures were expedited to establish the Guillermo Toriello URNG Integration Foundation. The Mission and the Follow-up Commission shared the view that a solution needed to be found to the objection, by authorities of a cooperative, that the return of demobilized combatants to it was unfair to cooperative members.

Other commitments were noted in the government distribution of 20,000 copies of the Peace Agreements and the Mission's efforts to publicize and explain them.

The Secretary-General noted that there was a perception in some sectors that the Peace Agreements and their implementation involved a process whose benefits, particularly political benefits, would be felt only by the Government and URNG. Another concern was that unless the implementation of the Agreements had a tangible impact on the daily lives of the most needy sectors, it could cause disillusionment and arouse scepticism. To confront those difficulties, the Secretary-General stressed: promoting a better understanding of the prospects offered by the Agreements and fuller information about the implementation process; paying attention to the impact of compliance in rural areas and among traditionally neglected rural communities; and ensuring that implementation continued to create opportunities for broad sectors of the population to take on definite responsibilities to manage their own affairs and for the peace process as a whole.

GENERAL ASSEMBLY ACTION

On 31 July [meeting 105], the General Assembly adopted **resolution 51/198 C** [draft: A/51/L.75 & Add.1] without vote [agenda item 40].

The General Assembly,

Recalling its resolution 51/198 B of 27 March 1997, in which it extended the mandate of the United Nations Verification Mission in Guatemala until 31 March 1998,

Welcoming the timely implementation of the Agreement on the Definitive Ceasefire,

Having considered the report of the Secretary-General relating to verification of the peace accords,

1. Welcomes the report of the Secretary-General on the United Nations Verification Mission in Guatemala;
2. Takes note with satisfaction of the progress made so far in the implementation of the peace accords;
3. Commends the Government of Guatemala, the Unidad Revolucionaria Nacional Guatemalteca and the Guatemalan people, institutions and organizations for their participation in the implementation process;
4. Encourages the two parties and all sectors of Guatemalan society to join efforts for the implementation of all steps provided for in the second phase of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, until 31 December 1997;
5. Reiterates its full support for the comprehensive agenda of democratic, equitable and multicultural development included in the accords, and invites the international community to continue cooperating in the establishment of the most favourable conditions for its realization;
6. Requests the Secretary-General to keep the General Assembly fully informed about the implementation process in the light of the present resolution.

Report of Secretary-General. As requested by the Assembly, the Secretary-General issued a report [A/52/757] on the monitoring of commitments under the first phase (15 January-15 April 1997) of the timetable outlined by him in February [A/51/796-S/1997/114], and of commitments whose implementation was scheduled for the second phase, ending in December 1997. It also provided information on whether measures taken by the Government were consistent with general commitments in the Agreements for which there was no timetable.

The 1994 Comprehensive Agreement on Human Rights contained two commitments subject to the implementation timetable, the first of which called for a programme of compensation for and/or assistance to victims of human rights violations. SEPAZ approached the relevant organizations for their input but received only two proposals. The second commitment was to improve the technical and material conditions of the Office of the Counsel for Human Rights. The Secretary-General said it was doubtful that the budget approved for 1998 was sufficient, despite being 10 per cent over that for 1997. Since MINUGUA's objectives included strengthening human rights institutions, it had started talks with the Counsel to identify areas where it might increase its cooperation with the Office.

In connection with the 1994 Resettlement Agreement, some 3,500 people had returned to Guatemala in 1997, fewer than in previous years, which was an indication that the return process,

begun in 1992, was nearing completion. In addition, some 6,000 Guatemalan refugees in Mexico desired to return. In order to speed up that process, government and refugee representatives signed an agreement in September to complete the registration of applicants for an organized return by 29 December 1997. As to internally displaced persons, land was being purchased for their resettlement. However, while the funds available for land purchase were considered adequate, difficulties remained due to the absence of a reliable registry, the market's lack of transparency and, in some cases, a lack of flexibility in intersectoral negotiations. It was suggested that the commitment to conduct further studies on the availability of land be rescheduled or amended. Progress was made regarding commitments on personal documentation for the uprooted population. The new Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict included facilities for the replacement of local identity cards, reversal of the burden of proof, the use of ordinary books for registration records and simplification of application procedures. The Technical Commission for the Implementation of the Resettlement Agreement (CTEAR), assisted by the Office of the United Nations High Commissioner for Refugees, was implementing a documentation programme in 21 municipalities in return areas. CTEAR submitted to the Ministry of Education studies on the recognition of the educational qualifications of the uprooted population and educational outreach workers. Government and international cooperation agencies were carrying out projects on the productive integration of the uprooted population, which was closely linked to the implementation of a comprehensive rural development strategy.

Under the 1994 Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer, the Clarification Commission on 1 September launched its maximum deployment phase, gathering testimony throughout the country through four regional and 10 local offices backed by mobile teams. It was cause for concern, the Secretary-General said, that while URNG had gradually cooperated in the investigations, replies had been slow and incomplete, access had been restricted and the documents provided were not key elements of military operations.

Implementation of the 1995 Agreement on Identity and Rights of Indigenous Peoples had had a very positive catalytic effect on indigenous participation and on Guatemalan society's willingness to reflect on its multicultural dimension.

There was a steadily growing indigenous presence in areas and forums of national life. State institutions showed a growing interest in meeting the real need for a multicultural, multilingual justice system by recruiting bilingual officials to the Public Defender's Office, the Public Prosecutor's Office and the judiciary. Court interpreters of indigenous languages were being trained for the Public Prosecutor's Office; existing research in the field of customary law was being evaluated; courses on the multi-ethnic, multicultural and multilingual character of Guatemala were included in the Police Academy curriculum; and the Office of the Counsel for Human Rights had initiated a process of consultations with indigenous organizations aimed at strengthening the Office in that area. The Joint Commission on Educational Reform had defined the key elements for designing the reform. The Commission for the Official Recognition of Indigenous Languages was evaluating proposals for the regional recognition of indigenous languages and the official recognition of a Maya national language. The Commission on Holy Places developed the categories for defining holy places and drafted a proposal on institutional methods of preserving and protecting them. The Joint Commission on Land Rights, installed on 10 July, was analysing agrarian legislation. The Joint Commission on Reform and Participation, established on 8 September, was discussing its rules of procedure. Steps had been taken to establish of the Office for the Defence of Indigenous Women's Rights, and efforts made to reserve radio frequencies for indigenous cultural projects.

Regarding the 1996 Agreement on Social and Economic Aspects, improvements were recorded in 1997 in Guatemala's economic and financial situation: domestic production of goods and services rose, inflation fell to single-digit levels and there was relative financial and exchange-rate stability. However, factors which reinforced a belief among vast segments of the population that the country's economic and social situation had deteriorated included: the precarious situation of thousands of families engaged in subsistence farming; the high rates of unemployment and under-employment; the erosion of the purchasing power of wages in 1997 as a result of overall price increases; the lag in adjusting nominal wages to past inflation; the adoption of measures that would affect consumption in 1998, such as fuel price increases; and the fact that there was no widespread improvement in basic public services, despite increases in public spending. There was an urgent need to implement a strategy aimed specifically at improving the distribution of the benefits of growth while preserving macro-

economic stability, as a prerequisite for ensuring the sustainability of the peace process.

Efforts towards State reform had yielded some positive results, including: the adoption of a new Budget Act which conformed to the general thrust of the Peace Agreements; adoption of a new act governing the executive branch; and the amendment of the Purchasing and Procurement Act. As to the commitment to provide adequate funding for the council system, the Mission welcomed the 22 per cent increase for the 1998 budget of the Solidarity Fund for Community Development which was implementing the council system. However, it viewed with concern the continuing low level of activity of the development council system, which was an essential instrument for ensuring truly participatory development.

There had been delays in establishing and implementing the national municipal training programme, which was crucial for the implementation of decentralization policies and for social participation, because of coordination problems between the Institute of Municipal Development and the National Association of Municipalities and because of a lack of domestic funding. Concerning the professionalization of public servants, a proposal for a new civil service act was considered at open forums, but had not been submitted to the Follow-up Commission. The Women's Forum, established in November, provided a national mechanism designed specifically for women, in which all linguistic and multi-sectoral departmental communities were represented.

With regard to fiscal policy, the Government made efforts to implement the commitments to increase social spending and taxation and had begun to implement fiscal reform aimed at increasing tax revenues and enhancing the efficiency of public spending. Efforts were made to expand the tax base and strengthen tax administration, and measures were taken to stiffen the penalties for tax evasion, avoidance and fraud. In the area of tax revision, the commercial and agricultural enterprise tax was introduced, taxes on fuel and non-domestic air travel were increased, and the Act on a Single Property Tax and the Act on the Alcoholic and Other Beverages Sales Tax were amended. Although the taxation target for 1997 was met, it was a matter for concern that the 1998 target was 9.7 per cent, lower than the 10 per cent provided for in the Peace Agreements; and fulfilment of spending commitments included in the Agreements was overly dependent on the revenues anticipated from new fiscal measures, meaning that failure to meet taxation targets would jeopardize fulfilment of those commit-

ments. The approved fiscal package also did not promote restructuring of the tax burden towards a universally progressive tax system, as envisaged in the Agreements.

In the spending area, the Mission noted government allocation for social services representing some 50 per cent of the total budget for 1998. Agricultural and rural development activities were consistent with the goals laid down in the timetable. The rural development investment programme emphasized water and environmental sanitation, major and minor roads, electrification and production projects. Progress was reported on the establishment of the Land Trust Fund to provide funding for land and projects; the bill setting it up was scheduled to be presented to Congress in early 1998. The Presidential Office for Legal Assistance and Dispute Settlement in Land Matters had begun work in June and had received requests to deal with 134 land disputes. The Mission noted that the procedures needed to define compensation formulas in land disputes and claims had not been established, and it suggested that the Follow-up Commission reschedule that commitment. With regard to the land registry and land surveying, the proposal for the necessary legislative changes was under consideration. The Government had initiated coordination and negotiation with sources of bilateral and multilateral cooperation for the financing of the national land survey and for launching it in pilot areas during the first half of 1998.

During 1997, the Government carried out a major reorganization of the social ministries, adopting new work methods or ministerial structures in such areas as health and housing. The budget approved for the education sector and the support provided met the financial targets of the Agreements. It was recommended that programmes relating to out-of-school training in communities and enterprises in rural areas should be stepped up during the third phase of the timetable (in 1998). The situation with regard to worker organization in general remained precarious and might be considered a reason for the drop in the number of applications for recognition of trade union organizations.

The Government continued to implement the commitments in the 1996 Agreement on the Strengthening of Civilian Power relating to the judiciary, public security, and troop reduction and demobilization, but had not taken action on the Advisory Council on Security, State intelligence bodies, a new Arms and Munitions Act and a Civil Service Act, as well as the new territorial deployment of the armed forces. With regard to legal reforms, the process of drafting a law on a career judiciary was well advanced. The Commis-

sion on the Strengthening of the Justice System was working on its opinions on a career judiciary; the use of oral proceedings in all trials; the separation of administrative and jurisdictional functions in the system of justice; the distribution of financial resources; the content of a law on a judicial civil service; and corruption and intimidation in the justice system. The Act establishing the Public Defender's Office in Criminal Matters was adopted in December and was in line with the requirements of the Agreement. Efforts were under way to strengthen the Judicial Training School, but a lack of coordination and uniform criteria between the Training Unit of the Public Prosecutor's Office and the bodies responsible for supervision were undermining the objective of enhancing the professional qualifications of prosecutors.

Fulfilment of the commitments regarding public security was facing special difficulties. The Government had opted for a strategy combining rapid retraining of members of existing security forces with the training of new police. The Mission had submitted to the Government its evaluation of the retraining courses, in which it reiterated the need to improve selection procedures and the retraining courses. The fulfilment of the commitment to provide adequate wages to police was contributing to the improvements in PNC activity. A project to remedy the lack of physical facilities and weapons and adequate communication systems, funded by the EU in the amount of some \$34 million, was to begin in early March 1998. Government deployment of graduates from the first basic course for newly recruited PNC personnel was to begin in early 1998. As for establishing and installing an Advisory Council on Security to help the Government implement an integral concept of security, the Follow-up Commission agreed to the Government's request that that take place during the first quarter of 1998. The package of measures relating to the State's intelligence capacities included the establishment of a Strategic Analysis Secretariat attached to the Office of the President and of a Civil Intelligence Department in the Ministry of the Interior, and the ratification of laws providing for parliamentary oversight of intelligence bodies, regulating the classification or declassification of information relating to national security and characterizing the crime of maintaining illegal files and records. Commitments relating to the armed forces that were fulfilled in 1997 included: a 33 per cent troop reduction; disbanding of the CVDCs and the Mobile Military Police; the redeployment of military units on the basis of external security needs; a re-

duction in the military budget; and the conversion of military facilities and units to civilian use.

With regard to the commitments relating to the performance of the legislative branch, the Technical and Legislative Support Committee of the Congress, set up as a multi-party forum for enhancing, modernizing and strengthening the legislative branch, drafted a comprehensive amendment to the Act on the Rules of Procedure of the Congress.

Regarding the 1996 Agreement on Constitutional Reforms and the Electoral Regime, the draft constitutional amendments put forward by the executive branch were being analysed in the Congressional Committee on Legislative Issues and Constitutional Reform. Institutions such as the Commission on the Strengthening of the Justice System, the Supreme Court of Justice, the Public Prosecutor's Office, the Bar Association, universities, political parties, indigenous organizations and various NGOs made proposals to the Commission.

As to the 1996 Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca, in the integration phase, scheduled to last until 3 May 1998, the Special Integration Commission approved programmes of training, incorporation into the labour force and into production, and health. Funding was also approved for education, vocational training, return of URNG members living abroad, health emergencies, visits to family members, a gender perspective and ways of publicizing the Agreement. In addition, the Commission approved and funded the stay in four temporary hostels of some 450 demobilized combatants who had nowhere to go. Some 87 per cent of demobilized combatants obtained their primary documentation. Elements fundamental to integration, such as land, housing and production projects, had recently begun to materialize for the hostel population. However, delays in the implementation of the integration programme had caused some difficult situations and discouragement among demobilized URNG members. That situation, coupled with the continuing uncertainty about the future financing of the integration programme, was cause for concern. On 30 August, URNG was transformed into a political party, and the process of registering the number of members required by the Electoral Act was under way.

In his observations on the overall fulfilment of the commitments, the Secretary-General noted that, despite the efforts made in 1997, important commitments would have to be rescheduled to the third phase of the timetable, in 1998, including the compensation programme for victims of human rights violations; the reform and

strengthening of the system of development councils; the creation of an agrarian and environmental jurisdiction; the reform of intelligence bodies; the establishment of a career civil service; and the redeployment of the armed forces to meet the needs of national defence. The issue of taxation was particularly crucial for the third phase, as there were concerns that the measures envisaged for adoption would not make it possible to meet the target set in the Agreements. The lack of public safety and the persistence of economic and social difficulties continued to undermine popular support for the peace process, with no immediate solution to either problem. Efforts to meet the public's expectations should be redoubled, with attention focused on areas where the social debt was most pressing, promoting a better understanding of the prospects offered by the Agreements, and increasing the opportunities for participation at various levels, so that the public would identify more closely with the content of the Agreements.

Consolidating the peace process in 1998 would mean building on the changes already made and intensifying action by the public administration in support of the peace agenda. It would also mean drawing more fully on the State and social actors involved, the Secretary-General concluded.

Human rights aspects

By a 13 June letter [A/51/927], the Secretary-General informed the President of the General Assembly that the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer, known as the Commission for Historical Clarification, was preparing for its official inauguration. The Commission had been established in 1994 [YUN 1994, p. 407] after an agreement between Guatemala and URNG.

The Secretary-General also transmitted a letter of 20 May from Commission members addressed to the international community in Guatemala, the Government and NGOs appealing for funds, together with a brief summary of the body's structure, budget and operating procedures. The Secretary-General called on Member States to respond generously to the appeal. They did so and the Commission was formally inaugurated on 31 July 1997.

By a 10 September note [A/52/330], the Secretary-General transmitted the seventh report on human rights, covering Mission activities from 1 January to 30 June 1997.

He said that MINUGUA had begun to verify compliance with all agreements included in the Agreement on a Firm and Lasting Peace, and

had continued verification of the 1994 Comprehensive Agreement on Human Rights and of the human rights aspects of the 1995 Agreement on Indigenous Rights.

Concerning verification of the rights accorded priority under the Comprehensive Agreement, a steady drop had been recorded in the number of violations by public officials of the human rights that the Agreement considered of prime importance. The Mission's admission for verification of a total of 182 complaints concerning 1,503 alleged violations reflected a decline in the number of complaints admitted, as did the number of allegations to which they referred. The sharpest decline was found in violations of the right to life, to integrity and security of person and to individual liberty, which indicated, in the Mission's view, a decrease in the number of violations committed by State agents. Most of the complaints admitted concerned alleged violations of the right to due process, with 73 concerning 447 allegations and accounting for 40.1 per cent of the total. The Mission admitted 44 complaints (24.18 per cent) relating to the right to life, of which the largest number (23) referred to extrajudicial executions or deaths in violation of legal guarantees. The 508 alleged violations involving an excessive use of force were verified, with most taking place on 5 June in San Pedro Saquetepéquez, San Marcos, in an incident involving a large-scale police search of business premises for contraband, which had been marked by an excessive number of police officers involved, an abuse of authority and a lack of proportion between the aim of the operation and the degree of force used. An overall declining trend was evident in allegations of torture and violations of the right to individual liberty and of political rights. However, there continued to be violations of certain procedural guarantees when individuals were brought to trial, particularly of the right to be tried within a reasonable period of time. There were also numerous cases where the right to have a suitable interpreter had been affected because of the shortage of translators. The Mission continued the verification of due process in the proceedings of investigations of illegal burials. Although it had not received complaints about the violation of the right to freedom of movement and residence, it found that the exercise of those freedoms had been jeopardized in some cases relating to freedom of association or assembly. With regard to the right to freedom of expression, the Mission received complaints of acts of intimidation directed at reporters, which remained in the pre-verification stage.

Under the commitment to strengthen institutions for the protection of human rights, the veri-

fication process revealed the development of a stronger judiciary and Public Prosecutor's Office. A preliminary bill on a career judicial service was completed, the number of courts within and outside the capital had increased, and the Supreme Court had raised the salaries of judges and magistrates. The Public Defender's Office also grew stronger by instituting a competitive exam for the hiring of staff and establishing a pilot Unit for Minors. The Public Prosecutor's Office aimed to increase its efficiency in investigating crime and to enhance its presence in and proximity to the rural population and marginal areas. It approved the holding of a competitive exam for all currently employed prosecutors, but amended its regulations to enable any persons who had not taken the exam, or who had not passed it, to continue carrying out their functions, but without being part of the career service. In addition, the Office had not adopted a final decision regarding a system for monitoring the activities of prosecuting agents and assistants.

With regard to the Office of the Counsel for Human Rights, the Comprehensive Agreement committed the Government to continue supporting its strengthening. However, the Counsel's 1997 budget request was reduced and approved in an amount equal to its 1996 budget, a sum which the Mission believed was insufficient for the Counsel to carry out his mandate efficiently. MINUGUA continued to provide technical assistance to the Office of the Counsel.

Regarding the commitment against impunity, most unlawful acts committed still went unpunished by the law. Most violations were not the acts of URNG members or of the Army or people linked with the Army, but of officials of the National Police, the Public Prosecutor's Office and the judiciary. The Mission had carefully studied the National Reconciliation Act, which had been introduced by the Government and approved by the Congress, and was of the view that the Act was sufficiently restrictive to make it compatible with action to combat impunity and respect for the right of victims to the truth and compensation.

As to the commitment that there were no illegal security forces or clandestine structures, and the commitment to continue with the purification and professionalization of the security forces and regulation of the bearing of arms, the Mission had found cases where, as part of the campaign against organized crime, forces made up of members of the President's General Staff participated in anti-kidnapping operations which, apart from violating due process, might have been counter-productive in relation to the Government's fight against impunity. In addition, the illegal proliferation of firearms among pri-

vate individuals continued to be a problem that affected the crime rate and weakened control over the possession and bearing of arms called for in the legislation in force.

Regarding the commitment to safeguard and protect individuals and entities working for the protection of human rights, the Mission admitted a small number of complaints about alleged violations committed against human rights activists.

The Mission noted that discriminatory situations persisted concerning the rights of indigenous peoples, particularly in connection with effective access to the justice system and the safeguarding of due process, as was manifest in violations concerning the right to have translators in court and respect for the world-view of the Maya culture as a guarantee of due process, taking into account ethnic, cultural and multilingual diversity.

The seventh report also contained statistical data describing the categories of human rights violations and the number of complaints admitted, as well as the number of violations alleged, verified and confirmed.

El Salvador

In a July report [A/51/917] on the current status of the implementation of the 1992 Peace Agreement [YUN 1992, p. 222] between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), the Secretary-General stated that the peace process had generated conditions that provided the basis for the gradual consolidation of democracy within the country.

By 1997, El Salvador had been largely demilitarized, the armed FMLN structure had disappeared and its combatants had been reintegrated into civilian life; the armed forces were reduced and respected the changes in their role as called for under the peace accords. The peace process had also allowed for democratic participation, with no national sector taking refuge in or supporting violence as a form of political action, the Secretary-General said.

Reconciliation, evident in the climate of healthy political rivalry among political leaders, would be on shaky ground if social policies to reduce poverty gradually were not implemented, the Secretary-General declared. The development of the National Counsel for the Defence of Human Rights, the consolidation of the National Civil Police (PNC) and the presence of an independent Supreme Court of Justice were major achievements.

The Secretary-General recommended constituting the democratic public security model established in the peace accords as El Salvador's national policy. In other recommendations, he urged that the National Public Security Council welcome initiatives, criticisms and proposals from civilians and their organizations; that the faithful application of the legal framework of PNC be encouraged; that closer coordination between the National Public Security Academy and PNC be promoted; that measures be adopted to allow PNC agents and officials to live among civilians; that recruitment policies provide the police with professional personnel; and that efforts continue to strengthen the capacity of PNC for investigation, especially of organized crime.

He further proposed that the National Counsel for the Defence of Human Rights continue to consolidate itself as a nationwide institution. As to the administration of justice, he advocated the vetting of corrupt or ineffective judges and officials, the expedition of processing criminal cases, and the introduction of special procedures against organized crime; approval of reforms for the decentralization of the functions of the Supreme Court of Justice; and ensuring that police actions were coordinated with those of others engaged in implementing criminal justice.

All involved in the implementation of the land transfer programme (PTT) should bring it to a close as swiftly as possible to provide security of tenure to all beneficiaries. The approval and implementation of electoral reforms was a fundamental requirement for the 1999 presidential elections, and legislation to provide compensation to victims of human rights violations and their families should be approved.

The Secretary-General concluded that the assessment of the peace process, as set out in his report, indicated that the implementation of the accords was at a sufficiently advanced stage for him to recommend the closure of the support unit for his envoy in El Salvador at the conclusion of its mandate on 30 June 1997. He proposed the appointment of two international Professionals and two local consultants as a unit under the administrative umbrella of UNDP for a six-month period to follow up on outstanding elements of the peace accords.

GENERAL ASSEMBLY ACTION

On 31 July [meeting 105], the General Assembly adopted **resolution 51/199 B** [draft: A/51/L.76 & Add.1] without vote [agenda item 40].

The General Assembly,

Recalling its resolutions on the situation in Central America and, in particular, resolution 51/199 A of 17 December 1996, by which it, inter alia, decided that the

responsibilities of verification and good offices entrusted to the United Nations should be executed through periodic visits to El Salvador by a high-level envoy from Headquarters, who would keep the Secretary-General informed on a regular basis, and that the envoy would be assisted for a period of six months in the discharge of those responsibilities by a small support unit in El Salvador, working with the administrative support of the United Nations Development Programme,

Having considered the report of the Secretary-General containing an assessment of the peace process in El Salvador,

Paying tribute to the efforts that have been made by the people of El Salvador to achieve the general objectives of the peace process established by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional as contained in the Geneva Agreement of 4 April 1990,

Paying tribute also to the contribution made by the various United Nations missions in El Salvador; the United Nations Observer Mission in El Salvador, the Mission of the United Nations in El Salvador and the United Nations Office of Verification in El Salvador, as well as the support unit and the envoy of the Secretary-General to the implementation of the peace accords in El Salvador,

Welcoming the progress made in the past five years towards a society characterized by democracy, the rule of law and respect for human rights,

Acknowledging with gratitude the contributions of Member States that have made available personnel and voluntary funding to the support unit for the envoy of the Secretary-General in El Salvador and to technical assistance projects in support of the peace process,

1. Welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process;

2. Urges all concerned to continue working together to complete the implementation of the peace process in El Salvador without delay;

3. Decides that, taking into account the recommendation contained in the report of the Secretary-General, the support unit for his envoy in El Salvador should be closed down as a separate entity, as it has concluded its mandate;

4. Welcomes the proposal of the Secretary-General to assign two international Professionals and two local consultants as a unit under the administrative structure of the United Nations Development Programme, for a period of six months, funded by the available balance under the Trust Fund for the Mission of the United Nations in El Salvador, to follow up on the outstanding elements of the peace accords, while the verification and good offices responsibilities of the Organization would continue to be carried out from Headquarters;

5. Emphasizes the importance of the continued co-operation of the various agencies, offices and programmes of the United Nations system active in El Salvador in the consolidation of the peace process;

6. Calls upon Member States and international institutions to maintain their political, technical and financial support to the efforts of the Government and people of El Salvador to promote peace, freedom, democracy and development in that country;

7. Requests the Secretary-General to keep it informed of further developments in the implementation of the peace process in El Salvador, as he deems appropriate.

In accordance with the Assembly's request in **resolution 51/199 B**, the Secretary-General, by a letter of 15 December [A/52/731], informed the Assembly of developments in implementing the peace accords during the period from 1 July to 10 December 1997.

The Secretary-General focused on the implementation of the outstanding elements of the peace accords in the socio-economic area, including PTT, the programme to transfer rural human settlements to their current occupants, the Fund for the Protection of the Wounded and War-Disabled, and the transfer of lands in excess of the constitutional limits of 245 hectares.

In PTT, a solution was found for one third of the 900 beneficiaries whose cases were outstanding on 1 July 1997. The Secretary-General urged that efforts be made to ensure that similar solutions were found for the remaining beneficiaries. Of greater concern was the rural human settlements programme, in which substantial advances had been made only in negotiations with the properties' owners. Implementation of other stages of the programme had been slow. The Secretary-General proposed that agreement be reached between the Lands Bank and the National Registry Centre to establish mechanisms aimed at facilitating the inscription of titles and purchase of properties. Concerning the Fund for the Protection of the Wounded and War-Disabled, the possibility of extending Fund benefits to all potential beneficiaries included in the 1993 census as family members of dead combatants remained obstructed by the shortcomings of legislative decree 1040. The Secretary-General noted the reluctance of the Salvadorian Institute for Agrarian Transformation to accept the findings of UN-sponsored investigations into properties alleged to exceed the 245 hectares limit and hoped that the political will necessary to address the issue would be forthcoming.

In consideration of the remaining aspects of the accords, the Secretary-General recommended maintaining the support unit (see above) for an additional six months in the reduced form of one international staff member and one local consultant and the continuation from Headquarters of the UN verification and good offices functions.

On 18 December [meeting 76], the General Assembly, by **decision 52/436**, took note of the Secretary-General's letter.

Financing of UN Observer Mission

On 15 September [meeting 107], the General Assembly adopted **decision** 51/482, which concluded its consideration of the financing of the United Nations Observer Mission in El Salvador. The Mission, established by Security Council resolution 693(1991) [YUN 1991, p. 149] to monitor all agreements concluded between the Government of El Salvador and FMLN, was liquidated in 1995 [YUN 1995, p. 427].

Haiti

In 1997, the United Nations continued to assist Haiti in establishing an environment in which security and basic freedom could prevail, building on the support it had provided since 1993 to restore democracy and accelerate economic recovery. United Nations assistance had facilitated presidential, legislative and local elections, the observance of human rights, and the training and monitoring of a national police force.

In 1997, the development of the Haitian National Police (HNP) into a professional force continued to be slow and uneven. The economy remained in the doldrums, a situation worsened by the resignation in June of Prime Minister Rosny Smarth, following considerable political turmoil and social unrest.

The three-year-old United Nations Mission in Haiti (UNMIH) had been succeeded in mid-1996 by the United Nations Support Mission in Haiti (UNSMIH), which had a mandate to advance the professionalization of HNP, national security, institution-building and economic reforms. UNSMIH was replaced by the UN Transition Mission in Haiti (UNTMIH) in August 1997, which was to continue to assist in raising standards for the national police.

On 28 November, the Security Council established the UN Civilian Police Mission in Haiti (MIPONUH), which was to cooperate closely with the joint UN/OAS International Civilian Mission in Haiti (MICIVIH), which had been established in 1993 largely to promote respect for human rights.

UN Mission in Haiti

Final disposition of assets

In March 1997, the Secretary-General reported [A/51/764/Add.1] on the final disposition of assets of the United Nations Mission in Haiti (UNMIH). Es-

tablished in 1993 [YUN 1993, p. 349], that Mission was succeeded on 1 July 1996 by the United Nations Support Mission in Haiti (UNSMIH) [YUN 1996, p. 177]. The inventory value of UNMIH assets on 30 June 1996 was \$32.3 million, 78 per cent of which was transferred to UNSMIH.

ACABQ in April [A/51/861], reported that it considered the Secretary-General's report inadequate and incomplete and that its objective should have been to indicate the final disposition of mission assets, classifying all assets approved for the Mission since its inception in the same categories and in the same detail as when they were budgeted and approved. It also believed that there had been a lack of expertise during the liquidation phase of the Mission and lack of clear and comprehensive instructions on the disposition of assets for mission personnel.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/637/Add.1], adopted **resolution 51/14 B** without vote [agenda item 134].

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Haiti, the relevant reports of the Board of Auditors and the Office of Internal Oversight Services and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1048(1996) of 29 February 1996, in which the Council extended the mandate of the Mission for a final period of four months, to 30 June 1996, as well as all previous resolutions of the Council on the Mission,

Recalling also its decision 48/477 of 23 December 1993 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/14 A of 4 November 1996,

Reaffirming that all necessary action should be taken to ensure that the Mission is administered with a maximum of efficiency and economy,

Reaffirming also that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission by certain Governments,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to meet its outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Mission in Haiti as at 15 May 1997, including the contributions outstanding in the amount of 11 million United States dollars, representing 3 per cent of the total assessed contributions from the inception of the Mission to the period ending 31 July 1996, notes that some 73 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Expresses its concern about problems with procurement practices and assets management in the Mission as pointed out in the reports of the Board of Auditors and the Office of Internal Oversight Services and in the report of the Advisory Committee, and requests the Secretary-General to report to the General Assembly at its fifty-second session on the measures taken to address the problems raised in those reports;

7. Decides that, for Member States that have fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 7,022,800 dollars gross (6,840,300 dollars net) for the period from 1 March to 30 June 1996 shall be credited to those Member States;

8. Decides also that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 7,022,800 dollars gross (6,840,300 dollars net) for the period from 1 March to 30 June 1996 shall be set off against their outstanding obligations;

9. Takes note of the report of the Secretary-General on the final disposition of the assets of the Mission;

10. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Mission in Haiti".

On 22 December [meeting 79], the Assembly, by **decision 52/456**, decided that the Fifth Committee should continue consideration of item 132 on the financing of UNMIH at the resumed fifty-second session in 1998.

UN Support Mission in Haiti

Report of Secretary-General (March). In accordance with Security Council resolution

1086(1996) [YUN 1996, p. 183], the Secretary-General in March [S/1997/244] reported on developments in Haiti, as well as on the activities of UNSMIH, including recommendations on reductions in the Mission and on the nature of a subsequent international presence.

UNSMIH, in 1996 [YUN 1996, p. 177], had succeeded UNMIH [YUN 1993, p. 349]. The mandate of UNSMIH, extended by the Security Council in resolution 1086(1996) until 31 May 1997, was to assist in the professionalization of HNP; help maintain a secure and stable environment; and support the coordination of UN system activities to promote institution-building, national reconciliation and economic rehabilitation

The Secretary-General reported that since November 1996 violence and unrest had continued, fuelled by persistent high levels of unemployment, a rising cost of living, impatience at the slow pace of change, and attempts by certain sectors of society to profit politically from the growing frustration and discontent of the populace. Despite steady progress by HNP, common crime was on the rise, with increased levels of gang warfare and drug trafficking. In other areas, the reintegration of demobilized soldiers into civilian life remained difficult; the forced repatriation of undocumented Haitians from the Dominican Republic and the ongoing electoral process were also sources of tension. Preparations for legislative elections, scheduled for 6 April and 25 May, continued to lag, due to divisions within the ruling Lavalas movement (comprising the Lavalas Political Organization (OPL) headed by Prime Minister Rosny Smarth) and the Fanmi Lavalas, founded by former President Jean-Bertrand Aristide. Technical problems also threatened to mar the polling itself. A number of electoral councils had been questioned as to their composition and impartiality. Disaffection vis-a-vis the elections, compounded by inadequate public education, had led to fears that violence could increase before and after the polling days, as had happened in similar circumstances before, the Secretary-General stated.

In accordance with its mandate, UNSMIH had an authorized strength of 300 civilian police and 500 troops. In addition, the military element included another 800 personnel financed by voluntary contributions from the United States and Canada; that force was deployed only in the Haitian capital of Port-au-Prince, which it patrolled on a 24-hour basis. In addition, air and land patrols were conducted regularly throughout the country in support of the civilian police element and HNP and to deter acts of destabilization.

UNSMIH engineers had renovated five police stations, improved the Port-au-Prince airport

and resurfaced roads. Civilian police continued to provide HNP with training in its day-to-day work, including community policing, and with technical advisory assistance at the central and departmental levels. The Secretary-General noted that, regrettably, many HNP agents had not taken full advantage of the instruction offered.

In January, UNSMIH civilian police and MICIVIH completed a second comprehensive study of Haiti's criminal justice system, which revealed that HNP had made significant progress over the past six months. Although problems continued to exist, advances were recorded in establishing a chain of command; there were departmental directors and every major police station was headed by a Commissaire. Salaries were being paid more regularly; basic equipment had been provided; radio links were in place between departmental headquarters and HNP headquarters in Port-au-Prince; and better cooperation had been established with the judiciary. Compliance with basic professional and ethical standards was monitored, with investigations into wrongdoing by HNP agents. Some municipal security forces had engaged in thuggery and disintegrated into warring factions; others continued to function. Elsewhere, private groups had assumed police functions outside the HNP chain of command.

Progress towards crafting a comprehensive plan to overhaul the justice system was slow; alleged crimes were not being investigated, nor were wrongdoers prosecuted in a professional manner.

On the positive side, the EU had provided funding for three years for a commission to lead the judicial reform process and a National Penal Unit had been created to deal with major human rights abuses. While prison guards had been trained, they were in short supply. Most prisons in the provinces remained inadequate. Access to medical care, water and sanitary facilities had improved.

Acceleration in Haiti's economic sector, expected in the first quarter of 1997, had not materialized, owing to the failure to launch infrastructural projects and the continuing reluctance of private investors. High unemployment, coupled with stagnant income and an inflation rate of 17 per cent, promoted disillusionment and discontent. Efforts continued towards the privatization or modernization of State-owned enterprises.

The Secretary-General recommended a long-term programme of support for Haiti by the international community; long-term technical support to reform the justice system; and extension of the UNSMIH mandate for a final time until 31 July 1997 to ensure the continued institutional

development of HNP. Member States should contribute to the voluntary fund, established by the Secretary-General in accordance with Council resolution 975(1995) [YUN 1995, p. 442] to assist in the creation of an adequate police force. The fund—which financed a technical assistance programme to promote institution—building and to ensure continuity for UN efforts following the Mission's departure—was being transferred to the United Nations Development Programme (UNDP). The Secretary-General stated that, in view of current uncertainties in the country and in the light of consultations, it would be premature to present specific recommendations on the nature of a subsequent international presence in Haiti.

Financing of UNSMIH

In a March report [A/51/825], the Secretary-General estimated the UNSMIH budget until the end of its mandate and for its liquidation, from 1 July 1997 to 15 March 1998, at \$14,530,000 gross (\$13,917,400 net). ACABQ recommended that the General Assembly approve that amount [A/51/861].

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/51/638/Add.2], adopted **resolution 51/15 B without vote** [agenda item 157].

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Support Mission in Haiti, the related report of the Advisory Committee on Administrative and Budgetary Questions and the reports of the Board of Auditors and the Office of Internal Oversight Services,

Recalling Security Council resolution 1063(1996) of 28 June 1996, by which the Council established the United Nations Support Mission in Haiti, and the subsequent resolutions by which the Council extended the mandate of the Support Mission, the latest of which was resolution 1086(1996) of 5 December 1996,

Recalling also its resolution 51/15 A of 4 November 1996 and its decision 51/459 of 18 December 1996 on the financing of the Support Mission,

Reaffirming that the costs of the Support Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decision regarding the fact that, in order to meet the expenditures caused by the Support Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Support Mission by certain Governments,

Noting that the assessed contributions to the Special Account for the United Nations Support Mission in Haiti will cover only direct and indirect costs associated with the five hundred contingent personnel and the three hundred civilian police authorized by the Security Council in its resolution 1086(1996),

Mindful of the fact that it is essential to provide the Support Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Support Mission in Haiti as at 15 May 1997, including the contributions outstanding in the amount of 19 million United States dollars, representing 39 per cent of the total assessed contributions from the inception of the Support Mission to the period ending 31 May 1997, notes that some 36 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Support Mission in full and on time;

5. Endorses the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions, the Board of Auditors and the Office of Internal Oversight Services;

6. Approves, on an exceptional basis, the special arrangements for the Support Mission with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Support Mission shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Support Mission is administered with a maximum of efficiency and economy;

8. Decides to appropriate the amount of 15,091,000 dollars gross (14,478,400 dollars net) for the maintenance of the Support Mission for the period from 1 July 1997 to 15 March 1998, inclusive of the amount of 561,000 dollars for the support account for peacekeeping operations, to be apportioned among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20

July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Support Mission beyond 31 May 1997;

9. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 612,600 dollars approved for the Support Mission for the period from 1 July 1997 to 15 March 1998;

10. Invites voluntary contributions to the Support Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

11. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Support Mission in Haiti".

ANNEX

Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account for the United Nations Support Mission in Haiti until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

In October [A/52/512], the Secretary-General presented a revised budget for the maintenance of UNSMTH amounting to \$4,653,400 gross (\$4,433,800 net).

UN Transition Mission in Haiti

On 31 July, the Security Council decided to establish the United Nations Transition Mission in

Haiti, to continue support for the professionalization of the Haitian National Police.

Report of Secretary-General (July). The Secretary-General on 19 July [S/1997/ 564] reported on the situation in Haiti, taking into account a visit, from 10 to 13 July, to the country by Under-Secretary-General for Peacekeeping Operations Bernard Miyet; earlier discussions by the Secretary-General's Special Representative with the Government; and the views of the group of Friends of the Secretary-General for Haiti.

The Secretary-General stated that since March a number of developments had created additional uncertainties in Haiti. Fewer than 10 per cent of the electorate were believed to have cast ballots in the first round of legislative elections in April for seats in the Senate, the Chamber of Deputies and local assemblies. Furthermore, the Electoral Observer Mission of OAS, which monitored the process at the Government's request, had stated that the integrity of the elections had been tarnished due to irregularities, procedural shortcomings and controversies.

Of particular concern was the decision by the Provisional Electoral Council (CEP) not to include blank ballots in the counting of the absolute majority, as mandated by Haitian electoral law. That had resulted in outright victories for two Senate candidates from the Fanmi Lavalas, the political party of former President Jean-Bertrand Aristide. One, a former police adviser to President Aristide who had failed to be ratified in late 1995 by the Senate as Chief of Police, was declared elected in the south-east, with 50.13 per cent of the vote. That had caused a stand-off between the two main Lavalas political parties, and one subsequently refused to participate in the second round unless the results of the first round were re-examined and corrective measures taken. A third party had withdrawn just days prior to the second round. Despite unsuccessful attempts by the international community to help the parties find common ground, the balloting was postponed and not rescheduled. On 9 June, Prime Minister Rosny Smarth of OPL announced the resignation of his Government, stating that he had been hamstrung by tensions within the ruling coalition and lamenting certain developments surrounding the elections.

The Secretary-General said that in-fighting within the Lavalas movement had slowed government operations and hindered progress in the country's transition to democracy, as well as in economic reforms on which the release of foreign assistance was largely conditioned. The 1996-1997 budget was adopted on 6 May, more than seven months into the fiscal year, resulting in the loss of significant foreign aid.

The recent security situation had been characterized by continuing unrest, largely as a result of the country's economic situation and lack of improvement in living conditions, as well as factionalism within the ruling Lavalas movement. Frustrations over deteriorating living conditions posed greater demands on the police, which had nevertheless performed well. Wide access to weapons and new and more sophisticated forms of organized crime were also a challenge for HNP. Increasing illegal traffic, particularly in drugs and vehicles, was a growing concern, as was gang warfare.

Despite an agreement between Haiti and the Dominican Republic, forced repatriation of undocumented Haitians from the Dominican Republic continued, although at a slower pace than before.

The Secretary-General stated that the military element of UNSMIH continued to be deployed in Port-au-Prince, providing logistical and operational support for the first round of elections, and protection for the National Palace and the residence of former President Aristide.

UNSMIH civilian police were deployed in 10 detachments in the provinces, and five more in Port-au-Prince, and continued to accompany HNP officers in their day-to-day activities. Training continued in the areas of civic education, community policing, conflict resolution, marksmanship, human rights and police work, driving, immigration and narcotics.

A study by UNSMIH in May concluded that HNP had made significant advances, despite some serious shortcomings. Numerous vacancies remained at senior levels, and HNP's capacity to manage human and material resources was the weakest link in its institutional development, a situation worsened by scarcity of funds. Progress had been made in installing a telecommunications system, but little improvement took place in the areas of maintaining records or establishing a database of staff and equipment. There were a large number of allegations of breaches of proper police procedures, abuse of authority and human rights violations. There were some allegations of extrajudicial executions by HNP and 18 officers had been dismissed.

As Haiti's justice sector had not kept pace with developments in public security, both the police and the population at large were occasionally taking matters into their own hands, the Secretary-General reported. Support was provided by Canada, France and the United States to promote judicial reform.

Private investors remained cautious—increasing only in the service and residential construction sectors—even though the inflation rate had

declined to 10 per cent and the exchange rate was stable. Unemployment and underemployment were estimated at some 70 per cent. Development cooperation efforts remained strong and, despite a slowdown in disbursements, there were substantial additional commitments by international financial institutions and by multilateral and bilateral donors.

The Secretary-General hoped for the success of the "Haiti 2012" initiative, sponsored by UNDP, by which some 30 development objectives to be attained in 15 years in the economic, social and institutional sectors were to be identified by 250 Haitian participants.

The Secretary-General recommended that the Security Council examine the issue of maintaining UN support of HNP for a four-month period after UNSMIH's departure. A new mission could be established, to be known as the United Nations Transition Mission in Haiti (UNTMH), to support the Haitian authorities in the further professionalization of HNP. Civilian police would number 250 and military staff 50. If UNTMIH were deployed, the termination of the peacekeeping mandate on 30 November 1997 would not mean the termination of UN involvement in Haiti. A follow-on presence to provide advice and active support in public security and judicial reform, as well as human rights monitoring, would still be required.

Haiti, in a 20 July letter [S/1997/568] to the Secretary-General, asked that the UNSMIH mandate be extended until the end of November.

SECURITY COUNCIL ACTION

On 30 July [meeting 3806], the Security Council unanimously adopted **resolution 1123(1997)**. The draft [S/1997/589] was sponsored by Antigua and Barbuda, Argentina, the Bahamas, Barbados, Canada, Chile, Costa Rica, Ecuador, France, Guatemala, Guyana, Jamaica, Nicaragua, Suriname, Trinidad and Tobago, the United States and Venezuela.

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations, and the letter of 20 July 1997 from the Permanent Representative of Haiti to the United Nations to the Secretary-General,

Taking note of the report of the Secretary-General of 19 July 1997, and the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti in assisting the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and

train an effective national police force, and expressing its appreciation to all Member States which have contributed to the Mission,

Noting the termination, in accordance with resolution 1086(1996) of 5 December 1996, of the mandate of the United Nations Support Mission in Haiti as of 31 July 1997,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations civilian police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice and, in this context, welcoming continued progress towards professionalizing the Haitian National Police,

Affirming the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. Decides, further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish the United Nations Transition Mission in Haiti, with a mandate limited to a single four-month period ending on 30 November 1997, in order to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, as set out in paragraphs 32 to 39 of the Secretary-General's report of 19 July 1997;

3. Also decides that the United Nations Transition Mission in Haiti will be composed of up to 250 civilian police and 50 military personnel to form the headquarters of a security element;

4. Further decides that the security element of the Transition Mission, under the authority of the Force Commander, will ensure the safety and freedom of movement of those United Nations personnel implementing the mandate set out in paragraph 2 above;

5. Further decides that the United Nations Transition Mission in Haiti will assume responsibility for all elements and assets of the United Nations Support Mission in Haiti remaining in Haiti to deploy as appropriate until they are withdrawn;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant

resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Requests the Secretary-General to report to the Security Council on the implementation of this resolution no later than 30 September 1997;

8. Recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. Requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the Haitian National Police, in particular for the recruitment and deployment of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. Requests the Secretary-General to include in his report, to be submitted no later than 30 September 1997, recommendations on the modalities of subsequent peace-building international assistance to Haiti;

11. Decides to remain seized of the matter.

On 1 August, the Security Council was informed [S/1997/619] that Brigadier-General J. J. Gagnon (Canada) was to be appointed Commander of the military element of UNTMIH, a move welcomed by the Council on 6 August [S/1997/620].

The Secretary-General also proposed on 1 August [S/1997/621] that the military component consist of personnel from Canada and Pakistan, and that Benin, Canada, France, India, Mali, Togo and the United States contribute to the police component. On 19 September [S/1997/735], the Secretary-General proposed that Argentina, the Niger, Senegal and Tunisia be added to the list of States contributing police personnel. The Council welcomed both proposals on 6 August [S/1997/622] and on 24 September [S/1997/736], respectively.

On 29 September, the Secretary-General's Special Representative, Enrique ter Horst (Venezuela), informed the Council that the Secretary-General would be unable to present by the next day recommendations on a peace-building presence following the end of the UNTMIH mandate on 30 November, as requested by the Council in **resolution 1123(1997)**. On 30 September [S/1997/755], the Council President stated that the members agreed with the Secretary-General's intention to submit the report in late October.

Report of Secretary-General. On 31 October [S/1997/832], the Secretary-General reported on the political situation in Haiti since the 9 June resignation of Prime Minister Rosny Smarth. On 25 July, President René Préval nominated Eric Pierre, Haiti's representative at the Inter-American Development Bank, as Prime Minister. As no

agreement could be reached on electoral and economic issues, Mr. Pierre's candidacy was rejected on procedural grounds on 26 August by the Chamber of Deputies. On 20 October, Mr. Smarth announced his decision to cease acting in a caretaker capacity and called on his Cabinet members to do the same. Thus, Haiti had not had a fully functioning Government for over four months, creating a fragile situation in the country, the Secretary-General stated.

The Secretary-General recalled allegations of fraud and other wrongdoing by electoral authorities and some political activists, which had marred the first part of the electoral process, including the exclusion of blank ballots in calculating the absolute majority of votes. As a result, three candidates for Parliament running under the banner of Lafanmi (La Famille) Lavalas, led by former President Jean-Bertrand Aristide, had won. On 5 August, the Chamber of Deputies ruled that blank ballots should be included. The OAS Electoral Observation Mission expressed the view that the counting procedures had violated the Electoral Law. Efforts by President Préval to promote dialogue among the political parties had not yielded concrete results.

Local government elections in July and August had been marred by voter indifference; poorly trained poll-watchers and poll-workers; and irregularities including ballot-stuffing. Elections for local assemblies and municipal and departmental assemblies would be a decisive element in the selection of both judges and a permanent electoral council. Concern was expressed regarding the validity of the whole process and the legitimacy of the institutions that would result from it. UN technical assistance to CEP was suspended until the credibility and transparency of the electoral process were restored.

As at 15 October, UNTMIH's civilian police numbered 242, and its security element comprised 50 headquarters staff and 1,125 soldiers, who were to ensure the safety and freedom of movement of UN personnel.

Haitian police in outlying areas lacked resources; rural station houses often lacked water, electricity and other basic amenities. The lack of an adequate police presence in some remote areas prompted the formation by citizens of vigilante brigades. Another concern was the development of private security agencies. Little progress was made to establish a database on equipment and personnel.

The Secretary-General called for efforts to strengthen HNP and the justice system, restore trust in future electoral processes, support economic and social development, and achieve a long-term strategy for sustainable development.

Financing of UNTMIH

In October [A/52/512], the Secretary-General estimated that UNTMIH would require from 1 August to 30 November 1997 \$8,831,100 gross (\$8,462,300 net), and \$7,103,000 gross (\$6,861,400 net) for its liquidation.

Civilian Police Mission

In November [S/1997/832/Add.1], the Secretary-General presented the mandate and concept of operations of a follow-on police mission, to be known as MIPONU. It would be composed of up to 290 police officers, including a 90-strong special police unit. Headquarters would be located in Port-au-Prince. The mission would oversee UNDP support for HNP and would cooperate closely with MICIVIH. Some 150 officers would be deployed in the nine départements; they would assist in training specialized units of the national police force. The mission would also continue to monitor HNP performance, guide agents in their day-to-day duties, and closely coordinate with technical advisers. Contributing countries were likely to be Argentina, Benin, Canada, France, India, Mali, the Niger, Senegal, Togo, Tunisia and the United States. The estimated cost for six months was some \$14 million.

SECURITY COUNCIL ACTION

On 28 November [meeting 3837], the Security Council unanimously adopted **resolution 1141(1997)**. The draft [S/1997/931] was sponsored by Argentina, Canada, Chile, Costa Rica, France, Portugal, the United States and Venezuela.

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 29 October 1997 from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Taking note also of the report of the Secretary-General of 31 October 1997 and the addendum to this report, and the recommendations contained therein,

Commending the role of the United Nations Transition Mission in Haiti in assisting the Government of Haiti by supporting and contributing to the professionalization of the Haitian national police, and expressing its appreciation to all Member States which have contributed to the Transition Mission,

Noting the termination in accordance with resolution 1123(1997) (of 30 July 1997) of the mandate of the Transition Mission as of 30 November 1997,

Commending further the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations Civilian Police, the International Civilian Mission in Haiti and United Nations Development Programme

technical assistance in helping to establish a fully functioning Haitian national police force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of Haiti's system of justice and, in this context, welcoming continued progress towards professionalization of the Haitian national police and towards fulfilment of the May 1997 "Haitian national police development plan for 1997-2001",

Stressing the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Recognizing that the people and the Government of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice, and encourages Haiti to pursue its plans in these respects;

2. Decides further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish, until 30 November 1998, a United Nations Civilian Police Mission in Haiti, composed of up to 300 civilian police, with a mandate limited to a single one-year period ending on 30 November 1998, in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian national police in accordance with the arrangements, including mentoring Haitian national police field performance, set out in paragraphs 39 and 40 of the report of the Secretary-General of 31 October 1997 and paragraphs 2 to 12 of the addendum to that report;

3. Affirms that further international assistance to the Haitian national police, should it be needed, should be provided through United Nations specialized agencies and programmes, in particular the United Nations Development Programme, and through international and regional organizations and by interested Member States;

4. Affirms also that all special arrangements accorded to the United Nations Civilian Police Mission in Haiti will not constitute precedents for other operations of the same nature that include civilian police personnel;

5. Decides that the United Nations Civilian Police Mission in Haiti will assume responsibility for those personnel of the United Nations Transition Mission in Haiti and United Nations-owned assets required for its use in fulfilment of its mandate;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Requests the Secretary-General to report to the Security Council on the implementation of this resolution every three months from the date of its adoption until the mandate of the United Nations Civilian Police Mission in Haiti expires on 30 November 1998;

8. Recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. Requests all States to make voluntary contributions to the trust fund established in resolution 975(1995) for the Haitian national police, in particular for the recruitment and deployment by the United Nations Development Programme of police advisers to assist the inspector general, directorate general and department headquarters of the Haitian national police;

10. Decides to remain seized of the matter.

On 16 December, the Secretary-General informed the Council that he had decided to appoint Julian Harston (United Kingdom) as his Special Representative to replace Enrique ter Horst, who had relinquished his functions on 30 November; his Representative was also Head of MIPONUH [S/1997/1006]. The Council agreed on 23 December [S/1997/1007].

Following customary consultations, the Secretary-General, on 24 December, proposed to the Council that MIPONUH be composed of police personnel from Argentina, Benin, Canada, France, India, Mali, the Niger, Senegal, Togo, Tunisia and the United States [S/1997/1021]. The Council, on 30 December, agreed to the proposed composition [S/1997/1022].

International Civilian Mission to Haiti

The joint UN/OAS International Civilian Mission in Haiti (MICIVIH) was established in 1993 [YUN 1993, p. 338] to verify full observance of human rights and fundamental freedoms, provide institution-building, and support the development of a programme for the promotion and protection of human rights.

Report of Secretary-General (June). The Secretary-General in June presented an overview of the human rights situation in Haiti, assessed the functioning of the police, the judiciary and prisons, and outlined the activities of MICIVIH [A/51/935].

Despite a deterioration in the political situation and demonstrations against the economic policies of the Government, individual rights and fundamental freedoms continued to be widely enjoyed. Investigations of allegations of human rights violations by State agents allowed the Mission to assess the human rights situation and intervene on behalf of victims. Information col-

lected was used to formulate recommendations on institution-building and improve human rights programmes.

The Mission reported more than 20 fatal shootings by the police between January and May 1997, about half of which were human rights violations involving an excessive use of force. MICIVIH conveyed to the Haitian Senate its concerns over proposed legislation for issuing automatic/heavy weapons to special police units, with only limited control over their use. Local authorities increasingly bore arms or hired groups of armed security guards, and there were reports of beatings and other forms of ill-treatment by police. In April, the Mission proposed to the Minister of Justice improvements for the judicial processing of abuses involving police. Allegations of arbitrary arrest and detention were monitored. In collaboration with UNSMIH civilian police, the HNP Directorate and the Ministry of Justice, MICIVIH drafted a detention register for police stations to facilitate the uniform and systematic recording of information on arrests. In response to increased reports of ill-treatment by the police, seminars organized by UNSMIH and MICIVIH focused on the rights of detainees, the use of force and legal interrogation techniques. MICIVIH observers regularly visited prisons throughout the country to assess conditions and the treatment and legal situation of detainees. In June, by presidential decree, the national penitentiary administration was incorporated into HNP, as had been stipulated in the Constitution. A mechanism for complaints and disciplinary procedures to sanction abuses was to be established.

The Mission focused on structures to design and guide the judicial reform process, a reform strategy, confidence-building measures and harmonization of the pace of development of the police, judiciary and prisons. Public debate on judicial reform was sought through public presentations on different strategies. A major concern of the Government was prolonged pre-trial detention. MICIVIH observers sometimes acted as intermediaries when differences arose within the judiciary, or between judicial and other officials. The Ministry of Justice was developing a legal aid programme to assist ordinary citizens.

Impunity, compensation and rehabilitation of victims of past human rights abuses remained major issues. Little progress was made by the special unit formed within HNP to carry out inquiries into past and current high-profile cases. MICIVIH provided extensive support to organizations working for the rehabilitation of victims.

During the year, MICIVIH was involved in more than 150 civic education and human rights seminars which reached some 6,000 Haitians. A civic

education programme for elected officials and local leaders was to be launched in July, to help them develop a sense of responsibility towards the citizenry, as a foundation of a state of law. An urban violence reduction project was planned. Women's rights were emphasized through community seminars held with grass-roots organizations. A collection of published reports, civic education fliers, posters and videos produced by MICIVIH, as well as reports of the Secretary-General on the situation of democracy and human rights in Haiti, were presented to the Bibliothèque Nationale d'Haïti.

MICIVIH observers were seconded to the OAS Election Observation Mission to monitor senatorial and local elections on 6 April. Observers also investigated or monitored protests and other incidents, some of them violent, which were related to disputes regarding the composition of electoral offices and first-round election results.

The Mission maintained regular contacts with the Special Expert on Human Rights for Haiti and collaborated with the representative of the UN Centre for Human Rights.

The Secretary-General recommended that the General Assembly authorize a five-month extension of the mandate of the UN component of the Mission at the expiration of its current mandate on 31 July 1997, to support judicial reform efforts, as well as to contribute to institution-building and the strengthening of democracy, through technical assistance and through its monitoring and human rights and civic education activities.

GENERAL ASSEMBLY ACTION (JULY)

On 31 July [meeting 105], the General Assembly adopted **resolution 51/196 B** without vote [draft: A/51/L.77/Rev.1 & Add.1] [agenda item 37].

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Paying tribute to the Haitian people in their ongoing quest for a strong and lasting democracy, justice and economic prosperity,

Reaffirming its support to the people and the Government of Haiti and for their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Taking note of the postponement of the second round of partial elections, and expressing the hope that the

Haitian people will shortly be able to express themselves once again through free, honest and transparent elections,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contribution of the International Civilian Mission in Haiti, its Executive Director and staff, and of the United Nations Support Mission in Haiti to the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti, and welcoming the cooperation of the International Civilian Mission with the United Nations Support Mission and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti and the request from the President of the Republic of Haiti to the Secretary-General of the United Nations,

Welcoming the continuing improvement in the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission in Haiti, with the tasks of:

(a) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police and support for efforts towards judicial reform and the establishment of an impartial judiciary;

(b) Supporting the development of a programme for the promotion and protection of human rights in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

(c) Verifying full observance by Haiti of human rights and fundamental freedoms;

2. Decides to authorize, on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission in Haiti until 31 December 1997, according to the terms of reference and modalities under which the Mission is operating;

3. Requests the Secretary-General to continue to develop appropriate means to identify resources for the Mission within the limits of the approved budget for the current biennium;

4. Also requests the Secretary-General to submit, no later than 30 November 1997, a report to the General Assembly on the implementation of the present resolution and the ways in which the international community can continue to assist with the tasks set out in paragraph 1 above;

5. Reaffirms once again the commitment of the international community to continue its technical, eco-

conomic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

6. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system in providing humanitarian aid and contributing to the development of Haiti;

7. Decides to include in the provisional agenda of its fifty-second session the item entitled "The situation of democracy and human rights in Haiti".

Report of Secretary-General (November).

Pursuant to the above resolution, the Secretary-General reported in November [A/52/687] on ways in which the international community could continue to assist Haiti in institution-building and protecting human rights.

The institutional crisis had deepened in October, the Secretary-General declared, with the Prime Minister stating that he would no longer carry out his caretaker responsibilities. Controversies surrounding the April elections remained unresolved and, despite calls for its modification, CEP continued, through indirect elections, to establish territorial assemblies. Those assemblies, which underpinned decentralized government, were considered to be instrumental in establishing the Permanent Electoral Council and in designating judicial officials. On 3 November, President Préval announced measures to resolve the electoral stalemate, including the establishment of a Presidential Committee to report on the current electoral process, as well as the replacement of six CEP members. He stated that he would hold further consultations on his choice of Herve Denis as the new Prime Minister.

HNP continued to make progress in the areas of institution-building and human rights monitoring, particularly through ongoing training programmes. Police were developing an investigative capacity and had dismantled armed gangs and car theft and drug trafficking rings. Institution-building, however, was limited by operational, managerial, logistical and other constraints. Problems of leadership and supervision hampered the effectiveness and professionalism of HNP, as did persistent allegations of police involvement in crime and other forms of corruption. A new recruitment programme and a nationwide police redeployment programme were intended to address that situation.

MICIVIH worked closely with HNP to reinforce human rights training through seminars. The Mission regularly monitored conditions in police stations and the treatment and legal situation of detainees and made recommendations for improvements. There were constraints on the Of-

fice of the Inspector General of HNP, including threats against its investigators.

Improvements in conditions of detention were maintained with the support of the international community. Nevertheless, the National Penal Administration still suffered from staffing shortages, restricted food budgets, intermittent sanitary problems in certain prisons and deficiencies in security. It was noted that the prison population had doubled over the last two years. Among problems identified in the judiciary were: poorly conducted trials; a lack of police and judicial investigations; a lack of material or other evidence brought to court; an absence of witness testimony; and difficulties in constituting juries. In October, the President of the Supreme Court called for the reintroduction of the death penalty to combat armed crime, a proposal which met with little institutional or popular support. Local human rights organizations were vociferous in criticizing the continuing impunity and the dysfunctional judiciary.

MICIVIH human rights activities focused on four main areas: strengthening and support of Haitian human rights NGOs; human rights education; human rights promotion through the media; and training in conflict resolution. The technical capacity of human rights organizations was improving gradually, but monitoring and reporting efforts needed further development. A project was initiated by a United States agency to develop a textbook on civic education for secondary schools and to train teachers in its use. Seminars were held on women's rights, the role of the justice system and the police, decentralization, the Constitution and the rights and responsibilities of citizens. A three-week training programme was organized for selected journalists on human and social rights, with a view to strengthening human rights reporting. The Mission began expanding its conflict resolution programme to increase its outreach and impact.

The Secretary-General recommended the extension of the UN component of MICIVIH for one year. He noted that the technical capacity of the Mission, in particular for judicial reform, would need to be substantially strengthened.

GENERAL ASSEMBLY ACTION (December)

On 18 December [meeting 76], the General Assembly adopted resolution 52/174 without vote [draft: A/52/L.65 & Add.1] [agenda item 44].

The situation of democracy and human rights in Haiti

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling all its relevant resolutions, as well as those adopted on the question by the Security Council, the Economic and Social Council and the Commission on Human Rights,

Taking note of Security Council resolution 1141(1997) of 28 November 1997, in which the Council decided to establish the United Nations Civilian Police Mission in Haiti,

Taking note also of the relevant resolutions adopted on the question by the Organization of American States,

Reaffirming that the goal of the international community remains the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Paying tribute to the Haitian people in their ongoing quest for strong and lasting democracy, justice and economic prosperity,

Reaffirming its support for the people and the Government of Haiti and their efforts to advance democracy, respect for human rights and the reconstruction of Haiti,

Taking note of the postponement of the second round of partial elections, and expressing the hope that the Haitian people will shortly be able to once again express themselves through free and fair elections,

Strongly supporting the continuing leadership of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in the efforts of the international community in furthering political progress in Haiti,

Welcoming the continued efforts by States to provide humanitarian assistance and technical cooperation to the people of Haiti,

Supporting fully the contributions of the International Civilian Mission to Haiti, its Executive Director and staff and of the United Nations Transition Mission in Haiti in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the full restoration of the constitutional democracy of Haiti,

Encouraging the cooperation between the International Civilian Mission to Haiti and the United Nations Civilian Police Mission in Haiti and others participating in institution-building, including police training activities,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti, and the request from the President of the Republic of Haiti to the Secretary-General contained in the annex thereto,

Stressing the importance of continuing improvement in the situation of human rights in Haiti, and welcoming the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

1. Welcomes the recommendation of the Secretary-General contained in his report to renew the mandate of the joint participation of the United Nations with the Organization of American States in the International Civilian Mission to Haiti, with the tasks of:

(a) Providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as the training of the police and support for efforts towards judicial reform and the establishment of an impartial judiciary;

(b) Supporting the development of a programme for the promotion and protection of human rights, in order to further the establishment of a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions;

(c) Verifying full observance by Haiti of human rights and fundamental freedoms;

2. Decides to authorize, on the basis of the above recommendation, the renewal of the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 December 1998, according to the terms of reference and modalities under which the Mission is operating;

3. Requests the Secretary-General to submit to the General Assembly at least two reports on the implementation of the present resolution and, in the case of the last such report, on the ways in which the international community can continue to assist with the tasks set out in paragraph 1 above;

4. Reaffirms once again the commitment of the international community to continue its technical, economic and financial cooperation with Haiti in support of its economic and social development efforts and in order to strengthen Haitian institutions responsible for dispensing justice and guaranteeing democracy, respect for human rights, political stability and economic development;

5. Requests the Secretary-General to continue to coordinate the efforts of the United Nations system in providing humanitarian aid and contributing to the development of Haiti;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "The situation of democracy and human rights in Haiti".

Other questions

Andean Community

In 1997, the General Assembly granted observer status to the Andean Community, which aimed to enable its member countries—Bolivia, Colombia, Ecuador, Peru, Venezuela—to promote equitable development through economic and social integration, and improve the standard of living of the subregion's inhabitants.

On 22 October, the Assembly, by **resolution 52/6**, invited the Community to participate in its sessions and work in the capacity of observer.

Cuba-United States

Embargo against Cuba

By a letter of 31 January [A/52/68], Cuba transmitted to the Secretary-General the text of the Reaffirmation of Cuban Dignity and Sovereignty Act, adopted on 24 December 1996 by the Na-

tional Assembly of People's Power of Cuba. By the Act, Cuba declared the Helms-Burton Act illegal, inapplicable and without value or legal effect. (The "Cuban Liberty and Democratic Solidarity Act", known as the Helms-Burton Act, was signed into law by the United States President on 12 March 1996 in response to what the United States claimed was an unlawful attack in February 1996 [YUN 1996, p. 196] on two unarmed United States civilian aircraft, resulting in the deaths of three United States citizens and one United States resident. The Helms-Burton Act imposed additional sanctions on Cuba, mandated the preparation of a plan for United States assistance to transitional and democratically elected Cuban Governments, created a cause of action enabling United States nationals to sue those who expropriated or trafficked in expropriated properties in Cuba, and denied the traffickers entry into the United States.) The Reaffirmation of Cuban Dignity and Sovereignty Act allowed Cubans to sue the United States if they were victims of physical harm or property damage caused by actions supported by the United States, including death, injury or economic losses caused by those who were part of the previous regime under Fulgencio Batista. It declared unlawful any form of collaboration in implementing the Helms-Burton Act, such as distributing information about it. The law also charged Cuba with protecting foreign investors from United States action by transferring their interests to fiduciary companies, financial institutions or investment funds.

Cuba on 29 May transmitted to the Secretary-General the text [A/52/162] of its denunciation of new actions which it said the United States Congress was preparing to take against Cuba to strengthen the economic, trade and financial embargo. Cuba further claimed that the measures were aimed at enlarging the extraterritorial scope of the Helms-Burton Act. In a 4 June statement [A/52/221], the Movement of Non-Aligned Countries stated that it rejected the new measures.

Cuba on 10 October transmitted to the Secretary-General a report [A/52/452] it had prepared for an information meeting convened by the Organisation for Economic Cooperation and Development for non-member States on the development of the Multilateral Investment Agreement. Cuba pointed out that its request to attend the meeting had been denied.

On 17 October, Cuba transmitted Decision No. 390, adopted by the Twenty-third Council of the Latin American Economic System (SELA) (Trinidad and Tobago, 6-9 October) [A/52/501]. The Council rejected the Helms-Burton Act and fur-

ther attempts by the United States to reinforce the Act and urged the United States to repeal it. It asked the Permanent Secretariat of SELA to continue consideration of the matter.

Report of Secretary-General. In a September report with later addendum [A/52/342 & Corr.1 & Add.1], the Secretary-General, in response to General Assembly resolution 51/17 [YUN 1996, p. 194], submitted a report containing information from 49 States, one observer mission, five UN specialized agencies and two UN organs on their implementation of the resolution, which had called on States to refrain from promulgating and applying laws and measures similar to the Helms-Burton Act.

GENERAL ASSEMBLY ACTION

The General Assembly, on 5 November [meeting 45], adopted **resolution 52/10** [draft: A/52/L.11] by recorded vote (143-3-17) [agenda item 30].

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

The General Assembly,

Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recalling the statements of the heads of State or Government at the Ibero-American Summits concerning the need to eliminate the unilateral application of economic and trade measures by one State against another that affect the free flow of international trade,

Concerned about the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

Taking note of declarations and resolutions of different intergovernmental forums, bodies and Governments that express the rejection by the international community and public opinion of the promulgation and application of regulations of the kind referred to above,

Recalling its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994, 50/10 of 2 November 1995 and 51/17 of 12 November 1996,

Concerned that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10 and 51/17, further measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also about the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. Takes note of the report of the Secretary-General on the implementation of resolution 51/17;

2. Reiterates its call on all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law, which, *inter alia*, reaffirm the freedom of trade and navigation;

3. Once again urges States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

4. Requests the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the present resolution in the light of the purposes and principles of the Charter and international law and to submit it to the General Assembly at its fifty-third session;

5. Decides to include in the provisional agenda of its fifty-third session the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

RECORDED VOTE ON RESOLUTION 52/10:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States, Uzbekistan.

Abstain: Estonia, Georgia, Kuwait, Latvia, Liberia, Lithuania, Morocco, Nepal, Oman, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Senegal, Tajikistan, The former Yugoslav Republic of Macedonia.

Panama Canal

On 7 September 1977, the Panama Canal Treaty and the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, known as the Torrijos-Carter treaties, were signed in Washington, D.C., stipulating that, at noon on 31 December 1999, the Canal, including all improvements, was to come under the control of the Republic of Panama.

In November 1995 (resolution 50/12) [YUN 1995, p. 461], the General Assembly supported the convening of the Universal Congress on the Panama Canal, from 7 to 10 December 1997, in Panama City.

In its resolution 51/5, adopted on 24 October 1996 [YUN 1996, p. 199], the Assembly reiterated its firm support for the holding of the Congress, and urged UN Member States, intergovernmental and non-governmental organizations, as well as UN programmes and specialized agencies, particularly UNDP, United Nations Environment Programme and International Maritime Organization, to provide appropriate assistance for it.

Report of Secretary-General. The Secretary-General submitted in October a report covering information available prior to the holding of the Universal Congress on the Panama Canal [A/52/435 & Corr.1].

The Secretary-General stated that the Congress was seen as an opportunity for user countries and the private sector to meet with administrators of the Panama Canal and to ensure confidence in the change in stewardship and in the legal and administrative regime of the future. One issue to be taken up was the construction of a third set of locks, which, because of the magnitude of the project, would require a multinational effort by all countries that included the Panama Canal in their transportation and external commerce infrastructure.

The Secretary-General presented the status of funds for a study relating to the short-, medium- and long-term (to the year 2060) traffic forecasts and described promotional activities.

The agenda of the Congress included panels on the transition and beyond, the Canal in the twenty-first century, investment opportunities and Panamanian maritime sector policies.

Asuncion Declaration. By a letter of 28 August [A/52/347], Paraguay, as Coordinator of the States members of the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group), submitted the Asuncion Declaration, adopted at the Eleventh Summit of Heads of State and Government of the Rio Group (Asuncion, 23-24 August).

The Declaration reaffirmed the importance of the Universal Congress on the Panama Canal as a forum open to the entire international community. It stated that the meeting should serve as a consultation mechanism for examining the role which the Canal should play in the twenty-first century, as well as the plans to expand the services which the Government of Panama was promoting through the Board of Directors of the Panama Canal Authority.

On 20 November [meeting 50], the General Assembly, by **decision 52/411**, decided to conclude consideration of the Universal Congress on the Panama Canal.

Peru-Ecuador

By a letter of 18 April, the Netherlands drew the attention of the Secretary-General to the text of a 14 April statement by the Presidency of the EU [A/52/121], in which he welcomed a meeting on 15 April in Brasilia, Brazil, between the Governments of Peru and Ecuador to begin substantive talks on their differences regarding the border dispute between them.

In a later communication [A/53/73-S/1998/163 & Corr.1], Ecuador transmitted the Brasilia Declaration of 26 November, signed by Ecuador and Peru, and a timetable of activities for implementing the proposals contained therein. It also transmitted a document which was the basis for an understanding between them.

In the Declaration, the two parties agreed to consider a trade and navigation treaty; a comprehensive agreement on border integration; delimitation of a common land boundary; and the establishment of a binational commission on mutual confidence- and security-building measures. It was also agreed that the parties and the Follow-up Commission, designated by Peru to assist in the talks, would establish a timetable to promote the implementation of the proposals.

The exchange between the parties of a draft agreement on trade and navigation was due to take place on 2 February 1998, with work commencing by a commission on 17 February. A commission to draw up a draft comprehensive agreement on border integration was to be appointed no later than 2 February 1998, with work beginning no later than 17 February. Similarly, the commission responsible for completing the preparations for the delimitation of a common land boundary in the Lagartococha and Zamora-Santiago and/or Cordillera del Condor sectors was to be appointed no later than 2 February 1998, with work beginning no later than 17 February.

As to mutual confidence- and security-building measures, a commission responsible for studying the establishment and functioning of a binational commission on the subject was to be appointed no later than 2 February, with work commencing on 17 February. Work on each of the themes was to be carried out simultaneously, with agreements entering into force jointly on completion of the demarcation process. The parties were to work together with a view to completing the process no later than 30 May 1998.

Chapter IV

Asia and the Pacific

In 1997, the United Nations remained engaged in meeting the challenges to regional security and peace in Asia and the Pacific, mainly in Iraq, Afghanistan, Tajikistan, the Korean peninsula and Cambodia.

The United Nations Special Commission for the disarmament of Iraq and the International Atomic Energy Agency (IAEA) continued to conduct the weapons inspections mandated by Security Council resolution 687(1991) embodying the terms of a formal ceasefire of the 1991 Gulf War, which Iraq accepted. As efforts to bring their mandate to a final conclusion had been confronted by Iraq's increasingly toughening stance towards those inspections, which included the expulsion of United States inspectors from the country, the two bodies were unable to report to the Council that Iraq was finally in full compliance with its long-standing obligations under the weapons-related provisions of the resolution. Hence, the sanctions regime against Iraq remained in place. The United Nations continued to alleviate the unintended consequences of the sanctions on the Iraqi population through the humanitarian programme based on an oil-for-food formula authorized by the Council in 1995, which the Council extended to the end of May 1998.

A peaceful resolution of the armed conflict in Afghanistan continued to elude the unremitting efforts of the United Nations Special Mission to Afghanistan to bring to the negotiating table the country's two main rivals for political legitimacy: the Taliban and the opposition coalition commonly referred to as the Northern Alliance. The Security Council and the General Assembly called on all Afghan parties to put an immediate end to the fighting and for a cessation of all external interference in Afghan affairs. In addition, the Assembly encouraged the Secretary-General to pursue the study of a fair and verifiable arms embargo on Afghanistan and supported his call for an international framework to address the external aspects of the Afghan question.

The mediating efforts of the Special Representative of the Secretary-General for Tajikistan bore fruit with the conclusion in June of a General Agreement on the Establishment of Peace and National Accord between the Government of

Tajikistan and the United Tajik Opposition, breaking the long impasse that had existed between them on political issues. If implemented, the General Agreement would lead to elections and the formation of a new Government. In support of that implementation, the Council expanded the mandate of the United Nations Mission of Observers to include additional functions during the transition period and extended it to May 1998.

In Cambodia, where the United Nations had invested considerable resources to help bring about a democratically elected Government in 1993, the United Nations once more was requested, and it indicated its readiness, to play a monitoring role that should contribute towards restoring the functioning of the country's civil institutions by their duly elected officials following its disruption in July by armed violence between the two parties that had formed the coalition Government.

On the Korean peninsula, the United Nations Command continued to monitor the 1953 Armistice Agreement, while IAEA continued to seek full compliance by the Democratic People's Republic of Korea with its obligations under its nuclear safeguards agreement with the Agency.

Other political matters within the region continued to be drawn to the attention of the United Nations. They concerned Iran, with respect to its relations with Iraq and the United States; the United Arab Emirates and Iran, regarding the disputed islands of the Greater Tunb, the Lesser Tunb and Abu Musa; and India and Pakistan, on the disputed territory of Jammu and Kashmir.

Iraq

The United Nations Special Commission on Iraqi disarmament (UNSCOM) and the International Atomic Energy Agency (IAEA) continued in 1997 to implement the ongoing monitoring and verification of Iraq's non-proscribed activities in the nuclear, missile, chemical and biological weapons areas. In parallel, they continued efforts to bring to a conclusion the process of verifying Iraq's full, final and complete disclosures of its

proscribed weapons programmes in those areas, particularly regarding biological weapons.

As UNSCOM pressed forward with its verification inspections and technical interviews with Iraqi counterparts, Iraq persisted in its claim that, following more than six years of such investigations with which it had cooperated, it no longer held any weapons of mass destruction. Claiming further that insistent monitoring of sites associated with Iraq's presidency and national security and the use of the high-altitude surveillance aircraft were for purposes other than to discharge UNSCOM's mandate, Iraq began repeatedly to deny site access, to obstruct and interfere with inspections, restrict the freedom of movement of personnel, and generally to impose unacceptable limits on UNSCOM operations in contravention of relevant Security Council resolutions.

Despite Council demands for Iraq's full and unconditional cooperation with UNSCOM, Iraq, on 29 October, decided, with effect from 30 October, to allow UNSCOM inspections to proceed provided that teams did not include inspectors of United States nationality and demanded that all such inspectors leave Iraq within seven days. Following that decision, the Council on 12 November imposed travel restrictions on all officials and members of the armed forces of Iraq responsible for its failure to cooperate with UNSCOM. Iraq nonetheless expelled the United States inspectors from the country on 13 November. In view of that action, UNSCOM and IAEA withdrew their inspectors on 14 November. The Council condemned that action and demanded its immediate rescission. Following intensive diplomatic efforts led by the Russian Federation, Iraq announced on 20 November that its Revolutionary Command Council had decided to invite all inspectors back to Iraq.

UNSCOM and IAEA resumed operations in Iraq on 22 November. Their inspection activities continued to be punctuated, however, by incidents of Iraqi non-cooperation until the end of the year, despite a Council presidential statement that Iraq reverse its position.

Meanwhile, the humanitarian programme for Iraq based on an oil-for-food formula, authorized by the Security Council in 1995 to mitigate the adverse effects on the Iraqi population of the sanctions regime against Iraq, continued to be implemented. The Council extended the programme twice during the year, on 4 June and on 4 December, each for a further period of 180 days.

The General Assembly, by **decision 52/432** of 18 December, decided to defer consideration of the item entitled "Consequences of the Iraqi oc-

cupation of and aggression against Kuwait" and to include it in the provisional agenda of its fifty-third (1998) session.

UN Special Commission

The United Nations Special Commission, established by the Secretary-General pursuant to Security Council resolution 687(1991) [YUN 1991, p. 172], continued to carry out its operations on Iraqi disarmament from its headquarters in New York, the Baghdad Monitoring and Verification Centre (BMVC) in Iraq and its field office in Muharraq, Bahrain. Until 30 June 1997, UNSCOM was headed by Rolf Ekéus (Sweden), Executive Chairman. Mr. Ekéus, who submitted his resignation on 1 May, was succeeded by Richard Butler (Australia), appointed to the post by the Secretary-General with effect from 1 July. BMVC continued to operate under the directorship of Sweden's retired Admiral Göran Wallen until 2 May and General Nils Carlström from 10 May.

UNSCOM, which had been financed from funds released from the escrow account established under Security Council resolution 778(1992) [YUN 1992, p. 320] for the receipt of Iraqi frozen assets and from voluntary contributions from a number of States, currently received funds from the implementation of Council resolution 986(1995) [YUN 1995, p. 475]. Such funds were expected to cover operational costs until mid-1997. As a result of the Executive Chairman's visit to member States of the Gulf Cooperation Council in 1996, two of those States provided voluntary contributions to UNSCOM in January 1997 totalling \$5 million, from which UNSCOM would draw should funding as provided for by resolution 986(1995) cease.

During the year, BMVC operations continued to be supported by a detachment of five Bell UH-1H helicopters and 41 personnel contributed by the Government of Chile. The Baghdad-based aerial inspection team continued to provide support to monitoring teams and non-resident inspection teams.

Reports of Executive Chairman (April and October). During the year, the Executive Chairman submitted to the Security Council, through the Secretary-General, two consolidated six-monthly progress reports, in accordance with Council resolution 1051(1996) [YUN 1996, p. 218]. The first report [S/1997/301] covered the period from 11 October 1996 to 11 April 1997. The second [S/1997/774] covered the period from 11 April to 11 October 1997.

The reports gave an overview of the bimonthly political-level meetings held between UNSCOM and Iraq in Baghdad. They updated the status of

UNSCOM's efforts to expedite verification of Iraq's full, final and complete disclosures (FFCDs) of its missile, chemical and biological weapons programmes proscribed by Council resolution 687(1991). They summarized the ongoing monitoring and verification (OMV) activities aimed at ensuring Iraq's compliance with its obligations under the same resolution not to engage in the renewed acquisition and production of such weapons, including the related joint UNSCOM and IAEA operations under the currently fully operational export/import monitoring mechanism. Further summarized were UNSCOM inspections directed specifically at Iraq's concealment activities.

Appendix I to the April report presented a detailed account of the inspections related to the activities above, including UNSCOM support for IAEA operations in Iraq, and of operational and administrative matters pertaining to UNSCOM headquarters and BMVC; appendix II listed the inspection schedule in the reporting period. Annex I to the October report described Iraq's compliance with paragraphs 2 and 3 of Council **resolution 1115(1997)**; annex II presented the findings of the international panel of experts on the FFCD of Iraq's proscribed biological weapons programme; and an appendix listed the inspection schedule for the period.

Communication. On 22 April [S/1997/361], Iraq commented on the April report point by point in order to give what it termed a more precise picture of the status of implementation of section C of Security Council resolution 687(1991) and Iraq's expectations under that resolution.

High-level meetings

In keeping with the provisions of their joint statement and joint programme of action of 22 June 1996 [YUN 1996, p. 208], UNSCOM and Iraq continued in 1997 to hold bimonthly high-level meetings in Baghdad to review progress, direct further efforts, develop innovative procedures and methods to move forward, and implement arrangements agreed upon. The first meeting took place from 20 to 23 February, during which they discussed outstanding chemical weapons issues, with the Executive Chairman addressing UNSCOM concerns regarding the production of the chemical nerve agent VX, the lack of corroborating documents, unaccounted-for warheads, bombs and munitions and undeclared chemical weapons production equipment. It was agreed that those issues would be followed up at an expert-level meeting in March.

Also addressed were outstanding missile issues, regarding which Iraq provided further clarifications that made for some progress on the

basic accounting, but not on important problems such as Iraq's concealment and unilateral destruction of missiles after the 1991 Gulf War [YUN 1991, p. 167]. On the further issue of Iraq's continuing refusal to let UNSCOM remove the remnants of destroyed missiles, as called for by the Security Council in 1996 [YUN 1996, p. 210], Iraq ultimately agreed to permit their removal for out-of-country analysis. Both sides then issued a joint statement on 23 February [S/1997/152] reflecting that agreement, as well as the meeting's main results and plans for the immediate future.

At their meeting in New York on 2 March, the Executive Chairman and Iraq's Minister for Foreign Affairs agreed that a relationship based on cooperation was the best way to resolve outstanding issues. In that connection, the Chairman detailed some problems recently encountered by UNSCOM that constrained its OMV operations in Iraq (see below, under "Ongoing monitoring and verification").

At the 3 April meeting, the Executive Chairman outlined actions to be taken by UNSCOM to expedite verification of outstanding issues for which explanations and supporting documentation were required. He made a formal request for such documentation and restated UNSCOM's contention that more documents concerning Iraq's proscribed weapons programmes still existed in Iraq and should be made available by such central government organs as the Military Industrialization Corporation, the Ministry of Defence and the Office of the Presidency. Reiterating that Iraq's June 1996 FFCD of its proscribed biological weapons programme [YUN 1996, p. 215] did not provide a basis for proper verification owing to its many gaps and inconsistencies, the Chairman asked Iraq to reconsider its position and provide a new disclosure. Although Iraq asserted that it could only reiterate the data in its June 1996 disclosure, it communicated its agreement on 5 April 1997 to provide a new biological FFCD.

Again discussed were problems that had arisen in the course of OMV inspections, including Iraqi efforts to undercut the effectiveness of monitoring through a variety of tactics and threats to the safety of UNSCOM helicopter operations. Iraq formally stated its commitment to maintaining the OMV system to the satisfaction of UNSCOM, given that the cornerstone of its policy was to seek the Council's implementation of paragraph 22 (on the lifting of sanctions against Iraq) of resolution 687(1991).

As a result of the new Executive Chairman's meeting with Iraq (21 to 25 July), a specific additional programme of work was agreed upon, including: in the missile area, the re-excavation of remnants of missile warheads, launchers and

other items for the purpose of verifying Iraq's claim of their unilateral destruction, and provision by Iraq of various declarations concerning the disposition of elements of its proscribed missile force, including warheads and missile support elements; in the chemical area, further Iraqi efforts to clarify particular issues of concern and the destruction of certain chemical weapons equipment and key precursors; and, in the biological area, Iraq's submission of a new FFCD.

Work accomplished under that programme, reviewed at the next meeting (5 to 9 September), indicated that several issues had been settled in the missile area and a programme of destruction of certain chemical weapons equipment and materials had begun. Iraq was asked to provide further information required for the verification of special warheads planned to be used for the delivery of chemical and biological weapons, including production and filling records. Regarding Iraq's promise shortly to submit its biological weapons FFCD—subsequently delivered on 11 September—the Executive Chairman proposed that that FFCD and all others currently in UNSCOM's possession be regarded as final and that UNSCOM would proceed to seek to verify them. The FFCDs were Iraq's responsibility and UNSCOM would not further assist Iraq in formulating its account of its proscribed biological weapons programme or any other of its proscribed programmes.

Verification of declarations of proscribed programmes

Missiles

The main tasks of UNSCOM regarding missiles centred on the accounting and disposal of proscribed missiles and related operational missile assets (launchers, warheads, propellants, combat support infrastructure) and on other proscribed Iraqi activities and capabilities, including indigenous missile production programmes.

Significant progress had been achieved as UNSCOM was able to account for all but two imported combat missiles that were once the core of Iraq's proscribed missile force. It had also accounted for all declared operational missile launchers, both imported and indigenously produced. Achievement of the ultimate objective of full disposal of Iraq's proscribed operational missile assets was particularly important as the issue overlapped the chemical and biological weapons areas.

Communication. In a 5 June letter [S/1997/462] transmitted to the Security Council, the Deputy Prime Minister of Iraq conveyed to the UNSCOM Executive Chairman Iraq's concern that the

analysis of missile remnants had been unconsciously protracted and that the transmission of the results had been delayed without regard for the consequences, namely, the continuation of the sanctions regime and the concomitant suffering of the Iraqi people.

Chemical weapons

UNSCOM's work in chemical weapons remained focused on production capabilities; stocks of chemical weapons, including chemical warfare agents, munitions and their components; and other issues related to proscribed chemical weapons activities such as the lethal nerve agent VX.

UNSCOM recorded significant progress during the reporting period (11 April-11 October): additional chemical weapons equipment and analytical instruments had been discovered and destroyed and new elements of Iraq's VX activities and programme had been identified. However, UNSCOM's ability to report positively on disarmament of that category of weapons of mass destruction would require more accurate information from Iraq and related access by UNSCOM relevant to the warheads and VX questions.

Biological weapons

The April report [S/1997/301] stated that monthly inspections were conducted in Iraq from October 1996 to March 1997 to verify the June 1996 FFCD of Iraq's biological weapons programme [YUN 1996, p. 215]. Those inspections continued to uncover flaws in the accounting for that programme and evidence that Iraq was concealing significant aspects of it.

In March, UNSCOM convened an international panel of experts to review and assess the status of the 1996 FFCD. The experts concluded, inter alia, that Iraq had failed to report all imports of equipment and materials, in particular microbial growth media. It had under-reported the production of bulk biological warfare agents. The stated production of aflatoxin could not have happened as declared. The declarations on destruction were not supported by sufficient evidence, and the FFCD failed to give a full accounting of procurement activities for the biological weapons programme. In short, it did not provide a basis for credible verification.

The October report [S/1997/774] recorded that, as agreed at the April meeting in Baghdad, Iraq had prepared a new biological FFCD, which UNSCOM received on 11 September. The report gave a detailed analysis of the new document, noting its more coherent presentation with fewer errata. However, with respect to the

important issues of warfare agent production, munitions manufacturing and destruction of biological weapons and capabilities, the FFCD contained no significant changes from the 1996 version; changes that were included were not supported by documentation or appropriate information.

The report stated that the September 1997 FFCD failed to give a remotely credible account of Iraq's biological warfare programme—an opinion endorsed by an international panel of experts to which UNSCOM had submitted the document for evaluation; the panel's evaluation was included as annex II to the October report. The biological weapons area was one unredeemed by progress or any approximation of the known facts of Iraq's programme, the report observed.

Concealment inspections

As in 1996 [YUN 1996, p. 209], the question of concealment of proscribed items remained a major issue for UNSCOM in 1997. Concern about the continued existence of concealment systems was reinforced by Iraq's unwillingness to provide full details of its past efforts to obscure retained proscribed material and equipment from UNSCOM, as well as to expose fully the scope and organizational involvement of its covert procurement efforts in support of proscribed programmes.

In pursuit of the concealment issue, UNSCOM conducted a number of inspections during the year whose fundamental objectives were: to determine whether all proscribed weapons and capabilities retained by Iraq following the adoption of Security Council resolution 687(1991) were subsequently revealed and destroyed; and to ascertain whether the concealment mechanism used then was still functioning. As recorded in the UNSCOM April report [S/1997/301], an inspection team (UNSCOM 179) continued in March the series of underwater surveys begun in 1996. Thereafter, UNSCOM launched a major inspection (UNSCOM 182) of Iraq's concealment mechanism. In its search for possible connections between concealment activities and the Special Republican Guard, as well as other sites belonging to Iraq's Intelligence Service (Mukhabarat), Special Security Organization, General Security Service and Military Intelligence, the inspection covered 17 sites but discovered neither proscribed material nor activity. In addition, in March, IAEA excavated three declared equipment burial sites south of Lake Tharthar and unearthed hundreds of items relating to Engineering Design Centre operations. Although many of

those items were consistent with Iraq's declaration, a previously undeclared cache of unused specialized corrosion-resistant valves was found.

The October report [S/1997/774] stated that an inspection (UNSCOM 194) was undertaken from 3 to 12 June of a number of sites related to organizations such as the Special Security Organization, Intelligence Service and Special Republican Guard, which, as UNSCOM established and Iraq later acknowledged, had been directly linked to concealment actions and/or covert procurement activities. A further inspection was carried out in September to determine the interactions and roles of individuals and the decision chain for early concealment decisions taken in 1991. Iraq allowed senior members of the Special Republican Guard, the Intelligence Service and the Surface-to-Surface Missile Force to be interviewed, but not one individual (a minister) who had been requested. The data obtained was fragmentary and often contradictory. Iraq admitted for the first time the participation of elements of the Special Republican Guard and the Intelligence Service in safeguarding retained proscribed material and covert procurement of such material. Nonetheless, the information provided was still far from complete.

From 10 to 20 September, a joint chemical and biological team (UNSCOM 199/203) inspected a number of military sites suspected of being involved in proscribed activities. On three occasions at three so-called sensitive sites, the inspectors, while waiting to be allowed entry, recorded evidence of the removal or movement, as well as destruction, of documents and records within the sites.

During the last week of September, a further inspection (UNSCOM 207) focused on sites linked to a concealment system designed to continue denying to UNSCOM access to past proscribed material and equipment and to information and documentation pertaining to them. When access was obtained, the inspection produced limited information.

The report observed that UNSCOM was compelled to continue the concealment investigations because of the gaps in accounting for Iraq's proscribed programmes and its history of active deception with respect to those programmes. UNSCOM believed that relevant materials and documents remained in Iraq and that there had been highly coordinated actions designed to mislead UNSCOM. It made the point that, on the basis of evidence available to it and were it to have full access to all relevant sites and persons in Iraq, it was highly likely to discover proscribed items; Iraq's actions to impede or block UNSCOM investigations tended to affirm that view.

Ongoing monitoring and verification

The system of ongoing monitoring and verification of Iraq's compliance with its obligations under Security Council resolution 687(1991) was necessary if UNSCOM was to be able to report to the Council under paragraph 22 of that resolution. The task required UNSCOM to monitor Iraqi sites and facilities with equipment capable of producing proscribed weapons, as well as to watch for clandestine sites that might be created for proscribed activities. Those sites included major facilities, such as petrochemical and biopesticide plants where chemical or biological warfare agents could be produced, and other facilities such as breweries, brake fluid factories and even university microbiology laboratories containing permitted dual-use equipment. Currently, UNSCOM was regularly monitoring over 300 sites.

UNSCOM's system of ongoing monitoring, in place in Iraq since April 1995, involved a variety of processes, including on-site inspection by resident teams and by visiting specialized inspection teams when required; a variety of remote-sensing capabilities, including cameras and chemical detectors, providing electronic on-site monitoring; and aerial inspections. The remote monitoring system had been enhanced by the installation of three multi-system optical review equipment work stations at BMVC.

The monitoring system's effectiveness was primarily dependent on the completeness and accuracy of the declarations required from Iraq under the monitoring plans; Iraq's behaviour and uneven compliance had had a negative effect on monitoring confidence. As recorded in the UNSCOM April report [S/1997/301], the six months from October 1996 had seen a pattern of Iraqi effort to restrict UNSCOM's monitoring activities. Problems in compiling Iraq's monitoring declarations appeared to lie, not with the facilities providing the raw data, but with Iraq's National Monitoring Directorate, established in 1994 [YUN 1994, p. 475] as the interface for UNSCOM's monitoring work: accurate information provided by the facilities was often manipulated by the Directorate, rendering its declarations to UNSCOM misleading and inaccurate. Iraq had further failed to provide information about all sites and facilities where UNSCOM inspection teams later discovered several hundred pieces of declarable dual-use equipment. The minders provided by the Directorate to escort UNSCOM inspection teams so as to ensure immediate and unconditional access to sites had often interrupted interviews, instructing site personnel to provide wrong information or to refuse to answer questions. The Directorate also restricted the times

and days during which it would respond to UNSCOM requests for minders. Iraq further sought to constrain monitoring by a new policy whereby instructions had been issued that access be refused to the inspectors unless Directorate representatives were present. In another disturbing trend, Iraq had tried to enforce new procedures requiring prior Directorate approval for the provision of documents found by the inspectors at sites. UNSCOM hoped that the Deputy Prime Minister's commitment to maintain the OMV system to UNSCOM's satisfaction, which he made at the April 1997 high-level meeting, would be translated into action.

In its coverage of monitoring activities in the missile area, the April report noted that UNSCOM continued to send specialized teams to perform technical analysis of Iraq's current programmes to develop and manufacture non-proscribed missile systems. In January, one such team (UNSCOM 166) reviewed activities related to the Samoud missile, which had a declared range of less than 150 kilometres and was therefore not prohibited under resolution 687(1991). Through that review and the regular monitoring by the resident missile team, Iraqi declarations on that project were corroborated. The team discovered evidence of Iraq's effort related to a space launch vehicle after the adoption of resolution 687(1991), which prohibited such vehicles to Iraq; it obtained conclusive proof of an attempt in 1992 to simulate a space launch vehicle based on a proscribed missile system, as well as evidence of a study in 1994 and 1995 of a space launch vehicle based on a non-proscribed missile system. Iraq's refusal during the inspection to provide computer software and documents significantly hindered the team's ability to accomplish its tasks fully. Most of the documents sought were later provided, however.

A March inspection (UNSCOM 181) of a selected group of military units, to verify that those sites were not involved in training, maintenance or operation of prohibited missile systems, found no evidence of proscribed activities.

Since UNSCOM's missile monitoring system became operational in August 1994, Iraq's non-proscribed activities in the missile area had moved closer to a production phase, thus requiring modifications to current monitoring practices. As the export-import mechanism had become fully operational, closer coordination with the export/import monitoring activities was also required.

In the period covered by the October report [S/1997/774], the missile monitoring group conducted over 160 inspections, covering 63 sites subject to regular monitoring with 143 items of

equipment and more than 2,000 missile systems, all tagged for periodic verification that they had not been modified to proscribed ranges. In order to track Iraq's production of non-proscribed missiles more effectively, UNSCOM in May began requiring Iraq to provide monthly declarations on missile component production.

Concerning chemical weapons, the April report stated that an air monitoring system had recently been deployed to collect infrared spectral signatures at a number of industrial facilities and chemical storage sites, adding to UNSCOM's baseline monitoring information and to its historical database of emission activities.

The report also stated that Iraq's semi-annual chemical declaration, required under the OMV plan and submitted on 16 January, was found short of established requirement. Specifically, discoveries pointed to the fact that Iraq was not fully meeting the required reporting of its dual-use equipment holdings. Those discoveries included some 200 key pieces of undeclared dual-use equipment—heat exchangers, glass reactor vessels and distillation columns capable of use in proscribed chemical weapons activities—and about 800 pieces of related equipment.

Since chemical monitoring began in October 1994 [YUN 1994, p. 475], over 720 inspections had been conducted. The October report noted that currently under monitoring were some 160 facilities, 323 tagged pieces of equipment, several thousand additional items of equipment and thousands of tons of chemicals. The chemical monitoring group, besides performing regular monitoring activities, also supported 12 visiting inspection teams and oversaw the destruction of precursor chemicals and the return of analytical equipment to Kuwait.

By the beginning of April, 86 sites were under regular monitoring by resident biological teams. In addition, UNSCOM sent specialized expert teams to Iraq to conduct multidisciplinary inspections, including inspections focusing on documents and equipment, that yielded several pieces of significant undeclared equipment, spare parts and supplies. The resident teams continued to identify sites holding undeclared dual-use biological equipment and to uncover changes, also undeclared, to ongoing activities at several key biological sites.

During the period covered by the October report, the resident monitoring group undertook some 240 inspections, during which it encountered a number of problems, among them concealment of items. Some 90 sites were subject to regular monitoring and 893 items of equipment were tagged. The semi-annual declaration sub-

mitted by Iraq on 15 July was still in the previous formats rather than in the "revised formats" provided in 1995 at its request. The content had not improved, uncorrected problems repeated in the past remained extant and declarable equipment remained undeclared.

Export/import monitoring mechanism

The export/import monitoring mechanism for Iraq, which became fully operational in 1996 [YUN 1996, p. 218], was jointly administered by UNSCOM and IAEA. The export/import monitoring group resident in Baghdad continued to undertake inspections, frequently in conjunction with experts from other monitoring teams, including non-resident ones. By the end of the period covered by the October report [S/1997/774], the joint unit had been notified of some 75 transactions involving the intended export to Iraq of items subject to monitoring. During the same period, the resident export/import monitoring group conducted some 130 inspections at sites within Iraq, including points of entry.

In view of the increase in the volume of potential and actual transactions of notifiable items being exported to Iraq resulting from the implementation of Security Council resolution 986(1995) (see "Oil-for-food programme" below), the export/import monitoring mechanism was under constant review to determine what steps, if any, might be necessary to enhance its effectiveness.

National implementation measures

The OMV plans of UNSCOM and IAEA required Iraq to adopt administrative and legislative measures to implement its obligations under Security Council resolutions 687(1991), section C [YUN 1991, p. 174], and 707(1991) [YUN 1991, p. 188] and the plans. They also required Iraq to inform the two bodies of action taken in that regard.

The UNSCOM October report recorded that Iraq had so far failed to introduce the required measures, despite UNSCOM's frequent raising of the issue with Iraqi authorities. That meant that Iraq was failing to carry out one of the actions necessary if the Council was to act under paragraph 22 of resolution 687(1991).

Aerial inspections

As indicated in its April report [S/1997/301], UNSCOM continued in 1997 to conduct both fixed-wing and helicopter flights throughout Iraq for purposes that included inspection, surveillance, aerial surveys, transportation and logistics. It did so by rights granted to it by Security Council resolutions 687(1991), 707(1991) and

715(1991) [YUN 1991, p. 194], which also obliged Iraq to permit those operations; those rights could be changed only by the Council.

Five new Bell UH-1H helicopters and personnel provided by Chile added greater flexibility to monitoring operations, made possible multiple missions each day and conducted over 1,000 hours of accident-free aerial support in Iraq. By the end of the second reporting period [S/1997/774], some 950 missions had been conducted by the Baghdad-based aerial inspection team and some 380 missions by the high-altitude surveillance aircraft (U-2), which continued to be an important element in UNSCOM's inspection activities.

Communications. In a series of letters addressed to the Security Council and/or the Secretary-General between March and November [S/1997/253, 431, 573, 747, 867, 905, 924], Iraq protested violations of its airspace by the U-2 aircraft, which, it claimed, was being used by the United States to spy on Iraq under the pretext of conducting UNSCOM aerial surveys. Iraq urged, as it had done in some 120 previous letters, that one of its own aircraft be used by UNSCOM to do away with aerial activity prejudicial to Iraq's sovereignty and security. Iraq notified the Secretary-General on 10 November [S/1997/867] that, on the basis of the violation of its airspace and sovereignty on that date by the "U-2 spy plane" and several formations of United States warplanes, the U-2 was no longer to be considered, nominally or formally, as a means for inspection or monitoring.

Limitations on UNSCOM activities

Right of access

Under the terms of Security Council resolution 687(1991), UNSCOM was mandated to carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by UNSCOM itself. On its part, Iraq was to agree unconditionally, *inter alia*, to accept urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items of mass destruction specified by that resolution. Subsequently, UNSCOM and Iraq issued in 1996 a joint programme of action and joint statement of modalities [YUN 1996, p. 208] for on-site inspections, including access to Iraqi individuals sought for interview, to ensure that UNSCOM would conduct its inspections of sensitive sites with full respect for Iraq's legitimate national security concerns. The statement included a provision for the review of the practi-

cal application and effectiveness of those modalities.

Ground operations

As noted in the UNSCOM October report [S/1997/774], of most serious concern to UNSCOM was Iraq's increasing failure to apply or behave in conformity with the modalities for on-site inspections; more recently, Iraq had sought to exclude them altogether with respect to certain sites and to define new categories of often very large sites from which UNSCOM inspectors would be forbidden, effectively reducing UNSCOM's right of access.

On 12 June [S/1997/474], the UNSCOM Executive Chairman, Rolf Ekéus, advised the Council that the Government of Iraq had denied an UNSCOM inspection team (UNSCOM 194) access to a designated inspection site on 10 June and to two others on 12 June. UNSCOM staff informed Iraqi representatives that those denials were in violation of the relevant Council resolutions and the 1996 joint programme of action and statement of modalities for the inspection of sensitive sites. Iraqi officials responded that Iraq's actions were being carried out on instructions from the highest authority. Mr. Ekéus expressed his concern that the Government had taken a decision to prevent full implementation of the UNSCOM mandate.

On 15 June [S/1997/465], Iraq's Deputy Prime Minister, Tariq Aziz, set out what he said were the circumstances surrounding the three incidents. He pointed out that, contrary to the 1996 joint statement and programme of action, UNSCOM in March had begun inspections on a scale previously unseen of sites related to national security, on the pretext of verifying alleged concealment of proscribed items and activities. He provided two lists of the sites covered by those inspections. The first inspection (UNSCOM 182), from 8 to 16 March, covered 22 sites. Mr. Aziz noted that its findings validated Iraq's often restated position that it concealed no proscribed items and that UNSCOM's information to the contrary was inaccurate. Notified on 29 May of the imminent dispatch of an inspection team to investigate alleged mechanisms for the concealment of proscribed activities and items, Iraq's Minister of Oil pointed to UNSCOM's unsubstantiated allegation of concealment and requested postponement of the inspection pending discussion of the matter at the upcoming high-level meeting in Baghdad or until the new Executive Chairman, Richard Butler, assumed his duties.

Mr. Ekéus nevertheless dispatched the inspection team, which, from 3 to 12 June, inspected 40 sites, including sites directly related to the security of the presidency of the State and sites be-

longing to the Ministry of Defence, the Ba'ath Arab Socialist Party and the Security and Intelligence Services. The Chief Inspector, Colonel Scott Ritter, requested interviews with officers of the armed forces who, Mr. Aziz claimed, had no connection with the weapons programmes specified in Council resolution 687(1991). It was pointed out that Colonel Ritter's request on 10 June for access to the political section of the Intelligence Service was denied because it contained highly confidential material. His request on 12 June for access to a site related to the security of the presidency was further denied as he had already inspected that site in July and August 1996. Prior to that request, Colonel Ritter asked for permission on the same day to use a road related to a presidential site, without specifying what was designated for inspection; he objected to the suggestion that he use another road and cancelled the mission.

Mr. Aziz asserted that the reason for denying access to the sites was Iraq's serious concern that access was for the purpose, not of implementing UNSCOM's mandate, but of detecting, under cover of UNSCOM inspection, the security arrangements for Iraq and its leadership and the security personnel involved. He made that assertion in the context of what he referred to as the United States position towards Iraq and its political system, of the fact that many of the inspectors were United States nationals on government secondment, and that Colonel Ritter, who had insisted without any justification on gaining access to the sites, was an officer of the United States army.

Mr. Aziz stressed that allegations of Iraq's concealment of proscribed items and of the existence of concealment mechanisms were false; that allowing the inspection of 40 sites out of 43 could not be described as uncooperative; that gaining access to sites related to the security of the presidency was clearly aimed at achieving purposes other than implementing the UNSCOM mandate; and that, since it was in Iraq's interests to cooperate with UNSCOM in order ultimately to enable the Council to lift the sanctions against Iraq, the allegation that Iraq was not cooperating was completely illogical. Mr. Aziz expressed the hope that the Council would direct UNSCOM to act within the limits of its mandate.

On 18 June [S/1997/473], Iraq's Foreign Minister informed the Council that five carloads of nuclear and import/export monitoring inspectors conducted a surprise inspection that day in the Za'faraniyah district of Baghdad. Using radiation and chemical detectors, the inspectors searched a telephone exchange, a cinema and

theatre, a monastery and church, a convent, a student dormitory, and a cinematographic store and laboratory under the Ministry of Culture and Information. The Minister described the inspections, authorized in writing by Mr. Ekéus, as shocking and an affront to the places of worship of Iraqi Christians. He called on the Council to do justice by Iraq by putting an end to the deliberate pattern of unprofessional conduct by UNSCOM.

The Executive Chairman on 19 June [S/1997/475] rejected what he called the unwarranted allegations made by the Foreign Minister regarding the authorized site designation and the conduct of UNSCOM personnel. Describing UNSCOM's participation in the inspection, he said the Chief Inspector was provided by IAEA, while the UNSCOM inspectors came from the export/import and chemical groups. He recalled that the right to make designations was vested solely in UNSCOM, on its own behalf and on behalf of IAEA when requested. Those designations (notice of inspection sites), which were provided to Iraqi counterparts, did not identify specific structures, but rather the geographic coordinates of the area to be inspected, and were made only in respect of areas not previously inspected. The area in question was part of a neighbourhood comprising buildings and facilities of a very diverse nature previously designated and currently under monitoring. The team inspected certain structures within the geographic coordinates provided in the designation but did not participate in the inspection of the religious buildings named by the Foreign Minister.

On 20 June [S/1997/481], Iraq, referring to its continuing cooperation with UNSCOM, pointed out that, since the signing of the 22 June 1996 joint statement, many sensitive sites had been inspected without friction. The incidents that had occurred under special circumstances during the UNSCOM 194 inspection could not be interpreted as representing a pattern of obstruction on the part of Iraq. Iraq reaffirmed its commitment to full cooperation with UNSCOM.

SECURITY COUNCIL ACTION

On 21 June [meeting 3792], the Security Council unanimously adopted **resolution** 1115(1997), based on a draft [S/1997/479] sponsored by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991 and 1060(1996) of 12 June 1996,

Taking note of the letter dated 12 June 1997 from the Executive Chairman of the Special Commission to the President of the Security Council, in which the Executive Chairman reported to the Council the incidents on 10 and 12 June 1997 when access by a Special Commission inspection team to sites in Iraq designated for inspection by the Commission was excluded by the Iraqi authorities,

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687(1991), 707(1991), 715(1991) and 1060(1996), to permit immediate, unconditional and unrestricted access to the Special Commission to any site which the Commission wishes to inspect,

Stressing the unacceptability of any attempts by Iraq to deny access to any such site,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constitutes a clear and flagrant violation of the provisions of Security Council resolutions 687(1991), 707(1991), 715(1991) and 1060(1996);

2. Demands that Iraq cooperate fully with the Special Commission in accordance with the relevant resolutions, and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission;

3. Demands also that the Government of Iraq give immediate, unconditional and unrestricted access to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview, so that the Special Commission may fully discharge its mandate;

4. Requests the Executive Chairman of the Special Commission to include in his consolidated progress reports under resolution 1051(1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 above;

5. Decides not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687(1991) until after the next consolidated progress report of the Special Commission, due on 11 October 1997, after which time those reviews will resume in accordance with resolution 687(1991);

6. Expresses its firm intention, unless the Special Commission advises the Council in the report referred to in paragraphs 4 and 5 above that Iraq is in substantial compliance with paragraphs 2 and 3 above, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance;

7. Reaffirms its full support to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council;

8. Decides to remain seized of the matter.

Following the adoption of the resolution, UNSCOM recorded other occasions when site access was either delayed or denied. On 13 and 15

September, during the conduct of an inspection of Iraq's chemical and biological weapons programmes, Iraq violated the modalities for the declared sensitive sites by not freezing movement within the sites after the arrival of the limited-entry team of four inspectors; it also delayed the team's entry, on 17 September, into a sensitive site in central Baghdad for 50 minutes while awaiting the arrival of a high-level Iraqi representative. During that delay, the inspectors witnessed and videotaped the movement of files, burning of documents and dumping of ash-filled waste cans into a nearby river, thus invalidating the inspection.

In his protest letter of 16 September to Iraq, the Executive Chairman noted that UNSCOM had been working scrupulously within the terms of the inspection modalities at sites declared by Iraq to be sensitive, adding that, as on a number of previous occasions, the 13 and 15 September events indicated that Iraq had not. Responding, the Deputy Prime Minister of Iraq stressed that the incidents were minor, were not intentional, and that Iraq was keen to adhere to the modalities for inspections. The Executive Chairman briefed the Council on the incidents during informal Council consultations on 17 September. Before the consultations, Iraq's Permanent Representative to the United Nations characterized the incidents as regrettable but occasioned by logistical problems.

On 27 and 29 September and 1 October, inspection teams (UNSCOM 207) were prevented from inspecting three designated sites. In all cases, the teams were blocked en route to the sites, which Iraqi authorities claimed were "presidential/residential" sites and therefore out of bounds to UNSCOM. Despite the Chief Inspector's offer to apply the inspection modalities for sensitive sites and attempts made in telephone calls between the Executive Chairman and the Deputy Prime Minister to resolve the issue, the teams were not permitted to proceed. The three inspections were terminated as the prolonged delay had seriously compromised the credibility of any inspection that might have taken place. To the Executive Chairman's 1 October letter of protest against the abridgement of rights vested in UNSCOM under Council decisions, Iraq's Deputy Prime Minister replied that he was prepared to study the situation with the Executive Chairman to arrive at solutions that achieved a balance between UNSCOM's requirements and the need to respect Iraq's sovereignty, security and dignity.

Aerial operations

The April report of UNSCOM [S/1997/301] stated that various serious incidents had occurred in

connection with its aerial operations: Iraq had attempted to exclude areas from overflight, had refused to provide landing rights and refuelling, and, on a number of occasions, had threatened the safety and integrity of the aircraft and their crews. Iraqi actions had included threats to shoot down the UNSCOM aircraft if it did not follow the route Iraq wished it to fly. Also, the accompanying Iraqi helicopter had flown dangerously close to the UNSCOM aircraft to force it to deviate from its planned route and Iraqi personnel on board had attempted to wrest control of the aircraft. Despite arrangements arrived at with Iraq's Deputy Prime Minister to rectify the situation, those actions continued to be repeated, as recorded in the UNSCOM October report [S/1997/774], which further noted that there had also been persistent attempts to prevent the aerial inspection team from conducting no-notice inspections.

Concurrently with the obstructions encountered by the inspection team on the ground in June, a series of four incidents occurred in which Iraqi personnel on board UNSCOM helicopters engaged in actions that obstructed UNSCOM inspections and endangered the security of the helicopters and the safety of the persons on board.

In a letter raising those incidents directly with the Council on 9 June [S/1997/455], the Executive Chairman reported that on 4 June, as the UNSCOM aircraft sought to orbit an inspection site, the Iraqi air personnel threatened to shut off the fuel pump and manhandled the Chief Air Inspector and UNSCOM photographer to prevent them from photographing the site, including the departure from it of two Iraqi helicopters. On 5 June, one of the Iraqi personnel, among other actions, grabbed the co-pilot's control, violently shaking it, leading the pilot immediately to abort the mission and return to base. On 7 June, an accompanying Iraqi helicopter placed itself in the path of the UNSCOM aircraft, causing the pilot to make a radical manoeuvre to avoid a dangerous situation. Subsequently, one of the Iraqi personnel on board, who stated that he was under orders to do whatever he could to stop the flight, interfered with the flight controls by placing his foot on the pilot's collective lever, resulting in a temporary deviation from controlled flight. The UNSCOM pilot thus aborted the mission and returned to base. Also on 7 June, the Iraqi escort helicopter flew alongside the UNSCOM helicopter in such a way that its main rotor overlapped that of the UNSCOM aircraft by some eight feet. When told by the UNSCOM crew to order the escort aircraft to move away, the Iraqi individual on board refused to do so, saying he had orders from Bagh-

dad and was not prepared to guarantee the safety of the UNSCOM aircraft.

Those incidents, the Executive Chairman continued, appeared to have been motivated by a determination not to permit UNSCOM to operate its aircraft in the neighbourhood of areas considered by Iraq to be "sensitive" or "diplomatic" sites, despite the fact that those sites were under ground inspection where access was permitted. In response to the letter protesting the 4 June incident [S/1997/458, annex I] and demanding that no Iraqi personnel who had interfered with and threatened the safety of the UNSCOM flights should be permitted aboard any UNSCOM aircraft, Iraq's Deputy Prime Minister regretted the accusations based on a single incident among hundreds of flight operations, but nonetheless directed the Iraqi personnel concerned to be relieved of duties associated with the work of UNSCOM [S/1997/456]. To UNSCOM's protest against the second incident [S/1997/458, annex II], Iraq sought to justify the actions of the Iraqis involved [S/1997/457]. In both instances, the assurances and effective measures sought to prevent the recurrence of those incidents had not been forthcoming.

SECURITY COUNCIL ACTION

The Security Council, having been briefed by the Executive Chairman on the situation with respect to the denials of access to sites and to persons for interviews, met on 13 June [meeting 3789]. Before it were the related letters (above) from the Executive Chairman to the Council and between him and Iraq. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1997/33] on its behalf:

The Security Council takes note of the letters dated 9 and 11 June 1997 from the Executive Chairman of the Special Commission, the letter dated 5 June 1997 from the Deputy Prime Minister of Iraq and the letter dated 6 June 1997 from the Under-Secretary of the Ministry of Foreign Affairs of Iraq. The Council expresses serious concern at the four incidents on 4, 5 and 7 June 1997 in which Iraqi personnel unacceptably interfered with helicopter flights operating in support of inspection of sites designated by the Special Commission under Council resolutions 687(1991), 707(1991) and 715(1991), endangering the helicopters and their crews, as well as persons on the ground.

The Council deplores these incidents and underlines the fact that Iraq must immediately take effective steps to put an end to all such actions. The Council reminds Iraq of its obligations under the relevant resolutions of the Council, in particular resolution 1060(1996). The Council affirms that Iraq is obliged to ensure the security of the personnel of the Special Commission and to permit the Commission to carry

out its air operations anywhere in Iraq without interference of any kind in accordance with pertinent provisions of resolution 707(1991). The Council recalls the commitments contained in the joint statement of the Special Commission and Iraq of 22 June 1996.

The Council reiterates its continuing support to the Special Commission in its efforts to ensure the implementation of its mandate under the relevant resolutions of the Council.

On 13 September, during the combined chemical and biological inspection (UNSCOM 199/203), one of the UNSCOM helicopter personnel was again manhandled while attempting to photograph the unauthorized movement of Iraqi vehicles at a site designated for inspection. In accordance with UNSCOM's rights, the Executive Chairman instructed that the two Iraqi personnel who had been aboard the helicopter be forbidden from flying again on UNSCOM aircraft.

On 29 September, UNSCOM's Chief Aerial Inspector and a helicopter crew were not allowed to leave the Rasheed airbase, to which they had returned following their day's mission in support of a ground inspection. The detention was said to have been ordered on the grounds that they had taken photographs of sensitive sites. While the problem was ultimately resolved by telephone between the Executive Chairman and the Deputy Prime Minister, Iraq's actions clearly violated the right of UNSCOM personnel to move freely within Iraq.

During his visits to Baghdad, the Executive Chairman raised with the Deputy Prime Minister the right of UNSCOM to operate its aircraft throughout Iraq and to land at airfields of its choice. He proposed that, to obviate the long journey from Habbaniyah airfield to Baghdad, both upon the arrival and departure of inspection teams, UNSCOM should land its fixed-wing aircraft at Rasheed, which was much closer to BMVC and was where the helicopters were based. The Deputy Prime Minister rejected the proposal, saying that once he was enabled to fly from Rasheed to Amman, Jordan, UNSCOM would be permitted to use Rasheed for its fixed-wing aircraft. During his September visit to Baghdad, the Executive Chairman also conveyed IAEA's wish to fly the UNSCOM fixed-wing aircraft to Basrah International Airport to enable it to conduct an inspection in that area. Rejecting the proposal, the Deputy Prime Minister stated that that airport was closed because of the imposition of the "illegal no-fly zone". The Executive Chairman said those two unilaterally imposed limitations on UNSCOM and IAEA air operations were in direct violation of Council resolutions and decisions.

Compliance with Council resolution 1115(1997)

In accordance with paragraph 4 of Security Council **resolution 1115(1997)**, the UNSCOM October report [S/1997/774] annexed a record of Iraq's compliance with paragraphs 2 and 3 of that resolution (see above).

Apart from the main instances of difficulties recorded above, the annex stated that Iraq had on occasion delayed granting access to designated inspection sites, concealed and destroyed documents, failed to abide by the modalities of sensitive-site inspection, attempted to conceal ongoing activities at sites under UNSCOM monitoring and delayed providing Iraqi counterparts. Those actions had not been specific to a single inspection team, site, type of site, investigation or time-frame; they had occurred in a wide range of contexts and each had either invalidated the site inspection or had cast serious doubt on the veracity of Iraqi declarations about the issues and sites under inspection. In addition, attempts to verify Iraqi declarations had been hampered by its failure to provide corroborative documentation and data. Also noted was Iraq's failure to introduce national legislative and administrative measures to implement section C of Council resolution 687(1991), resolution 707(1991) and the OMV plan.

The Executive Chairman stated that the failure needed to be evaluated in the context of the reporting period from 11 April to 11 October 1997, during which UNSCOM had conducted over 170 site inspections by visiting teams and over 700 site inspections by resident monitoring teams. He further stated that, to be fair, it was necessary to record that the majority of those inspections were conducted in Iraq without let or hindrance; progress had been achieved in the substantive areas, in particular in accounting for Iraq's proscribed long-range missiles and the destruction of chemical weapons-related equipment and materials; and the atmosphere in which consultations with Iraq had been conducted had improved and it had been possible to resolve a number of problems through direct contacts with the Deputy Prime Minister.

SECURITY COUNCIL ACTION

On 23 October [meeting 3826], the Security Council, having considered the Executive Chairman's October report and its annexes, adopted **resolution 1134(1997)** by vote (10-0-5), based on a draft [S/1997/816] sponsored by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991, 1060(1996) of 12 June 1996 and 1115(1997) of 21 June 1997,

Having considered the report of the Executive Chairman of the Special Commission of 6 October 1997,

Expressing grave concern at the report of additional incidents since the adoption of resolution 1115(1997), in which access by the Special Commission inspection teams to sites in Iraq designated for inspection by the Commission was again denied by the Iraqi authorities,

Stressing the unacceptability of any attempts by Iraq to deny access to such sites,

Taking note of the progress nevertheless achieved by the Special Commission, as set out in the report of the Executive Chairman, towards the elimination of Iraq's programme of weapons of mass destruction,

Reaffirming its determination to ensure full compliance by Iraq with all its obligations under all previous relevant resolutions, and reiterating its demand that Iraq allow immediate, unconditional and unrestricted access to the Special Commission to any site which the Commission wishes to inspect and, in particular, allow the Special Commission and its inspection teams to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without interferences of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission,

Recalling that in its resolution 1115(1997) the Council expressed its firm intention, unless the Special Commission has advised the Council that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the repeated refusal of the Iraqi authorities, as detailed in the report of the Executive Chairman of the Special Commission, to allow access to sites designated by the Special Commission, and especially Iraqi actions endangering the safety of Special Commission personnel, the removal and destruction of documents of interest to the Special Commission and interference with the freedom of movement of Special Commission personnel;

2. Decides that such refusals to cooperate constitute a flagrant violation of Security Council resolutions 687(1991), 707(1991), 715(1991) and 1060(1996), and notes that the Special Commission, in the report of the Executive Chairman, was unable to advise that Iraq was in substantial compliance with paragraphs 2 and 3 of resolution 1115(1997);

3. Demands that Iraq cooperate fully with the Special Commission in accordance with the relevant reso-

lutions, which constitute the governing standard of Iraqi compliance;

4. Demands in particular that Iraq without delay allow the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

5. Requests the Executive Chairman of the Special Commission to include in all future consolidated progress reports prepared under resolution 1051(1996) an annex evaluating Iraq's compliance with paragraphs 2 and 3 of resolution 1115(1997);

6. Expresses the firm intention—if the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115(1997) or if the Special Commission does not advise the Council in the report of the Executive Chairman due on 11 April 1998 that Iraq is in compliance with paragraphs 2 and 3 of resolution 1115(1997)—to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115(1997), provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661(1990), and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals or persons carrying out bona fide diplomatic assignments or missions;

7. Decides, on the basis of all incidents related to the implementation of paragraphs 2 and 3 of resolution 1115(1997), to begin to designate, in consultation with the Special Commission, individuals whose entry or transit would be prevented upon implementation of the measures set out in paragraph 6 above;

8. Decides also not to conduct the reviews provided for in paragraphs 21 and 28 of resolution 687(1991) until after the next consolidated progress report of the Special Commission, due on 11 April 1998, after which those reviews will resume in accordance with resolution 687(1991), beginning on 26 April 1998;

9. Reaffirms its full support for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

10. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1134(1997):

In favour: Chile, Costa Rica, Guinea-Bissau, Japan, Poland, Portugal, Republic of Korea, Sweden, United Kingdom, United States.

Against: None.

Abstain: China, Egypt, France, Kenya, Russian Federation.

Exclusion of US nationals and high-altitude aircraft from UNSCOM operations

Following adoption of the above resolution, Iraq, on 29 October [S/1997/829], wrote that the resolution reflected the imposition on the Council of United States policy against Iraq. It claimed

that UNSCOM, with its large number of United States officials, inspectors and experts, was an instrument of that policy and the reason why UNSCOM had not submitted an objective report that would lead the Council to implement paragraph 22 of resolution 687(1991). Iraq further claimed that it had endured acts of injustice and abuse by such inspectors and experts, whose behaviour had become a threat to Iraq's national security. For those reasons, Iraq had decided to continue cooperating with UNSCOM provided that no United States nationals would be allowed to participate in any UNSCOM activities in Iraq, particularly inspections, interviews, and aerial and ground surveillance. Iraq moreover demanded that all United States nationals leave Iraq within seven days beginning at 1700 hours on 29 October (New York time). It also requested that UNSCOM withdraw the high-altitude aircraft from its aerial operations, reiterating its proposal for a replacement aircraft from a neutral State. Iraq declared its readiness to receive a specialized committee or committees from permanent Council members excepting the United States, to ascertain that Iraq was fully divested of its proscribed weapons, and, for that purpose and within the framework of respect for Iraq's sovereignty, security and dignity, its readiness to ensure access to all sites they wished to visit and to answer all relevant questions.

Appended to the letter were tables enumerating all items related to Iraq's missile, chemical, biological and nuclear weapons programmes that had been destroyed and lists of United States nationals associated with UNSCOM: 12 holding important positions at its headquarters in New York, 176 experts who worked at BMVC from August 1994 to 25 October 1997, and 555 experts who had participated in UNSCOM operations in Iraq from 15 May 1991 to 25 October 1997.

SECURITY COUNCIL ACTION

On 29 October [meeting 3828], the Security Council, following consultations among its members on Iraq's letter, authorized its President to make the following statement [S/PRST/1997/49] on its behalf:

The Security Council has considered the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its co-operation with the Special Commission, thereby preventing the Special Commission from discharging its responsibilities under resolutions 687(1991), 699(1991), 707(1991), 715(1991), 1051(1996), 1060(1996), 1115(1997) and 1134(1997).

The Council recalls its demands in resolution 1134(1997) that Iraq cooperate fully with the Special

Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance.

The Council condemns the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission. It demands that Iraq cooperate fully, in accordance with the relevant resolutions, without conditions or restrictions, with the Special Commission in the implementation of its mandate. The Council furthermore reminds the Government of Iraq of its responsibility for the safety and security of the Special Commission personnel and inspection teams.

The Council warns of the serious consequences of Iraq's failure to comply immediately and fully with its obligations under the relevant resolutions. The Council is determined to ensure rapid and full Iraqi compliance with the relevant resolutions and for that purpose will remain actively seized of the matter.

The Council's condemnation and warning notwithstanding, the Executive Chairman reported to the Council on 30 October [S/1997/830] that on that date two officers of UNSCOM and one of IAEA of United States nationality had been refused entry to Iraq. The three officials were thus instructed to return with the UN aircraft to Bahrain. The Executive Chairman observed that Iraq's action was taken some eight hours after the adoption of the Council's presidential statement and that Iraq's 29 October letter [S/1997/829] made no mention of action to prevent the entry into Iraq of UN officials of United States nationality prior to the expiration of the period specified.

A joint statement on Iraq [S/1997/846] issued following a meeting in Moscow on 1 November of the Foreign Ministers of France and the Russian Federation urgently called on Iraq to reverse its decision and expressed support for the Secretary-General's intention to send a special UN mission to Baghdad to urge that country to cooperate unconditionally with UNSCOM.

On 2 November [S/1997/836], the Executive Chairman informed the Council that Iraq again violated its obligations by refusing entry into the country of the same two UNSCOM personnel, who along with other non-United States UNSCOM personnel were seeking to return to their normal place of work at BMVC, in Baghdad. Both returned to the UNSCOM field office, together with an IAEA officer of United States nationality who was not blocked from entry but nevertheless returned to Bahrain, in conformity with IAEA's position that the two bodies charged with ensuring the elimination of Iraq's weapons of mass destruction be afforded the same treatment.

Iraq, also on 2 November [S/1997/837, annex], informed the Executive Chairman that the pres-

ence in Iraqi airspace of the UNSCOM high-altitude surveillance aircraft (described as an "American spying plane") could not be accepted. Iraq urged him to cancel that plane's overflights scheduled for 5 and 7 November, making clear that he would bear responsibility for the consequences that would ensue from a decision to send the aircraft into the country.

The Executive Chairman notified the Council on 3 November [S/1997/837], the first day on which inspections were attempted following the Council's receipt of Iraq's 29 October letter, that a missile inspection team was told on arrival at its designated inspection site that it could proceed but without its personnel of United States nationality. On his instructions, therefore, that team and two others (chemical and biological) still en route to their inspection sites terminated their missions. Characterizing as without foundation Iraq's suggestion that the U-2 high-altitude reconnaissance flights in support of UNSCOM inspections were flown on behalf of a Government, the Executive Chairman further advised the Council that he had authorized the next U-2 surveillance mission, scheduled between 5 and 7 November, and sent the standard notification to the Iraqi authorities on 31 October. He attached Iraq's 2 November letter implicitly threatening the safety of the aircraft. The Executive Chairman, on 4 November [S/1997/843], provided additional details of those aborted missions.

On 5 November [S/1997/848], the Executive Chairman informed the Council that he had postponed the U-2 mission, in compliance with a request from the Secretary-General, whose three personal envoys—Lakhdar Brahimi (Algeria), Emilio Cardenas (Argentina) and Gin Eliasson (Sweden)—would be delivering his message to the Iraqi authorities that UNSCOM's operations should be fully and unconditionally reinstated at the time the U-2 mission would be in progress. The Executive Chairman felt that, as the U-2 flights were an important and integral part of the process of inspection, monitoring and verification, which assumed even greater importance during the continued blockage of the ground inspections, he had decided to authorize resumption of the flights the following week and would so notify the Iraqi authorities.

Iraq's reply of 6 November [S/1997/864, annex] regretted the Executive Chairman's insistence in resuming the "spy plane" flights at a time when a dialogue was under way between Iraq and the Secretary-General and when Iraq had decided to postpone giving effect to its decision to deport the United States nationals working with UNSCOM. Iraq restated that the Executive Chair-

man would bear the consequences that would ensue from his decision to send the aircraft to Iraq.

On 5 November [S/1997/851], the Executive Chairman reported that the UNSCOM inspection teams had again been blocked and OMV inspections had not taken place for a week. The potential gravity of the situation was further underlined by the fact that significant pieces of dual-capable equipment subject to remote-camera monitoring had recently been moved out of the cameras' view without prior notification. He also reported that camera monitoring equipment had been tampered with, lenses covered and lighting turned off in the facilities under monitoring. UNSCOM was currently reviewing the images from all the cameras and would inspect two of the relevant facilities on 6 November to try to establish the whereabouts of the displaced dual-capable equipment.

Iraq admitted on 6 November [S/1997/855, annex] to removing to distant sites items of equipment that might be subjected to United States military attack. It gave assurances that they would be returned to their original locations, that their return would be authenticated by monitoring teams and that, in the meantime, they would not be used for any proscribed activity. Iraq also explained that the monitoring cameras had been damaged—not tampered with as claimed—by an explosion during a static testing of two rocket engines for a non-proscribed missile, of which Iraq had officially notified the BMVC missile monitoring group on the same date.

On 7 November [S/1997/864], the Executive Chairman reported that, on that day as well as the day before, BMVC inspection teams attempting to conduct inspections in the Baghdad area had again been blocked. The teams included one charged with changing cassettes in chemical air samplers at a site subject to monitoring. Were the blocking actions to continue, UNSCOM would be denied that additional means of detecting that Iraq was not engaged in prohibited activities, the Executive Chairman said, pointing out that some of Iraq's chemical sites had the capability of carrying out chemical warfare-related activities within a matter of days.

Following a flight over Iraq by the UNSCOM U-2 aircraft on 10 November, Iraq on that date [S/1997/867] stated that, on the basis of the violation of Iraq's airspace and sovereignty by the "U-2 spy plane" and several formations of United States warplanes, the U-2 was no longer to be considered, nominally or formally, as a means of inspection or monitoring. Iraq would act in regard to aircraft violating its airspace in such a way as to safeguard its sovereignty and security.

On 11 November [S/1997/873], Iraq drew to the Council's attention that, between 3 and 9 November, some 34 BMVC inspection teams had separately notified it of their intention to conduct inspections. While Iraq had indicated its readiness to lend full cooperation to ensure the success of their mission provided no United States nationals were among them, the teams had, on the instructions of the UNSCOM Executive Chairman, cancelled their intended inspections. Iraq wrote on 16 November [S/1997/8991] that subsequent inspection teams, between 9 and 12 November, had similarly cancelled their missions.

SECURITY COUNCIL ACTION

On 12 November [meeting 3831], the Security Council unanimously adopted **resolution 1137(1997)**, based on a draft [S/1997/872] sponsored by Chile, Costa Rica, Japan, Poland, Portugal, the Republic of Korea, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991, 1060(1996) of 12 June 1996, 1115(1997) of 21 June 1997 and 1134(1997) of 23 October 1997,

Taking note with grave concern of the letter dated 29 October 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council conveying the unacceptable decision of the Government of Iraq to seek to impose conditions on its cooperation with the Special Commission, of the letter dated 2 November 1997 from the Permanent Representative of Iraq to the United Nations to the Executive Chairman of the Special Commission which reiterated the unacceptable demand that the reconnaissance aircraft operating on behalf of the Special Commission be withdrawn from use and which implicitly threatened the safety of such aircraft, and of the letter dated 6 November 1997 from the Minister for Foreign Affairs of Iraq to the President of the Security Council admitting that Iraq has moved dual-capable equipment which is subject to monitoring by the Special Commission,

Also taking note with grave concern of the letters dated 30 October and 2 November 1997 from the Executive Chairman of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to Iraq to two Special Commission officials on 30 October and 2 November 1997 on the grounds of their nationality, and of the letters dated 3, 4, 5 and 7 November 1997 from the Executive Chairman of the Special Commission to the President of the Security Council advising that the Government of Iraq had denied entry to sites designated for inspection by the Special Commission on 3, 4, 5, 6 and 7 November 1997 to Special Commission inspectors on the grounds of their nationality, as well as of the additional information in the letter dated 5 November 1997 from the Executive Chairman of the Special Commission addressed to the President of the Security Council that the Government of Iraq has moved significant pieces

of dual-capable equipment subject to monitoring by the Special Commission and that monitoring cameras appear to have been tampered with or covered,

Welcoming the diplomatic initiatives, including that of the high-level mission of the Secretary-General, which have taken place in an effort to ensure that Iraq complies unconditionally with its obligations under the relevant resolutions,

Deeply concerned at the report of the high-level mission of the Secretary-General on the results of its meetings with the highest levels of the Government of Iraq,

Recalling that in its resolution 1115(1997) the Council expressed its firm intention, unless the Special Commission advised it that Iraq is in substantial compliance with paragraphs 2 and 3 of that resolution, to impose additional measures on those categories of Iraqi officials responsible for the non-compliance,

Recalling also that in its resolution 1134(1997) the Council reaffirmed its firm intention, if, inter alia, the Special Commission reports that Iraq is not in compliance with paragraphs 2 and 3 of resolution 1115(1997), to adopt measures which would oblige States to refuse the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance with paragraphs 2 and 3 of resolution 1115(1997),

Recalling further the statement of its President of 29 October 1997, in which the Council condemned the decision of the Government of Iraq to try to dictate the terms of its compliance with its obligation to cooperate with the Special Commission and warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Determined to ensure immediate and full compliance without conditions or restrictions by Iraq with its obligations under the relevant resolutions,

Determining that this situation continues to constitute a threat to international peace and security,

Acting under Chapter VU of the Charter of the United Nations,

1. Condemns the continued violations by Iraq of its obligations under the relevant resolutions to cooperate fully and unconditionally with the Special Commission in the fulfilment of its mandate, including its unacceptable decision of 29 October 1997 to seek to impose conditions on cooperation with the Special Commission, its refusal on 30 October and 2 November 1997 to allow entry to Iraq to two Special Commission officials on the grounds of their nationality, its denial of entry on 3, 4, 5, 6 and 7 November 1997 to sites designated by the Special Commission for inspection to Special Commission inspectors on the grounds of their nationality, its implicit threat to the safety of the reconnaissance aircraft operating on behalf of the Special Commission, its removal of significant pieces of dual-use equipment from their previous sites, and its tampering with monitoring cameras of the Special Commission;

2. Demands that the Government of Iraq rescind immediately its decision of 29 October 1997;

3. Demands also that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance;

4. Decides, in accordance with paragraph 6 of resolution 1134(1997), that States shall without delay prevent the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who were responsible for or participated in the instances of non-compliance detailed in paragraph 1 above, provided that the entry of a person into a particular State on a specified date may be authorized by the Security Council Committee established by resolution 661(1990) of 6 August 1990, and provided that nothing in this paragraph shall oblige a State to refuse entry into its own territory to its own nationals, or to persons carrying out bona fide diplomatic assignments, or missions approved by the Committee;

5. Decides also, in accordance with paragraph 7 of resolution 1134(1997), to designate in consultation with the Special Commission a list of individuals whose entry or transit will be prevented under the provisions of paragraph 4 above, and requests the Committee established by resolution 661(1990) to develop guidelines and procedures as appropriate for the implementation of the measures set out in paragraph 4 above and to transmit copies of those guidelines and procedures, as well as a list of the individuals designated, to all Member States;

6. Decides further that the provisions of paragraphs 4 and 5 above shall terminate one day after the Executive Chairman of the Special Commission reports to the Council that Iraq is allowing the Special Commission inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission, as well as to officials and other persons under the authority of the Iraqi Government whom the Special Commission wishes to interview so that the Special Commission may fully discharge its mandate;

7. Decides that the reviews provided for in paragraphs 21 and 28 of resolution 687(1991) shall resume in April 1998 in accordance with paragraph 8 of resolution 1134(1997), provided that the Government of Iraq shall have complied with paragraph 2 above;

8. Expresses its firm intention to take further measures as may be required for the implementation of the present resolution;

9. Reaffirms the responsibility of the Government of Iraq under the relevant resolutions to ensure the safety and security of the personnel and equipment of the Special Commission and its inspection teams;

10. Reaffirms also its full support for the authority of the Special Commission under its Executive Chairman to ensure the implementation of its mandate under the relevant resolutions of the Council;

11. Decides to remain seized of the matter.

Expulsion of US nationals and withdrawal of UNSCOM and IAEA from Iraq

On 13 November [S/1997/883], the Executive Chairman transmitted to the Security Council Iraq's letter of the same date to the BMVC Direc-

tor, stating that United States BMVC personnel should leave Iraq immediately via the Baghdad-Amman highway. The Chairman also transmitted his reply, advising of: the decision to remove from Iraq all UNSCOM inspection and monitoring staff, including those of United States nationality, with the exception of a small office staff under the Director; and of arrangements made for the UNSCOM aircraft to depart for Bahrain at 0800 hours on 14 November, with all UNSCOM personnel designated to leave Baghdad on board. The Chairman requested Iraq not to insist that UNSCOM personnel of United States nationality depart by road to Amman on 13 November and to accept his assurances that they would leave on the UNSCOM aircraft on 14 November. Since Iraq denied the request, eight United States inspectors drove from Iraq overnight to Jordan; as arranged, the remainder of the UNSCOM and IAEA inspectors were withdrawn on 14 November.

On 13 November, the Secretary-General conveyed to the Council Iraq's position [S/1997/888], as told to him by the Deputy Prime Minister before his departure from New York: Iraq's decision was that UNSCOM could continue its normal work with personnel other than United States nationals; if all the monitors were withdrawn, the Executive Chairman of UNSCOM would bear the responsibility. The Deputy Prime Minister gave his assurance that he did not want a confrontation with either the Council or UNSCOM. He said that if UNSCOM did not want to escalate the situation, he hoped it would conduct its work until a solution could be found through diplomatic means and reiterated that Iraq wished to continue contacts and a dialogue to that end. Iraq hoped to avoid a military confrontation and demanded that the U-2 flights cease.

The Security Council, on 14 November [S/1997/889], acknowledged the Executive Chairman's letter and welcomed his intention to present an assessment of the ability of UNSCOM, under the current circumstances, to perform its mandate, including his views on the need for an emergency meeting of UNSCOM.

SECURITY COUNCIL ACTION

On receipt of the foregoing letters, the Security Council met on 13 November [meeting 3832] and, following consultations among its members, authorized its President to make the statement below [S/PRST/1997/51] on the Council's behalf:

The Security Council condemns in the strongest terms the unacceptable decision of the Government of Iraq in expelling personnel of the Special Commission of a specified nationality and thereby imposing conditions on the Special Commission in

contravention of relevant Security Council resolutions which constitute the governing standard of Iraqi compliance.

The Council demands the immediate and unequivocal revocation of this action, which has prevented the Special Commission from discharging its responsibilities under the relevant resolutions. The Council recalls the statement by its President of 29 October 1997, in which the Council warned of the serious consequences of Iraq's failure to comply immediately and fully and without conditions or restrictions with its obligations under the relevant resolutions. The Council further demands, in accordance with its resolution 1137(1997), that Iraq comply immediately and fully with its obligations under the relevant resolutions.

The Council expresses its support for the Special Commission and the International Atomic Energy Agency and stresses the importance of their ensuring the implementation of all aspects of their mandates, including their vital work in monitoring and verification in Iraq, in accordance with the relevant resolutions of the Council.

The Council stresses that the Government of Iraq has full responsibility for ensuring the safety and security of the personnel and equipment of the Special Commission and the International Atomic Energy Agency and their inspection teams.

Resumption of UNSCOM operations in Iraq

A joint declaration [S/1997/907] resulting from talks between the Russian Federation and Iraq (Moscow, 18-19 November) aimed at finding a diplomatic solution to the crisis stated that an agreement had been reached whereby Iraq would accept the return of UNSCOM, with its full complement of members, to resume work in Iraq as from 20 November. The Russian Federation would work, subject to Iraq's implementation of the relevant Security Council resolutions, for a speedy lifting of the sanctions against Iraq. To that end, it would take measures to enhance the effectiveness of UNSCOM while respecting Iraq's sovereignty and security.

A joint statement of 20 November [S/1997/909], issued by China, France, the Russian Federation, the United Kingdom and the United States, underscored the importance of the efforts in solidarity of the five permanent Council members aimed at the unconditional and complete fulfilment by Iraq of all relevant Council resolutions, expressed appreciation for the Russian Federation's diplomatic initiative and hoped it would lead to the unconditional decision by the Iraqi leadership to accept the return of UNSCOM with its previous composition. The statement supported UNSCOM's intention to meet on 21 November in New York to discuss and advise on, among other important issues, ways to make its work more effective on the basis of the Council resolutions.

On 20 November, Iraq transmitted a statement of the same date [S/1997/908] by its Revolutionary Command Council containing a decision to issue an invitation to UNSCOM, with its full complement of members, to return to Iraq.

Emergency session of UNSCOM

In keeping with the Security Council's request, UNSCOM convened an emergency session on 21 November, at which its members considered each of the proscribed weapons areas (nuclear, missile, chemical, biological) described in section C of Council resolution 687(1991) and arrived at recommendations regarding each, as well as measures of a general nature designed to enhance the fulfilment of the mandates of UNSCOM and IAEA. The session's report [S/1997/922] was submitted to the Council on 22 November.

UNSCOM members recalled that the effectiveness and speed with which UNSCOM could accomplish its responsibilities were determined by the degree to which Iraq cooperated in disclosing the full extent and disposition of its proscribed programmes and in granting unimpeded access to sites, documents and records and to individuals required for interview. In that context, they took note of the return of UNSCOM and IAEA to Iraq on 21 November in their full composition. Noting further the importance of the contributions that Governments could make to the work of UNSCOM by providing not only experts, equipment and services but also information, the members suggested that the Council might wish to encourage Governments that were not already doing so to provide supplier information relevant to Iraq's proscribed programmes.

The members took note of the IAEA October report [S/1997/779] stating that, inter alia, there were no indications that any weapon-usable nuclear material remained in Iraq and that IAEA's OMV activities revealed no evidence of prohibited materials, equipment or activities. There remained five issues (see below, under "IAEA activities"), however, to which the Council might call on Iraq to respond promptly and fully. Were Iraq to comply and also cooperate in the use of fixed-wing aircraft within the country for monitoring purposes, IAEA would have a basis for an early favourable report to the Council. To enable IAEA fully to implement new technologies in its OMV activities, the Council might also recommend that Governments make available to IAEA the requisite technologies.

With respect to priority requirements in the area of proscribed missiles, the Council was urged to call on Iraq also to respond promptly and fully to UNSCOM's requests for an accounting

of its indigenous production of proscribed missiles, including seven missiles claimed to have been for training, conventional warheads and warheads for biological and chemical agents, and major missile parts. UNSCOM noted that the accounting of warheads was significant, not only in the missile area but also in the chemical and biological weapons areas as warheads had been filled with chemical and biological agents.

Issues remaining to be solved in the chemical weapons area included, as indicated above, the accounting for special warheads (chemical and biological); the extent of efforts to produce and weaponize the VX chemical warfare agent; and the material balance of chemical munitions declared by Iraq as having been destroyed during the Gulf War, as well as of production equipment it had procured for chemical weapons purposes. To resolve those issues, UNSCOM would continue to utilize scientific seminars with Iraqi participation.

UNSCOM noted that the biological weapons area was where Iraq had most seriously and persistently disregarded its obligations to the United Nations. The paucity of progress was largely attributable to Iraq's denial, until June 1995, of the existence of a biological weapons programme. Iraq's biological FFCD submitted in September was not substantively different from previous versions found unacceptable and unsupported by verifiable evidence and documentation—findings that had been endorsed by an international panel of experts.

Further noted were the systematic concealment activities conducted by Iraq in proscribed weapons areas, which had a direct effect on UNSCOM's ability to fulfil its mandate. It was emphasized that immediate, unconditional and unrestricted access was absolutely fundamental to UNSCOM's ability to accomplish any of its tasks; that the provision of access was Iraq's responsibility, as called for by the Council; and that UNSCOM respected Iraq's legitimate national security, sovereignty and dignity concerns. Greater clarity in reconciling those rights and full practical application of the UNSCOM mandate should be sought by the Executive Chairman in early discussions with Iraqi authorities. In that connection, it was suggested that UNSCOM staff continue to document all instances of Iraqi efforts to frustrate their work by concealment, obstruction, restriction of access or other means, so that the Council could be kept informed.

A series of operational recommendations was put forward calling for: a review of additional equipment, including sensors, sensor-support and other items, which could facilitate inspection and could be requested from Governments; addi-

tional aircraft, to allow for more aerial surveillance including at night; and Governments to be encouraged to respond favourably to the Executive Chairman's requests for technically qualified inspectors. To enhance air operations, it was recommended that the Council should insist on the full implementation of UNSCOM's right to operate both fixed- and rotary-wing aircraft throughout Iraq and to land at airfields of its choice; that UNSCOM be allowed to have its fixed-wing operations based at Rasheed airbase, where its helicopters were already stationed, and to use its fixed-wing aircraft to transport inspection teams to Basrah International Airport and to other locations remote from Baghdad, to shorten the time for the conduct of inspections; and that the Executive Chairman and Iraq review further the modalities for the notification and conduct of air operations so as to simplify those modalities, for example, by using standard International Civil Aviation Organization flight plans, instead of the current system of "boxes" filed the night before a planned air operation.

Other recommendations, aimed at improving the effectiveness of the OMV regime, included: provision of monitoring experts by Governments; development of a uniform training programme at BMVC for all monitoring staff, supplemented with area-specific technical briefings, guidelines and procedures as appropriate; simplification of OMV formats and declarations; and improvement of the export/import monitoring mechanism through a training programme to be instituted at UNSCOM headquarters, with the participation of representatives of Governments likely to be engaged in extensive trade with Iraq, as well as through a modification of the OMV plan annexes to ensure that they required key technical information. Also recommended was a review of additional equipment requirements, such as laboratory equipment for BMVC and a video-editing and communications system for UNSCOM headquarters.

The members suggested that the Executive Chairman make clear in his next report to the Council the extent to which the temporary cessation of UNSCOM operations had set back its ability to complete its mandate.

Communication. Iraq wrote to the Council on 24 November [S/1997/925] that, since the summary presented by the United States-led expert group at the UNSCOM meeting of 21 November contained incorrect information on the progress made towards closing Iraq's missile, chemical and biological weapons files, it submitted detailed and extensive comments to set the record straight. In addition, it listed the 192 documents

relating to those files which it had presented to UNSCOM.

SECURITY COUNCIL ACTION

The Security Council met on 3 December [meeting 3838] to consider the report of UNSCOM on its emergency session. Following consultations among its members, the Council authorized the President to issue the following statement [S/PRST/1997/54] on its behalf:

The Security Council endorses the conclusions and recommendations of the report of the emergency session of the Special Commission aimed at full and expeditious implementation of the relevant resolutions and at increasing the efficiency and effectiveness of the work of the Commission to this end.

The Council reiterates its demand that Iraq fulfil all its obligations as set out in all the relevant resolutions, including resolution 1137(1997), and cooperate fully with the Special Commission and the International Atomic Energy Agency in the implementation of their respective mandates. The Council stresses that the effectiveness and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Commission unimpeded access to all sites, documents, records and individuals. The Council acknowledges the conclusion of the report of the emergency session of the Special Commission that the Commission respects the legitimate national security, sovereignty and dignity concerns of Iraq in the context of the need for full application of the mandate given to it by the Council.

The Council welcomes the progress achieved by the Special Commission and the International Atomic Energy Agency in various disarmament areas. The Council encourages intensified efforts, in line with the conclusions and recommendations of the emergency session of the Special Commission, in order to implement fully the mandates of the Commission and the International Atomic Energy Agency in each of their respective disarmament areas. The Council acknowledges that, as Iraq complies with its obligations under the relevant resolutions, and the Special Commission and the International Atomic Energy Agency so report and the Council agrees, the Commission and the International Atomic Energy Agency would make the transition from investigation to monitoring in their respective areas, expanding the use of the ongoing monitoring system functioning in Iraq.

The Council urges Member States to respond positively to the requests contained in the report of the emergency session of the Special Commission, in particular related to the provision of additional personnel, equipment and information required by the Commission and the International Atomic Energy Agency for more efficient and effective implementation of their respective mandates.

The Council will remain seized of the matter and will consider whether additional action may be necessary.

Post-emergency session activities

Report of Executive Chairman (17 December).

In accordance with the wishes of the Security Council, the Executive Chairman of UNSCOM visited Baghdad from 12 to 16 December. He was accompanied by his Deputy, Charles Duelfer; three Commissioners, from France, the Russian Federation and the United Kingdom; and senior officers of UNSCOM's permanent staff. The Iraqi side, composed of Ministers and senior military and civilian officials responsible for Iraq's proscribed weapons programmes, was led by the Deputy Prime Minister, Tariq Aziz. The policy discussions focused on access to sites, documents and persons relevant to Iraq's programmes on weapons of mass destruction and related disarmament and OMV issues; and the technical discussions focused on subjects nominated by the Executive Chairman: missile warheads, the chemical agent VX, mustard-filled munitions and the overall area of biological weapons. The Chairman's report on his visit was transmitted to the Council on 17 December [S/1997/987].

At the policy meeting, the Executive Chairman stressed the great importance that the Council placed on Iraq's compliance with its requirement that UNSCOM should have unconditional access to all relevant sites, documents and persons in Iraq. He then made two points: the inspection modalities for sensitive sites had not worked and thus needed to be reviewed, as provided for in the modalities document; and Iraq had put some sites beyond the scope of those modalities—a serious matter that needed to be addressed. Reference was made to the Council's decision that Iraq had to allow unconditional access to any site UNSCOM wished to inspect and to the acknowledgement by the UNSCOM emergency session and the Council that UNSCOM respected Iraq's legitimate national security, sovereignty and dignity concerns.

Iraq replied that there were five categories of sites: normal sites—factories, sites belonging to the Military Industrialization Corporation, sites at which prohibited activities had or might have taken place, and military warehouses and camps—which could be inspected without restriction; national security sites—sites of the Republican Guard and the Special Republican Guard, sites of the military and civilian intelligence agencies, and security apparatus sites—all of which were of significance in terms of the security of the State and to which the modalities for the inspection of sensitive sites would apply, ex-

cept for the most secret rooms therein, to which no access would be granted; presidential and sovereign sites—sites, offices and resorts at which the head of State resided and/or worked—which could not be inspected or overflowed under any circumstances; civilian sites and/or private residences, which could be inspected only if the owners granted permission, something Iraq would be reluctant to ask on UNSCOM's behalf as it had no legal authority to do so; and foreign sites—foreign properties or companies, diplomatic offices and residences, including Arab international organizations—with which UNSCOM would have to deal directly.

Asked whether Iraq might be prepared to accept special arrangements for inspection of presidential and sovereign sites, or to provide a list or map of such sites so that the magnitude of the exclusion could be seen, Mr. Aziz said no arrangements could cover Iraqi concerns with respect to that category of site. Iraq's position was absolute—a position twice affirmed at the meeting and justified by and in accordance with the 3 December presidential statement, which, he said, referred to respect for Iraq's national security, sovereignty and dignity. For the inspection of national security sites, Iraq accepted the following arrangements, which the Executive Chairman said should be tested shortly and reviewed in a month or so: UNSCOM would increase the size of entry teams (currently limited to four persons) in proportion to the site's complexity and size; Iraq would significantly reduce checkpoint and entry delays; and, immediately upon a site being declared sensitive, the Chief Inspector and the accompanying Iraqi minder could enter the site to make sure movement within it was frozen, for example, that documents were not burnt or destroyed.

Iraq made proposals with respect to the conduct of UNSCOM helicopter flights and again raised its proposal to replace the U-2 reconnaissance aircraft by Iraqi or other States' assets due to its perception of United States hostility towards Iraq. Iraq would discuss the issue of UNSCOM flying rights at the Chairman's next visit to Baghdad, in January 1998.

At the first technical meeting, Iraq read four statements, whose common element was that Iraq had destroyed and/or no longer had any weapons of mass destruction; disagreements on issues of substance should be settled at technical "seminars" with the participation of international and Iraqi experts. UNSCOM could then continue its normal work, with which Iraq would cooperate fully and in due course answer any questions put to it, but would not itself volunteer any new information, preferring a situation

where it would verify information held by UNSCOM. In particular, Mr. Aziz said that, "for the public record", Iraq had made the decision in 1991 to deny and obliterate traces of its biological weapons programme, a decision he deemed justified on the grounds of national security and survival. He also said not one gram of either biological agents or biological weapons was in government hands or in Iraqi territory.

Having made clear that no arrangement that called into question the responsibility of UNSCOM to the Council, its professionalism or objectivity would be acceptable, the Executive Chairman proposed, and Iraq agreed, that, as part of the verification of specific issues, UNSCOM would conduct evaluation meetings on the following basis: the Executive Chairman would invite qualified and objective international experts chosen from countries with the necessary expertise to participate as part of the UNSCOM team; UNSCOM would prepare for the team a dossier containing all relevant information, which would also be made available to the Iraqi side to enable it to respond to questions; discussions would be conducted in an open and continuous manner to enable joint evaluation; and the UNSCOM team would advise the Executive Chairman on its findings for their incorporation in reports to the Council. It was then agreed that technical evaluation meetings would be scheduled for January 1998 on the priority issues of missile warheads and the chemical agent VX, and, as soon as practicable, the entire biological weapons programme.

At the second technical meeting, the Executive Chairman read a statement indicating that UNSCOM's preliminary findings confirmed that the items of dual-use equipment removed by Iraq without prior authorization had been returned to their original locations, and that UNSCOM had so far found no evidence either of proscribed activities at the locations or of any misuse of those items, except for one possible case, currently under investigation, within a chemical facility; UNSCOM would continue to determine if any misuse of equipment and materials under monitoring had occurred. The Executive Chairman requested that Iraq present a full, written clarification of the case within the chemical facility.

Iraq, commenting on 21 December [S/1997/996] on what it called the shortcomings and inaccuracies of the report above, stated that the presidential and sovereign sites, described as "not clearly defined", were in fact of clearly defined locations and boundaries; Iraq had not referred to "the most secret rooms" of the national security sites, but rather to one instance in June 1997 when Inspector Scott Ritter was denied access to a room at

the Iraqi Intelligence Service headquarters containing the records of intelligence officers; Iraq's reservation about civilian sites concerned the citizen's right to allow entry or not into his private residence or premises. Iraq expressed its wish to present its own dossier for the technical seminars—which it would do through UNSCOM—but currently had no new information to offer; it had never remarked that it preferred a situation where it would verify information held by UNSCOM. That Iraq would not itself take part in the articulation of a specific programme of intensive work was a misrepresentation, since Iraq very much wanted to do the opposite.

Iraq further commented on some points made by the Executive Chairman to the Council on 18 December, among them that Iraqi television did not broadcast videotapes of the December meetings, showing only a few seconds of authorized segments without sound; and that his reference to "five" presidential and sovereign sites was inaccurate. What Iraq said was that such sites were located in governorates, but not in every part of the country as had been suggested.

SECURITY COUNCIL ACTION

The Security Council met on 22 December [meeting 3844] with the Executive Chairman's report before it. Following consultations among its members, the Council authorized the President to make the statement below [S/PRST/1997/56] on its behalf:

The Security Council has considered the report of 17 December 1997 from the Executive Chairman of the Special Commission on his discussions with officials of the Government of Iraq, which took place in Baghdad from 12 to 16 December 1997.

The Council recalls all its relevant resolutions, including resolution 1137(1997) of 12 November 1997, and the statement by its President of 3 December 1997. The Council reiterates its demand that the Government of Iraq cooperate fully with the Special Commission in accordance with all relevant resolutions and that the Government of Iraq allow the Special Commission inspection teams immediate, unconditional access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect in accordance with the mandate of the Special Commission.

The Council stresses that failure by the Government of Iraq to provide the Special Commission with immediate, unconditional access to any site or category of sites is unacceptable and a clear violation of the relevant resolutions.

The Council expresses its full support for the Special Commission and its Executive Chairman, including in his ongoing discussions with officials of the Government of Iraq. The Council acknowledges that discussions are continuing on practical arrangements for implementation of all its relevant resolutions. The Council reiterates that the effectiveness

and speed with which the Special Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Special Commission unimpeded access to all sites, documents, records and individuals. The Council calls upon the Government of Iraq to cooperate fully with the Special Commission in the implementation of its mandate.

The Council will remain actively seized of the matter.

Further report of Executive Chairman. In a report [S/1998/332] that included an account of events following UNSCOM's resumption, on 21 November, of its operations in Iraq, the Executive Chairman recorded that, owing to Iraq's lack of cooperation, UNSCOM had had to undertake several inspections to try to establish the whereabouts of the items of dual-use equipment removed from their locations during the period when UNSCOM was unable to conduct monitoring. A 26 November inspection found that cables supplying power to the camera-monitoring system at an inspection site had been severed—the work, Iraq's National Monitoring Directorate said, of a psychopath. In addition, during a 22 December inspection (UNSCOM 218), Iraqi authorities violated arrangements for the conduct of sensitive site inspections by failing to provide immediate access, to prevent movement into and out of the site and to freeze the movement of personnel within once the team had begun its inspection.

Communication. In identical letters of 26 November to the Secretary-General and the Security Council [S/1997/933], Iraq transmitted a statement by the Revolutionary Command Council announcing Iraq's willingness to receive two diplomats or experts from each State represented in UNSCOM and five representatives from each Council member at presidential palaces and locations claimed by the United States as concealing chemical and biological weapons and materials. If they so wished, the visitors could stay a week or a month, at Iraq's expense, so that they might discover the true facts and expose the lies and fabrications that had been disseminated by United States officials.

IAEA activities

The International Atomic Energy Agency continued in 1997, through its Action Team, based at its headquarters in Vienna and aided by experts from Member States, to verify the accuracy and completeness of the current (third draft) FFCD of Iraq's clandestine nuclear weapons programme. Through its BMVC-based Nuclear Monitoring

Group, with the assistance of and in full coordination with UNSCOM, IAEA continued the rigorous implementation of its plan for OMV of Iraq's compliance with Security Council resolutions. Monitoring activities were suspended between 30 October and 22 November, however, as a consequence of Iraq's action of 29 October (see above).

To improve the efficiency of its operations, the Action Team's computerized databases had been updated to include information obtained from inspections and from Iraq's declarations concerning materials and equipment used in its past nuclear weapons programme. The optical image databases were being expanded to include information on site plans, buildings and equipment routinely monitored. Progress had been made in the design and development of the prototype of a computerized export/import information system for use by the Action Team in the context of Council resolution 1051(1996) [YUN 1996, p. 218]. In addition, databases containing the text of Iraq's nuclear FFCDD and its annexes had been created to facilitate analysis of its completeness.

IAEA reports (April and October). Details of IAEA activities in Iraq were recorded in two reports: the first [S/1997/297] covered the period 1 October 1996 to 31 March 1997; the second [S/1997/779] covered the period 1 April to 30 September 1997. The second report contained an overview of IAEA activities regarding the identification and destruction, removal and rendering harmless of Iraq's capabilities related to nuclear weapons. It attached a description of the components of Iraq's clandestine nuclear programme; lists of the chronology of major events, of the main equipment, materials and buildings directly involved in that programme that had been destroyed and rendered harmless, and of the uranium and plutonium removed from Iraq under IAEA supervision; and a summary of IAEA inspection campaigns,

High-level talks

The Foreign Minister of Iraq met with the IAEA Director General, Hans Blix, in Vienna on 7 March principally to determine what matters remained to be cleared before IAEA would be in a position to report favourably to the Security Council regarding Iraq's fulfilment of its obligations under Council resolution 687(1991) [YUN 1991, p. 172]. The Foreign Minister emphasized Iraq's commitment to cooperating fully with IAEA so that all outstanding matters—which the Director General considered inappropriate to specify in detail—might be resolved as soon as possible.

The Director General discussed Iraq's commitments under resolutions 687(1991) and

707(1991) [YUN 1991, p. 188] to reaffirm unconditionally its obligations under the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [YUN 1968, p. 17] and to comply fully with its safeguards agreement with IAEA. In that regard, he drew attention to the safeguards technical workshop to be held at IAEA headquarters from 12 to 15 May.

The Director General expressed grave concern about Iraq's obstruction of the right of IAEA and UNSCOM to operate fixed-wing aircraft in Iraq and encouraged the Foreign Minister to bring his influence to bear to resolve that issue without delay.

The Director General also made clear that IAEA's focus on OMV implementation did not foreclose its right to further investigate any aspects of Iraq's former nuclear weapons programme, based on information deriving from Iraq's declarations, IAEA inspection activities or other sources. The Foreign Minister pledged Iraq's cooperation in the resolution of any such matters.

Verification of nuclear weapons programme disclosure

As indicated in the IAEA reports, the 7 September 1996 (third) FFCDD of Iraq's clandestine nuclear weapons programme [YUN 1996, p. 222] underwent detailed examination in 1997 by IAEA with the aid of experts from Member States and was the subject of a series of technical meetings in Iraq between IAEA teams and their Iraqi counterparts in February, from 16 to 22 May, from 19 to 24 July and from 19 to 22 December. The February meetings discussed matters arising from IAEA's examination of the FFCDD; IAEA requested Iraq to provide a consolidated list of additions and revisions for further review and incorporation into the FFCDD text.

In addition, IAEA endeavoured to verify the declared burial of materials and equipment that had been destroyed, either as a direct result of the Gulf War or through Iraq's unilateral post-war action. It searched three principal burial sites to the south of Lake Tharthar where it recovered material and equipment originating from Iraq's past gaseous diffusion and gas centrifuge uranium-enrichment programmes. Initial assessment indicated that the number and nature of the items found were not inconsistent with the FFCDD statements, and, as also declared, the bulk of the recovered equipment had been destroyed. However, there was a large number of specialized corrosion-resistant valves that were in "as-new" condition; the Iraqi counterpart was asked about their origin and intended purpose. Similar excavation and recovery work was under way at the

Tuwaitha site. Also in February, IAEA was successful in obtaining copies of official documentation recording the dissolution of Iraq's covert nuclear programme, code-named Petrochemical Project 3 (PC-3), and the redefinition of the missions of several establishments formerly associated with that project.

At the May meetings, Iraq was asked to include a description of the programme's practical and theoretical achievements, in particular the capabilities developed by the end of the programme. Discussions focused primarily on: the evolution of Iraq's strategy for the protection, concealment, salvaging and unilateral destruction of materials, equipment, documents and buildings related to the programme; the progress in the design and development of the Iraqi nuclear weapon subsequent to the version reported in PC-3 Report 821, Revision 5, dated 14 July 1990, as well as the post-Gulf War plan to misrepresent the mission of the Al Atheer nuclear weapons development and production facility; and the evolution of the abandonment of the programme.

The Iraqi counterpart undertook to use the input from the discussions to expand and correct the FFCD addenda describing the movement, concealment and unilateral destruction of materials, equipment, buildings and documentation. It agreed to provide further modifications to the text and to make a serious attempt to locate and make available: the equipment formerly assigned to departments 40B and 40G of PC-3 Group 4 (weaponization); PC-3 reports relating to indigenously produced uranium-melting furnaces and the study on the feasibility of falsely representing the Al Atheer weapons plant as a materials characterization centre; facility-specific inventories of materials and equipment handed over to and recovered from military authorities in connection with concealment and unilateral destruction activities; and data indicating the stage of development of weapons components at the time the programme was abandoned. The Iraqi counterpart was also asked to provide information regarding the Governmental Committee, which the counterpart earlier referred to in the discussions as having been established, *inter alia*, to "reduce the effect of NPT violation to the minimum".

At the July meetings, IAEA sought clarification of Iraq's written responses in partial fulfilment of the foregoing agreed actions and to ascertain that Iraq had abandoned, rather than merely interrupted, its clandestine nuclear programme; had provided full information on its gas centrifuge uranium-enrichment programme, nuclear weapon design and achievements in associated technologies; had explained the full extent of foreign assistance to its clandestine nuclear pro-

gramme, including the role of intelligence services in procuring assistance, information, materials and equipment; had provided a comprehensive explanation of the extent and objectives of its concealment practices; and was no longer concealing equipment, materials and documentation from IAEA.

The Iraqi counterpart made available for IAEA inspection the items of equipment formerly assigned to PC-3 Group 4, which it had successfully located. While it reported no success in locating the requested PC-3 reports, it provided a verbal explanation of a report relating to the planned indigenous production of a uranium-melting furnace and expanded on its earlier explanation of a pamphlet that supported the misrepresentation of the Al Atheer facility. The counterpart further produced a 62-page computer printout detailing the items of material and equipment that had been handed over to the Special Guard in early 1991 and those subsequently recovered from the destruction, evacuation and storage sites (about 70 per cent of the total).

At the conclusion of the July meetings, IAEA identified some 15 technical matters of varying significance requiring action by the Iraqi counterpart.

By a letter of 1 August, IAEA notified the Iraqi counterpart that further information should be made available on five areas of concern: the development of Iraq's strategy for concealment and unilateral destruction of materials, equipment and documentation, including the role of the Governmental Committee; the extent of external assistance to the clandestine nuclear programme; the final achievements in the design of the nuclear weapon and associated technologies; the chronology of the abandonment of the programme; and post-ceasefire covert procurement activities. The letter included a reminder concerning the inclusion in the nuclear FFCD of a section describing the practical and theoretical achievements of the programme, with particular respect to the capabilities developed by the time of its reported abandonment.

The technical meetings yielded clarification of matters raised with the Iraqi counterpart. While containing little new information, Iraq's written statements—a series of 24 between 4 August and 16 September—provided a helpful collation of previously reviewed information. In one critical area, Iraq was able to give copies of correspondence which, if genuine, would provide strong corroboration of Iraq's description of the status, as at the end of 1990, of its work to develop explosive lenses. However, the Iraqi counterpart had not provided a comprehensive written statement on the membership, terms of reference and du-

ration of authority of the Governmental Committee charged with, among other tasks, reducing the effect of NPT violation to the minimum; had stated that it had no further information regarding external assistance to its clandestine nuclear programme; had declared itself unable to describe the motives behind the actions ascribed to the late Lieutenant-General Hussein Kamel, former Minister of Industry and Military Industrialization [YUN 1995, p. 483], that resulted in the concealment of the cache of documentation, material and equipment "discovered" in 1996 [YUN 1996, p. 222]; had declined to include in its FFCD a summary of the practical and theoretical achievements of Iraq's clandestine nuclear programme; and had yet to provide the promised written description of its post-Gulf War procurement system.

On 26 November, Iraq provided the Security Council with detailed written comments [S/1997/930] on those five items, concluding that they had been fully addressed by the Iraqi counterpart and that nothing of substance remained to delay the closure of the disarmament phase of the nuclear file. The IAEA Director General, on 3 December, presented to the Council, through the Secretary-General, a detailed explanation [S/1997/950] as to why IAEA considered that resolution of the five matters in question would provide further assurance that the technically coherent picture of Iraq's clandestine nuclear programme was comprehensive and that there were no activities outside that picture.

A further IAEA report [S/1998/312] indicated that those five outstanding matters were followed up at the December meetings. In addition, further discussions were held regarding the status of the design options for Iraq's planned nuclear weapons, access to Iraqi nuclear team reports to the head of PC-3, and the use by IAEA and UNSCOM of fixed-wing aircraft within Iraq for logistical and technical purposes.

As a result of those discussions, Iraq provided information regarding its post-Gulf War procurement procedures and the foreign principals involved in assisting its clandestine nuclear programme, as well as a statement that it had no objection to IAEA's use of fixed-wing aircraft for the purposes stated. Iraq agreed to produce a summary of the technical achievements of its clandestine nuclear programme and to issue a consolidated version of its nuclear FFCD. At the same time, Iraq reaffirmed that, following the Gulf War, the late Lieutenant-General Kamel had taken actions related to Iraq's clandestine nuclear programme that were independent, unauthorized and without the Government's knowledge; that Iraq had not followed any offers of

foreign assistance to that programme other than the declared one to its centrifuge programme; and that the so-called Governmental Committee, initially described by the Iraqi counterpart as having been established in June 1991 and headed by Deputy Prime Minister Aziz, had not in fact been an established entity.

The IAEA report [S/1997/779] recorded that, although certain documentary evidence was missing and some gaps in knowledge remained, the following could be stated: there were no indications to suggest that Iraq was successful in its attempt to produce nuclear weapons; Iraq was at, or close to, the threshold of success in such areas as HEU (highly enriched uranium) production through the EMIS (electromagnetic isotope separation) process, the production and pilot cascading of single-cylinder sub-critical gas centrifuge machines, and the fabrication of the explosive package for a nuclear weapon; there were no indications to suggest that Iraq had produced more than a few grams of weapon-usable nuclear material (HEU or separated plutonium) through its indigenous processes, all of which had been removed from Iraq, or that it had otherwise acquired weapon-usable nuclear material; all of the safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its "crash programme" [YUN 1995, p. 483], was verified and fully accounted for by IAEA and removed from Iraq; and there were no indications that there remained in Iraq any physical capability to produce amounts of weapon-usable nuclear material of any practical significance.

Iraq's description of its development of the single-cylinder sub-critical gas centrifuge was considered to be consistent with the resources and timescale indicated by available documentation and status of the related facilities. Although little documentation was available, it was clear that Iraq had intentions to exploit the information in its possession regarding multi-cylinder, super-critical centrifuge machines. It would be necessary to gain access to Iraq's foreign source of information in order to verify its explanation that only limited exploratory design-work had been undertaken.

No indications of significant discrepancies existed between the technically coherent picture of Iraq's past programme that had evolved and the information contained in Iraq's 7 September 1996 FFCD, as supplemented by the written revisions and additions provided by Iraq since then. However, taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside that technically coherent picture, no ab-

solute assurances could be given with regard to the completeness of the document.

The report concluded that IAEA's investigation of Iraq's clandestine nuclear programme had reached a point of diminishing returns and IAEA was focusing most of its resources on implementing and strengthening its OMV plan for Iraq's compliance with its obligations under the relevant Council resolutions. IAEA was not "closing the books" on its investigation of that programme and would continue to exercise its right to investigate any aspect of it.

Ongoing monitoring and verification

During the period covered by the two IAEA reports, the Nuclear Monitoring Group conducted more than 450 monitoring inspections at some 181 sites, 39 of which had not been previously inspected. The majority of those inspections were carried out with no prior announcement and a number of them were conducted in cooperation with UNSCOM monitoring groups. No indication of prohibited equipment, materials or activities was detected during those inspections. Nonetheless, Iraq was still able to import technological equipment, recent examples of which included a plasma spray machine, a general purpose CNC milling machine and personal computer components having 1996-generation microprocessors. Importation was through trans-shipment via neighbouring countries, thus avoiding the identification of Iraq as the end-user. There was no indication of Iraqi attempts to disguise those imports. The plasma spray machine, which unambiguously conformed to the specification in annex 3 to the OMV plan and was imported prior to the 27 May 1996 entry into force of the import-export mechanism, was correctly included in Iraq's biannual declaration for the receiving facility.

The Monitoring Group continued to interview key personnel formerly employed in Iraq's clandestine nuclear weapons programme to clarify points regarding that programme and to verify the current assignments of such personnel.

IAEA and UNSCOM continued their joint programme of multidisciplinary inspections of "capable" sites—sites judged to have capabilities suitable for conducting work on some aspect of weapons of mass destruction—notwithstanding the lack of evidence or indication of such work. More than 40 such inspections, mostly IAEA-coordinated, were undertaken during the two reporting periods, all of which yielded no indication of prohibited equipment, materials or activities. Joint IAEA/UNSCOM investigations of procurement-related matters and document examination also continued.

Further progress was made regarding the content of Iraq's biannual declarations, submitted in January and July, on the current use of facilities, installations and sites, including those formerly involved in Iraq's covert nuclear programme, and on changes during the previous six months to the inventory and in the location of materials, equipment and radioisotopes identified in annexes 3 and 4 of the OMV plan. An evaluation of the year's declarations indicated that there was need for further improvements to their accuracy and completeness.

During the two reporting periods, the Iraqi National Monitoring Directorate submitted 43 requests for the release and relocation of equipment and materials or for a change in the use of monitored buildings, of which IAEA, in consultation with UNSCOM, approved 35. The items approved were to remain subject to monitoring at a frequency commensurate with their significance.

The ninth and tenth radiometric surveys of Iraq's main water bodies, conducted from 11 to 21 April and from 20 to 30 October, showed no indication of Iraq having carried out any proscribed nuclear activities.

The OMV plan, phased in during the period from November 1992 to August 1994, was predicated on the assumption that Iraq retained the capability to exploit, for nuclear weapons purposes, any materials or technology to which it might gain access. While the plan's implementation had not resulted in the detection of any indications of ongoing proscribed activities or the presence in Iraq of proscribed equipment or materials, apart from a relatively small number of items that had been identified and disposed of, it should be recognized that OMV measures could not guarantee detection of readily concealable or disguisable proscribed activities, such as computer-based weaponization studies or small-scale centrifuge cascade development. Iraq's direct acquisition of weapon-usable nuclear material would also present a severe technical challenge to the OMV measures; thus great reliance must be placed on international controls.

Export/import monitoring mechanism

The export/import monitoring mechanism, jointly administered by UNSCOM and IAEA, had, since October 1996, received notifications of some 50 transactions involving the intended export to Iraq of items identified in the annexes to the OMV plans of the two bodies. None involved items identified (as proscribed) in annex 3 of the IAEA plan.

National implementation measures

IAEA observed that Iraq had not by October advised of its enactment of penal laws to enforce the prohibition on all natural and legal persons under its jurisdiction or control from undertaking any activity prohibited for Iraq by relevant Security Council resolutions or by the IAEA OMV plan, as required pursuant to paragraph 34 of that plan.

GENERAL ASSEMBLY ACTION

By resolution 52/11 of 12 November, the General Assembly commended the Director General of IAEA and his staff for their strenuous efforts to implement relevant Security Council resolutions and noted that progress continued to be made in the review of Iraq's FICD and that further progress had been made regarding the content and accuracy of Iraq's six-monthly declarations under the IAEA OMV plan. The Assembly noted with concern, however, that Iraq had still not provided the IAEA Action Team with all the information it had requested, deplored Iraq's obstruction of aircraft used by IAEA in February 1997 and called on Iraq to cooperate fully with the Team in meeting its requests for information and in achieving the complete implementation of the relevant Council resolutions and the OMV plan.

Suspension and resumption of activities

The Director General of IAEA informed the Security Council through the Secretary-General on 31 October [S/1997/833] that IAEA had suspended its monitoring activities in Iraq as of 29 October in immediate response to Iraq's letter to the Council on that date [S/1997/829] announcing, *inter alia*, that Iraq would not "deal with Americans working with the Special Commission".

The Director General continued that on 30 October, Garry Dillon, head of the IAEA Action Team for Iraq, sent notification to Iraq that he considered it inappropriate, under the circumstances, to proceed with his visit to Iraq, planned for 4 to 7 November. Iraq immediately responded that it found the decision not to proceed with the visit surprising and that the Government wished IAEA to continue its work normally and to perform all its planned functions; it further stated that all IAEA staff, inspectors and experts would be welcomed as usual and that there was no reason whatsoever to suspend any IAEA activities in Iraq.

It remained the Director General's view, however, that, in the specific context of the resolutions on Iraq, IAEA and UNSCOM acted as organs of the Council and contributed to a common objective. It was thus essential that IAEA and UNSCOM should have a common approach and

for the time being IAEA would continue to suspend the practical implementation of its OMV plan. Mr. Dillon's visit to Iraq was thus deferred.

The Director General wrote on 14 November [S/1997/902] that notification was sent to the Iraqi authorities on the previous evening advising them that, under the prevailing circumstances, it had been decided to withdraw IAEA's Nuclear Monitoring Group from Iraq until further notice. Accordingly, the IAEA personnel departed on 14 November for Bahrain, where they would remain while steps were taken to resolve the immediate situation.

Following Iraq's decision of 20 November to invite all inspectors back to Iraq, the IAEA Acting Director General wrote on 21 November [S/1997/920] that he had instructed the Nuclear Monitoring Group, on standby in Bahrain, to return to Iraq and resume monitoring activities on 22 November.

The new Director General, Mohamed Elbaradei, reported on 3 December [S/1997/960] that, to restore the technical basis of those activities as quickly as possible, the Monitoring Group had been temporarily increased to 12 persons on 25 November and that, since then, more than 42 inspections at 40 locations had been carried out. All critical dual-use equipment known to have been serviceable prior to 29 October had been verified and accounted for. There were no indications that any such equipment was used for proscribed nuclear activities in the 23-day period during which monitoring activities were suspended.

IAEA inspectors witnessed the return to their original location of some 50 tons of high explosives removed by Iraq from bunkers at the Al Qa Qa'a facility and took measures to account for the original inventory of 228 tons stored in the bunkers. There were no indications that any of the material had been diverted. In addition, other IAEA personnel and Member State experts implemented previously planned tasks to service and upgrade the video surveillance systems at two facilities and carried out an extensive campaign for the collection of environmental samples.

Arms and related sanctions

Pursuant to paragraph 21 of its resolution 687(1991) [YUN 1991, p. 172], the Security Council, in informal consultations of the whole, conducted two reviews in 1997 of the sanctions provisions of paragraph 20 of that resolution on 3 March and 1 May. On 3 March, the Council concurrently conducted reviews of the sanctions regimes established in paragraphs 22 to 25 of resolution 687(1991), pursuant to paragraph 28 of the

same resolution and to paragraph 6 of resolution 700(1991) [YUN 1991, p. 198]. No modification of the sanctions regime resulted from those reviews.

By resolution 1115(1997), the Council decided not to conduct the required 60-day reviews until after the second consolidated report of UNSCOM, due on 11 October. Thereafter, the Council, by resolutions 1134(1997) and 1137(1997), decided to resume the reviews in April 1998, conditional upon Iraq's compliance with the Council's demand that it immediately rescind its decision of 29 October 1997 (regarding the exclusion from UNSCOM and subsequent expulsion from Iraq of inspectors of United States nationality).

Communications. Between March and the end of the year, Iraq addressed a number of letters [S/1997/250, 261, 642, 898, 900, 934, 1025] to the Security Council and the Secretary-General on the question of sanctions and their adverse impact on the Iraqi population. The letters quoted excerpts from the testimony of UN officials, including excerpts from the Secretary-General's report on sanctions, which raised the ethical question of whether suffering inflicted on vulnerable groups in the target country was a legitimate means of exerting pressure on political leaders. Cited were statistics and attestations by UN bodies, humanitarian organizations and research centres regarding the deaths and suffering of the Iraqis, especially children, caused by the more than six years of sanctions. Iraq also referred to the inimical attitude of the United States and its efforts to maintain the sanctions.

Sanctions Committee activities

In its annual report adopted on 27 August 1997 [S/1997/672], the Security Council Committee established by resolution 661(1990) [YUN 1990, p. 192] (Sanctions Committee for Iraq) gave an account of its activities since its August 1996 report [YUN 1996, p. 224]. The current report provided details of all aspects of its work relating to: the implementation of Council resolution 986(1995) [YUN 1995, p. 475], which authorized the humanitarian programme for the Iraqi people; humanitarian exemptions to the sanctions regime established under resolution 661(1990) with respect to requests from humanitarian agencies, petroleum imports from Iraq, humanitarian flights to and from that country and aerial pest-control operations within it; Iraqi frozen assets and financial claims against Iraq; salvaging of sunken Iraqi vessels; and reported violations of the sanctions regime. Also summarized were the related monitoring and enforcement operations of the multinational interception force.

The report stated that the Committee had been confronted with a wide range of issues arising

from the implementation of the mandatory measures imposed by the Council, particularly in relation to the complex arrangements under resolution 986(1995). While monitoring the implementation of the sanctions regime in all its aspects, the Committee continued to give high priority to the supply of essential humanitarian necessities for the civilian population of Iraq as provided for in resolutions 661(1990), 687(1991) and 986(1995). (For a detailed account of the Committee's implementation of resolution 986(1995) for the initial 180-day period, see below, under "Oil-for-food programme".)

With respect to humanitarian exemptions under resolution 661(1990), the Committee processed between 1 August 1996 and 31 July 1997 11,328 official communications, mostly concerning the supply of humanitarian goods to Iraq pursuant to paragraph 20 of resolution 687(1991). The Committee acknowledged receipt of 96 foodstuff notifications and took note of 178 voluntary notifications for medical supplies to Iraq. Under its no-objection procedure, the Committee processed 10,861 applications for the supply of other categories of goods to Iraq. Of that number, 5,203 requests for goods with an estimated value of \$8.5 billion were approved, 424 were placed on hold pending further information and/or clarification and 5,234 were blocked.

The Committee approved a project sponsored by the United Nations Development Programme (UNDP) for the rehabilitation of primary health-care services in the Baghdad and Qadissia governorates, advised the World Health Organization (WHO) that it would give priority treatment to any specific request relating to malaria control, considered a request from Turkey for petroleum imports from Iraq, and took note of a report it had requested from Jordan regarding that country's petroleum imports from Iraq during the past three years. It could not approve a Jordanian request for the authorization of one or more regular weekly flights between Amman and Baghdad to transport UN personnel and for humanitarian reasons, including pilgrimages, but would consider specific requests on a case-by-case basis. (See below for details concerning a 9 April pilgrimage flight from Iraq to Saudi Arabia.)

In July, following the fulfilment of certain conditions by UNDP, the Committee, in accordance with paragraph 20 of resolution 687(1991), authorized for the first time since the adoption of resolution 778(1992) [YUN 1992, p. 320] the use of some of Iraq's frozen assets held by the Bank of International Settlement for a UNDP project to rehabilitate water-supply facilities in the Basrah governorate. The Committee was unable to ac-

cede to a number of requests from Member States for compensation or settlement of outstanding commercial debts incurred by Iraq through the importation of goods originating from that country.

The Committee continued to defer consideration of a proposal from Turkey to salvage two Iraqi oil tankers and two Iraqi ships detained, respectively, in the ports of Noudahibou, Mauritania, and Misurata, Libyan Arab Jamahiriya, as those vessels were regarded as environmental hazards. It informed the United Arab Emirates of its readiness to consider that country's request to salvage sunken ships and war debris from the Persian Gulf, provided that it furnished proof of agreement from the countries involved. As to Kuwait's concern about the resultant dangerous state of shipping in the Gulf, the Committee informed the Council that it had already approved several requests for salvage projects in the Gulf and stood ready to give sympathetic consideration to any new requests, but suggested that the International Maritime Organization be asked to look into the matter.

As a result of the Committee Chairman's representations to Iran regarding information provided by the multinational interception force alleging that country's complicity in the smuggling of Iraqi petroleum products through Iranian territorial waters in violation of the sanctions regime established by resolution 661(1990), Iran explained that some vessels carrying illegal goods and oil to and from Iraq had been using the Iranian flag and territorial waters without authorization, that some vessels with forged documents and manifests had been detained by Iran and that the results of its investigations would be made available to the Committee. The Committee took note of a communication from Jordan that the Jordanian company ALBA had been investigated on the basis of information received by the United Nations that it dealt with missile components, but no connection had been found between that company and Iraqi missiles or weapons of mass destruction.

During the reporting period, the Committee met 17 times in formal sessions, bringing the total number of meetings to 159 since its inception in 1990. It also held informal meetings at the expert level and continued to give oral briefings to interested delegations and the press on various aspects of its work.

In addition to its annual report, the Committee issued four other reports during 1997—one every 90 days—on the implementation of the arms and related sanctions against Iraq, in accordance with the guidelines [YUN 1991, p. 198] approved by Council resolution 700(1991) for facili-

tating full international implementation of resolution 687(1991). The reports were transmitted to the Council on 14 February [S/1997/141], 16 May [S/1997/374], 12 August [S/1997/637] and 3 December [S/1997/949].

In connection with those paragraphs of the guidelines relating to dual-use or multiple-use items, meant for civilian use but with potential for diversion or conversion to military use, the first report stated that the Committee's secretariat had consulted UNSCOM on arrangements relating to the implementation of Council resolution 1051(1996) [YUN 1996, p. 218] approving the export/import monitoring mechanism (see above, under UNSCOM and IAEA activities).

Each report indicated that, during the period under review, no State had brought to the Committee's attention any information relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals; that no State or international organization had consulted the Committee on the question of whether certain items fell within the provisions of paragraph 24 of resolution 687(1991) or with respect to cases relating to dual-use or multiple-use items; and that no international organization had reported any relevant information requested under the guidelines.

Humanitarian (pilgrimage) flight

The Sanctions Committee [S/1997/672] reported that, as in previous years, Iraq on 3 February requested release of \$50 million from its frozen assets in Bahrain, Saudi Arabia and the United Arab Emirates for pilgrimage purposes. On 21 February, the Committee decided to send a letter to Iraq along the established format, linking approval of the request to the readiness of the three Governments to make such a release, and transmitted to those Governments its response and Iraq's request.

At the request of the Security Council, the Committee met on 10 April to discuss whether an Iraqi flight of 9 April transporting pilgrims from Baghdad to Jeddah, Saudi Arabia, was in violation of Council resolutions 661(1990) and 670(1990). The UN Legal Counsel was invited to present comments on the issue. Since Committee members were unable to reach consensus on their understanding of the incident, the Committee authorized its Chairman to convey to the Council the views expressed at the meeting.

SECURITY COUNCIL ACTION

The Security Council met on 16 April [meeting 3768] regarding the case and, after consultations among its members, authorized its President to

make the statement below [S/PRST/1997/21] on its behalf:

The Security Council has considered the case of an Iraqi aircraft which flew from Baghdad, Iraq, to Jeddah, Saudi Arabia, on 9 April 1997 and then departed.

The Government of Iraq, in a letter dated 3 February 1997, had requested clearance from the Security Council Committee established by resolution 661(1990) for the release of 50 million dollars from the frozen Iraqi assets being held in Saudi Arabia, Bahrain and the United Arab Emirates to cover pilgrimage costs and requested the agreement of the Committee for flights by Iraqi Airways to transport those pilgrims to Jeddah, during the holy pilgrimage season.

The Committee answered in a letter dated 3 March 1997 that it would be in a better position to consider the release of the frozen Iraqi funds if a request was submitted by a country which was willing to release such funds to meet the pilgrimage costs.

The Government of Iraq proceeded with this particular flight without specific consultation with the Committee. Such consultation would have allowed the Committee to consider the matter and to determine whether the flight required Committee approval under the relevant resolutions.

The Council draws to the attention of Member States their obligations under resolutions 661 (1990), 670(1990) and other relevant resolutions.

The Council underlines its respect for the obligation of Muslims to perform the Hajj.

On 16 December, the Government of Saudi Arabia issued a statement [S/1997/981] indicating that, to facilitate the transport of pilgrims from Iraq, as well as from the Libyan Arab Jamahiriya, the schedule of pilgrimage flights would thenceforth be arranged by a third party, within the quotas set for those countries. Saudi Arabia pointed out that it could not prevent anyone wishing to make the Hajj or the Umra from visiting the holy places; it was, furthermore, incumbent upon it to facilitate the pilgrimages in conditions of safety and security. Saudi Arabia hoped that the authorities implementing Council resolutions 661(1990) and 670(1990) would not take any action to impede such pilgrimages.

Oil-for-food programme

In accordance with Security Council resolution 986(1995) [YUN 1995, p. 475], which authorized States to permit the import of up to \$1 billion in Iraqi petroleum and petroleum products every 90 days, over an initial period of 180 days, as a temporary measure to finance, inter alia, a humanitarian programme for the Iraqi people (also known as the oil-for-food programme) [YUN 1996, p. 225], the Secretary-General and the Sanctions Committee for Iraq each submitted a report 90

days after entry into force of the resolution at 0001 hours eastern standard time on 10 December 1996 [YUN 1996, p. 231], and again before the end of the 180-day period on 7 June 1997. The reports described progress in implementing the arrangements specified by the resolution, taking account of the provisions of the 1996 Memorandum of Understanding between the UN Secretariat and the Government of Iraq [YUN 1996, p. 226] and of the 1996 procedures established by the Sanctions Committee [YUN 1996, p. 228] for the resolution's implementation. Also described was the distribution of humanitarian relief, on behalf of the Government of Iraq, in the three northern governorates of Arbil, Dihouk and Suleimaniyeh under the United Nations Inter-Agency Humanitarian Programme, to complement government distribution in central and southern Iraq and ensure equitable distribution to all segments of the Iraqi population.

Phase I

Reports of Secretary-General (March and June). The Secretary-General submitted his 90-day report [S/1997/206] on 10 March. Since by that date no consignment of humanitarian goods authorized under the resolution had reached Iraq, the report focused on the status, as at 3 March, of: preparations for the observation process, pre-implementation measures in the three northern governorates, the sale of Iraqi petroleum and petroleum products, the purchase of essential civilian supplies, and the funds received and disbursed from the escrow account established by the resolution.

Within the UN Secretariat, there had been extensive interdepartmental coordination to ensure that the exceptionally complex requirements of the resolution were met as effectively as possible. To strengthen coordination, the Secretary-General re-established the Steering Committee for the resolution's implementation, under the chairmanship of the Under-Secretary-General for Humanitarian Affairs. On 28 February, he appointed Staffan de Mistura as United Nations Humanitarian Coordinator in Iraq to succeed Gualtiero Fulcheri, who concluded his assignment on 24 February. Under implementation were the recommendations of a December 1996 Secretariat mission to strengthen the United Nations Office of the Humanitarian Coordinator in Iraq (UNOHC). The Humanitarian Coordinator created an Inter-Agency Technical Working Group chaired by the United Nations Children's Fund (UNICEF), which prepared six studies on: the implementation plan in northern Iraq; logistical arrangements; observation, reporting and assessment for central and south-

ern Iraq; personnel, administrative and financial set-up; communications systems; and information dissemination.

The report detailed the responsibilities of the three tiers of separate but complementary observers from the UN agencies and from the Department of Humanitarian Affairs (DHA) that made up the UN observation mechanism in Iraq. The sectoral observers from the UN agencies would observe, at the national level, the distribution of the imported commodities in regard to their sectors and assess the effectiveness of the related distribution systems and the adequacy of supplies. The geographical observation unit in UNOHCI would collect and consolidate information concerning the delivery, storage and distribution of commodities at governorate and district levels. The multidisciplinary observation unit, composed of international experts in food logistics, public health, pharmaceuticals, hospital equipment, water and sanitation, agricultural inputs and machinery, animal health, plant protection, education and electricity, would increase the range of expertise available to the observation mechanism, maintain a tracking system for all imported supplies and report its analyses and recommendations directly to DHA. Overall responsibility for the observation process rested with DHA, which would review all reports received from UNOHCI and from the multidisciplinary observation unit. Only 84 UN observers of the 151 planned had been deployed.

In addition to tracking systems developed by the individual UN agencies, a unified tracking system, to function under the multidisciplinary observation unit, had been designed to identify the status and location of any given shipment.

The report outlined the responsibilities of and preparatory measures undertaken by the various UN bodies and agencies involved in observing the distribution of supplies for central and southern Iraq, including UNICEF, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Food Programme (WFP) and WHO. UNDP, responsible for observing electricity distribution and the use of electricity generation and transmission equipment, was in discussions with government authorities regarding the baseline data required to support the observation process. Together with the Department for Development Support and Management Services, UNDP had completed work on initial observation criteria. Further outlined were measures undertaken by those same UN entities with respect to the three northern governorates. Included were a shelter and resettlement programme for those areas de-

signed by the United Nations Centre for Human Settlements (Habitat) (UNCHS) and a mine-clearing action plan finalized by DHA.

Also covered was the work of the four independent experts in international oil trade (oil overseers) appointed in 1996 [YUN 1996, p. 228] to advise the Sanctions Committee on pricing mechanisms for petroleum sales and contract modifications submitted by Iraq and on other questions related to petroleum imports originating in that country. The overseers worked closely with the 14 independent oil monitors under contract with Saybolt Nederland BV [YUN 1996, p. 229] to observe oil loadings and transfers.

The report indicated the extent to which the Sanctions Committee had processed applications for humanitarian goods to Iraq and the steps it had taken to streamline its internal procedures. In accordance with the export/import monitoring mechanism, the Committee and UNSCOM coordinated procedures to scrutinize applications for items with potential dual-use capability. It also noted that the full complement of 32 independent inspection agents from Lloyd's Register Inspection Limited [YUN 1996, p. 229] to confirm the arrival of authorized goods at the agreed entry points had been deployed.

The report stated that loading of oil had started at Mina al-Bakr on 15 December 1996, with the first proceeds from the oil sales being deposited in escrow on 15 January 1997. Some 52.3 million barrels of oil, worth an estimated \$1.07 billion, had been approved for sale. The first letters of credit for the supply of humanitarian goods were issued on 14 February. By 3 March, the United Nations Treasury had processed letters of credit for approximately \$1 billion worth of petroleum and petroleum products. A total of \$625,596,347.69 had been paid into the UN Iraq (escrow) Account and distributed in specific amounts for the purchase of humanitarian supplies for Iraq and for other purposes specified in paragraph 8 of resolution 986(1995).

In accordance with its obligations under resolution 986(1995) and the Memorandum of Understanding on the implementation of that resolution [YUN 1996, p. 226], Iraq had reaffirmed its commitment to guarantee to UN international staff unrestricted freedom of movement in connection with the performance of their functions, and had authorized their use of Habbaniyah airfield. Iraq had also agreed to the establishment by the United Nations of appropriate communications systems.

The Secretary-General drew to the Council's attention that the full ramifications of the highly complex arrangements set out in resolution 986(1995), specifically the time lag between the

initial flow of oil and the actual delivery of food-stuffs, were only just becoming clear. He said the timing of the receipt of funds and the staggered payment schedule had a direct impact on the pace of implementation. He had thus directed the Secretariat and the Sanctions Committee to look for innovative and flexible approaches to overcome the constraints encountered. He was also taking steps to ensure adequate funding for DHA and the UN agencies, which were experiencing delays in procuring equipment and deploying personnel. He pointed out that the amount available for operational and administrative expenses was very limited due to the staggered receipt of funds and the procedures established for their simultaneous distribution to the subsidiary accounts of the UN Iraq Account.

The Secretary-General stated that, despite additional measures to expedite approval of the related contracts, delivery and distribution of all the humanitarian goods in Iraq's distribution plan within the initial 180 days appeared unlikely. Iraq's Foreign Minister, who met with the Secretary-General on 5 March, reaffirmed his Government's commitment to cooperate with the United Nations in implementing all provisions of resolution 986(1995) and the Memorandum of Understanding, but also conveyed his Government's serious concern that it would not be in a position to arrange for the simultaneous distribution of all food items as envisaged in the distribution plan.

On 2 June, the Secretary-General submitted his second report [S/1997/419] for the initial 180 days, according to which there had been notable progress in implementing resolution 986(1995). The report brought up to date information on the sale of petroleum and petroleum products, on the processing of applications by the Sanctions Committee, and on the status of the UN Iraq Account, together with the distribution of revenues as at 28 May. It described the Government's distribution system in central and southern Iraq and the implementation by the United Nations Inter-Agency Humanitarian Programme in the three northern governorates, together with the corresponding activities of the UN observation mechanism, and noted the considerable progress achieved in setting up the administrative and logistical support for the humanitarian operation. The report also set forth observations on the efficiency, equitability and adequacy of the operation in all its aspects.

Annexed to the report were: a summary of food commodity arrivals in Iraq as at 28 May; food commodity arrivals, distribution and stock levels expressed in tons in each of the 18 governorates; and the number of observations under-

taken by the geographical and sectoral observers from 20 March to 30 May.

The report stated that the Steering Committee, chaired by the Under-Secretary-General for Humanitarian Affairs, met periodically to ensure proper coordination and efficient use of staff and resources. At the Sanctions Committee's request and in consultation with Iraqi authorities, DHA drew up lists indicating the relative priority of different applications for humanitarian supplies and facilitated the approval of UN agency applications. Senior Secretariat officials regularly briefed the Sanctions Committee on the progress of implementation. Responsibility for administrative and logistical support to UNOCHI was entrusted to the Field Administration and Logistics Division.

On 22 May, the Under-Secretary-General briefed the Security Council on his visit to Iraq (3-9 May) to assess implementation progress throughout the country. Responding to concerns raised by Iraq and the UN agencies about delays in the arrival of humanitarian goods and potential disruptions in food distribution, he referred to the Secretariat's constant efforts to improve the handling of applications, regarding which Iraq advanced a number of proposals.

The report stated that, based on the overseers' and inspection agents' assessment, Iraq had the capacity to export sufficient quantities of petroleum and petroleum products to meet the revenue target of \$1 billion every 90 days and noted the steps taken by the Sanctions Committee for the expeditious processing of contracts. As at 28 May, the United Nations Treasury had processed letters of credit for approximately \$2.11 billion worth of petroleum. Proceeds amounting to \$1,747,405,752.62 had been deposited into the UN Iraq Account and letters of credit amounting to \$465.9 million had been issued on behalf of the United Nations for the payment of humanitarian supplies destined for the whole of Iraq.

The distribution of the funds received and related expenditures were as follows: \$878.4 million for the purchase of humanitarian supplies by Iraq, against recorded contract expenditures of \$572 million; \$215.4 million for similar purchases for distribution in the three northern governorates by the United Nations Inter-Agency Humanitarian Programme on behalf of Iraq, against recorded contract expenditures of \$49.4 million; \$497.2 million transferred directly to the United Nations Compensation Fund, of which \$151.3 million was for the payment of the first instalment of "A" and "C" claims (\$144 million) and for the operating expenses of the United Nations Compensation Commission (\$7.3 million); \$36.5 million for all related UN operational and ad-

ministrative expenses, against expenses of \$20.3 million; \$13.3 million for the operating requirements of UNSCOM; \$90 million to cover transportation costs for petroleum and petroleum products originating in Iraq and exported via Turkey; \$16.6 million transferred directly to the escrow account established under Security Council resolutions 706(1991) [YUN 1991, p. 207] and 712(1991) [YUN 1991, p. 209] for the payments envisaged under resolution 778(1992) [YUN 1992, p. 320].

Describing Iraq's implementation of its distribution plan, submitted and approved in 1996 [YUN 1996, p. 229], the report noted that, by April, wheat, supplemented by 40,000 tons of wheat from government stocks, had been milled and made available in sufficient quantities for nationwide distribution of the flour ration. The arrival by the end of May of 691,648 tons of food, soap and detergent enabled the distribution of pulses, rice, cooking oil, detergent powder, soap and infant formula for children under one year. The first delivery of medical supplies consisting of a small quantity of intravenous solution arrived on 9 May and was distributed to hospitals in all governorates. Limited amounts of medical equipment also had arrived by 27 May.

In the three northern governorates, ration cards were distributed to families through food agents in April. Preliminary estimates put the total population in the area as at 20 May at 3,081,833.

Under the observation mechanism, 132 UN international observers had been deployed in central and southern Iraq: 61 geographical, 14 multidisciplinary and 57 sectoral observers. Some 41 geographical observers were fielded daily in pairs to work on a tour of five days in Baghdad and surrounding governorates, followed by a longer tour of 12 days in the more distant governorates. Rotating teams of geographical observers operated from Basrah, Mawsil and Kirkuk. WFP daily fielded 22 international observers assisted by 150 local staff in each of the 15 central and southern governorates, in teams of one or two international observers and 10 local assistants. From 20 March, when food commodities began to arrive in Iraq, until 30 May, geographical observers had conducted a total of 5,280 visits in the central and southern governorates.

In the three northern governorates, 15 UN observers had been deployed: 3 geographical and 12 sectoral observers. Three WFP international observers and 80 national staff were fielded daily. DHA had entered into an arrangement with the United Nations Office for Project Services for the implementation of the action plan for a mine-clearing programme, for which \$2.5 million had been allocated, and five international staff were

under recruitment. UNICEF would implement the programme's mine-awareness component.

Shelter and resettlement activities had started with the planning of infrastructure and rehabilitation projects, particularly in support of internally displaced persons. Of \$12 million allocated for the purpose, UNCHS had received \$3,140,000 for the procurement of materials and services.

Over the past three months, UN personnel had enjoyed the requisite freedom of movement. All staff were granted visas, and identity cards permitting unrestricted travel throughout the country had been issued to all observers and other staff involved in implementing resolution 986 (1995). The overall security situation for UN personnel and their operations in the 15 central and southern governorates was described as stable.

Through sustained liaison, UN observers had been granted satisfactory access to relevant information and to Iraqi officials. As to relations with government facilitators, a number of complaints had been resolved to the satisfaction of the United Nations and the Government. Progress had also been achieved in the logistics for the humanitarian operation.

The report observed that the only sector represented in sufficient quantities to assess whether equitable distribution had taken place had been food and related items. With minor exceptions resulting from normal handling losses and packaging damages, the commodities had been transported efficiently throughout the country. Since 20 March, UN observers had detected no significant or unacceptable losses during the handling and processing of resolution 986(1995) commodities.

Sufficient observations at the governorate level were carried out during April and May to indicate that the distribution system was bringing available commodities equitably to all governorates. According to WFP, virtually no governorate appeared to have received significantly less of any single commodity. Registered beneficiaries had received their rations. While no major discrepancies had been reported in the central and southern governorates, a few cases of irregularities had been reported in the three northern governorates, including double registration, inaccurate scales and extra fees charged by some food agents.

UN nutritionists concluded that the current food ration provided food and nutrient supply at basic survival level: 2,030 calories, compared with a desirable minimum of not less than 2,500 calories per capita per day. Since iron deficiency was a public health concern, there was scope further to improve the nutritional status of expectant women and children through iron-fortified

flour. But even if the ration were upgraded to provide 2,500 calories a day, there might be little real impact on nutritional status until health services, sanitation and access to clean water were significantly improved.

Assessment of the adequacy of medicines and other medical supplies was hampered by their slow and partial arrival. According to the Ministry of Health, no more than 4 per cent of the medicines needed had been available in the past five months. Although the non-arrival to date of supplies for the water, sanitation, agriculture, education and electricity sectors made it impossible to comment from observation on their adequacy, UN agencies stressed that the distribution plan's allocations were not sufficient to meet the basic needs of their relevant sectors. The agencies highlighted urgent needs not covered in the current distribution plan.

The Secretary-General observed that the humanitarian programme authorized by Council resolution 986(1995) was unique among all UN humanitarian operations in that its aim was to mitigate the negative effects of sanctions imposed on the recipient country.

While every effort was made to anticipate potential problems in the process leading to the conclusion of the Memorandum of Understanding under which the programme was being executed, the complicated nature of the programme, including its managerial, administrative and financial aspects, led to a number of difficulties and delays in the initial stages of its implementation. Although the Secretary-General was pleased that the Secretariat and the participating UN agencies had been able to overcome most of those difficulties, he was troubled by persistent lags encountered in processing applications that had resulted in major delays in providing several items, in particular medicine and pharmaceutical supplies.

In the light of experience gained so far and bearing in mind the continuing humanitarian crisis in Iraq, the Secretary-General recommended renewal of the programme for a further period of six months.

Sanctions Committee reports (March and May). The 90-day report of the Sanctions Committee, submitted on 11 March [S/1997/213], stated that the export of petroleum from Iraq had proceeded satisfactorily in accordance with resolution 986(1995), the Memorandum of Understanding and the procedures of the Committee, due in large measure to the consultations with and cooperation of all parties concerned, including the Iraqi State Oil Marketing Organization (SOMO), the national oil purchasers and the Saybolt oil monitors.

In close coordination with the Secretary-General, the Committee developed expedited procedures as necessary to implement the arrangements specified by resolution 986(1995). Since their appointment in 1996 [YUN 1996, p. 228], the four oil overseers had worked closely with SOMO on pricing mechanisms and on addressing unanticipated changes in prices and destinations. Based on their recommendations, the Committee approved the pricing mechanisms for loadings of crude oil in December 1996 under its no-objection procedure. The Committee had since also approved updated pricing mechanisms for loadings in January, February and March 1997, as well as further adjustments to two of those pricing mechanisms.

As of 10 March, a total of 38 term contracts had been submitted to the overseers for their review, of which 37 were approved. The quantity of oil for export under those contracts amounted to approximately 51.6 million barrels. Forty-six loadings, totalling 48.2 million barrels, with an estimated value of \$976.9 million, had been completed. Owing to a sharp decline in prices in February, spot contracts using the approved pricing mechanisms, as well as advances of customer liftings from the second to the first quarter, were concluded by SOMO and approved by the overseers so as to achieve the 90-day revenue objective of \$1.07 billion. To maximize the revenue for oil delivered through 9 March without exceeding the limit of \$1.07 billion, the Committee approved the overseers' proposal to carry over small revenue shortfalls or surpluses from the first 90-day period to the second. The overseers reported to the Committee weekly on the contracts scrutinized and on the cumulative quantity and approximate value of petroleum authorized for export.

While the Committee had at the outset attached priority to processing applications for supplying humanitarian goods to Iraq, it had been constrained by a number of factors, including the availability of funds in the UN Iraq Account. Thus, it had been able to review only a limited number of applications. By 10 March, 308 applications had been received. Of 37 applications processed under the Committee's no-objection procedure, 15 were authorized, with a total value of \$ 153 million; the remaining 22 were placed on hold.

Also before the Committee was a request from Iraq for priority treatment of certain applications for shipments of cooking oil, sugar, plastic bags and toilet soap. While DHA viewed the request to be in keeping with the distribution plan and would expedite distribution of a complete food basket to the entire Iraqi population, the

matter remained to be resolved pending further discussion among the parties concerned.

To expedite the processing of contract applications for humanitarian supplies, the Committee on 5 March adopted a set of points of understanding. Applications would continue to be processed on a first-come-first-served basis, unless processing on a case-by-case basis was decided upon. Funds allocated to applications blocked under the no-objection procedure would be freed immediately, while funds allocated to those placed on hold would be freed five working days after the no-objection deadline, so that those funds might be used for applications that followed in sequence; upon removal of such blocks and holds, the applications concerned would have immediate allocation priority. A separate status list on processed applications would be prepared weekly by the Secretariat for circulation to the Committee, which would deal with it in the same way as the lists prepared under resolution 661(1990) [YUN 1990, p. 192], i.e., blocks recorded on the list would become official upon adoption of the list by the Committee. Applications pre-examined by Secretariat experts but not processed for lack of funds would be made available with the experts' comments to the Committee for pre-screening and official processing once the required funds became available.

Other matters before the Committee were several requests from Turkey, one for the transfer to it of \$46,286,616.44 in transportation costs during the first 90 days of Iraqi oil exportation; and two others, for shipments of parts and equipment required for pipeline repair and maintenance. The Committee approved one request provided the parts and equipment remained in Turkey until they were needed in Iraq. It deferred consideration of the second until completion of immediate repair work on the pipeline.

On 30 May, shortly before the end of the initial 180-period, the Sanctions Committee submitted its second report [S/1997/417], according to which approval of oil contracts continued to proceed smoothly with excellent cooperation among the overseers, national oil purchasers and SOMO, although some practical difficulties continued to be encountered. Humanitarian supplies had started arriving in Iraq and the urgent humanitarian needs of the Iraqi civilian population were being met.

As at 30 May, 217 national oil purchasers from 39 countries, authorized to communicate directly with the overseers, had been nominated. A total of 51 contracts had been approved. The quantity of oil approved for export under those contracts amounted to approximately 121 million barrels at an estimated value of \$2.16 billion. Because of

the market's volatility, the oil overseers monitored price fluctuations together with the contract volumes remaining for the second 90-day period, as well as the schedule and volume of individual liftings, in order to maximize the revenue for oil delivered through 7 June 1997 without exceeding the 180-day revenue objective of \$2.14 billion, including the pipeline fee.

For the second 90 days, the overseers recommended to the Committee three sets of updated pricing mechanisms for loadings in March, April and May submitted by SOMO; all new contracts submitted during the period employed Committee-approved pricing mechanisms. By 30 May, some 114 loadings, totalling 119.5 million barrels, with an estimated value of \$2.16 billion had been completed. The letters of credit opened for each of the loadings were confirmed by the overseers.

The overseers had so far submitted 23 weekly reports to the Committee. The Saybolt independent inspection agents continued to monitor the oil export loadings from Iraq. A Saybolt representative who briefed the Committee on 20 May described the oil monitoring operation as effective and smooth, adding that the monitors had enjoyed the full cooperation of the Iraqi and Turkish authorities.

In April, the Committee approved a list of certain items, drawn up with the assistance of DHA and WHO, to be dealt with on a priority basis. It adopted a second set of points of understanding to allow it to process applications based on anticipated revenues as determined by the issuance of an irrevocable letter of credit for oil shipments and confirmation of lifting of oil cargoes. In May, the Committee adopted a third set of points of understanding: the Secretariat would circulate for the Committee's consideration all contracts meeting the requirements of its procedures; incomplete applications would not be circulated until clarification was obtained from the applicant State and the Permanent Mission of Iraq to the United Nations; the Secretariat would process all incoming applications within two business days if possible; if a contract was put on hold, the delegations concerned should indicate to the Secretariat the specific reasons to enable quick resolution; and the Secretariat should obtain additional resources to support processing as necessary.

As at 30 May, the Secretariat had received 630 applications, 24 of which were subsequently cancelled. Of the 574 circulated to the Committee for action, 331 totalling approximately \$816 million were approved and 191 were placed on hold. Of the remaining 52, 14 were blocked and 38 were awaiting Committee action.

As to the authentication of the arrival in Iraq of humanitarian supplies by the independent Lloyd's inspection agents, a Lloyd's representative, at a Committee meeting in May, gave an overview of the agents' activities, adding that co-operation with Iraqi authorities had been excellent. As at 30 May, 44 consignments of humanitarian supplies had been confirmed as having arrived in Iraq in total or in partial shipments.

With respect to Turkey's requests mentioned in the Committee's March report, Turkey, at the Committee's suggestion, submitted an amendment to the contract between SOMO and the Turkish Petroleum Refineries Corporation providing for the transfer to Turkey of the \$46,286,616.44 in oil transportation fees. The Committee approved the requested transfer on the understanding that it would take place only after proceeds from oil sales to cover the fees in question had been deposited in the UN Iraq Account and deductions for the Compensation Fund had been made. Also on the Committee's suggestion, Turkey submitted a detailed export contract on its request for parts and equipment for pipeline repairs in Iraq.

Communications. By a series of communications between 25 April and 25 May [S/1997/338, 377, 382, 401 & Corr.1, 402, 403], Iraq requested the Secretary-General to intervene urgently in the processing of priority contract applications before the Sanctions Committee and to prevail upon the United States to desist from deliberately hindering their approval or from blocking or putting holds on them without justification or for groundless reasons and regardless of clarifications presented by the applicant State and Iraq. The applications blocked or placed on hold, numbering 182 by 20 May, were for foodstuffs, medicines and other health supplies, emergency vehicles and a contract for a malaria-control insecticide. Iraq accused the United States of using the Sanctions Committee as a tool for what it described as its irresponsible policy towards Iraq.

SECURITY COUNCIL ACTION

The Security Council met on 4 June [meeting 3786] to consider the second reports of the Secretary-General and the Sanctions Committee for Iraq. At that meeting it unanimously adopted **resolution 1111(1997)**, based on a draft [S/1997/428] prepared in the course of the Council's prior consultations.

The Security Council,

Recalling its previous resolutions and, in particular, resolution 986(1995) of 14 April 1995,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the rele-

vant Security Council resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661(1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Determined to avoid any further deterioration of the current humanitarian situation,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 11 of resolution 986(1995), as well as the report submitted in accordance with paragraph 12 of resolution 986(1995) by the Security Council Committee established by resolution 661(1990),

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 0001 hours eastern daylight time on 8 June 1997;

2. Also decides to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 3 and 4 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, provided that the reports referred to in paragraphs 3 and 4 below indicate that those provisions are being satisfactorily implemented;

3. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986(1995);

4. Requests the Security Council Committee established by resolution 661(1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

5. Directs the Committee established by resolution 661(1990) to process expeditiously contract applications submitted under the present resolution as soon as the Secretary-General has approved the new plan submitted by the Government of Iraq, guaranteeing equitable distribution and including a description of the

goods to be purchased with the revenues of the sale of petroleum and petroleum products authorized by the present resolution;

6. Decides to remain seized of the matter.

On 7 June, the Secretary-General transmitted to the Council [S/1997/439] the text of an exchange of letters between the Secretariat of the United Nations and the Permanent Mission of Iraq to the United Nations extending, in the light of the above resolution, the 1996 Memorandum of Understanding concerning the implementation of resolution 986(1995) for a period of 180 days, effective 8 June 1997.

Accordingly, Iraq, on 4 August, submitted a revised distribution plan for the purchase and distribution of humanitarian supplies for an additional 180-day period, which the Secretary-General transmitted to the Council on the same date [S/1997/606], together with a letter, also of 4 August, from the Under-Secretary-General for Humanitarian Affairs. The letter acknowledged and approved the plan on behalf of the Secretary-General subject to the condition that its implementation would be governed by resolutions 986(1995) and **1111(1997)** and the Memorandum of Understanding, and would be without prejudice to the procedures employed by the Sanctions Committee. The Secretary-General's transmittal letter stated that a copy of the categorized list of supplies and goods that accompanied Iraq's distribution plan was being made available to the Sanctions Committee. That list had been scrutinized by UNSCOM experts who had identified items that would be subject to notification under the export/import monitoring mechanism for Iraq. The list of items falling under that category was also being forwarded to the Committee.

Phase U

Report of Secretary-General (September). Pursuant to Security Council **resolution 1111(1997)**, which extended the provisions of resolution 986(1995) for an additional 180 days, from 0001 hours eastern standard time on 8 June to 4 December (phase II), the Secretary-General, on 8 September, submitted his 90-day report [S/1997/685], indicating that, since no humanitarian goods under phase II had reached Iraq, he would report on implementation activities before the end of the current 180-day period. The report noted that, upon the completion of Staffan de Mistura's assignment as United Nations Humanitarian Coordinator for Iraq at the end of August, the Secretary-General appointed Denis Halliday as the new Coordinator effective

1 September. In addition to regular briefings of the Sanctions Committee by senior Secretariat officials and the weekly reports of the Committee's secretariat, DHA since June had been providing the Committee with comprehensive fortnightly reports on implementation activities in Iraq.

Following the 180-day (or six-month) extension of the Memorandum of Understanding, a new distribution plan for the three northern governorates, prepared by UN officials in consultation with local counterparts there, was submitted to the Government of Iraq on 29 June and its annexes on 5 July. The Government submitted its own country-wide distribution plan to the Secretary-General on 21 July. On the basis of issues raised by the United Nations, the Government submitted a revised plan on 4 August, which the Secretary-General approved on the same date. The Government had assured him earlier that the unmet needs of vulnerable groups in central and southern Iraq would be addressed outside the framework of resolution 986(1995).

Owing to the delayed resumption of oil sales, on 8 August, the total revenue generated for the first 90-day period would be about \$500 million below the objective of \$1.07 billion for that period. At Iraq's request, the Secretary-General, on 31 July, approved a fourth entry point for humanitarian shipments on the Iraq-Syrian Arab Republic border, on the basis of the findings of a technical mission dispatched to that area. The deployment of 10 additional Lloyd's independent inspection agents was under way to confirm arrivals of authorized goods there.

Proceeds from oil sales under phase II were not expected to be deposited to the UN Iraq Account before mid-September. The last proceeds due from the first 180-day period were deposited on 27 June, bringing total proceeds to \$2,149,806,395.

By the end of the first 180-day period, over 700,000 tons of food and related items had reached Iraq, accounting for some 29 per cent of the total allocation for those goods under the first distribution plan. As of 31 August, a cumulative total of 1,831,101 tons had reached Iraq, representing some 82 per cent of the total allocation; 1,516,378 tons had been distributed to governorates. Medicines and medical supplies valued at some \$17,369,615, representing 9.6 per cent of the allocation for that sector, had also arrived; supplies worth \$14.9 million had been distributed to health facilities.

In the three northern governorates, the pace of implementation had quickened. With the arrival of pesticides, bulk quantities of therapeutic

milk and school rehabilitation materials, FAO, UNICEF and UNESCO had begun their respective projects, as had UNCHS its water and sanitation projects for internally displaced persons. Due to Turkey's military action in the north, distribution of the July food basket was delayed and UN observers were unable to reach certain areas during July and August.

The United Nations Guard Contingent in Iraq [YUN1991,p.206], provided by Member States with equipment and operating costs funded entirely from voluntary contributions, continued to protect UN personnel, assets and operations linked to the United Nations Inter-Agency Humanitarian Programme in the northern governorates. Its main activities included security patrolling, planning and preparedness, protection of UN facilities, escorting relief convoys and operating a communications and movement-tracking facility. It also provided an emergency medical service. In July, a review mission led by DUA confirmed the continued need for the Contingent, but at a reduced level of about 130 guards, and recommended new vehicles and communications equipment.

Activities of the UN observers included routine visits to health facilities in all governorates, checking stock records and verifying supplies, providing advice on aspects of supply management, and gathering information on the status of equipment, transport, storage, and water and electricity supplies. In general, the UN observers continued to be granted ready access to facilities and records. Geographical observers reported a marked upsurge in hostile comments towards them after the Ministry of Trade's announcement of ration reductions in May and June. Popular disappointment continued to be voiced against the United Nations over the slow implementation pace of the humanitarian programme, particularly erratic food distributions, delays in the arrival of medicines and severe power outages. The number of beneficiaries declining to be interviewed had increased. On six occasions, geographical observers withdrew or reduced the number of observation visits to minimize potential confrontation.

As to the efficiency of the implementation process, the UN observers reported that, once food arrived at any of the three entry points, dispatch and distribution were efficient. Handling losses at the port of Umm Qasr and in warehouses were within acceptable limits. Ration agents complained, however, that losses of pulses and rice due to the poor quality of the sacking were in excess of the 2 per cent transit allowance granted by the Ministry of Trade, forcing them to make up the losses. Delayed arrivals of wheat grain had led

the Ministry to shift stocks between silos to maintain flour production, thus complicating effective tracking of grain and flour production. That was compounded by the rapid processing rate, poor record-keeping at some mills and, sometimes, lack of timely Ministry information. Almost all agents distributed rations within the specified 48 hours. Spot checks of 6,092 beneficiaries conducted by WFP in June found that fewer than 1 per cent expressed dissatisfaction with their ration agents. In the three northern governorates, a larger number of anomalies was reported, such as short measures, faulty scales and overcharging by agents. The well-publicized revocation of licences from 76 agents in Suleimaniyah and from 12 agents in Arbil led to a drop in reported incidents of unacceptable practices. Following UN scrutiny of secondary transporters in Suleimaniyah, only 1 per cent of ration agents complained of being overcharged in August, compared with 5 to 10 per cent in May.

Erratic supply deliveries in May, June and July led to inefficiencies in food distribution, affecting ration agents and beneficiaries alike. As to the quality of food commodities, only negligible quantities were found to be unacceptable. Every item of the \$20.6 million worth of medical supplies delivered met specifications, save one, which was under re-examination. In general, the medicine and medical supplies worth \$14.9 million distributed to the governorates were received by the end-user facilities within 21 to 28 days of their release. Lack of transportation had emerged as an unexpected impediment to the efficiency of distribution, as had the lack of stable refrigeration in transit for supplies requiring temperature control. As a result, urgently needed supplies remained uncollected for weeks after being ready for collection.

As to equitability of distribution, UN observers paid particular attention to all matters relating to the fairness of registration procedures and their implementation by central and local authorities. With the Government's cooperation, UN observers had been able to follow up any apparent registration anomalies. In the three northern governorates, WFP was successful in securing the deletion of some 22,840 cases of double registration. UN observers consistently reported that no governorate had received less of a single commodity and attributed distribution delays to logistical difficulties. Owing to a range of technical problems and the rate at which applications had been approved by the Sanctions Committee, medical commodities had not reached Iraq in a coordinated or complementary manner, and most had been destined for hospitals and specialized facilities. There had thus been rela-

tively little distribution to primary health-care facilities.

To assess the adequacy of resources, the United Nations had to undertake surveys within the framework of resolution 986(1995) and of the Memorandum of Understanding. While the Government had given permission for a nutritional survey by UNICEF, it had yet to release data collected from 6,375 households in central and southern Iraq during the 1996 multiple indicator cluster survey. Survey data for 2,175 households in the three northern governorates had enabled the United Nations to identify more accurately the neediest areas. A recent FAO/WFP nutrition survey (9 June-8 July) confirmed in general terms previous assessments by UNICEF that, improved food supply notwithstanding, child malnutrition remained serious and widespread, particularly in children under five. Standard indicators, such as morbidity, for determining the adequacy of medical supplies could not be applied until sufficient quantities had been distributed throughout the country. Nor was it possible to comment on the adequacy of supplies for the water and sanitation, agriculture, education and electricity sectors, since none had arrived.

The Secretary-General observed that the Government's suspension of oil sales (in the first two months following adoption of **resolution 1111(1997)**) pending the approval of its new distribution plan was expected to result in a significant revenue shortfall for the first 90 days of the extended 180-day period. In view of the adverse consequences for the humanitarian programme and on the UN capacity to discharge its implementation responsibilities, he said the Council might wish to consider an appropriate mechanism to meet the expected shortfall.

Concerned about the adverse impact of delays in the arrival of humanitarian goods on those whom resolution 986(1995) intended to assist, the Secretary-General urged renewed efforts by all parties to ensure the expeditious processing, approval and delivery of humanitarian goods. He noted the joint effort of the United Nations and the Government of Iraq in structuring the second distribution plan to minimize recurrence of the technical difficulties encountered in the first plan. He welcomed in particular the computerization by DHA, in collaboration with the Government, of the extensive categorized list of humanitarian goods annexed to the plan to facilitate the submission and processing of contracts for Sanctions Committee approval.

The Secretary-General recalled that, in approving the Government's new distribution plan, he had confirmed the acceptance by the United Nations of the Government's assurances as a

commitment that the necessary additional resources would be made available for vulnerable groups in central and southern Iraq. He informed the Government that the United Nations would continue to observe the situation of those groups to determine and report on the adequacy of resources to meet the humanitarian needs of the Iraqi population.

Sanctions Committee report (September). On 8 September, the Sanctions Committee for Iraq submitted its 90-day report [S/1997/692] under phase II. The report stated that, following the approval of the SOMO pricing mechanisms submitted to the Committee on 5 August, Iraq resumed petroleum sales on 8 August. The overseers continued to advise the Committee on prices, volumes, liftings, destinations, management of the 90-day revenue objective of \$1.07 billion (including the pipeline fee) and other pertinent questions related to imports and monitoring of petroleum exports originating in Iraq in accordance with resolutions 986(1995) and **1111(1997)**.

By 5 September, the overseers had reviewed and approved a total of 24 contracts from purchasers in 13 countries. The oil for export under those contracts corresponded to about 107.9 million barrels for the entire 180-day period renewed by **resolution 1111(1997)**. Completed in the first 90-day period were 30 liftings totalling 35.7 million barrels, with an estimated value of \$571 million.

Pursuant to paragraph 2 of the Committee's procedures, 238 national oil purchasers from 40 countries authorized to communicate directly with the overseers had been nominated. To date, the overseers had submitted 37 weekly reports to the Committee on the contracts they had considered for the sale of petroleum originating in Iraq, including the cumulative quantity and approximate value of petroleum authorized for export.

On 20 August, the Committee adopted further points of understanding, to take effect on 1 September, by which it circulated to all Member States a revised form of notification or request to export humanitarian goods to Iraq, together with an accompanying guidance note, and extended the validity period of its contract approval letters from 120 days to 180, with a possible further extension of another 90 days on request.

Of 855 applications received under Council resolution 986(1995), 42 were subsequently cancelled and 24 were awaiting further information from the applicant States. Of the 789 circulated to the Committee, 687, for exports totalling approximately \$1,207 million, were approved, 79 were placed on hold, 20 were blocked and 3 were awaiting Committee action. No export applications under **resolution 1111(1997)** had been re-

ceived. Owing to the delayed resumption of oil sales, funds for exports to Iraq would not be available in the escrow account until mid-September. As of 5 September, 226 consignments of humanitarian supplies had been confirmed as having arrived in Iraq in total or in partial shipments.

In keeping with previously approved arrangements, two transfers to Turkey in pipeline fees amounting to \$96,571,233 for the first 180 days had been effected.

Owing to the two-month delay in the export of petroleum following the adoption of **resolution 1111(1997)**, the total revenue generated by Iraqi oil exports did not reach the objective of \$1.07 billion in the first 90-day period ending 5 September. The likely implications of the shortfall in oil revenues had been brought to the attention of the Security Council.

Communications. Between June and September, Iraq continued to address letters to the Secretary-General [S/1997/441, 452, 544, 629], drawing attention to the persistent and unjustified practice of the United States, and also of the United Kingdom, in the Sanctions Committee of placing on hold or blocking large numbers of applications for the export to Iraq of such basic humanitarian goods as beans, cooking oil, flour, rice, sugar, tea, medical supplies, batteries, sewer-cleaning vehicles, tyres, and spare parts for trucks and tractors. Iraq also drew attention to the three-day search and interrogation to which the United States navy subjected the Iraq-bound ship Kwang Myong carrying 4,000 tons of detergent from Viet Nam, after which it ordered the crew to throw into the sea certain items of equipment and to turn back [S/1997/663, 696, 731].

Iraq urged the Secretary-General to assume his role and press for the elimination of those obstacles to the timely implementation of the humanitarian programme authorized by the Security Council.

SECURITY COUNCIL ACTION

The Security Council met on 12 September [meeting 3817] to consider the 90-day reports of the Secretary-General and the Sanctions Committee. Also before it was a further letter from Iraq to the Secretary-General [S/1997/690] stating that the previously described difficulties and obstacles posed by the United States and the United Kingdom in the way of the proper and timely implementation of the humanitarian programme continued into the first 90 days of the second 180-day period. On the same date, the Council adopted **resolution 1129(1997)** by vote (14-0-1), based on a draft [S/1997/709] sponsored by the United Kingdom and the United States.

The Security Council,

Recalling its previous resolutions, in particular resolutions 986(1995) of 14 April 1995 and 1111(1997) of 4 June 1997,

Reaffirming that the implementation period of resolution 1111(1997) began at 0001 hours eastern daylight time, on 8 June 1997, and that the export of petroleum and petroleum products by Iraq pursuant to resolution 1111(1997) did not require the approval by the Secretary-General of the distribution plan mentioned in paragraph 8 (a) (ii) of resolution 986(1995),

Taking note of the decision by the Government of Iraq not to export petroleum and petroleum products permitted pursuant to resolution 1111(1997) during the period 8 June to 13 August 1997,

Deeply concerned about the resulting humanitarian consequences for the Iraqi people, since the shortfall in the revenue from the sale of petroleum and petroleum products will delay the provision of humanitarian relief and create hardship for the Iraqi people,

Noting that, as set out in the report of the Security Council Committee established by resolution 661(1990), Iraq will not be able to export petroleum and petroleum products worth two billion United States dollars by the end of the period set by resolution 1111(1997) while complying with the requirement not to produce a sum exceeding one billion United States dollars every 90 days, set out in paragraph 1 of resolution 986(1995) and renewed in resolution 1111(1997),

Acknowledging the situation with regard to the delivery of humanitarian goods to Iraq as described in the report of the Secretary-General, and encouraging the continuing efforts to improve this situation,

Stressing the importance of an equitable distribution of humanitarian goods as called for by paragraph 8 (a) (ii) of resolution 986(1995),

Determined to avoid any further deterioration of the current humanitarian situation,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 1111(1997) shall remain in force, except that States are authorized to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars within a period of 120 days from 0001 hours eastern daylight time on 8 June 1997 and, thereafter, a sum not exceeding a total of one billion United States dollars within a period of 60 days from 0001 hours eastern daylight time on 4 October 1997;

2. Decides also that the provisions of paragraph 1 above shall apply only to the period of implementation of resolution 1111(1997), and expresses its firm intention that under any future resolutions authorizing States to permit the import of petroleum and petroleum products originating in Iraq, the time limits within which imports may be permitted established in such resolutions shall be strictly enforced;

3. Expresses its full support for the intention of the Secretary-General, stated in his report to the Security Council, to follow up his observations concerning the needs of vulnerable groups in Iraq by monitoring the

actions of the Government of Iraq in respect of these groups;

4. Stresses that contracts for the purchase of humanitarian supplies submitted in accordance with resolution 1111(1997) must be limited to items which appear on the list of supplies annexed to the second distribution plan prepared by the Government of Iraq and approved by the Secretary-General pursuant to paragraph 8 (a) (ii) of resolution 986(1995), or appropriate amendments to the plan must be requested prior to the purchase of items not on the annexed list;

5. Decides to remain seized of the matter.

VOTE ON RESOLUTION 1129(1997):

In favour: Chile, China, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Sweden, United Kingdom, United States.

Against: None.

Abstain: Russian Federation.

Iraq, in 16 September comments [S/1997/717] on the resolution, reaffirmed the need to respect the principle of parallelism between the flow of Iraqi petroleum and the provision of humanitarian goods to Iraq and called on the United Kingdom and the United States to desist from hindering the smooth and speedy approval of contracts for those goods.

Report of Secretary-General (November). On 28 November, the Secretary-General submitted his second report [S/1997/935] under phase II of the humanitarian programme for Iraq. The report covered implementation activities up to 15 November under phases I and II, including those of the United Nations Inter-Agency Humanitarian Programme in the three northern governorates. It noted that, on 15 October, the Secretary-General established the Office of the Iraq Programme at UN Headquarters, with Benon V. Sevan as Executive Director, to consolidate and manage Secretariat activities pursuant to Council resolutions 661(1990) and 986(1995) and subsequent resolutions.

As a result of the alteration of the 180 days under phase II into 120- and 60-day periods, it was determined that the revenue generated for the 120-day period was \$1.07 billion. By 15 November, 746 letters of credit for humanitarian goods, amounting to about \$1,175,908,000, had been approved or issued under resolution 986(1995); 819 payments totalling \$823,621,000 had been made to suppliers for deliveries under the terms of their letters of credit, with \$357,654,000 held as collateral to cover payments to suppliers whose letters of credit remained open. Approved or issued under **resolution 1111(1997)** were 54 letters of credit amounting to some \$473,316,000.

Between 11 August and 3 November, 109 letters of credit for the export of oil from Iraq under the same resolution were confirmed. The anticipated revenue of approximately \$1,914 million from those oil sales was expected to vary accord-

ing to the market price of crude oil. By 21 November, \$1,537,366,526 in oil proceeds had been deposited to the UN Iraq Account and allocated against expenditures, as follows: \$738.2 million for the purchase of humanitarian supplies by the Government of Iraq (against payments amounting to \$473.3 million) and \$181 million for the purchase of those to be distributed in the three northern governorates by the United Nations Inter-Agency Humanitarian Programme (against recorded expenditures of \$41.3 million); \$417.6 million transferred directly to the United Nations Compensation Fund (of \$96.2 million allotted to the United Nations Compensation Commission, \$20.1 million was for operating expenditures and the balance for the second instalment of "A" and "C" claims); \$30.8 million for UN operational and administrative expenses associated with the implementation of resolution 986(1995) (against administrative costs of \$22 million for all UN entities); \$10.4 million for UNSCOM operating expenses (against expenditures of \$8.4 million); \$145.4 million held for oil transportation costs through Turkey (of \$69 million allocated for pipeline fees, \$48.3 million was disbursed in November); and \$12.3 million transferred directly to the escrow account established pursuant to resolutions 706(1991) and 712(1991) for the repayments envisaged under paragraph 6 of resolution 778(1992), as specified in resolution 986(1995).

An estimated cumulative total of 2.69 million tons of food and related items had arrived in-country, accounting for 92 per cent of approved contracts. Under phase II, a cumulative total of 286 tons had reached warehouses, or 0.015 per cent of total contracts approved; 99 applications for some 1,877,575 tons of food worth about \$632 million had been approved; and foodstuffs had begun to arrive on 2 November. Medicines and medical appliances representing 42.6 per cent of the \$210 million allocation (\$181 million for the 15 central and southern governorates and \$29 million for the three northern governorates) had been received and supplies worth about \$34 million had been distributed to governorate departments of health for onward distribution to health facilities.

With respect to phase I allocations, applications for goods in the water and sanitation sector worth \$17,589,252, or 73 per cent of the \$24 million allocation, had been approved; shipments worth \$6,181,716 had arrived, including water-purification chemicals, dosing pumps and chlorinators. Electricity equipment worth \$3.7 million, or over 10.5 per cent of the \$36 million allocation, was delivered, beginning on 17 September, and distributed to designated thermal

power stations; power grid cable and transformers were distributed to four General Establishment of Electricity Distribution facilities in Baghdad and in central, southern and northern Iraq. While agricultural goods worth \$4.1 million, or 17 per cent of the \$24 million allocation, had arrived, deliveries had been such that some 60 per cent of the goods (pesticides, harvester spare parts and bee-keeping supplies) missed the summer season and would not be used before March 1998. Educational materials were not expected until early 1998.

In the northern governorates, implementation for most sectors, in particular resettlement and agriculture, accelerated over the reporting period. Deliveries and distribution of health supplies, medicines, foodstuffs and educational materials showed modest improvements. The first distribution of a full food ration in August was followed by late distributions in September due to supply shortages at the national level, coupled with local logistical difficulties. Continuing shortages in October precluded distribution of vegetable ghee, salt, soap and about half the entitlement of pulses of that month's ration, and government stocks were not available in the north to offset such periodic shortfalls. The resumption on 13 October of active hostilities in the three governorates was a setback to the humanitarian programme; however, where WFP could not reach local ration agents, food distribution continued through local authorities. By 31 October, some 320,572 tons of food and related items had reached WFP warehouses in Kirkuk and Mosul, compared with a total requirement of 310,000 tons.

In the nutrition sector, WFP continued providing supplementary feeding to about 328,000 persons, including pregnant and nursing mothers, residents of hospitals and other institutions and returning refugees or internally displaced persons awaiting registration for food rations. UNICEF distributed an additional 66.3 tons of nutritional supplies to about 25,000 vulnerable children through a network of 13 nutritional rehabilitation centres and 87 primary health-care centres.

With respect to phase I allocations for the northern governorates, arrivals of medicines increased from about 3 per cent to 16.2 per cent but remained dependent on the receipt of supplies at central warehouses in Baghdad. The arrival of WHO supplies for upgrading hospital services rose to over 26 per cent of allocation. By 7 November, 5 per cent of water and sanitation materials had been delivered. By 15 November, agricultural goods worth \$11.2 million had arrived, as had 22 per cent and 20.9 per cent of educational

materials for UNICEF and UNESCO, respectively. The major portion of electricity equipment was expected to arrive by September 1998. As to housing and supporting infrastructure for the approximately 500,000 internally displaced persons, 26 per cent of construction was under way and three sanitation projects were completed. In the demining sector, most of the equipment and vehicles under the \$2.3 million allocation had been shipped to Iraq; implementation had been temporarily disrupted, however, by the unexpected withdrawal of the implementing partner.

Observation activities under the three-tier observation mechanism continued. Between July and 12 November, all commodities entering Iraq were tracked or spot-checked from the point of entry or relevant central warehouses to the regional/governorate warehouses, intermediary storage or processing plants, end-user facilities, sites and individual beneficiaries.

With respect to the effectiveness of the implementation process, the report noted that, because of the erratic arrival of foodstuffs, some commodities had to be distributed in reduced amounts, scheduled distributions for a given month spilled over into the next, and ration agents had to make multiple trips to collect their allocations, leading to complaints about additional transport costs. The processing and distribution of flour was marked by continuing difficulties due to insufficient grain stocks, power supply interruptions, the lack of back-up generators and shortage of spares, causing the closure of up to 10 out of the 109 mills at any given time. Besides the random and partial arrival of phase I medicines and medical supplies, most health facilities, including private pharmacies, continued to experience difficulties in the timely collection of commodities due to transport problems.

Water and sanitation supplies distributed to date were transported efficiently to end-users and the corresponding documentation were properly maintained. Nevertheless, with the delayed arrival of those supplies and the relatively small allocation for the sector, there had hardly been any measurable improvement. The 60 per cent of agricultural equipment and supplies that had arrived missed the 1997 summer season and would therefore be stored until the following season. While supplies in the electricity sector had been promptly forwarded to their final destinations, efficiency was hampered by the complex nature of that sector and by the uncoordinated arrival of supplies. In the education sector, pre-observation visits to schools confirmed that the allocation plan and warehousing and transport arrangements were in place to ensure the effective distribution of supplies upon their arrival to

the 15 central and southern governorates. In the three northern governorates, student and teacher/classroom kits were distributed to all 2,020 primary schools in the distribution plan. Approximately 20 per cent of the resettlement projects were under implementation and activities were well within schedule, despite constraints created by the initial irregular allocation of operational resources and the lengthy procedure for obtaining contract approval from UNCHS headquarters in Nairobi, Kenya.

As to equitability, disproportionate amounts of medicines and medical supplies had been received for specialized centres due to the random arrival of supplies. In the water and sanitation sector, distribution was according to allocation plans drawn up by the respective water authorities of the 15 governorates. Distribution of agricultural machinery and spare parts varied with the changes in cropping patterns, varying food demands, weather restrictions, locations of weed, insect and disease infestations, unforeseen machinery malfunctions, the number of contracts approved and/or blocked and seasonal migrations of harvesters. Distribution of ground sprayers was complicated by the need for prior inspection because of their dual-purpose classification. Resettlement resources had been equitably allocated among the internally displaced groups. Although shelter and human settlement rehabilitation needs in the 15 central and southern governorates were similar to if not more pressing than those in the three northern governorates, the 15 were not covered under either phase I or II of the programme; consequently, there was no equity in that sector.

With respect to the adequacy of the programme, the 1996 multiple indicator cluster survey in the 15 governorates indicated that 11 per cent of children up to five years old were acutely malnourished and wasting; 31 per cent were chronically malnourished and thus subject to stunting; and 26 per cent were underweight. Two additional nutritional status surveys conducted in April and October 1997 indicated that infant malnutrition remained prevalent. An FAO/WFP assessment conducted in Baghdad and Kerbala in June also confirmed high levels of malnutrition in children and adults alike. The current food ration of 2,030 kilocalories and its composition fell far short of meeting the nutritional needs of the Iraqi population and required enhancement. As regularly reported by the UN observers, the health infrastructure had deteriorated so that utilization of new equipment and other items allocated to the health sector would have limited impact if related urgent needs, such as proper water supply and sewage treatment, immediate

repair and maintenance of water and sewage pipe systems, improved electricity service and food rations, and critical environmental issues, were not adequately addressed.

To assess the adequacy and effectiveness of supplies in the agriculture sector, an impact study had to be conducted over one or two seasons to ascertain their total effect. In the electricity sector, a small increase could be expected in the output of power stations after the installation and utilization of equipment allotted for the sector under phases I and II. However, the Government's technical assessment, as confirmed by UN observers, suggested that that increase was expected to be offset by the rate of deterioration in other power stations and in parts of the distribution network not benefiting from similar inputs. In the education sector, it was estimated that the \$ 18 million allocated for primary education under phases I and II in the central and southern governorates would meet only 15 to 20 per cent of the most urgent requirements for textbooks, desks and physical plant rehabilitation. The resources provided for rehabilitation and resettlement under the two phases were minimal relative to the needs of the target population. As to vulnerable groups, the UN agencies felt that a new food basket with higher energy/protein/micronutrient content was required for the whole Iraqi population.

The Secretary-General reported with regret that, despite the ongoing implementation of resolutions 986(1995) and 1111(1997), the population of Iraq continued to face a serious nutritional and health situation and that there was an urgent need to contain the risk of a further deterioration. The slow and erratic pace at which humanitarian supplies arrived in Iraq had been such that, at the close of phase II, there were still outstanding deliveries under phase I, and the overwhelming majority of phase II inputs had yet to be submitted, processed and/or approved. There was clearly an urgent need for a systematic review of the whole process. There was also a need to review the operating difficulties of the distribution systems, in particular those related to the food and health sectors, and the extent to which the deterioration of basic infrastructure in other sectors was undermining the value of humanitarian inputs. The Council would also appreciate the need to reviewing the nutritional value of the current food basket in relation to the general population and also to the specific needs of those most at risk of malnutrition.

The Secretary-General felt that, after almost a year's experience in implementing the programme, it might be timely to re-emphasize the importance of realism and pragmatism. Even if

all supplies arrived on time, what was being provided under resolutions 986(1995) and **1111(1997)** would be insufficient to address, even as a temporary measure, all the humanitarian needs of the Iraqi people. Moreover, in view of identified needs that remained unmet, he appealed to the international community to continue humanitarian programmes throughout the country.

The Secretary-General therefore drew attention to a variety of initiatives that ought to be taken to ensure achievement of the objectives of the two resolutions. Given the scale of urgent humanitarian requirements in Iraq, the Council might wish to consider increasing the revenues envisaged to meet Iraq's priority humanitarian requirements. To assist the Council, he had requested the Office of the Iraq Programme to review the priority requirements in all sectors, with particular emphasis on enhancing the efficiency and adequacy of the distribution plan. He had also directed that Office to formulate recommendations that addressed concerns over processing and supply issues, in particular to devise a system that ensured that interrelated applications were clearly identified as such and brought to the attention of the Sanctions Committee. He welcomed the Committee's efforts to refine and clarify its working procedures, encouraging it to go further in that direction to expedite the approval process.

In view of Iraq's continuing humanitarian needs, the Secretary-General recommended that the Council extend the provisions of resolution 986(1995) for a further six-month period.

Sanctions Committee report (December). On 2 December, the Sanctions Committee submitted its second report [S/1997/942] pursuant to **resolution 1111(1997)**, according to which 33 contracts for the export of oil from Iraq, involving purchasers from 14 countries, had been reviewed and approved by the overseers under phase II. The total quantity of oil approved under those contracts corresponded to approximately 126.8 million barrels for the 180 days. All contracts submitted employed the SOMO pricing mechanisms approved by the Committee on the recommendation of the overseers.

In the first 120 days, 57 loadings, totalling 65.4 million barrels, were completed. During the next 60 days, 54 liftings totalling 56 million barrels, estimated at \$974 million, had been completed, with seven liftings remaining to be completed for that period. At current prices, the revenue for the 180-day period, including the remaining seven liftings, was projected at about \$2.14 billion (including the pipeline fee).

Pursuant to Committee procedures, 237 national oil purchasers authorized to communicate directly with the overseers had been nominated from 40 countries. The Committee held informal meetings to deal with issues arising from the processing of applications and to discuss questions related to the transition of the operation from phase I to phase II.

Under phase I, 929 applications had been received by 1 December, of which 65 were later cancelled and 10 were awaiting either additional information from the applicant States or funds to become available in the UN Iraq Account. Of the 854 circulated to the Committee, 778, totalling approximately \$1,218 million, were approved, 31 were placed on hold and 45 were blocked. A cumulative total of 303 applications had been received by 15 November under the 13 per cent account (for the three northern governorates), of which 290 were approved and 13 were pending.

Funds for exports to Iraq under **resolution 1111(1997)** became available in the UN Iraq Account on 12 September. Under phase II, 239 applications had been received by 1 December, of which 6 were subsequently cancelled and 92 were waiting either for additional information from the applicant States or for funds to become available in the UN Iraq Account. Of the remaining 141 circulated to the Committee, 117, worth some \$747.5 million, were approved, 7 were placed on hold, 1 was blocked and 16 were awaiting Committee action. Under the 13 per cent account, 64 applications had been submitted by 15 November, of which 51 were approved.

Owing to the delayed start in the sales of petroleum after the adoption of **resolution 1111(1997)**, humanitarian supplies approved under phase II started to arrive in Iraq only on 2 November. As at 1 December, 469 consignments of humanitarian supplies had been confirmed as having arrived in Iraq in total or in partial shipments.

During the reporting period, the Committee approved Turkey's second request for equipment and parts for pipeline maintenance in Iraq, repeating the proviso that the materials should remain in Turkey for shipment to Iraq only when needed. (Iraq protested against and rejected that proviso on 24 December [S/1997/1013].)

Communications. Iraq, on 6 October [S/1997/778], reiterated its complaint about the large number of export applications that were on hold or blocked by the United States and the scores of others that had yet to be circulated to the Sanctions Committee. On 29 November [S/1997/937], in addition to repeating the same complaint, Iraq strongly urged that, in view of the approaching end of phase II, the Secretary-General take the steps necessary to complete the processing of all

contracts under phases I and II. It suggested that, to overcome the obstacles posed by the United States, the export of oil and the import of humanitarian supplies stipulated with each 180-day period should be completed within that period; the principle of equivalence between those two operations should be applied; and a simple notification procedure should be used for approving purchase contracts for materials conforming to the approved categorized list.

SECURITY COUNCIL ACTION

The Security Council met on 4 December [meeting 3840] to consider the second reports of the Secretary-General and the Sanctions Committee under phase II of the humanitarian programme for Iraq. Following a debate on those reports, the Council unanimously adopted **resolution 1143(1997)**, based on a draft [S/1997/951] prepared in consultations among Council members.

The Security Council,

Recalling its previous resolutions, in particular resolutions 986(1995) of 14 April 1995, 1111(1997) of 4 June 1997 and 1129(1997) of 12 September 1997,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant resolutions, including notably resolution 687(1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661(1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Welcoming the report submitted by the Secretary-General in accordance with paragraph 3 of resolution 1111(1997), and his intention to submit a supplementary report, as well as the report submitted in accordance with paragraph 4 of resolution 1111(1997) by the Security Council Committee established by resolution 661(1990),

Noting with concern that, despite the ongoing implementation of resolutions 986(1995) and 1111(1997), the population of Iraq continues to face a serious nutritional and health situation,

Determined to avoid any further deterioration of the current humanitarian situation,

Noting with appreciation the recommendation of the Secretary-General that the Council re-examine the adequacy of the revenues provided by resolution 986(1995) and consider how best to meet the priority humanitarian requirements of the Iraqi people, including the possibility of increasing those revenues,

Noting also with appreciation the intention of the Secretary-General to include in his supplementary report recommendations on ways to improve the processing and supply of humanitarian goods under resolution 986(1995),

Welcoming the efforts made by the Committee established by resolution 661(1990) to refine and clarify its working procedures, and encouraging the Committee

to go further in that direction in order to expedite the approval process,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the provisions of resolution 986(1995), except those contained in paragraphs 4, 11 and 12, shall remain in force for another period of 180 days beginning at 0001 hours eastern standard time, on 5 December 1997;

2. Also decides that the provisions of the distribution plan in respect of goods purchased in accordance with resolution 1111(1997) shall continue to apply to foodstuffs, medicine and health supplies purchased in accordance with the present resolution pending the approval of the Secretary-General of a new distribution plan, to be submitted by the Government of Iraq before 5 January 1998;

3. Further decides to conduct a thorough review of all aspects of the implementation of the present resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, on receipt of the reports referred to in paragraphs 4 and 5 below, and expresses its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of the present resolution, provided that the reports referred to in paragraphs 4 and 5 below indicate that those provisions are being satisfactorily implemented;

4. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the 180-day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986(1995), including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 of resolution 986(1995);

5. Requests the Security Council Committee established by resolution 661(1990), in close coordination with the Secretary-General, to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986(1995);

6. Welcomes the intention of the Secretary-General to submit a supplementary report, and expresses its willingness, in the light of his recommendations, to find ways of improving the implementation of the humanitarian programme and to take such action over additional resources as needed to meet priority humanitarian requirements of the Iraqi people, as well as to consider an extension of the time-frame for the implementation of the present resolution;

7. Requests the Secretary-General to submit his supplementary report to the Council no later than 30 January 1998;

8. Stresses the need to ensure respect for the security and safety of all persons appointed by the Secretary-General for the implementation of the present resolution in Iraq;

9. Requests the Committee established by resolution 661(1990) to continue, in close coordination with the Secretary-General, to refine and clarify working procedures in order to expedite the approval process and to report to the Council no later than 30 January 1998;

10. Decides to remain seized of the matter.

On 6 December [S/1997/963], the Secretary-General transmitted to the Council an exchange of letters of the same date from the Legal Counsel of the United Nations and the Government of Iraq, by which the Legal Counsel proposed, and Iraq agreed, that the provisions of the 1996 Memorandum of Understanding be extended for an additional period of 180 days, effective 5 December 1997, provided that the Memorandum's provisions applicable to the distribution plans approved pursuant to paragraph 8 (a) (ii) of Council resolution 986(1995) and paragraph 5 of **resolution 1111(1997)** should be applicable to the new distribution plan referred to in paragraph 2 of **resolution 1143(1997)**; and, further, that if Iraq agreed to the proposal, his letter and Iraq's reply should constitute an agreement between the Secretariat of the United Nations and the Government of Iraq.

UN Iraq-Kuwait Observation Mission

The United Nations Iraq-Kuwait Observation Mission (UNIKOM), established by Security Council resolution 687(1991) [YUN 1991, p. 172], continued in 1997 to discharge its functions in accordance with its terms of reference, as expanded by Council resolution 806(1993) [YUN 1993, p. 406]: to monitor the Khawr Abd Allah waterway and the demilitarized zone (DMZ) along the Iraq-Kuwait boundary established under the 1991 resolution, as adjusted in accordance with the 1993 technically demarcated international boundary line [YUN 1993, p. 403]; to deter violations of the boundary through its presence in and surveillance of the DMZ; to observe any potentially hostile action mounted from the territory of one State into the other; and, as from 1993, to take physical action to prevent or redress small-scale violations of the DMZ or the boundary.

UNIKOM operations consisted of surveillance, control, investigation and liaison. Surveillance of the DMZ—an area about 200 kilometres long and extending 10 kilometres into Iraq and 5 kilometres into Kuwait—was based on patrol and observation bases, ground and air patrols, and observation points. Control operations included static checkpoints, random checks and maintenance of

a force mobile reserve. Since mid-1996 [YUN 1996, p. 231], UNIKOM had kept its division of the DMZ into the northern and southern operational sectors, where it maintained 10 and 8 patrol/observation bases, respectively. Regarding the recommended improvement of the monitoring system of the Khawr Abd Allah waterway [ibid.], construction had begun of the additional observation post on Warbah Island, two patrol boats and two support craft were being fitted out and arrangements for the purchase of the radar units to upgrade the observation posts at Al Faw and at the entrance of the Al Zubayr waterway were being finalized.

UNIKOM's infantry battalion, deployed at Camp Khor, Kuwait, at a company camp at Al'Abdali and at platoon camps in the two sectors, conducted armed patrols within the sectors, deploying its mobile reserve in sensitive situations as necessary, manned checkpoints at border-crossing sites and conducted random checks in cooperation with Iraqi and Kuwaiti liaison officers; it also provided security for UNIKOM personnel and its installations where and when necessary.

UNIKOM maintained headquarters at Umm Qasr in Iraq, liaison offices in Baghdad and Kuwait City and a support base in Camp Khor.

Reports of Secretary-General (March and September). During the year, the Secretary-General submitted two six-monthly reports on the activities of UNIKOM, the first on 26 March [S/1997/255], covering the period 24 September 1996 to 26 March 1997; and the second, on 24 September [S/1997/740], covering the period 27 March to 23 September.

The reports stated that the situation in the DMZ was generally calm, with only 22 minor incidents occurring during the second reporting period—14 on the Iraqi side and 8 on the Kuwaiti side; no injuries were sustained and damage to property was usually slight. Complaints by one party against the other increased, from 23 in the first period to 35 in the second, the majority by Kuwait, over incursions by Iraqi fishing boats into its territorial waters in the Khawr Abd Allah west of Warbah Island and cross-border ground incursions and shootings within the DMZ. Iraq likewise complained about violations of its territorial waters in the same waterway and of its airspace over Safwan and Umm Qasr. From the last days of February into the first part of March, UNIKOM observed increased activities in the Khawr Abd Allah waterway, including the presence of some armed Iraqi boats.

Violations within the DMZ recorded by UNIKOM decreased from 161 during the first period (including 14 ground incursions into Kuwait

mainly by military and armed personnel) to 87 during the second (including 26 waterway violations by Iraqi fishing boats and 12 ground violations by armed personnel from either party and tracer sightings on the Iraqi side). Of the 248 violations recorded, 196 were airspace violations by military aircraft of the types that had been used by Gulf War coalition forces and by aircraft flying too high to be identified.

UNIKOM continued to dispose of unexploded mines and bomblets in the DMZ, mostly on the Iraqi side, detonating 930 unexploded devices during the second reporting period. It also continued to provide security and logistic support for the meetings of the Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains, a subcommittee of the International Committee of the Red Cross. The eight meetings of that Subcommittee (6 November and 15 December 1996, 28-29 January, 19 March, 30 April, 2 June, 16 July and 18 August 1997) were attended by delegations from Iraq and Kuwait and observers from France, Saudi Arabia, the United Kingdom and the United States.

UNIKOM continued to maintain constant and close liaison with the authorities of both parties at all levels, who cooperated with the Mission in the conduct of its operations.

The Secretary-General concluded that UNIKOM continued to contribute to the maintenance of calm and stability in the DMZ and recommended that it be maintained.

SECURITY COUNCIL ACTION (April and October)

The Security Council informed the Secretary-General on 7 April [S/1997/286] and on 6 October [S/1997/773] that, in the light of each of his two reports, the Council had reviewed the question of termination or continuation of UNIKOM and its modalities of operation and concurred with his recommendation that UNIKOM be maintained. The Council decided to review the question once again by 4 April 1998.

Composition

Major-General Gian Giuseppe Santillo (Italy) served as Force Commander until 30 November. He was succeeded by Major-General Esa Kalervo Tarvainen (Finland), whose appointment the Secretary-General proposed to the Council on 24 October [S/1997/841] and was agreed to by the Council on 3 November [S/1997/842]. As of August, UNIKOM had an overall strength of 1,283, comprising 194 military observers from 32 Member States; an infantry battalion of 765 from Bangladesh; 125 support personnel, including an engineering unit of 42 from Argentina, a lo-

gistics unit of 34 from Austria, a helicopter unit of 35 from Bangladesh and a medical unit of 14 from Germany; and a civilian staff of 199.

Financing

On 13 June 1997 [meeting 101], the General Assembly considered the Secretary-General's reports on UNIKOM of 4 March [A/51/658/Add.1] on its financial performance from 1 January to 30 June 1996, of 5 March [A/51/658/Add.2] containing its proposed budget for the 12-month period from 1 July 1997 to 30 June 1998, and of 21 May [A/51/658/Add.3] on the recovery of overpayment of mission subsistence allowance, together with the related reports of the Advisory Committee on Administrative and Budgetary Questions [A/51/683/Add.1] and of the Office of Internal Oversight Services [A/51/432]. On the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/726/Add.1], the Assembly adopted **resolution 51/234** without vote [agenda item 125 (a)].

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission, the related report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Office of Internal Oversight Services,

Recalling Security Council resolutions 687(1991) of 3 April 1991 and 689(1991) of 9 April 1991, by which the Council decided to establish the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recalling also its resolution 45/260 of 3 May 1991 on the financing of the Observation Mission and its subsequent resolutions and decisions thereon, the latest of which were resolution 50/234 of 7 June 1996 and decision 51/440 of 16 December 1996,

Reaffirming that the costs of the Observation Mission that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observation Mission; a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation for the substantial voluntary contributions made to the Observation Mission by

the Government of Kuwait and the contributions of other Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Iraq-Kuwait Observation Mission as at 15 May 1997, including the contributions outstanding in the amount of 9,455,734 United States dollars, representing 4 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 April 1997, notes that some 32 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses its continued appreciation of the decision of the Government of Kuwait to defray two thirds of the cost of the Observation Mission, effective 1 November 1993;

3. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

4. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

5. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observation Mission in full and on time;

6. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions and in the report of the Office of Internal Oversight Services;

7. Requests the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Iraq-Kuwait Observation Mission the amount of 51,487,500 dollars gross (49,599,300 dollars net) for the maintenance of the Observation Mission for the period from 1 July 1997 to 30 June 1998, inclusive of an amount of 1,952,100 dollars for the support account for peacekeeping operations, a two-thirds share of this amount, equivalent to 33,066,200 dollars, to be funded through voluntary contributions from the Government of Kuwait, subject to the review by the Security Council with regard to the question of termination or continuation of the Mission;

9. Decides also, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, equivalent to 33,066,200 dollars, to apportion among Member States the amount of 18,421,300 dollars gross (16,533,100 dollars net), representing one third of the cost of the maintenance of the Observation Mission for the period from 1 July 1997 to 30 June 1998, the said amount to be assessed at a monthly rate of 1,535,108 dollars gross (1,377,758 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions

44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the review by the Security Council with regard to the question of termination or continuation of the Observation Mission;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,888,200 dollars approved for the period from 1 July 1997 to 30 June 1998;

11. Decides that, taking into consideration the funding through voluntary contributions from the Government of Kuwait of the two-thirds share of the cost of the Observation Mission, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share in the unencumbered balance of 1,723,200 dollars gross (1,440,000 dollars net), representing one third of the unencumbered balance of 4,603,200 dollars gross (4,320,000 dollars net) in respect of the period from 1 January to 30 June 1996;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Observation Mission, their share of the unencumbered balance of 1,723,200 dollars gross (1,440,000 dollars net) for the period from 1 January to 30 June 1996 shall be set off against their outstanding obligations;

13. Decides further that two thirds of the net unencumbered balance of 4,320,000 dollars, equivalent to 2,880,000 dollars, shall be returned to the Government of Kuwait;

14. Requests the Secretary-General to continue his efforts to recover the overpayment of mission subsistence allowance in the estimated amount of 988,443.5 dollars and to report to the General Assembly at its fifty-second session on the results of action taken for its recovery, including measures taken with respect to those responsible for the overpayment;

15. Invites voluntary contributions to the Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

16. Decides to include in the provisional agenda of the fifty-second session, under the item entitled "Financing of the activities arising from Security Council resolution 687(1991)", the sub-item entitled "United Nations Iraq-Kuwait Observation Mission".

By **decision 52/456** of 22 December [meeting 79], the Assembly decided that the Fifth Committee should continue its consideration of the item

on the financing of UNIKOM at the resumed fifty-second session in 1998.

Other matters

UN Compensation Commission and Fund

The United Nations Compensation Commission, established in 1991 [YUN 1991, p. 196] for the resolution and payment through the United Nations Compensation Fund, established at the same time, of claims against Iraq for losses and damage resulting from its 1990 invasion and occupation of Kuwait [YUN 1990, p. 189], continued in 1997 to expedite the prompt settlement of claims. The Commission was headquartered in Geneva, where its Governing Council held all of its sessions.

Governing Council activities

The Governing Council of the Commission held three regular sessions during the year: the twenty-fourth (23-24 June) [S/1997/546], the twenty-fifth (29 September-1 October) [S/1997/809] and the twenty-sixth (15-17 December) [S/1998/37]. Iraq and Kuwait addressed all three sessions and Turkey addressed the June session.

In June, the Council considered the report and recommendations of the Panel of Commissioners that reviewed the fifth instalment of category C claims (individual claims for damage and injury up to \$100,000), covering 76,751 claims filed by 43 Governments and three UN entities on behalf of individuals not in a position to file their claims through Governments (annex I). The recommendations included: compensation payments for 76,720 claims totalling \$720,924,558.14, with interest calculated from 2 August 1990; and corrected amounts for three claims from the first instalment [YUN 1994, p. 479] and for another three from the second instalment [YUN 1996, p. 235]. The 31 claims not recommended for compensation related to money losses resulting from the claimants' departure from Iraq or Kuwait, already claimed for under category A (departure losses). Those recommendations were approved by Council decision 41 of 24 June (annex II), which also reaffirmed that, when funds became available, payments should be made in accordance with the priorities and payment mechanism set forth in its decision 17 [YUN 1994, p. 478]. The Commission's Executive Secretary, in his first report to the Council (annex III), indicated that, as the Panel for category A claims had concluded its review of all claims in that category and was no longer functioning, he was reporting requests for

corrections to already approved claim A awards directly to the Council.

At the September/October session, the Council discussed the final report on the jurisdictional phase of the review by the Panel of Commissioners of the Egyptian workers' claims, together with the Panel's recommendations (annex I). In question were approximately 1.24 million claims for about \$491 million, the dollar value of funds deposited by the Egyptian workers into banks in Iraq for transfer to beneficiaries in Egypt, in accordance with agreements between Egypt and Iraq, but transfers of which ceased following Iraq's invasion of Kuwait. On the basis of a thorough examination of all aspects of the claim, including briefs and documents filed by Egypt and Iraq, as well as oral hearings, the Panel recommended that compensation in the amount of \$84,393,992 be awarded for 223,817 claims, that all other workers' claims be dismissed and that interest be paid on the total amount awarded, calculated from 15 October 1990, at a rate to be determined by the Governing Council at the appropriate time. By decision 43 of 1 October (annex II), the Council approved the Panel's recommendations and further decided that, for payment purposes, the 223,817 claims should be considered as part of the fifth instalment of category C claims. In a statement, also of 1 October (annex III), the Governing Council President noted that the Commission did not have exclusive competence to consider claims against Iraq arising from its unlawful invasion and occupation of Kuwait; thus all claimants, including those whose claims had been dismissed by the Panel, had the right to pursue their claims through other mechanisms. Governments were reminded, however, to observe the requirements of decision 13 [YUN 1992, p. 317] to avoid multiple recovery of compensation by claimants for the same loss. The Executive Secretary, in his second report (annex IV), set out the corrections that had been requested to 16 already approved category A claim awards in the first and third to sixth instalments of that category. The corrections as set out in that report were approved by a decision of the Council, also of 1 October (annex V), which directed the Executive Secretary to effect those corrections.

At the December session, the Council considered the first report and recommendations of the Panel of Commissioners that reviewed part one of the first instalment of category F claims—for losses from contract, business transaction or course of dealing, real property, other tangible property, bank accounts and securities, income-producing property, payment or relief to others, evacuation costs of citizens or other nationals, public service expenditures, environmental dam-

age and depletion of natural resources (annex I). That instalment covered 11 claims, 9 of which totalled approximately \$4,506,800 filed by eight Governments for certain of their political subdivisions, agencies, ministries, instrumentalities or controlled entities. On the basis of its evaluation of the claims and advice of the loss adjusters, the Panel recommended that specific amounts of compensation, totalling \$2,220,043, be awarded for the nine claims. The Panel would issue a separate report in due course for the remaining two claims (the "Kuwaiti claims") submitted by Kuwait University and the Ministry of Foreign Affairs of Kuwait.

By decision 45 of 17 December (annex II), the Council approved the Panel's recommendations, reaffirming that when the funds became available payments should be made in accordance with decision 17 [YUN 1994, p. 478] and recalling that Governments and international organizations should distribute amounts received to the designated claimants within six months of receiving payment and, under the terms of decision 18 [*ibid.*], provide information on such distribution no later than three months thereafter. The decision also requested the Executive Secretary to provide a copy of the report to the Secretary-General, Iraq and the Governments concerned. With that approval, the Council had begun the resolution of large claims. All claims in categories A and B (death or serious personal injury) and five out of seven instalments of claims in category C had been successfully resolved.

Also at the December session, the Council conducted a protracted discussion of the report of the Panel of Commissioners that reviewed part one of the first instalment of category D claims (individual claims for damages above \$100,000), regarding which a decision would be taken at a special session. In addition, the Council took note of the Executive Secretary's report on the September-November activities of the Commission and approved his proposed budget for the 1998-1999 biennium.

Complaints

Iraq, on 31 August [S/1997/679], transmitted to the Secretary-General a 17 August press report that British soldiers shot to death seven Iraqi prisoners of war (POWs) captured during the Gulf War. Calling that a violation of international humanitarian law, in particular of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, Iraq asked the Secretary-General to urge the United Kingdom to disclose the details of the crime and institute legal proceedings against the perpetrators—a demand it reiterated in October [S/1997/796]. The United Kingdom re-

sponded on 30 September [S/1997/760] that it had rigorously applied its policy of treating Iraqi POWs in full accord with the Convention, in stark contrast to Iraq's treatment of British POWs. While no evidence had been adduced to corroborate the allegation, the United Kingdom assured Iraq that it would bring the offenders to justice should the allegation be proved true.

Throughout the year, Iraq addressed numerous communications to the Secretary-General and the Security Council drawing attention to violations of its airspace by United States and other aircraft based in Kuwait and Saudi Arabia, as well as to violations of its territorial waters by United States and other warships. The hundreds of sorties reported every 15 days from January to April were said to have been flown by French, United Kingdom and United States warplanes; those from 1 May to 11 November were attributed exclusively to United States aircraft. Also reported were three intrusions some four kilometres into Iraqi airspace by Saudi Arabian helicopters. In reporting what it described as an escalation of United States violations—169 sorties over the north of the country and 815 over the south—between 29 October and 11 November [S/1997/875, 881], Iraq stated that, in the face of such continual violations and threat of United States military action, it would have no alternative but to defend its sovereignty and security. From 12 November to 27 December, Iraq submitted two- to five-day counts of airspace violations by United States aircraft flying at such speeds and altitudes as to alarm the civilian population and cause serious damage to public and private property, for which Iraq affirmed its lawful right to seek compensation.

Iraq further drew attention to some 17 incidents that occurred between 20 December 1996 and 21 April 1997 and during October, in which United States frigates subjected Iraqi civilian vessels operating within Iraqi territorial waters to unwarranted and long searches as well as to harassment by its low-flying, armed navy helicopters hovering over such vessels and over the ports of Umm Qasr and Mina al-Bakr. In all instances, Iraq requested the United Nations to intervene and to bring to a halt all such violations and acts of provocation.

Interference in its internal affairs was the subject of two communications from Iraq. One was dated 14 July [S/1997/548], according to which an article in *The Washington Post* of 26 June and a television broadcast on the same day by the American Broadcasting Corporation further confirmed what Iraq had claimed on 4 November 1996 [YUN 1996, p. 239], that the United States Government pursued an official policy aimed at

bringing about a change in Iraq's political system. Not only had the United States expended up to \$100 million to organize, train and arm rebels in northern Iraq and broadcast hostile propaganda against the Iraqi Government so as to foment a civil war that would lead to a coup, it had also established, without Security Council authority, the no-fly zones [YUN 1996, p. 238] in northern and southern Iraq and was exploiting certain UNSCOM inspection teams to enable American spies to implement their country's hostile policy towards Iraq. Iraq asked the Security Council to assume its responsibilities under the Charter of the United Nations and demand that the United States end its flagrant intervention in Iraq's internal affairs.

On 3 October [S/1997/770], Iraq also drew attention to a 30 September press statement by the Foreign and Commonwealth Office of the United Kingdom assuring leading Iraqi opposition groups whom it hosted at a meeting that British policy towards Iraq had not changed under the new Government, which still had serious concerns about the danger that the Iraqi regime represented to the Iraqi people and the region. Iraq categorized that statement as constituting an official acknowledgement of attempts by the British Government to interfere in Iraq's internal affairs with a view to overthrowing its national Government, undermining its security and stability, encroaching on its sovereignty and destroying its national unity.

In addition, Iraq submitted reports [S/1997/143, 299, 678, 797, 978] on the disposal of large numbers of unexploded ordnance left behind by what Iraq said was the 1991 30-Power aggression against it, which continued to be found in the central and southern governorates. Iraq also reported some deaths and injuries of children from exploding mines.

Iraq-Turkey

Iraq continued in 1997 to claim that Turkey, under the pretext of repelling elements hostile to its Government, persisted in its brutal military air and ground incursions into northern Iraq. It accused Turkey of complicity in perpetuating the anomalous situation created there by the United States and its allies, which allowed such incursions and prevented Iraq from re-establishing national control over the area. It condemned and protested those violations of its airspace and territory, reasserted its right under international law to seek compensation for the damage and suffering inflicted on the northern Iraqi citizens, and reiterated its call on Turkey to reconsider its policy and promote collaboration, good-

neighbourliness and mutual respect for each other's sovereignty.

As described by Iraq in a number of communications to the Secretary-General and the Security Council, Turkey's acts of aggression and intimidation included constant reconnaissance sorties by Turkish aircraft, repeated heavy aerial bombardment and artillery shelling of towns and villages, and offensive ground operations some 8 to 10 kilometres deep into Iraqi territory by up to brigade-strength infantry troops supported by artillery, tanks and fighter planes. In May, it reported the massing of some 120,000 Turkish troops along the border [S/1997/354], together with large numbers of armoured personnel carriers and tanks, and the subsequent large-scale and protracted military operation [S/1997/376] launched in northern Iraq in that month. Iraq further reported two similar massive operations [S/1997/968, 1017] in December.

Turkey stressed in January [S/1997/7] and again in July [S/1997/552] that its foreign policy towards Iraq from the outset of the Gulf War crisis had been consistent and in line with relevant Council resolutions: it stood and continued to stand for Iraq's rights as a sovereign State and neighbour at international forums, and fully respected those resolutions and meticulously fulfilled its responsibilities issuing from them. Iraq's inability to exercise authority over its northern territory, Turkey explained, had made the area a safe haven for the terrorist PKK (Kurdish Workers' Party) organization, which frequently launched attacks from there against Turkey. Turkey regarded the defence of its borders and people as a priority. Not only did it make public the objectives and limited scope and duration of its recent operation in northern Iraq, but it also informed Iraq of it in time through diplomatic channels to avoid any misunderstanding. Indeed, the Turkish armed forces conducted their operation with the cooperation of the Kurdistan Democratic Party in northern Iraq and had begun withdrawing on 20 June. Turkey thus failed to understand the allegations of aggression and intimidation imputed to it by Iraq.

In a statement issued in May [A/52/157], the Presidency of the European Union stressed that, despite its appreciation of Turkey's wish to end terrorist actions, a solution to the Kurdish problem could only be achieved politically, not militarily, and called on Turkey to exercise the utmost restraint and promptly to withdraw its military forces from Iraq. Also in May [S/1997/416], the Group of Arab States at the United Nations said it opposed any security or other arrangements, irrespective of the grounds on which they were based, which could violate Iraq's sovereignty, ter-

ritorial integrity or security. Iraq stated that the Council's failure to show any interest in so grave a matter as the incursion into a sovereign State of "tens of thousands of Turkish armed forces, supported by tanks, artillery and aircraft" raised serious questions regarding the Council resolutions imposing a long series of harsh conditions and sanctions on Iraq [S/1997/393].

Afghanistan

A peaceful settlement of the conflict in Afghanistan remained elusive in 1997, notwithstanding the efforts of the United Nations, in particular the United Nations Special Mission to Afghanistan, to mediate peace among the country's warring factions. In the upheaval caused by offensives and counter-offensives during the year, the military balance between the Taliban and the Northern Alliance, formally known as the United National and Islamic Front for the Salvation of Afghanistan (UNIFSA), see-sawed wildly. Even as both sides agreed in principle on a negotiated settlement, each seemed determined to pursue military victory over the other. Neither achieved sizeable territorial gains or significant political advantage, despite the expenditure of large quantities of externally supplied arms and equipment, the loss of many lives and the displacement of large segments of the Afghan population.

The Taliban, in their bid for international recognition as the legitimate Government of Afghanistan based on their control of almost two thirds of the country, including the capital, Kabul, undertook a series of missions to East Asia, the Gulf region and the United States, gaining recognition from Pakistan, Saudi Arabia and the United Arab Emirates.

In view of the continued conflict and human tragedy, and the stalemated efforts towards a political dialogue, the Secretary-General appointed a Special Envoy for Afghanistan in July to undertake a mission to consult with all concerned, including the Organization of the Islamic Conference (OIC), on their positions and proposals related to peacemaking efforts in the country. The Secretary-General also convened two informal consultative meetings of concerned countries in New York to address the situation in Afghanistan.

In three presidential statements, the Security Council called on all Afghan parties to put an immediate end to the fighting and return to the negotiating table, stressed that all external interfer-

ence in Afghan affairs must cease, and, reiterating that continuation of the conflict provided a fertile ground for terrorism and illegal drug production and trafficking, called on the parties to halt such activities. The General Assembly urged the parties to take similar action, encouraged the Secretary-General to pursue the question of preliminary studies on a fair and verifiable arms embargo on Afghanistan and supported his call for an international framework to address the external aspects of the Afghan question.

(For the credentials of Afghanistan to the fifty-second session of the General Assembly, see PART FIVE, Chapter IV.)

UN Special Mission to Afghanistan

Pursuant to General Assembly resolution 51/195 B [YUN 1996, p. 248], the Secretary-General submitted four reports to the Assembly and the Security Council in 1997 on the situation in Afghanistan, one every three months from the date of that resolution's adoption on 17 December 1996. The reports described the military, political and humanitarian developments and progress of the peacemaking efforts of the United Nations Special Mission to Afghanistan (UN-SMA). Established in 1993 by General Assembly resolution 48/208 [YUN 1993, p. 732], UNSMA was headed by Norbert Heinrich Holl (Germany) until the end of 1997. It maintained temporary headquarters in Islamabad, Pakistan, where it would remain until conditions allowed its return to Kabul.

Report of Secretary-General (March). In his 16 March report [A/51/838-S/1997/240 & Corr.1], the Secretary-General stated that the military situation in Afghanistan witnessed yet another upset at the beginning of the year, with the Taliban forces sweeping through most of the positions held to the north of Kabul by the Supreme Council for the Defence of Afghanistan (SCDA), the opposition coalition (also referred to as the Northern Alliance) composed, in March, of the National Islamic Movement of Afghanistan (NIMA), led by General Rashid Dostum; the Jamiat-I-Islami, led by Professor Burhanuddin Rabbani and his chief military officer, Commander Ahmad Shah Massoud; and the Hezb-I-Wahdat-I-Islami, led by Karim Khalili. Unrest also occurred in Jalalabad, the provincial capital of Nangarhar, Kunar province, in the vicinity of Pul-I-Khumri in Baghlan province and in Konduz.

The Secretary-General noted that, at the end of the reporting period, the Taliban controlled 19 of the 30 provinces of Afghanistan and significant parts of Badghis, Parwan and Kapisa prov-

inces. SCDA was confined to eight northern provinces, in addition to those parts of Badghis, Parwan and Kapisa not held by the Taliban.

Of the rival factions seeking political legitimacy, the Taliban appeared determined to gain military and political control of the whole country and to establish their vision of an Islamic State. By virtue of their control of two thirds of the country, the Taliban were insistent in their demand for formal international recognition as the effective Islamic Government of Afghanistan, entitled to occupy the country's seat in the UN General Assembly, to which the SCDA alliance strenuously objected. Each blamed the other for encouraging foreign interference in Afghanistan's internal affairs, although both were believed to be receiving material and financial support from external allies.

Countries in the region and beyond held meetings on the military developments in the country, especially the recent Taliban northward advances. The Foreign Ministers of Iran, Pakistan and Turkey met (Istanbul, 5 January) to discuss the situation and adopted a declaration calling on the Afghan parties to observe a ceasefire during the holy month of Ramadan and pointing out that a military solution was not a feasible option. Iran subsequently convened a meeting of the Afghan parties (Tehran, 25-26 January), also attended by the Head of UNSMA as an observer, along with representatives of Pakistan, Turkey and Turkmenistan. The Taliban and the Hezb-i-Wahdat did not take part, however. That meeting adopted a declaration urging the warring parties to abandon armed conflict in favour of a constructive dialogue to settle their differences. Fearing possible spillage of the fighting into their borders, the Defence Ministers of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan also met (Tashkent, 24-25 February) to reaffirm their 1996 commitment [YUN 1996,p.246]tojointdefence.

In spite of continued instability in certain areas, UN agencies and non-governmental organizations (NGOs) continued to carry out their humanitarian activities throughout Afghanistan. Of deep concern were certain Taliban policies, particularly regarding women's access to education and employment and other human rights issues, as well as the continued displacement of people in several areas, including Badghis province and the cities of Herat and Mazar-i-Sharif. Also viewed with apprehension was the reported forcible displacement of people from villages north of Kabul. Between 24 February and 2 March, the Office of the United Nations High Commissioner for Refugees registered some 4,600 internally displaced persons at

the Khair Khana checkpoint north of Kabul, bringing the number of arrivals since 2 January to over 115,000. In view of the increased pressure which the displaced were putting on an already overburdened Kabul, the United Nations requested the Taliban authorities to encourage the displaced to return to their home communities and to issue an official statement to that effect. UN agencies and the International Committee of the Red Cross (ICRC) stressed to local authorities that such a return was a priority for all humanitarian organizations.

In addition to those concerns, the Secretary-General noted that certain incidents continued to inhibit the international community's ability to respond to Afghanistan's pressing humanitarian needs. A case in point was the Taliban's detention in Kabul on 21 February of two French nationals working for Action contre la faim, a French-based NGO. Through UNSMA, the Secretary-General appealed for the workers' immediate release, which the Security Council also urged on 25 February.

Given the prevailing circumstances, the Department of Humanitarian Affairs (DHA) of the Secretariat, in cooperation with the United Nations Development Programme (UNDP), convened an International Forum on Assistance to Afghanistan (Ashgabat, Turkmenistan, 21-22 January), at which the Head of UNSMA stressed the close link between the donor community's provision of aid and the achievement of progress towards a political settlement. As DHA informed the Council on 28 January, the development of a strategic framework to address Afghanistan's immediate relief and longer-term rehabilitation and development needs was under way.

UNSMA continued its efforts to bring about negotiations for a ceasefire. To that end, it convened an Intra-Afghan Working Group (Islamabad, 13-15 January), which brought together the Taliban and SCDA for the first time. Discussed were a ceasefire, including the creation of an all-party commission to supervise it; the exchange of prisoners and remains; the status of Kabul as a neutral city administered by a civilian authority; the deployment of a neutral police force; and the establishment of a broad-based Islamic Government in Afghanistan. Not being a decision-making body, the Working Group discussed those issues ad referendum.

At the Working Group's second meeting (Islamabad, 24-26 February), confidence-building measures, the draft of a ceasefire agreement prepared by UNSMA, prisoner exchange and the situation in Kabul were considered at length. The two sides tentatively agreed to the UNSMA proposal that a political-level meeting between

General Dostum and Mullah Rabbani be convened by 17 March to discuss key issues considered by the Working Group; each further agreed to draw up a list of up to 50 prisoners of war (POWs) for exchange as a confidence-building measure. On 4 March, the Head of UNSMA travelled to Kandahar to discuss with the Taliban Shura member and Governor of Kandahar, Mullah Mohammad Hassan, the next steps to be taken, including the proposed political-level meeting and POW exchange. On 6 March, he flew to Mazar-i-Sharif for a similar discussion with General Dostum. Various other consultations he had had with Member States to seek and coordinate their assistance with the UN peace effort included those with the Presidents of Turkmenistan (21 January) and of Uzbekistan (22 January), with Iranian leaders (25-26 January) and, in Pakistan, with officials and envoys of several other countries.

The Secretary-General reiterated his conviction that a negotiated settlement was the only solution to the long-standing conflict in Afghanistan and that the United Nations was the most appropriate forum to bring that about. He proposed to convene a meeting of concerned countries, like that held on 18 November 1996 [YUN 1996, p. 245], to discuss how best to promote a negotiated settlement and reinforce UN peacemaking efforts. He intended to consult the Afghan parties, Member States and international organizations, in particular OIC, on the advisability of proposals for an intra-Afghan meeting to be held outside Afghanistan, for which he would put forward a plan if and when he deemed it would contribute to the peace process.

The Secretary-General concluded with a renewed appeal to the warring factions to cease all hostilities and take up serious negotiations under the good offices of UNSMA. He urged the countries with influence in Afghanistan to coordinate their activities with those of UNSMA and to refrain from supporting one Afghan party against others.

Communications. By two letters in January, Afghanistan informed the Secretary-General and the Security Council of the forcible transfer of more than 60,000 civilians from Charikar to Kabul [S/1997/54] and of the mass deportation of ethnic Tajiks in districts north of Kabul [S/1997/96]. On 13 April [A/51/875-S/1997/315], it drew attention to reports of massive military mobilization for an assault on northern Afghanistan by the Taliban, who were receiving outside reinforcements at an enormous rate. Afghanistan requested that the Secretary-General and the Security Council take action to prevent the imminent assault.

SECURITY COUNCIL ACTION (April)

The Security Council met from 14 to 16 April [meetings 3765 & resumption 1 & 3766] in Order to consider the situation in Afghanistan. At their request, Afghanistan, Germany, Iran, Italy, the Netherlands, Pakistan, Tajikistan and Turkey were invited to participate in the discussion without the right to vote. At Indonesia's request [S/1997/305], the Permanent Observer of OIC to the United Nations was also invited. Before the Council was the March report of the Secretary-General.

On 16 April, following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1997/20] on the Council's behalf:

The Security Council has considered the report of the Secretary-General of 16 March 1997 concerning the situation in Afghanistan. It has also considered the views expressed at its 3765th meeting, on 14 and 15 April 1997, on the subject.

The Council expresses its grave concern at the continued fighting in Afghanistan and its intensification in recent months. It reiterates that the continuation of the conflict threatens to destabilize the region and prevents steps towards the formation of a fully representative and broad-based government able to address effectively Afghanistan's acute social and economic problems.

The Council calls upon the Afghan parties to cease immediately all hostile actions and to enter into sustained negotiations. The Council strongly believes that a negotiated settlement is the only solution to the long-standing conflict in this country.

The Council fully supports the United Nations efforts to facilitate national reconciliation in Afghanistan. It is convinced that the United Nations must continue to play the central role in assisting the warring Afghan factions in engaging in a fully-fledged negotiating process on the basis of Council resolution 1076(1996) and General Assembly resolution 51/195. The Council welcomes the activities of the United Nations Special Mission to Afghanistan and supports further efforts by the Secretary-General to give a new impetus to its work. In this context, it welcomes the holding by the Special Mission of intra-Afghan working group meetings in Islamabad but regrets that these efforts have not yet achieved positive results.

The Council deeply regrets that many important provisions of Council resolution 1076(1996) and General Assembly resolution 51/195 remain unimplemented. It calls upon all Afghan parties, in particular the Taliban, to abide by these resolutions, to cooperate fully with the Special Mission and to participate in serious and honest negotiations through the good offices of the Mission. The Council urges interested countries to coordinate their activities with those of the Special Mission and to refrain from supporting one Afghan party against another.

The Council welcomes the convening by the Secretary-General of a meeting of concerned coun-

tries on 16 April 1997, following the earlier meeting held in New York on 18 November 1996.

The Council takes note of the intention of the Secretary-General to consult the Afghan parties and all those concerned on the advisability of an intra-Afghan meeting at some stage and requests him to put forward a concrete plan if and when he decides that it will contribute to the peace process.

The Council again calls upon all States to end immediately the supply of arms and ammunition to all parties to the conflict in Afghanistan.

The Council reiterates its concern that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council is deeply concerned at the worsening of the humanitarian situation, including the displacement of the civilian population. It is also deeply concerned at the discrimination against women and other violations of human rights and of international humanitarian law in Afghanistan. The Council deplores the mistreatment of personnel of international humanitarian organizations, which inhibits the ability of the international community to respond to Afghanistan's pressing humanitarian needs.

The Council welcomes the convening of an International Forum on Assistance to Afghanistan on 21 and 22 January 1997 at Ashgabat and the forthcoming meeting of the Afghanistan Support Group on 21 April 1997 in Geneva. It encourages all States and international organizations to continue to extend all possible humanitarian assistance, which should be distributed equitably throughout the country.

The Council will remain seized of the matter and requests the Secretary-General to continue to keep it regularly informed of the situation in Afghanistan.

Communication from Secretary-General. On 1 May [S/1997/347], the Secretary-General informed the Security Council that, as he had proposed, he had convened a second informal consultative meeting of concerned countries to address the situation in Afghanistan (New York, 16 April), with the Under-Secretary-General for Political Affairs presiding. The meeting, he said, demonstrated the enduring consensus on the grave dangers of the continued armed conflict for the region and on the central role of the United Nations in coordinating efforts to achieve a peaceful solution. The participants agreed that the territorial integrity and unity of Afghanistan had to be preserved, that the only solution to the conflict was a national accord based on recognition of the legitimate interests and rights of all the Afghan people, and that all forms of foreign interference had to cease. A number of countries, preoccupied by the flow of arms into Afghanistan, supported an arms embargo, while others

expressed doubt about its practical effectiveness and whether it could be applied even-handedly.

Proposals were put forward for an intra-Afghan dialogue under UN auspices to be held outside Afghanistan. Many delegations favoured expanding UN consultations beyond the leadership of the factions to include broadly representative Afghan communities and personalities; others suggested increased Council involvement.

The Council, on 13 May [S/1997/366], welcomed the Secretary-General's initiative, took note of the consultative meeting's proposals and stated that the meeting represented a useful international framework which could be convened more frequently. The Council reaffirmed its support for the continuing efforts of the United Nations, in particular those of UNSMA, and stressed that the initiatives of concerned countries should be coordinated with those of the United Nations.

Report of Secretary-General (June). On 16 June [A/51/929-S/1997/482], the Secretary-General reported that the situation in Afghanistan remained volatile. Sporadic fighting continued in: the entrances to the Salang pass and the Panjshir valley north of Kabul; the Ghorband valley bordering Bamyan and Wardak provinces in the central region; Badghis, in the north-west; and the eastern provinces of Kunar, Laghman and Nangarhar. A stand-off between the Taliban and the opposition that persisted in the first two months of the reporting period was broken on 19 May, when General Abdul Malik, a key NIMA commander, staged what appeared to be a pro-Taliban revolt against NIMA leader General Dostum, succeeding on 24 May in wresting control of Mazar-i-Sharif, the NIMA stronghold, from General Dostum, who fled to Turkey.

The Taliban seized that event to launch an offensive on 26-27 May that gained them control of the Salang pass. An estimated 5,000 to 10,000 Taliban troops infiltrated areas north of the Hindu Kush for the first time, including Mazar-e-Sharif, Konduz and Takhar provinces, and began to disarm the NIMA and Hezb-i-Wahdat forces there and to impose strict Shariah Islamic law, closing girls' schools and banning the employment of women. The situation took another twist on 27 May, when General Malik, alarmed by the Taliban's rush to disarm his troops, decided to change sides again and, with the Hezb-i-Wahdat, militarily forced the Taliban to withdraw from Mazar-e-Sharif on 28 May. The Taliban were reported to have suffered a few hundred casualties, with several hundred taken prisoner, among them high-ranking officials, including the Governor of Herat. During the Taliban retreat, Commander Massoud of the Northern Alliance broke out of the Panjshir valley and

cut off the northern side of the Salang Tunnel on the Salang/Pul-I-Khumri road. The following day, the Massoud forces retook Golbahar and Jabal-os-Siraj, at the southern end of the Salang pass, trapping some 2,000 Taliban forces north of the Hindu Kush.

The Secretary-General reported that the fighting in Mazar-e-Sharif forced the United Nations on 29-30 May to evacuate 65 international aid workers, journalists and foreign consular staff from that city. A number of NGO and ICRC staff decided to stay behind. The situation in the north remained tense and fluid. Fighting continued at the western, central and northern fronts, and also to the north of Kabul. In Badghis, the front line returned to the Bala Murghab. In the central region of Hazarajat, the two sides were locked in battle in the lowland areas of the Shebar pass, around Sheik Ali and Lulenji in the Ghorband valley, as well as in Wardak province. Reports were that the Taliban were regrouping for a renewed drive to conquer the north and that the opposition was gearing up for defence.

At the end of the reporting period, the Taliban remained in control of about two thirds of Afghanistan. Among the opposition alliance, General Malik's forces controlled the five northern provinces: Balkh (Mazar-e-Sharif), Faryab, Jowzjan, Samangan and Saripul; Professor Rabani and Commander Massoud controlled Badkshan, Konduz, Takhar and part of Kapisa. Bamyan remained under Mr. Khalili.

The political situation during the reporting period was dominated by the military events detailed above. Despite their setback in Mazar-e-Sharif, the Taliban remained determined to overrun the northern region. Unabated foreign support of one faction or another had enabled the antagonists to continue on a confrontational path. Many countries in the region, viewing the Taliban's determination with concern, held extensive consultations regarding the territorial integrity of Afghanistan, the possible outflow of refugees, the destabilization of the border areas and the flow of illegal arms and drugs. At the summit meeting of the 10-member Economic Cooperation Organization (Ashgabat, 13-14 May), the central Asian countries called for a ceasefire and negotiations through UN mediation. A similar call was made by the twelfth Ministerial Conference of the Movement of Non-Aligned Countries (New Delhi, 7-8 April) [A/51/912-S/1997/406], adding that a settlement should include the demilitarization of Kabul and the establishment of a fully representative and broad-based transitional government of national unity. On the question of representation at the United Nations, Pakistan, Saudi Arabia and the

United Arab Emirates had recognized the Taliban as the legitimate representative of Afghanistan.

Commenting on the humanitarian situation, the Secretary-General said that a food and nutrition assessment recently undertaken by UN agencies concluded that the situation was difficult but not alarming for the short term. It recommended that the World Food Programme (WFP) should continue to the end of June the expansion of its safety net scheme under which an additional 110,000 beneficiaries were covered in Kabul, Jalalabad and Kandahar; that donors should endeavour to meet the food aid requirements of WFP, ICRC and NGOs; and that a population-based nutrition survey be carried out periodically to avert high mortality due to malnutrition. The Afghanistan Support Group, at its first meeting (Geneva, 21 April), attended by donor countries, concerned organizations and the Head of UNSMA, discussed support for humanitarian assistance, the UN peace mission, the implementation of a strategic framework and a peace-building programme of international assistance, including emergency relief and reconstruction, and measures to ensure a common approach to upholding women's rights. DHA dispatched a mission to Afghanistan in April to review that issue. Its recommendations and those of the Humanitarian/Resident Coordinator were currently under consideration for the purpose of developing a unified position for all UN agencies working in Afghanistan.

The Secretary-General stated that the Head of UNSMA, in his pursuit of a ceasefire and negotiated settlement, continued to update him and the Council on developments and to consult with senior Secretariat officials and with officials of countries within and outside the region, including Islamabad, London, Moscow, New Delhi and Washington. He maintained regular contact with leaders of the Taliban and the Northern Alliance and other Afghan personalities. The Head of UNSMA was unsuccessful, however, in his attempts to bring about the political-level meeting he had proposed between the opposing sides in a venue outside Afghanistan to follow up the work of the January and February meetings of the Intra-Afghan Working Group.

The Secretary-General observed that the futility of continued fighting, repeatedly underlined by Member States, was increasingly fuelled by strong ethnic feelings between the predominantly Pashtun Taliban, on the one hand, and the Uzbeks, Tajiks and Hazaras who comprised the opposition camp, on the other. While the Member States concerned claimed to agree on the need for peace, it appeared that a number of

them were not ready to put concerted pressure on the warring factions to stop their senseless civil war. He noted, however, that some Afghan individuals and groups had taken initiatives to mobilize moderate, influential Afghans inside and outside Afghanistan who were not directly involved in the ongoing fighting. Noting also that only \$26.7 million, or about 20 per cent, of the \$133 million sought by the 1997 United Nations consolidated appeal for emergency humanitarian assistance for Afghanistan had been received, he urged the international community to provide generous support for the impoverished people of Afghanistan. He called on the Member States concerned to cease their military support to the warring factions, to address in a more substantive way how best to resolve the Afghan conflict and to coordinate their efforts in that regard closely with the United Nations.

SECURITY COUNCIL ACTION (July)

The Security Council met on 9 July [meeting 3796] to consider the Secretary-General's June report. The Council also had before it three letters. One was from Pakistan, dated 27 May [A/51/911-S/1997/408], announcing that country's decision to accord formal recognition to the "new Government of the Islamic State of Afghanistan" under Taliban leadership, adding that the current situation needed to be remedied in which the Burhanuddin Rabbani regime continued to be recognized by the international community even though it had long lost its legitimacy and had been ousted from Kabul. The two other letters were from Afghanistan, one of 2 June [A/51/914-S/1997/424] drawing attention to the involvement of as many as 68 Pakistani military personnel in the recent Taliban operations in the northern provinces, including Mazar-e-Sharif; and another of 16 June [A/51/925-S/1997/463] transmitting the first declaration of the United National and Islamic Front for the Salvation of Afghanistan, outlining essential concepts and major practical points for the solution of the Afghan conflict.

Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1997/35] on behalf of the Council:

The Security Council has considered the report of the Secretary-General of 16 June 1997 concerning the situation in Afghanistan.

The Council expresses its grave concern at the continued escalation of military confrontation in Afghanistan. It calls for an immediate end to the fighting.

The Council calls upon all Afghan parties to return to the negotiating table immediately and to

work together towards the formation of a broad-based, fully representative government that will protect the rights of all Afghans and abide by Afghanistan's international obligations.

The Council, taking into account risks of regional destabilization, believes that peace and stability in Afghanistan can best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned. It urges the Afghan parties and countries concerned to abide by the provisions of relevant resolutions on Afghanistan adopted by the Council and the General Assembly.

The Council stresses that all external interference in Afghan affairs must cease, and, in this context, it calls upon all States to end immediately the supply of arms and ammunition to all parties to the conflict in Afghanistan.

The Council is deeply concerned at the continuing discrimination against girls and women and other violations of human rights, as well as at violations of international humanitarian law.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking, which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council is deeply concerned at the worsening of the humanitarian situation, including the displacement of the civilian population. In this regard, it calls upon Member States to respond generously to the 1997 United Nations consolidated appeal for emergency humanitarian assistance for Afghanistan.

The Council reaffirms its full support for the efforts of the United Nations in Afghanistan, in particular the activities of the United Nations Special Mission to Afghanistan. It requests the Secretary-General to continue to keep it regularly informed of the situation and his efforts, as well as those of the Special Mission.

The Council will remain seized of the matter.

Communication from Secretary-General. By identical letters of 28 July [A/51/952-S/1997/592] to the General Assembly and the Security Council, the Secretary-General informed them of his decision to appoint a Special Envoy, Lakhdar Brahimi (Algeria), to undertake a short-term mission to consult relevant and interested countries and parties, as well as OIC, on their positions and proposals related to peacemaking efforts in Afghanistan. In so doing, he stressed that the Special Envoy's mandate and activities were discrete from those of UNSMA. The Council welcomed that decision on 31 July [S/1997/597] and expressed full support for the Special Envoy.

Report of Secretary-General (September). The Secretary-General reported on 17 September [A/52/358-S/1997/719] that the military confrontation between the Taliban and the Northern Alliance continued on all fronts during the

reporting period. The political situation remained basically unchanged. From their headquarters in Kandahar, the Taliban continued to control Kabul and the predominantly Pashtun-populated areas, while the Northern Alliance, comprising principally the Uzbek, Tajik and Hazara populations, controlled their respective areas from Mazar-e-Sharif, Taloqan and Bamyan. The de facto division of the country along ethnic lines remained a troubling aspect of the situation.

The current six constituent parties of the Northern Alliance—the Junbish-I-Milli (NIMA), the Hezb-I-Wahdat-I-Islami, the Jamiat-I-Islami, the Harakat-I-Islami (led by Sheikh Asef Mohseini), the Jabha-I-Nejat-I-Milli and the Hezb-i-Islami (breakaway faction of the Hezb-I-Wahdat-I-Islami, led by Mohammed Akbari)—forged a more coherent political grouping formally called the "United National and Islamic Front for the Salvation of Afghanistan". Its new government, formed in mid-August, received a setback on 21 August, when its new Prime Minister, Abdul Rahim Ghaffoorzai, died in a plane crash at Bamyan airport. Rejecting UNIFSA's claim to be the legal Government of Afghanistan, the Taliban continued to seek international recognition by dispatching delegations to China, Japan, the Republic of Korea and Thailand. To bolster their position, the Taliban claimed that people in the areas they controlled were living in peace and safety. Continued factional fighting north of Kabul and elsewhere, however, resulted in an increase in the number of internally displaced persons, many of whom had been forced from their homes and, in some cases, arrested merely on suspicion of sympathizing with the anti-Taliban forces. The reality remained that Afghanistan was deadlocked in civil war, with its people bereft of effective government.

Foreign military support to the two sides was undiminished. According to eyewitness reports, on some days during the July and August fighting north of Kabul as many as three or four unmarked transport aircraft were unloading cargoes of arms and ammunition at Mazar-e-Sharif airport for the Northern Alliance; numerous truck convoys of war materiel, along with fuel and other logistical support, were also being supplied to Taliban-controlled territory.

The humanitarian situation remained serious. In August, ICRC reported that the number of direct victims of the conflict had risen sharply since the beginning of the year, as attested by the 200,000 persons displaced by the fighting in the north of Kabul. ICRC further observed the alarmingly high death rate among the war-injured in the districts north of the capital, where

one in every two or three eventually died for lack of appropriate care. A joint mission of the Food and Agriculture Organization of the United Nations and WFP estimated that, although the cereal harvest for 1997 was expected to be 18 per cent higher than the 1996 harvest of 3.1 million metric tons, emergency food aid was nevertheless required to meet the needs of some 1.75 million people. A landmine survey revealed a situation worse than previously thought. New information indicated that nearly 777—not 550—square kilometres had been mined, of which 322 square kilometres were agricultural, commercial and residential areas and thus required priority demining. However, the Mine Action Programme was faced with a severe lack of funding and urgently needed \$4 million to maintain essential activities.

Some 50 representatives of the United Nations, donors, NGOs, ICRC and the International Federation of Red Cross and Red Crescent Societies participated in a meeting (Islamabad, 2 July) to review the implementation of the 1997 consolidated inter-agency appeal for assistance to Afghanistan. As of 3 September, pledges and contributions totalled \$41 million, or 31 per cent of the \$133 million required. On 2 September, the UNDP Administrator visited Kandahar. He surveyed two UN-supported community-based projects and met with representatives of UN agencies as well as of the Taliban.

The Secretary-General referred to a letter he had sent to all members of the Administrative Committee on Coordination in June, requesting their cooperation in the implementation of the policies and measures adopted by the Executive Committee on Humanitarian Affairs to promote the Afghan authorities' adherence to international legal instruments on the elimination of discrimination against girls and women. He said his Special Adviser on gender issues, Angela King, chaired the meetings of the Ad Hoc Inter-Agency Group on Gender Issues in Afghanistan.

With the permission of the Uzbek authorities, essential commodities were transported by barges in late July from Termez to the northern Afghanistan city of Hairaton: WFP brought in almost 2,000 tons of wheat; ICRC, 3,000 tons of wheat flour; and the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan, 10,000 litres of diesel. In Mazar-e-Sharif, humanitarian operations were temporarily suspended in September owing to increased fighting in and around that city.

The Head of UNSMA continued his contacts with the warring parties in an effort to engage them in political dialogue. From 18 to 27 June, he held consultations in Tashkent, Moscow, Paris,

Bonn and Rome, meeting with Foreign Ministry and other officials and with former King Zahir Shah. He subsequently shuttled between the Afghan parties, beginning with the Northern Alliance on 10 July and concluding with the Taliban on 7 August, to explore the possibility of their holding direct negotiations, under the good offices of UNSMA, at a neutral location outside the region. Negotiations would begin with a step-by-step approach towards a ceasefire and exchange of prisoners and thence to broader talks aimed at national reconciliation and a durable political settlement.

Both sides agreed in principle on the need for direct talks. The Taliban demanded that the Northern Alliance take certain "confidence-building measures", including the release of some or all of their prisoners, particularly their emissaries who had gone to Mazar to negotiate with General Malik. Flatly rejecting any such measures, General Malik said it was illogical to release POWs before a ceasefire was arranged and made a demand of his own: the demilitarization of Kabul. In a second round of talks, the Northern Alliance appeared ready to meet without preconditions, preferably within the region, but the Taliban refused to drop their demand for prior POW release.

In parallel with UNSMA's negotiating effort, Iran and Pakistan continued their own contacts in Afghanistan with the parties to promote an intra-Afghan dialogue under UN auspices.

In connection with his appointment of Lakhdar Brahimi as Special Envoy for Afghanistan (see above), the Secretary-General said that Mr. Brahimi had begun his mission of consultations on 15 August. The Secretary-General would report in due course on the mission's findings.

Communications. By two letters addressed to the Secretary-General and the Security Council, Afghanistan transmitted two UNIFSA declarations, one issued on 25 July [S/1997/588], calling on the Taliban to abide by the General Assembly and Council resolutions on the demilitarization of Kabul, as well as on the United Nations and OIC to help in the convocation of a Loya Jirga (Grand Decision Making Assembly) within six to nine months; and another declaration adopted on 20 September [A/52/384-S/1997/733], advancing a set of principles to serve as the framework for the future political system in Afghanistan. On 29 September [A/52/403-S/1997/754], Afghanistan warned of Pakistan's escalating attempts to eradicate popular anti-Taliban resistance in the country by dispatching as many as 600 Pakistani special combat troops into Afghanistan, poised with the Taliban for an offensive to the north of Kabul.

Uzbekistan issued a statement on 23 September [A/52/391-S/1997/744] regarding steps to safeguard its border with Afghanistan where clashes between the Afghan parties were occurring. A similar statement was issued on 3 April by Kazakhstan [A/51/854-S/1997/274], which also voiced concern about the fighting near the borders of the Commonwealth of Independent States.

Report of Secretary-General (November).

The Secretary-General's 14 November report [A/52/682-S/1997/894], on developments during the past two months, noted that the fighting had taken a heavy toll in civilian and military casualties, with an estimated 2,000 Taliban troops either killed or captured since May.

The political situation was as deadlocked as the fighting. As to the humanitarian situation, the Secretary-General expressed extreme concern that, in the chaos resulting from the renewed fighting in Mazar-e-Sharif in September, not only were the UN humanitarian and political activities in the area seriously disrupted, but UN offices were also repeatedly looted and, at one point, UN personnel were falsely accused by some Mazar officials of directing the Taliban aerial attacks on the city and threatened with reprisal. Looted UN vehicles were repainted and brazenly used by local factions. Also of concern was General Malik's refusal to allow ICRC to visit the Taliban prisoners captured in May. Especially worrying was the Taliban's refusal to start negotiations with the Northern Alliance without preconditions, as well as their social and administrative practices, which denied to girls and women their right to education, employment and health care. Furthermore, Afghanistan had become the world's largest producer of heroin from poppies cultivated largely in areas under Taliban control. The Secretary-General hoped that the Taliban would implement their recent agreement with the United Nations International Drug Control Programme to work out ways of eliminating poppy cultivation (see also PART THREE, Chapter XIV).

The Special Envoy for Afghanistan, in addition to meeting a number of permanent representatives to the United Nations and representatives of various Afghan parties present in New York, visited Washington in early August for extensive talks with senior officials of the United States Department of State and with foreign diplomats stationed in that city. From 14 August to 23 September, he undertook a 13-nation tour of Afghanistan, France, India, Iran, Italy, Japan, Pakistan, the Russian Federation, Saudi Arabia, Tajikistan, Turkmenistan, the United Kingdom and Uzbekistan. In Afghanistan, he visited the cities of Kandahar, Mazar-e-Sharif and Bamyan,

accompanied by the Head of UNSMA. In Kandahar, he met the Acting Taliban Foreign Minister, the Deputy Head of the Taliban Supreme Shura in Kabul and the Governor of Kandahar. In Mazar-e-Sharif, he met the leader of NIMA, the newly appointed Prime Minister of the Northern Alliance and representatives of the Jamiat-I-Islami, the Harakat-I-Islami and the Hezb-i-Islami. After his return to New York on 23 September, the Special Envoy continued consultations with representatives of the Afghan parties and the countries concerned, including the Foreign Ministers of Iran, Kazakhstan, Kyrgyzstan, Oman, Pakistan, Saudi Arabia, Tajikistan, Turkmenistan and Uzbekistan, who were attending the General Assembly. On 30 September, he briefed the Security Council on his mission.

The Secretary-General described the third consultative meeting of Member States with influence in Afghanistan (New York, 1 October), which he convened under the chairmanship of the Under-Secretary-General for Political Affairs. In attendance were OIC and the group of 21 countries: China, Egypt, France, Germany, India, Iran, Italy, Japan, Kazakhstan, Kyrgyzstan, Netherlands, Pakistan, Russian Federation, Saudi Arabia, Sweden, Tajikistan, Turkey, Turkmenistan, United Kingdom, United States and Uzbekistan. The Special Envoy and the UNDP Administrator briefed the meeting on their respective missions.

The participants shared the view that the volatile situation in Afghanistan carried serious implications for regional peace and stability. They emphasized the importance of perseverance by the international community in its efforts to bring about a political settlement despite the heretofore insurmountable odds. They believed that there could be no solution based on the dominance of any one ethnic group and that there was a need for a broad-based government. They fully supported the peacemaking activities of UNSMA and felt that the United Nations, as a neutral and impartial mediator, should play the central peacemaking role in Afghanistan. Many stressed the need for more cooperation and coordination among Member States, in particular those in the region, in facilitating peacemaking efforts. There was agreement on the importance of addressing the question of foreign interference, especially the supply of arms to the factions, as a key factor in the prolongation of the fighting. The participants underscored the need for the Afghans to demonstrate a genuine political will to move towards national reconciliation through direct dialogue.

The participants expressed great concern about Afghanistan's contribution to the interna-

tional drug trade, the influx of Afghan refugees into neighbouring countries, the humanitarian situation in Afghanistan, including serious human rights violations, and the urgent need for mine-clearing. They also felt that the peacemaking activities of the United Nations should be closely coordinated with its humanitarian relief and reconstruction activities.

Following the consultative meeting, the Special Envoy and the Under-Secretary-General for Political Affairs convened a series of small informal gatherings in New York of representatives of Afghanistan's immediate neighbours and of other concerned countries. To date, there had been three meetings of the group of eight countries—China, Iran, Pakistan, the Russian Federation, Tajikistan, Turkmenistan, the United States and Uzbekistan—for an exchange of views on the external aspects of the Afghan question, among them how to curb the flow of arms into Afghanistan.

The Secretary-General observed that, despite their declared readiness to work with the United Nations for peace, the Afghan factions had so far failed to prove their willingness to do so by laying down their arms. At any given time there had always been at least one party which felt it could achieve military victory over its opponents and showed a willingness to compromise only when it felt threatened by a reversal in the military situation. At the same time, there were spoilers inside and outside the country who fared better with the continuation of the conflict than they would otherwise—a classic situation in failed States where thriving warlords, smugglers, terrorists and drug dealers would lose out with the return of peace, law and order.

A similar situation prevailed with the main foreign providers of support to the Afghan warring parties, the Secretary-General said. While enthusiastically proclaiming their support for UN peacemaking efforts, they continued to fan the fires of conflict by pouring in arms, money and other supplies to their preferred Afghan factions. Those external players had to be held responsible for exacerbating the bloody conflict in Afghanistan and for fuelling a fire that was already spreading beyond that country's borders, seriously threatening the region and beyond in the form of terrorism, banditry, narcotics trafficking, refugee flows and increasing ethnic and sectarian tension.

The Secretary-General felt it necessary to establish a solid international framework to address the external aspects of the Afghan question in a coherent manner, such as the flow of arms into Afghanistan, to curb which he suggested that the United Nations and Member States

should undertake preliminary studies on how a mandatory arms embargo could be implemented in a fair and verifiable manner. Part of his efforts in that direction were the meetings held in New York of countries with influence in Afghanistan (the group of 21), as well as those of the immediate neighbours and other countries (the group of eight). He would continue to convene such informal meetings, with the participation of his Special Envoy. He would maintain through UNSMA and at UN Headquarters close contact with the warring parties, as well as with other influential Afghan individuals and organizations, with a view to preparing the ground for an intra-Afghan dialogue. UNSMA would continue in the primary role of conducting UN peacemaking activities in Afghanistan and maintain its temporary headquarters in Islamabad. Meanwhile, he would explore the possibility of opening a small office in Turkmenistan to enhance UNSMA's information-gathering and liaison capabilities, especially with those parties for whom the location of its headquarters in Islamabad presented difficulties.

The Secretary-General stated that, in the absence of any positive signs suggesting a fundamental change of attitude of those Governments capable of contributing decisively to a peaceful solution to the conflict, it had become increasingly difficult to justify the continuation of UN peace efforts and their attendant costs. He had been somewhat encouraged, however, by the increased attention to the Afghanistan situation manifested by a number of countries which had begun to discuss among themselves the adoption of practical measures to persuade the Afghan parties to embark on serious negotiations. But much more needed to be done by Governments with a greater sense of unity for the peace efforts spearheaded by the United Nations to stand a realistic chance of success.

SECURITY COUNCIL ACTION (December)

The Security Council met on 16 December [meeting 3841] to consider the November report of the Secretary-General. Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1997/55] on the Council's behalf:

The Security Council has considered the report of the Secretary-General of 14 November 1997 on the situation in Afghanistan and its implications for international peace and security, which was also considered by the General Assembly.

The Council reiterates its grave concern at the continued military confrontation in Afghanistan, which has caused human suffering and material destruction, which threatens to lead to the disintegration of the country and which represents a growing

threat to regional and international peace and security. It deplores the unwillingness of the Afghan warring factions to lay down their arms and cooperate with the United Nations for peace.

The Council stresses that the Afghan conflict has no military solution and that the primary responsibility for finding a peaceful settlement lies with the Afghan parties themselves. It urges all Afghan parties to take genuine confidence-building measures, to agree immediately on a ceasefire, and to engage without preconditions in a political dialogue aimed at achieving national reconciliation, a lasting political settlement of the conflict and the formation of a broad-based, fully representative government that will protect the rights of all Afghans and abide by Afghanistan's international obligations.

The Council deplores the fact that foreign military support to the Afghan parties continued unabated through 1997 and reiterates its call to all States to end immediately the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan, including the involvement of foreign military personnel.

The Council encourages the Secretary-General and Member States to undertake preliminary studies on how an effective arms embargo could be imposed and implemented in a fair and verifiable manner.

The Council insists that the United Nations, as a universally recognized and impartial intermediary, must be given all necessary support so that it can continue to play a pivotal, central role in coordinated international efforts, including the efforts of interested countries and organizations, towards a peaceful resolution of the Afghan conflict. It believes that peace and stability in Afghanistan can best be attained through intra-Afghan political negotiations under United Nations auspices with the active and coordinated assistance of all countries concerned. The Council reiterates its full support for the activities and mandates of the United Nations Special Mission to Afghanistan and those of the Special Envoy of the Secretary-General for Afghanistan.

The Council supports the efforts of the Secretary-General aimed at the establishment of a solid international framework in order to address the external aspects of the Afghan question and, in this context, welcomes the convening of meetings of concerned countries as well as those of the immediate neighbours and other countries.

The Council remains deeply concerned at the continuing discrimination against girls and women and other violations of human rights, as well as at violations of international humanitarian law in Afghanistan.

The Council notes with deep concern the reports about mass killings of prisoners of war and civilians in Afghanistan and supports the intention of the Secretary-General to continue to investigate fully such reports.

The Council expresses serious concern over the looting of United Nations premises and food supplies and deliberate restrictions placed on the access of humanitarian organizations to some parts of the

country and on other humanitarian operations, and urges all parties to prevent their recurrence.

The Council reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and illegal drug production and trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities.

The Council requests the Secretary-General to continue to keep it regularly informed about the situation in Afghanistan and his efforts.

The Council will remain seized of the matter.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 78], the General Assembly, having also considered the Secretary-General's November report, adopted **resolution 52/211 B** without vote [draft: A/52/L.68 & Add.1] [agenda items 20 (c) and 43].

The situation in Afghanistan and its implications for international peace and security

The General Assembly,

Recalling its resolutions 49/140 of 20 December 1994, 50/88 B of 19 December 1995 and 51/195 B of 17 December 1996,

Recalling also Security Council resolution 1076(1996) of 22 October 1996 and all statements of the President of the Security Council on the situation in Afghanistan,

Noting all recent declarations by participants of regional international meetings and by international organizations on the situation in Afghanistan,

Strongly committed to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Convinced that there is no military solution to the Afghan conflict,

Expressing deep concern at the lack of progress in reaching a negotiated settlement of the conflict,

Deeply concerned at the continuation of the military confrontation in Afghanistan, which has led to the loss of many lives and the sometimes forcible displacement of civilian populations and which seriously endangers the stability and peaceful development of the region,

Deeply concerned also over the flagrant violations of international humanitarian law, particularly the Geneva Conventions and international human rights instruments and principles relating to the conduct of war by the Afghan parties,

Stressing the need to prevent further civilian casualties,

Welcoming recent exchanges of prisoners between the Afghan parties,

Deeply concerned about the continuing discrimination against girls and women and other recurring abuses of human rights in Afghanistan and the inadequacy of measures taken to reverse the situation, and emphasizing the importance of democracy, equality and of the realization of human rights in any future political process in Afghanistan,

Convinced that the United Nations, as a universally recognized intermediary, must continue to play a central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict,

Expressing its appreciation for the efforts made in this regard by the United Nations Special Mission to Afghanistan headed by Mr. Norbert Holl, and by the Special Envoy of the Secretary-General for Afghanistan, Mr. Lakhdar Brahimi,

Expressing its appreciation also for the engagement, in support of and in coordination with the United Nations, of the Organization of the Islamic Conference in Afghanistan,

Stressing the importance of non-intervention and non-interference in the internal affairs of Afghanistan, and deeply concerned at all forms of continued support which have caused or may cause the prolongation of the conflict, inter alia, the supply of weapons, military equipment and ammunition to the Afghan parties,

Expressing its grave concern about actions undermining the security of State frontiers, including the growing illicit traffic in arms by criminal elements and groups from certain areas of Afghanistan and about the use of Afghan territory for the training and harbouring of terrorists, which create a threat to peace and stability in the entire region, including Afghanistan,

Deeply concerned at the continued growth in production and trafficking of illicit drugs from Afghanistan, which threatens regional stability and damages the health and well-being of the populations of neighbouring States and elsewhere,

Bearing in mind that Afghanistan, as a State party to the Convention for the Protection of the World Cultural and Natural Heritage of 16 November 1972, has recognized its primary duty to ensure, inter alia, the protection of the cultural heritage situated on its territory,

Stressing that a cessation of armed hostilities between the warring parties in Afghanistan and political stability are indispensable if reconstruction measures are to have a lasting effect,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Stresses that the main responsibility for finding a political solution to the conflict lies with the Afghan parties, and urges all of them to respond to the repeated United Nations calls for peace;

3. Calls upon all Afghan parties to cease immediately all armed hostilities, to renounce the use of force and to engage, without preconditions, in a political dialogue aimed at achieving a lasting political settlement of the conflict;

4. Calls upon all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and strictly to refrain from any outside interference in the internal affairs of Afghanistan;

5. Condemns the fact that foreign military support to the Afghan parties continued unabated through 1997, and calls upon all States concerned immediately to end the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan, including the presence and involvement of foreign military personnel;

6. Encourages the Secretary-General to pursue the question of preliminary studies on the imposition of an effective arms embargo and how such an embargo could be implemented in a fair and verifiable manner;

7. Supports the call by the Secretary-General for the establishment of a solid international framework in order to address the external aspects of the Afghan question, and calls upon all interested States and international organizations to use any influence they have in a constructive manner, in support of and in close coordination with the United Nations, to promote peace in Afghanistan;

8. Also supports the Secretary-General in his continuing efforts, undertaken in cooperation with the Afghan parties and with interested States and international organizations, in particular the Organization of the Islamic Conference, to promote the political process aimed at achieving a lasting political settlement of the conflict, with the participation of all Afghan parties and all segments of Afghan society, and reaffirms its full support for the efforts of the United Nations Special Mission to Afghanistan and the Special Envoy of the Secretary-General for Afghanistan in this regard;

9. Requests the Secretary-General to authorize the United Nations Special Mission to Afghanistan, established under resolution 48/208, to continue its efforts to facilitate national reconciliation and reconstruction in Afghanistan, specifically to bring about an immediate and durable ceasefire among the Afghan parties and to institute a negotiating process leading to the formation of a fully representative, broad-based transitional government of national unity;

10. Calls upon all Afghan parties to cooperate fully with the Special Mission, and demands that all Afghan parties fulfil their obligations and honour their commitments regarding the safety and full freedom of movement of United Nations personnel, in particular the personnel of the Special Mission, as well as the security of their premises in Afghanistan;

11. Welcomes recent exchanges of prisoners between the Afghan parties, and urges them to take further confidence-building measures;

12. Deplores the civilian casualties inflicted by the indiscriminate use of landmines, and calls upon all Afghan parties to desist from such use;

13. Requests the Secretary-General to continue to investigate fully reports about mass killings of prisoners of war and civilians and incidents of rape in Afghanistan and to include his findings in his next report to be submitted pursuant to paragraph 19 below;

14. Denounces the continuing discrimination against girls and women and other violations of human rights in Afghanistan, and calls upon all Afghan parties to respect the human rights of every individual, regardless of gender, ethnicity or religion;

15. Denounces also violations of international humanitarian law in Afghanistan, and urgently calls upon all parties strictly to respect all its provisions;

16. Calls upon all Afghan parties to take appropriate steps to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of and any acts of vandalism directed against cultural property of the Afghan nation and humankind;

17. Reiterates that the continuation of the conflict in Afghanistan provides a fertile ground for terrorism and drug-trafficking which destabilize the region and beyond, and calls upon the leaders of the Afghan parties to halt such activities;

18. Commends the efforts of the Executive Director of the United Nations International Drug Control Programme, and takes note of communications received by the Programme with regard to the banning of the cultivation, use of and trade in opium in Afghanistan, and calls for full compliance with these commitments;

19. Requests the Secretary-General to report to the General Assembly every three months during its fifty-second session on the progress of the Special Mission and to report to the Assembly at its fifty-third session on the progress made in the implementation of the present resolution;

20. Decides to include in the provisional agenda of its fifty-third session the item entitled "The situation in Afghanistan and its implications for international peace and security".

Tajikistan

The United Nations, through the good offices of the Special Representative of the Secretary-General for Tajikistan, Germ Dietrich Merrem, and assistance from neighbouring countries, in particular Iran, Pakistan and the Russian Federation, stepped up efforts in 1997 to maintain the momentum of negotiations between the Government of Tajikistan and the United Tajik Opposition (UTO) towards paving the way for national reconciliation. The negotiations were propelled forward by the personal involvement of the President of Tajikistan, Emomali S. Rakhmonov, and the Opposition leader, S. Abdullo Nuri, who, in several rounds of inter-Tajik talks during the first half of the year, concluded a number of protocols that culminated in the signing, in June, of the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

The Secretary-General observed that the parties, through a Commission on National Reconciliation (CNR), had begun to implement their commitments under the General Agreement, launching the period of transition expected to lead to elections and the formation of a new Government. In support of their implementation efforts, the Contact Group of guarantor States and organizations had also begun meeting and a donor conference had been scheduled.

In accordance with the additional functions requested of the United Nations Mission of Observers in Tajikistan (UNMOT) during the transition period and on the recommendation of the Secretary-General, the Security Council, in November, expanded the Mission's mandate and extended it for a six-month period to May 1998.

Inter-Tajik agreements

As noted by the Secretary-General in his reports on the situation in Tajikistan (below), the President of Tajikistan and the leader of UTO held a series of inter-Tajik talks during the first half of 1997, beginning with the 6-19 January round that included the signing on 13 January of the Protocol on Refugees [S/1997/55]. Under that Protocol, the parties would step up efforts towards the voluntary return of all refugees and involuntarily displaced persons to their permanent residences, to which end they would reactivate the 1994 Joint Commission on Refugees; the Government of Tajikistan would assume the obligation to reintegrate the returnees into the country's social and economic life. Included was an appeal to the Commonwealth of Independent States (CIS) to grant the Tajik refugees identity documents, as well as to the International Monetary Fund (IMF), the World Bank and other financial institutions to provide financial support for the returnees.

At the next round of talks, held in Moscow between 26 February and 8 March, the parties signed the Protocol on Military Issues [S/1997/209], setting forth two sets of provisions, for the reintegration, disarmament and disbandment of the armed units of UTO and for the reform of the power structures of the Government, as well as provisions on confidence-building measures and on the role of the United Nations, through UNMOT, in the Protocol's implementation. Also included were general provisions assigning to a Subcommission on military issues of CNR the implementation of the two sets of provisions and stipulating the exchange of related information between the two sides, a timetable for carrying out those provisions and the treatment of armed units not known to the parties.

Before the Moscow talks, the parties held a meeting in Mashhad, Iran, on 20 and 21 February, also attended by the Special Representative, at which they signed agreements on the Statute of the Commission on National Reconciliation and on an Additional Protocol (to the 1996 Protocol on the main functions and powers of CNR [YUN 1996, p. 261]) on the distribution of senior government posts [S/1997/169].

The President and the UTO leader met again in Bishkek, Kyrgyzstan, from 16 to 18 May, at the end of which they signed the Protocol on Political Questions and the Bishkek Memorandum [S/1997/385]. The Protocol provided for the adoption of a reciprocal pardon act and an amnesty act; the establishment of a central electoral commission, with 25 per cent of its seats to be allocated to UTO; reform of the Government by incorporating UTO representatives in the struc-

tures of the executive branch and judicial and law-enforcement bodies on a quota basis; and the lifting of the ban on the activities of political parties and movements of UTO and of the media after the implementation of the second phase of the Protocol on Military Questions. By the Bishkek Memorandum, the parties agreed, *inter alia*, on the deployment of 460 UTO forces in Dushanbe plus 40 to protect CNR, which would begin to function upon the signing of a general agreement on peace and national accord.

The Tehran round of talks, opened and suspended on 9 April, resumed from 22 to 28 May and concluded with the signing of the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan [S/1997/410]. By the Protocol, the parties spelt out the main provisions laid down in the 1995 Protocol on the fundamental principles for establishing peace and national accord in Tajikistan [YUN 1995, p. 502]; the 1996 bilateral Agreement and Protocol on the main functions and powers of CNR [YUN 1996, p. 261]; and the 1997 Additional Protocol to the latter Protocol, the CNR Statute, and the three protocols on refugees and political and military issues. The parties requested the United Nations to provide implementation guarantees through the possible adoption of a new UNMOT mandate to include monitoring of the parties' implementation of the General Agreement, the provision of expertise, consultation and good offices and possibly other functions. Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Uzbekistan agreed to act as guarantor States. As such, they would constitute a Contact Group, which would also include the Organization for Security and Cooperation in Europe (OSCE) and the Organization of the Islamic Conference (OIC), with the Special Representative of the Secretary-General as coordinator.

Finally, in Moscow on 27 June, the President of Tajikistan, the leader of UTO and the Special Representative of the Secretary-General for Tajikistan signed the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the Moscow Declaration. The Tajik parties also signed a Protocol of Mutual Understanding, which was witnessed by the Special Representative and the Foreign Ministers of Iran and the Russian Federation. The texts of the three documents were circulated by the Russian Federation on 1 July [A/52/219-S/1997/510].

UN Mission of Observers in Tajikistan

The United Nations Mission of Observers in Tajikistan was established by Security Council

resolution 968(1994) [YUN 1994, p. 596] for a period of up to six months, subject to the proviso that it would continue beyond 6 February 1995 only if the Tajik parties agreed to extend the 1994 Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks [ibid., p. 594]. The Council had since extended UNMOT a number of times. The extensions in 1997 were made on 14 March and 12 June, each for three months; on 12 September, for two months; and on 14 November, for six months, until 15 May 1998, with an expanded size and revised mandate.

During 1997, UNMOT, in accordance with its original mandate, continued to assist the Joint Commission established under the 1994 Agreement as the formal machinery for implementing that Agreement; to investigate ceasefire violations and report them to the United Nations and the Joint Commission; to provide good offices; to maintain close contact with the parties and liaison with the OSCE Mission in Tajikistan and with the Collective Peacekeeping Forces of CIS; and to provide support for the Secretary-General's Special Envoy (later replaced by the Special Representative) for Tajikistan, as well as political liaison and coordination services.

With the signing in June of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and in accordance with the parties' request for assistance in the implementation of that Agreement, the Council, on the recommendation of the Secretary-General, revised the mandate of UNMOT on 14 November by **resolution 1138(1997)**.

UNMOT maintained headquarters in Dushanbe and team sites in Garm, Kalai-Khumb, Khorog, Kurgan-Tyube, Moskovskiy, Pianj, Tavildara and Vanj, each team site comprising military observers and civilian personnel. UNMOT also maintained a liaison post in Taloqan, Afghanistan.

Personnel security

In view of the continuing high level of violence in Tajikistan, the question of providing security for UN personnel was of paramount concern to the Secretary-General, especially in the discharge of their expanded tasks. As pointed out in his September report [S/1997/686], the area posing the greatest risk extended from Dushanbe to Komsomolabad, through which ran the main road and air route for the movement and supply of UNMOT teams to be stationed in the Karategin Valley and the Tavildara sector. As a result of exploring with the parties the possibility that they

might jointly provide security with a combined force drawn from the Tajik army and UTO fighters, the Secretary-General informed the Council on 17 October [S/1997/808] that the President of Tajikistan and the UTO leader had confirmed their agreement to the formation of a Joint Security Unit, which would provide security, including armed escorts, for UNMOT personnel and transports, mainly in the area from Dushanbe to Komsomolabad.

The Secretary-General later reported that the Unit, which would consist of two infantry companies, would be formally established by presidential decree [S/1997/859]. UNMOT had prepared the Unit's rules of engagement and standard operating procedures, as well as a training programme aimed at shaping an effective and disciplined Unit that would set an example for others in the process of reintegration and modernization. UNMOT would support the Unit with communications equipment, rations and fuel. Liaison would be performed by military observers assigned to it. The Unit was expected to begin functioning by the end of November.

Composition

UNMOT was under the command of the Chief Military Observer, Brigadier-General Boleslaw Izydorczyk (Poland), appointed by the Secretary-General through an exchange of letters with the Security Council on 20 and 27 January 1997 [S/1997/76 & 77], to succeed Brigadier-General Hasan Abaza (Jordan), who relinquished his post on 31 December 1996. Brigadier-General Izydorczyk assumed his responsibilities on 10 March 1997.

As at 5 November 1997, UNMOT comprised 44 military observers from nine contributing countries and 67 civilian personnel, of whom 27 were internationally recruited. As expanded by Council **resolution 1138(1997)**, to include also support to the Joint Security Unit (see above), UNMOT would have a strength of 75 military observers and 2 civilian police. It would be supported by 46 international staff and 100 locally recruited staff.

Financing

On 13 June 1997 [meeting 101], the General Assembly considered the Secretary-General's reports on UNMOT of 24 January [A/51/784] and 11 February [A/51/784/Add.1] on its financial performance from 17 June to 15 December 1995 and from 16 December 1995 to 30 June 1996, respectively; and of 12 February 1997 [A/51/784/Add.2] on its proposed budget for the 12-month period from 1 July 1997 to 30 June 1998, together with the related reports of the Advisory Committee

on Administrative and Budgetary Questions [A/51/8501 and of the Office of Internal Oversight Services [A/51/432]. On the recommendation of the Fifth Committee [A/51/920], the Assembly adopted **resolution 51/237** without vote [agenda item 138].

Financing of the United Nations Mission of Observers in Tajikistan

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission of Observers in Tajikistan, the related report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Office of Internal Oversight Services,

Recalling Security Council resolution 968(1994) of 16 December 1994, by which the Council established the United Nations Mission of Observers in Tajikistan, and the subsequent resolutions by which the Council extended the mandate of the Mission of Observers, the latest of which was resolution 1099(1997) of 14 March 1997,

Recalling also its resolutions 49/240 of 31 March 1995 and 50/238 of 7 June 1996 on the financing of the Mission of Observers,

Reaffirming that the costs of the Mission of Observers are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission of Observers, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Mission of Observers,

Mindful of the fact that it is essential to provide the Mission of Observers with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission of Observers in Tajikistan as at 15 May 1997, including the contributions outstanding in the amount of 2,508,489 United States dollars, representing 13 per cent of the total assessed contributions from the inception of the Mission of Observers to the period ending 15 June 1997, notes that some 13 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors,

which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Mission of Observers in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Office of Internal Oversight Services;

6. Requests the Secretary-General to take all necessary action to ensure that the Mission of Observers is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Mission of Observers in Tajikistan the amount of 8,275,700 dollars gross (7,721,300 dollars net) for the maintenance of the Mission of Observers for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 308,000 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 689,642 dollars gross (643,442 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Mission of Observers beyond 15 June 1997;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 554,400 dollars approved for the period from 1 July 1997 to 30 June 1998;

9. Decides further that, for Member States that have fulfilled their financial obligations to the Mission of Observers, there shall be set off against the apportionment, as provided for in paragraph 7 above, their respective share in the unencumbered balance of 1,548,000 dollars gross (1,402,800 dollars net) in respect of the period from 17 June to 15 December 1995;

10. Decides that, for Member States that have not fulfilled their financial obligations to the Mission of Observers, their share of the unencumbered balance of 1,548,000 dollars gross (1,402,800 dollars net) for the period from 17 June to 15 December 1995 shall be set off against their outstanding obligations;

11. Decides also that, for Member States that have fulfilled their financial obligations to the Mission of Observers, there shall be set off against the apportionment, as provided for in paragraph 7 above, their respective share in the unencumbered balance of

1,312,200 dollars gross (1,260,800 dollars net) in respect of the period from 16 December 1995 to 30 June 1996;

12. Decides further that, for Member States that have not fulfilled their financial obligations to the Mission of Observers, their share of the unencumbered balance of 1,312,200 dollars gross (1,260,800 dollars net) for the period from 16 December 1995 to 30 June 1996 shall be set off against their outstanding obligations;

13. Invites voluntary contributions to the Mission of Observers in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Invites Member States to make voluntary contributions to the trust fund established in accordance with paragraph 13 of Security Council resolution 968(1994);

15. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Mission of Observers in Tajikistan".

By **decision 52/456** of 22 December, the Assembly decided that the Fifth Committee should continue its consideration of item 136 on the financing of UNMOT at the resumed fifty-second session in 1998.

Activities

Report of Secretary-General (January). In his report of 21 January [S/1997/56], the Secretary-General reviewed developments in Tajikistan during the preceding month, including compliance by the Government and UTO with the provisions of the ceasefire restored as from 12 December 1996 under the terms of their bilateral Agreement initialled in Khushdeh, Afghanistan, on 11 December 1996 and formally signed in Moscow on 23 December [YUN 1996, p. 261]. Thereport annexed a joint statement on the main agreements reached during the 10-11 December 1996 inter-Tajik talks and an appeal for the extension of UNMOT (annex I); the agreement on the restoration of the 1994 ceasefire (annex II); a Protocol on Refugees signed on 13 January 1997 (annex III); and a joint statement on the results of the inter-Tajik talks held in Tehran, Iran, from 6 to 19 January (annex IV), as described below.

At that round of inter-Tajik talks, the President of Tajikistan and the UTO leader achieved progress on the statute of CNR, governing its functioning during the transition period until a new parliament was formed, leaving unresolved, however, the allocation of the CNR seats and appropriate security guarantees for UTO members. The parties also discussed a draft protocol on political problems, initialling agreement on three substantive issues: mutual forgiveness and amnesty, UTO participation in a central electoral

commission, and the integration of UTO representatives into the Government during the transition period. Agreement was not reached on a fourth issue, namely, the modalities and conditions for reforming military and political movements into political parties and for lifting the ban on their activities. The talks concluded with the signing of the Protocol on Refugees.

As reported by UNMOT, the security situation was such that, on 20 December 1996, 23 persons, including Joint Commission members, government officials and servicemen and 9 UN personnel travelling from Garm to the capital, Dushanbe, were taken hostage and held in Kalainav, 5 kilometres west of Obigarm, by an armed group who requested the release of UTO-held prisoners. All the hostages were released by 26 December following intensive negotiations by the Government, UTO and UNMOT, although the armed group's demand for the release of Commander Rizvon Sodirov and some of his men, who were being held by UTO in northern Afghanistan, was not met. Acts of violence undermined security in Dushanbe in mid-December, when three bombs exploded in the town centre, claiming the lives of several people. In early January 1997, two Tajik security officers were murdered and four Russian servicemen lost their lives to what was believed to have been terrorist acts. In Tursunzade on 8 January, fighting broke out between the Government's Rapid Reaction Brigade and the mayor's security forces over the Brigade Commander's demand that the previous mayor be reinstated and stolen equipment returned. In the process, the Brigade took over the administration building. Presidential Guard forces dispatched to protect the town's aluminium plant were blocked by some 400 townspeople. The situation in Tursunzade, the site of previous disturbances, remained unsettled.

A demonstration was held in Khujand on 18 January, demanding representation of the National Renaissance Block (founded by three former Prime Ministers from the region) in CNR. The local government agreed to send a message to the President urging him to meet with the Block's leader regarding the inclusion of the interests of all political parties and movements on the agenda of the next inter-Tajik talks. In the Karategin Valley and the Tavildara sector, tense calm prevailed. The Government and UTO continued their contacts and agreed that all checkpoints along the Garm-Dushanbe road should be removed and the road be opened to civilian traffic. On 16 January, the Government confirmed that, in accordance with the terms of the ceasefire, UTO had released all government military personnel taken prisoner during the fighting in

November and December 1996. However, the activity of armed groups not under the effective control of either the Government or UTO, notably that led by Rizvon Sodirov, continued to pose serious obstacles to the ceasefire's implementation.

The Secretary-General observed that the situation in Tajikistan remained extremely fluid. However, the parties' December 1996 agreements had given new impetus to efforts aimed at achieving reconciliation, which, he pointed out, required the international community's vigorous support. The agreements also entailed new responsibilities for UNMOT, which it would discharge to the extent that its essential security requirements were met. The Special Representative of the Secretary-General for Tajikistan would pursue with the parties the practical implications of cooperation with CNR for UN operations in Tajikistan.

SECURITY COUNCIL ACTION (February)

The Security Council met on 7 February [meeting 3739] to consider the Secretary-General's January report, together with its annexes. At its request, Tajikistan was invited to participate in the discussion without the right to vote. In addition to the report, the Council had before it several communications transmitting the following documents: a statement by Ukraine [YUN 1996, p. 262] calling for the unconditional release of the hostages seized on 20 December (see above); the 1996 bilateral Agreement between the Government of Tajikistan and UTO and the Protocol on the basic functions and powers of CNR [ibid., p. 261]; and a joint statement by Iran and the Russian Federation welcoming the agreement of the two sides to a complete ceasefire and the formation of organs of authority [ibid.].

Following consultations among its members, the Council authorized its President to make the statement below [S/PRST/1997/6] on the Council's behalf:

The Security Council has considered the progress report of the Secretary-General of 21 January 1997 on the situation in Tajikistan, submitted pursuant to paragraph 6 of Council resolution 1089(1996) of 13 December 1996.

The Council welcomes the signing in Moscow on 23 December 1996 by the President of Tajikistan and the leader of the United Tajik Opposition of the agreement, including the protocol on the Commission on National Reconciliation, and notes the progress made in the inter-Tajik talks in Tehran, in particular the signing of the protocol on refugees. It believes that these agreements, provided they are carried out as written, represent a qualitative change for the better and give a new impetus to efforts aimed at achieving national reconciliation. The Council urges the parties to honour and implement consis-

tently and in good faith the agreements already reached, in particular in the course of negotiating future agreements. It also urges them to make further substantive progress at the next rounds of the inter-Tajik talks.

The Council notes with satisfaction that the ceasefire has been generally observed by the parties since December 1996 and calls upon them to maintain it scrupulously for the whole duration of the inter-Tajik talks in accordance with their obligations and commitments.

The Council commends the efforts of the Special Representative of the Secretary-General and calls upon the parties to cooperate fully with him in continuing the inter-Tajik talks. The Council also commends the efforts of the United Nations Mission of Observers in Tajikistan in fulfilling its mandate.

The Council calls upon the parties to ensure the safety and the freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel in Tajikistan.

The Council strongly condemns the attacks on and kidnapping of international personnel, in particular personnel of the Mission, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and others, and demands the immediate release of all those taken hostage. It stresses the inadmissibility of kidnapping and any other mistreatment of United Nations personnel and supports the efforts of the Secretary-General to ensure that the essential security requirements of the Mission are met.

In this context, the Council expresses satisfaction at the efforts by and cooperation between the Mission, the Russian Federation and the parties to resolve the hostage crisis.

The Council considers it necessary for the United Nations to continue its vigorous support for the political process in Tajikistan. It takes note of the request from the parties to the Mission to extend the necessary assistance in the implementation of the Moscow agreement and to cooperate closely with the Commission on National Reconciliation in its activities. The Council accepts the recommendation of the Secretary-General not to change the nature and size of the United Nations presence in Tajikistan at this stage. It requests the Secretary-General to keep the situation under review and to submit in due course his recommendations with regard to the United Nations presence in Tajikistan in the light of the progress in implementation of the inter-Tajik agreements and bearing in mind the request for assistance by the parties contained in the Moscow agreement and the tasks and functions that would be required to provide such assistance.

The Council expresses deep concern over the deteriorating humanitarian situation in Tajikistan and calls for continuing emergency relief, including assistance for the return of refugees, in the context of the implementation of the protocol on refugees, and support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy.

Report of Secretary-General (March). Pursuant to Security Council resolution 1089(1996) [YUN 1996, p. 260], the Secretary-General submitted a 5 March report [S/1997/198] updating the record of developments in Tajikistan and of the activities of UNMOT and his Special Representative. According to the report, the ceasefire between the Government and UTO generally held. The tense calm that had prevailed in the Karategin Valley and the Tavildara sector eased as a result of the joint efforts of high-level government and UTO representatives, with the support of the Joint Commission and UNMOT, to ensure the implementation of the ceasefire accord. Responding to a request from the two parties to deploy additional teams in the area, UNMOT carried out a number of patrols in mid-January to confirm the security guarantees it had received from both for free and unimpeded movement along the Dushanbe-Garm road. Having encountered no obstacles, UNMOT prepared for an initial deployment to Komsomolabad and Childara on 7 February.

Meanwhile, on 3 February, five UNMOT personnel en route from Garm to Dushanbe for the medical evacuation of a military observer were taken hostage by the same armed group that had staged the hostage-taking of 20 December 1996. Commanded by Bakhrom Sodirov, the group again demanded the return of its leader, Rizvon Sodirov, along with 40 of his fighters, from northern Afghanistan. The group subsequently abducted additional hostages: seven on 5 February—a representative of the International Committee of the Red Cross (ICRC) together with her interpreter, and five journalists, including three Russians; four staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Dushanbe on 6 February; and, on 7 February, the Tajik Minister for Security who was negotiating the release of the other hostages.

Between the release of the two ICRC staff and the sick UNMOT military observer on 7 and 11 February, respectively, Rizvon Sodirov was delivered to the armed group's camp at Kalainav. Continued negotiations, conducted personally by the President, in consultation with the UTO leader, UNMOT, the Russian Federation and Commander Ahmad Shah Massoud of the Northern Alliance of Afghanistan, achieved the release of the remaining hostages in three stages that began on 14 February with the exchange of two hostages for the 40 Sodirov fighters who had arrived in Obigarm from Afghanistan that day, and continued on 16 February, with the release of five more hostages as the fighters were delivered to the Kalainav camp, and on 17 February with the release of the remaining six hostages. Immediately

thereafter, government and UTO forces reportedly besieged the Sodirov group, apparently without a decisive result.

On 18 February, seven persons, including Russians, were assassinated in Dushanbe. Five UTO members suspected of the assassinations and other killings were arrested and in government custody. UNMOT had since been warned that UTO elements might take UN personnel hostage to obtain the release of those five suspects.

In the light of those developments, the Secretary-General, on 8 February, authorized the suspension of all UN activities in Tajikistan and the relocation of all UN personnel to Tashkent, Uzbekistan, except for a small UNMOT team in Dushanbe and a civilian liaison office in Khujand. The UNMOT liaison officer in Taloqan was also withdrawn. For the time being, military observers whose tour of duty had come to an end were not being replaced.

The Special Representative continued his contacts with both sides, as well as with representatives of observer countries, in an effort to bridge the gap on certain outstanding political issues and to advance preparations for the next round of inter-Tajik talks on military issues. A number of Tajik groups not represented by either the Government or UTO had expressed to UNMOT their desire to be included in the political process. The parties were thus encouraged to associate relevant groups with the talks in some form or another.

At the invitation of the Russian Federation, the next round of inter-Tajik talks began in Moscow on 26 February, which the Special Representative opened. The Government and UTO presented working papers on military issues, specifically the reform of government power structures (the armed forces, police and security apparatus) and the disarmament and reintegration of UTO forces into those structures or civilian life. The talks were interrupted on 3 March, however, to allow UTO to visit the five UTO detainees in Dushanbe. The Government also allowed UNMOT and ICRC access to them. As later reported by the Secretary-General [S/1997/415], the talks concluded on 8 March with the signing of the Protocol on Military Issues [S/1997/209]. Prior to the Moscow meetings, the parties met in Mashhad, Iran, on 20 and 21 February, also attended by the Special Representative, at the conclusion of which they signed agreements on the Statute of CNR and on an additional protocol (to the protocol on CNR's functions and powers) on the distribution of senior government posts [S/1997/169]. They also issued a joint communique deploring acts of terrorism.

The Secretary-General observed that the agreements reached in Mashhad added to the growing list of substantive agreements concluded in the last two and a half months. The negotiating process, propelled forward by the decisive personal involvement of the President and the UTO leader, had acquired a strong momentum. At the same time, however, he was profoundly disturbed by the threats to UN personnel, who were trying to provide support to that process in the face of great difficulty. He said he could not in good conscience allow them to return to Tajikistan to conduct their functions unless their safety was reasonably assured. He had thus decided that, so long as the situation in the country continued in a state of flux and international personnel were at particular risk, he would maintain the suspension of UN activities, except for a limited UNMOT presence. That decision remained subject to a reassessment of the situation and to the Government's institution of further, more rigorous security measures.

In the circumstances, the Secretary-General recommended that the Council extend the UNMOT mandate, due to expire on 15 March, for a further period of three months, until 15 June. Should the Council agree to that extension, the cost of maintaining UNMOT was estimated at \$623,242 gross per month, assuming continuance of its existing strength and responsibilities.

Communication. The Presidency of the European Union (EU) issued a declaration on 12 March [A/51/840-S/1997/246] by which the EU welcomed the results of the latest inter-Tajik talks in Mashhad and Moscow and called on all parties to the conflict to ensure the safety of UN personnel and all others engaged in providing assistance in Tajikistan and to avoid hostage-taking.

SECURITY COUNCIL ACTION (March)

The Security Council met on 14 March [meeting 3752] to consider the Secretary-General's March report. At its request, Tajikistan was invited to participate in the discussion without the right to vote. Following statements from Tajikistan, the Russian Federation and the United States, the Council unanimously adopted **resolution 1099(1997)**, based on a draft [S/1997/216] prepared in consultations among Council members.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 5 March 1997,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the agreements signed by the President of Tajikistan and the leader of the United Tajik Opposi-

tion since December 1996, by which the efforts towards national reconciliation have made important progress and gained strong momentum, noting with satisfaction the personal contribution made in this respect by the President of Tajikistan and the leader of the United Tajik Opposition, with the assistance of the Secretary-General and his Special Representative, and encouraging the parties to continue their efforts to this end,

Welcoming, in particular, the results of the latest round of inter-Tajik talks held in Moscow from 26 February to 8 March 1997, including the signing of the protocol on military issues, which contains agreements on reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition, reforming the power structures of the Republic of Tajikistan and a detailed timetable for their implementation,

Taking note of the requests of the parties, contained in the statute of the Commission on National Reconciliation and in the protocol on military issues, for the assistance of the United Nations in the full and effective implementation of those agreements,

Gravely concerned about the worsening humanitarian situation in Tajikistan,

Deeply concerned about continuing attacks on the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel in Tajikistan, and deploring the deterioration in the security situation which necessitated the decision of the Secretary-General to suspend the United Nations activities in Tajikistan, except for a limited presence of the United Nations Mission of Observers in Tajikistan,

1. Expresses its appreciation for the report of the Secretary-General of 5 March 1997;

2. Welcomes the agreements reached by the parties since December 1996, in particular the protocol on military issues, which represents an important new step towards the successful completion of the task of national reconciliation in Tajikistan, and calls upon the parties to honour and implement consistently and in good faith those agreements, as well as to make further substantive progress in the next rounds of the inter-Tajik talks;

3. Expresses its satisfaction that the ceasefire has been generally observed by the parties since December 1996, and calls upon the parties to maintain it scrupulously for the whole duration of the inter-Tajik talks, in accordance with their obligations and commitments;

4. Strongly condemns the acts of mistreatment against personnel of the United Nations Mission of Observers in Tajikistan and other international personnel, and urgently calls upon the parties to cooperate in bringing the perpetrators to justice, to ensure the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel, and to cooperate fully with the Mission;

5. Calls upon the Government of Tajikistan, in particular, to take further, more rigorous security measures to this end, thus enabling the international community vigorously to support Tajikistan on its difficult path from armed conflict to normal peaceful life;

6. Decides to extend the mandate of the Mission until 15 June 1997, subject to the proviso that the Tehran agreement remains in force and the parties demon-

strate their commitment to the agreements already reached, and further decides that this mandate will remain in effect until that date unless the Secretary-General reports to the Council that these conditions have not been met;

7. Welcomes the intention of the Secretary-General to inform the Council of any significant developments with regard to the situation in Tajikistan, in particular of a decision to resume all those United Nations activities presently suspended, including those of the Mission;

8. Requests the Secretary-General to inform the Council by 30 April 1997 on possible ways and means by which the United Nations could assist in the implementation of the protocol on military issues;

9. Also requests the Secretary-General to submit a report on the situation in Tajikistan to the Council no later than 1 June 1997, including recommendations on the United Nations presence in Tajikistan, in particular the manner in which the United Nations can assist in the implementation of the inter-Tajik agreements, based on the requests by the parties contained in those agreements and in the light of the security situation;

10. Commends the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, and calls upon the parties to cooperate fully with the Special Representative of the Secretary-General in conducting the inter-Tajik talks in order to achieve a comprehensive political settlement;

11. Calls upon Member States and others concerned to respond promptly and generously to the consolidated inter-agency donor alert on urgent humanitarian needs for the period from 1 December 1996 to 31 May 1997, launched by the Secretary-General, and to offer support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy;

12. Encourages Member States to contribute to the voluntary fund established by the Secretary-General in accordance with its resolution 968(1994) of 16 December 1994;

13. Decides to remain actively seized of the matter.

Communication. By a decision adopted in Moscow on 28 March [S/1997/268], the CIS Council of Heads of State, responding to the appeal of the President of Tajikistan, extended the length of stay of the CIS collective peacekeeping forces to 30 June.

Report of Secretary-General (May). As requested by Security Council **resolution 1099(1997)**, the Secretary-General submitted a report of 30 May [S/1997/415] on the situation in Tajikistan, which also contained recommendations on the UN presence in the country. He noted that the parties met in Tehran on 9 April for another round of inter-Tajik talks, which were almost immediately suspended by UTO over the Government's request to the Russian Federation and other CIS countries to arrest and extradite 11 UTO supporters charged with complicity in the Dushanbe assassinations of 18 February, as well as the continued detention of the five UTO mem-

bers suspected of being the assassins (see above). UTO also protested against the Government's arrest of eight opposition fighters in Shuroabad. As the talks remained stalled, the parties left Tehran on 16 April.

On the initiative of the Special Representative, the President and the UTO leader met in Bishkek, Kyrgyzstan, from 16 to 18 May, at the end of which they signed the Protocol on Political Questions and the Bishkek Memorandum [S/1997/385].

The Tehran round of talks resumed from 22 to 28 May, which concluded with the signing of the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan [S/1997/410]. Among the provisions of the Protocol was a request by the parties that the United Nations provide implementation guarantees through the possible adoption of a new UNMOT mandate to include monitoring of the parties' implementation of the General Agreement, the provision of expertise, consultation and good offices and possibly other functions.

The Secretary-General reported that the ceasefire continued to hold. Both sides coordinated efforts to ensure wide acceptance of the Protocol on Military Issues by sending joint delegations to visit their field commanders in the Karategin Valley and the Tavildara sector, and in Tepeei-Samarkandi and Kofarnikhon. A government delegation also visited Leninabad province to explain the provisions of the protocols and to mobilize support for the peace process. However, tensions rose in early April in Tepeei-Samarkandi, where an opposition commander claimed the agreements were violated by the Government and, on 7 May, took two Joint Commission members and a government official hostage, demanding the withdrawal of government forces from the area. The situation was defused and the hostages released following UTO and UNMOT intervention. On 24 May, the Government lodged a protest with the Joint Commission against the establishment of new UTO posts in Tepeei-Samarkandi, Nurek and Kofarnikhon.

The security situation, particularly in Dushanbe, in Nurek and along the road from Dushanbe to Garm/Tavildara, remained precarious for six weeks from 17 February, as the Government and UTO mounted a joint operation against the hostage takers based in the hills near Obigarm. One of their two leaders (Bakhrom Sodirov) was captured; the other (Rizvon Sodirov) remained at large. On 30 April, an attempt was made to assassinate the President during his visit to Khujand, in Leninabad. The President ascribed the assassination attempt to criminal elements, stating that it

was not politically motivated. The UTO leadership condemned the attempt, as did the Parliament [S/1997/353]. In separate incidents in Dushanbe in March and May, two Russian servicemen of the CIS peacekeeping forces were shot and killed; also, on 27 March, an explosive device was thrown at a parked vehicle belonging to an international non-governmental organization (NGO). In the second week of April, a confrontation between two army units in Tursunzade, reportedly over control of the aluminium plant there, resulted in some 25 casualties.

UN activities in the country resumed on 12 May, when the Secretary-General authorized the return from Tashkent of the heads of UN agencies and essential staff and the military observers. UNMOT resumed liaison with the Government, the Joint Commission, the CIS peacekeeping forces and the Russian border forces, and carried out limited patrolling. In the aftermath of the hostage crisis in February, UNMOT instituted stringent security measures. The Government also strengthened security around UNMOT premises, but had yet to ensure that the UNMOT headquarters building, currently shared by a Tajik NGO, was exclusively for UN use. Owing to the uncertain security along the road from Dushanbe to points east, UNMOT, in mid-April, leased a helicopter, but the airport authorities had so far impeded its use.

Provision of humanitarian assistance in the country was seriously affected during the suspension of UN activities (8 February-12 May). However, some agencies were able to continue implementing emergency programmes through local staff. The World Food Programme (WFP) distributed some 3,200 metric tons of food through its large network of food monitors in Gorniy Badakhshan and Khatlon provinces during March and April; and the United Nations Children's Fund was able to deliver drugs and vaccines to Leninabad. Other humanitarian organizations, such as ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC), and NGOs played a key role in ensuring the continuation of relief and rehabilitation assistance programmes. The UN agencies agreed on 10 April to extend the donor alert for another three months, until the end of August. As part of its programme of emergency assistance to Tajikistan, WFP, on 23 May, issued an appeal for emergency food aid for one year, estimated at \$16 million, for 500,000 people. The UN agencies and the Bretton Woods institutions (IMF and the World Bank) had begun discussions at the field level on the development of an appropriate inter-agency strategy to support the peace process, which would include, among other elements, the transition from hu-

manitarian relief to rehabilitation and development assistance.

The Secretary-General stated that the signing of the protocol on the guarantees of implementation of the General Agreement completed the series of separate protocols to be concluded by the parties called for in the 1995 Protocol on the fundamental principles for establishing peace and national accord [YUN 1995, p. 502]. He was gratified that the determination and effort invested by the United Nations in those negotiations had been rewarded by success. He said the agreements were broad in scope and complex, and putting them into political practice required the parties' good faith and constant effort. Far from being self-implementing, the agreements envisioned the support and assistance of the international community in almost every aspect of their implementation and assigned to the United Nations a leading role in that regard. They also enlisted the assistance of two regional organizations: OSCE, to assist in the development of democratic political and legal institutions and processes; and the CIS peacekeeping forces, to escort, under UNMOT supervision, UTO personnel, weapons and ammunition from the Tajik-Afghan border to designated assembly areas.

UNMOT, in addition to monitoring the cease-fire and providing general political support and good offices, as well as technical and specialized advice as appropriate, would, pursuant to the Protocol on Military Issues, also monitor the process of reintegration, disarmament and disbandment of the UTO armed units and the reform of the governmental power structures. The Secretary-General pointed out that, for UNMOT to fulfil those additional tasks, its military strength and civilian complement would need to be significantly increased. It was imperative to keep in mind, he added, that security was an important consideration in the UNMOT operation, since in certain parts of Tajikistan deployment of unarmed personnel entailed unacceptable levels of risk. He suggested that the CIS peacekeeping forces could assume responsibility for the security of UN personnel, subject to its acceptance by all parties concerned.

Pending further developments issuing from the agreements, the Secretary-General recommended extension of the UNMOT mandate, due to expire on 15 June, for a period of three months, until 15 September. Should the Council agree to the recommended extension, the cost of maintaining UNMOT would be limited to approximately \$664,000 a month, based on an estimated cost of \$7,967,700 gross for the 12-month period from 1 July 1997 to 30 June 1998.

SECURITY COUNCIL ACTION (June)

The Security Council met on 12 June [meeting 3788] to consider the Secretary-General's May report and invited Tajikistan, at its request, to participate in the discussion without the right to vote. The Council adopted **resolution 1113(1997)** unanimously, based on a draft [S/1997/444] prepared in consultations among Council members.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 30 May 1997 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the signing by the Government of the Republic of Tajikistan and the United Tajik Opposition in Moscow on 8 March 1997 of the protocol on military issues, in Bishkek on 18 May 1997 of the protocol on political questions and in Tehran on 28 May 1997 of the protocol on the guarantees of implementation of the general agreement on the establishment of peace and national accord in Tajikistan,

Noting that those agreements foresee the support and assistance of the international community, in particular the United Nations, in different aspects of their implementation,

Expressing concern that the security situation in Tajikistan remains precarious and that the humanitarian situation has continued to deteriorate,

1. Welcomes the report of the Secretary-General of 30 May 1997;

2. Calls upon the parties to implement fully the agreements reached in the course of the inter-Tajik talks, and encourages them to sign the general agreement on the establishment of peace and national accord in Tajikistan as a matter of priority;

3. Emphasizes that the implementation of the agreements reached in the course of the inter-Tajik talks will require the consistent good faith and constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community;

4. Calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel;

5. Commends the efforts of the Special Representative of the Secretary-General and of the personnel of the United Nations Mission of Observers in Tajikistan, and calls upon the parties to cooperate fully with them;

6. Decides to extend the mandate of the Mission for a period of three months until 15 September 1997;

7. Requests the Secretary-General to keep the Council informed of significant developments and to present to the Council, as soon as appropriate, detailed recommendations on the role of the United Nations in support of the implementation of the inter-Tajik agreements and the adjustment of the mandate and strength of the Mission;

8. Decides to remain actively seized of the matter.

Report of Secretary-General (September). In his report of 4 September [S/1997/686], the Secretary-General stated that, in Moscow on 27 June, the President of Tajikistan, the leader of UTO and the Special Representative of the Secretary-General for Tajikistan signed the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the Moscow Declaration. The Tajik parties also signed a Protocol of Mutual Understanding, witnessed by the Special Representative and the Foreign Ministers of Iran and the Russian Federation. The signing ceremony was attended by the Russian President, the Foreign Ministers of the observer countries, the OIC Secretary-General, senior OSCE officials and the UN Under-Secretary-General for Peacekeeping Operations. The texts of the three documents were circulated by the Russian Federation on 1 July [A/52/219-S/1997/510].

While in Moscow, the OIC Secretary-General signed the 28 May Protocol on the guarantees of implementation of the General Agreement, to which Uzbekistan acceded on 26 August. The Contact Group of guarantor States and organizations—Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russian Federation, Turkmenistan, Uzbekistan, OSCE, OIC—created by that Protocol convened in Dushanbe on 16 July and had since met several times.

In accordance with the Protocol of Mutual Understanding, CNR met in Moscow from 7 to 11 July, during which it adopted an Act on Mutual Forgiveness, signed by the President on 14 July, and prepared a draft Act on Amnesty, which the Parliament adopted on 1 August. Those acts, marking a step forward in the process of national reconciliation, were followed by the exchange of 49 captured government soldiers and 48 detained UTO supporters between 18 and 20 July. The parties confirmed their intention to complete preparations for CNR to begin its work, including arrangements for the stationing of the 460 UTO fighters in Dushanbe, which were finalized on 2 September.

The Secretary-General observed that the General Agreement and the separate protocols constituted a broad mandate for political change but did not provide a detailed blueprint, nor did the General Agreement contain a formal timetable for all the measures to be accomplished during the transition period. It was left to CNR to work out solutions to the many issues to be addressed. Consequently, the related assistance expected from the international community had been described largely in general terms, with some exceptions, notably in the Protocol on Military Issues. During the negotiations, the deadline of July 1998 in that Protocol was taken as the target

date for the completion of the transition as a whole.

The Protocol on Refugees established a timetable of 12 to 18 months (from January 1997) for the return of refugees and internally displaced persons to their places of residence. UNHCR would continue to carry out its responsibilities in that respect.

On the day of the signing of the General Agreement, the President and the UTO leader wrote to the Secretary-General [S/1997/508] to express their gratitude for the help of the United Nations during the negotiating process and to request further assistance in implementing the inter-Tajik agreements, in particular in organizing a meeting of potential donors. Accordingly, under the Special Representative's leadership, UN agencies, bilateral agencies and NGOs subsequently prepared a draft document addressing the specific support requirements, for presentation to a donor conference to be arranged.

To ensure unity of purpose and effort, and in accordance with his reform plan streamlining UN multidisciplinary field operations [A/51/950], the Secretary-General gave his Special Representative authority during the transition period over all UN entities in Tajikistan and appointed the United Nations Resident Coordinator as his Deputy. At UN Headquarters, a Task Force on Tajikistan had been established to draw up priorities for peace-building and to ensure coordination.

The Secretary-General outlined the additional functions of UNMOT for the duration of the transition period (see above, under "UN Mission of Observers in Tajikistan"), to discharge which its military component would need to be increased from its authorized strength of 44 military observers to 120. Deployment would be in small teams at the agreed 10 assembly areas (Vanj, Garm, Jirgatal, Komsomolabad, Kofarnikhon, Rushan, Tavildara and Tajikabad districts and the towns of Khorog and Magmurud) for the registration of UTO armed units, at the two crossing points (Ishkashim and Nizhniy Pianj, in Afghan territory) for the transfer to Tajikistan of other UTO units currently in Afghanistan and at certain regional centres, as well as at UNMOT headquarters in Dushanbe. The increase took into account that the crossing points were to be closed after two months. The number of military observers could be reduced once the merger of former UTO units with the governmental power structures was under way. The administrative component of UNMOT would be strengthened correspondingly, as would its communications, road and air transport and other facilities, bearing in mind the mountainous terrain, poor road

conditions and road links cut off during the harsh winter months.

The Secretary-General recommended that the Security Council expand the mandate of UNMOT to include the functions he outlined, authorize its strengthening in the numbers indicated above, and extend the mandate for an initial period of six months. In an addendum to his report [S/1997/686/Add.1], the Secretary-General stated that the cost associated with the expansion of UNMOT was estimated at approximately \$14.8 million for the six-month period. Annexed to the addendum was a breakdown of that figure by main categories of expenditure.

In his review of developments on the ground, the Secretary-General reported that the situation in Tajikistan continued to be volatile. In several parts of the country, violent incidents occurred, including: bomb explosions in Khorog, the administrative capital of Gorno-Badakhshan, and near the presidential palace in Dushanbe, killing or injuring several people; the killing and wounding of members of the CIS peacekeeping forces; fighting in August among government forces in Khatlon province and in the Leninabad towns of Hissar, Shakhriau and Tursunzade, as well as in the outskirts of Dushanbe; kidnapping and hostage-taking in exchange for persons in government custody; and large-scale theft of livestock, allegedly taken to UTO strongholds in Tavildara.

The ceasefire continued to hold until 19 August, when fighting broke out in the Kofarnikhon and Teppei-Samarkandi areas between Interior Ministry troops and UTO forces over the arrest on criminal charges of three UTO members, in exchange for whom UTO took three policemen hostage. At the same time, UTO fighters in neighbouring Turkobad took four civilians hostage, demanding the return of a vehicle confiscated by the police; in their clash with the police on 27 August, five UTO fighters were killed. On 29 August, UTO engaged Ministry of Defence troops in intense fighting some 9 kilometres east of Dushanbe; UTO took nine prisoners, but released five the next day. Negotiations by the Joint Commission, in collaboration with UNMOT, defused tensions and obtained the release of hostages.

On 23 August, the UNMOT helicopter en route from Childara to Dushanbe with a number of officials on board had to make an emergency landing at Komsomolabad due to engine trouble. An inspection revealed two bullet holes in the aircraft. With respect to UNMOT's freedom of movement, the UTO field commander in Garm informed UNMOT in writing on 18 August that it would not be allowed to fly its helicopter over the area unless a UTO representative was on board or

to patrol certain areas by road. The UTO field commander in Tavildara informed UNMOT of similar restrictions in his area of responsibility. UNMOT lodged a protest with the UTO leader and was pursuing the matter.

The fighting in Khatlon in August forced the temporary evacuation of UN staff from that area, thus reducing humanitarian assistance activities there. Other humanitarian organizations continued their relief and rehabilitation assistance programmes, especially during the floods in May and June. WFP contributed daily rations for distribution to over 2,100 families identified by IFRC. The donor alert, extended through August, resulted in only half of the \$22 million target, mostly against WFP food aid requirements.

UNHCR resumed the voluntary repatriation of refugees from Afghanistan on 17 July. As at 28 August, more than 3,000 persons were repatriated through Nizhniy-Pianj. Preparations were also under way for the return of refugees through Ishkashim and Termez. UNHCR issued an appeal in early August for \$9.7 million to cover costs connected with the return and initial reintegration of some 25,000 refugees, mostly from northern Afghanistan, over the next 18 months. Some 2,000 internally displaced persons were airlifted from Khorog to Dushanbe by the International Organization for Migration; another 2,600 were returned from Dushanbe to Darvaz district and Sagirdasht with government assistance.

SECURITY COUNCIL ACTION (September)

The Security Council met on 12 September [meeting 3816] to consider the foregoing report of the Secretary-General. At its request, Tajikistan was invited to participate in the discussion without the right to vote. The Council adopted **resolution 1128(1997)** unanimously on the basis of a draft [S/1997/708] prepared in consultations among its members.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the report of the Secretary-General of 4 September 1997 on the situation in Tajikistan,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the successful conclusion of the inter-Tajik talks, conducted under United Nations auspices since 1994, with the signing by the President of Tajikistan and the leader of the United Tajik Opposition in Moscow on 27 June 1997 of the General Agreement on the Establishment of Peace and National Accord in Tajikistan,

Noting that the implementation of the General Agreement will require the consistent good faith and

constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community,

Taking note with appreciation of the readiness of the collective peacekeeping forces of the Commonwealth of Independent States to assist in providing security for United Nations personnel at the request of the United Nations Mission of Observers in Tajikistan and with the agreement of the parties,

Expressing concern that the security situation in Tajikistan remains volatile,

1. Welcomes the report of the Secretary-General of 4 September 1997;

2. Takes note of the recommendations on the expansion of the United Nations Mission of Observers in Tajikistan, contained in the report of the Secretary-General;

3. Calls upon the parties to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and encourages them to resume without delay the work of the Commission on National Reconciliation in Dushanbe;

4. Commends the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, encourages them to continue assisting the parties in the implementation of the General Agreement through their good offices, and calls upon the parties to cooperate fully with those efforts;

5. Calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces of the Commonwealth of Independent States and other international personnel;

6. Requests the Secretary-General to continue to explore ways to provide security for United Nations personnel;

7. Decides to extend the present mandate of the Mission for a period of two months until 15 November 1997;

8. Requests the Secretary-General to keep the Council informed of all significant developments, in particular on an adequate solution to the security problem, and expresses its readiness to take a decision concerning the extension of the mandate of the Mission recommended by the Secretary-General;

9. Encourages Member States and others concerned to continue to respond promptly and generously to the urgent humanitarian needs in Tajikistan and to offer support to Tajikistan for rehabilitation, aimed at mitigation of the consequences of the war and reconstruction of its economy;

10. Decides to remain actively seized of the matter.

Report of Secretary-General (November).

The Secretary-General reported on 5 November [S/1997/859] on progress in the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan. At its first session held in Dushanbe on 15 September, CNR—composed of equal numbers of government and UTO representatives under the chairmanship of the UTO leader—set up four subcommittees, on political, legal, military and refugee issues. The Joint Commission was made into a working group of the military Subcommittee,

and the Joint Commission on Refugees became a working group of the Subcommittee on refugees. Also set up was a working group on the implementation of the Amnesty Law. The subcommittees and working groups were composed also of equal numbers of government and UTO representatives. On 25 September, CNR adopted its programme of work and agreed on a timetable of three months for the implementation of the General Agreement.

Work on political issues concentrated on the complex task of allocating 30 per cent of senior government positions to UTO members, which required a delicate balancing of diverse interests between the parties, as well as within each camp. With the assistance of UNMOT and the CIS peacekeeping forces, the political Subcommittee, entrusted with ensuring the release of prisoners of war (POWs) in accordance with the Act on Mutual Forgiveness, obtained the release from UTO of 119 POWs on 17 September and 19 October in Tavildara.

The Subcommittee on legal issues focused on the release of prisoners in implementation of the Amnesty Law. Of the more than 700 individual cases submitted for review, over 500 had been processed and recommendations for amnesty transmitted to the government authorities. The Government agreed to the release of 161 detainees, of whom 78 (58 UTO supporters and 20 others) were set free on 20 October. In addition, the Subcommittee organized a round-table discussion on 8 October on the question of amendments and additions to the Constitution, with the participation of government officials, legal experts and UNMOT, OSCE and ICRC representatives.

The Subcommittee on military issues set in motion the registration of the UTO military inside Tajikistan, with more than 1,000 already registered in Tavildara and Garm. UNMOT teams stationed in Kalai-Khumb and Garm were monitoring the process. In late September, UTO requested priority repatriation from north-east Afghanistan of some 260 of its fighters and for their entry into Tajikistan through Kalai-Khumb rather than through the designated Ishkashim and Nizhniy-Pianj entry points, which was difficult and dangerous to negotiate due to the shifting situation in Afghanistan. Although agreed to in principle, that repatriation had not taken place. CNR issued an appeal to armed formations whose loyalty was not clear to declare their allegiance to either the Government or UTO by 16 November, after which they would be considered illegal and subject to forcible disarmament.

The Subcommittee on refugees directed much of its effort to the repatriation of Tajik

refugees from northern Afghanistan. Repatriation from camps in the Konduz area was completed by 18 October, despite repeated flare-ups of fierce fighting in the region, bringing the number of returnees to some 6,700 persons since the operation began in July. Of particular concern was the situation of some 6,000 refugees caught in the fighting between Afghan factions in and around the Sakhi Camp near Mazar-e-Sharif in late September and early October, in which two refugees were killed and as many as 40 were wounded. Following the fighting, UNHCR, with the assistance of Uzbek and Tajik authorities, was able to begin repatriating those refugees to Tajikistan via Uzbekistan on 24 October. The repatriation of all Tajik refugees from Afghanistan was expected to be completed by December.

During the preceding two months, the efforts of humanitarian organizations centred on the preparation of winter relief programmes: distribution of food, coal and shoes, as well as assisting returnees from northern Afghanistan. Humanitarian organizations concentrated their efforts in Khatlon province, where the majority of refugees were returning, while movement east of Dushanbe continued to be difficult. The rehabilitation, reconstruction and development programme financed by the United Nations Development Programme and executed by the United Nations Office for Project Services re-established its activities in the Karategin Valley. UN agencies updated the donor alert for urgent humanitarian needs in Tajikistan, extending the period until the end of December and listing shortfalls, mainly in the water and sanitation, education and health sectors.

The Secretary-General stated that the ceasefire between the Government and UTO was firmly maintained, although the level of violence continued to be high in the central part of the country, including Dushanbe and environs, where UNMOT recorded 16 bomb explosions, a number of killings and nightly sporadic firings. Clashes also continued between armed groups and government forces in the Kofarnikhon and Leninskiy areas and in Tursunzade and Shakhinau. For the foreseeable future, therefore, the safety of UN personnel would remain an important concern. The Government and UTO were addressing that concern by forming a Joint Security Unit (see above, under "Personnel security"). An additional reassurance was the CIS decision to authorize its collective peacekeeping forces to provide security to the United Nations on request.

The Secretary-General noted that the Government and UTO made serious efforts through CNR to carry out their commitments under the General Agreement. He stressed that the support

provided by the international community was crucial to the implementation of the Agreement. The Contact Group could provide a valuable political contribution. As for material support, the Secretary-General hoped that the donor conference on international peace and reconciliation in Tajikistan, scheduled for 24 and 25 November in Vienna, would generate the much-needed resources (see also PART THREE, Chapter III). Its focus would be on activities directly related to political reconciliation and democratization; demobilization and reintegration of ex-combatants and reform of power structures; repatriation and reintegration of refugees and internally displaced persons; and rehabilitation and development for the communities most affected. An aggregate amount of some \$65 million was being sought.

It remained for UNMOT to be given the capacity to make the substantive contribution expected of it. The Secretary-General therefore recommended that the Council expand the mandate of UNMOT, in accordance with the proposals contained in his September report [S/1997/686]. He revised his previous cost estimate to include support to the Joint Security Unit and to provide for 75 military observers, 2 civilian police, 46 international staff and 100 locally recruited staff at a reduced cost of \$13.7 million. A breakdown of the revised estimate by main categories of expenditure was annexed to the report. As at 31 October 1997, unpaid assessed contributions to the Special Account for UNMOT from inception to 15 November 1997 amounted to \$2,283,915, which represented some 10 per cent of the assessment for UNMOT. The unpaid assessed contributions for all peacekeeping operations amounted to \$1.6 billion.

SECURITY COUNCIL ACTION (November)

The Security Council met on 14 November [meeting 3833] to consider the Secretary-General's November report. At its request, Tajikistan was invited to participate in the discussion without the right to vote. After hearing statements from Tajikistan and the 15 Council members, the Council unanimously adopted **resolution 1138(1997)**, based on a draft [S/1997/887] prepared in consultations among its members.

The Security Council,

Recalling all its relevant resolutions and the statements by its President,

Having considered the reports of the Secretary-General on the situation in Tajikistan of 4 September and 5 November 1997,

Having considered also the letter dated 17 October 1997 from the Secretary-General to the President of the Security Council,

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Tajikistan and to the inviolability of its borders,

Welcoming the progress made by the parties in the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the effective maintenance of the ceasefire between the Government of Tajikistan and the United Tajik Opposition,

Expressing concern that the security situation in Tajikistan remains volatile, in particular, with a high level of violence in the central part of the country, although large parts of the country are relatively calm,

Welcoming the decision of the Commonwealth of Independent States to authorize its collective peacekeeping forces to assist in providing security for United Nations personnel at the request of the United Nations Mission of Observers in Tajikistan and with the agreement of the parties,

Taking note of the requests of the parties, contained in the General Agreement and in the letter dated 27 June 1997 from the President of the Republic of Tajikistan and the leader of the United Tajik Opposition addressed to the Secretary-General, for the further assistance of the United Nations in implementing the General Agreement, and recognizing that the implementation of the Agreement will require the consistent good faith and constant effort of the parties, as well as the sustained and vigorous support of the United Nations and the international community,

1. Welcomes the reports of the Secretary-General of 4 September and 5 November 1997;

2. Welcomes also the serious efforts made by the Government of Tajikistan and the United Tajik Opposition to carry out their commitments under the General Agreement on the Establishment of Peace and National Accord in Tajikistan and the progress achieved in the activities of the Commission on National Reconciliation, the exchange of prisoners of war and detainees, the registration of United Tajik Opposition fighters inside Tajikistan and the repatriation of refugees from Afghanistan;

3. Notes with appreciation the agreement of the parties to form a joint security unit with the task of providing security, including armed escorts, for personnel and transports of the United Nations Mission of Observers in Tajikistan mainly in the central part of the country, and calls upon them to establish it without delay;

4. Authorizes the Secretary-General to expand the size of the Mission in accordance with his recommendations;

5. Decides to extend the mandate of the Mission until 15 May 1998;

6. Decides that the mandate of the Mission shall be to use its best efforts to promote peace and national reconciliation and to assist in the implementation of the General Agreement and, to this end:

(a) To provide good offices and expert advice as stipulated in the General Agreement;

(b) To cooperate with the Commission on National Reconciliation and its subcommissions and with the Central Commission on Elections and the Holding of a Referendum;

(c) To participate in the work of the Contact Group of guarantor States and organizations and to serve as its coordinator;

(d) To investigate reports of ceasefire violations and report on them to the United Nations and the Commission on National Reconciliation;

(e) To monitor the assembly of United Tajik Opposition fighters and their reintegration, disarmament and demobilization;

(f) To assist in the reintegration into governmental power structures or demobilization of ex-combatants;

(g) To coordinate United Nations assistance to Tajikistan during the transition period;

(h) To maintain close contacts with the parties, as well as cooperative liaison with the collective peacekeeping forces of the Commonwealth of Independent States, the Russian border forces and the mission in Tajikistan of the Organization for Security and Cooperation in Europe;

7. Calls upon the parties to cooperate further in ensuring the safety and freedom of movement of the personnel of the United Nations, the collective peacekeeping forces and other international personnel;

8. Welcomes the intention of the Secretary-General to convene in Vienna on 24 and 25 November 1997 a Donor Conference to obtain international support dedicated to the fulfilment of the General Agreement, and encourages Member States and others concerned to respond promptly and generously to ensure that this opportunity is not lost to contribute to the success of the peace process;

9. Encourages Member States and others concerned to continue assistance to alleviate the urgent humanitarian needs in Tajikistan and to offer support to Tajikistan for the rehabilitation and reconstruction of its economy;

10. Welcomes the continued contribution made by the collective peacekeeping forces in assisting the parties in the implementation of the General Agreement in coordination with all concerned;

11. Commends the efforts of the Special Representative of the Secretary-General and of the personnel of the Mission, and encourages them to continue assisting the parties in the implementation of the General Agreement;

12. Requests the Secretary-General to keep the Council informed of all significant developments, in particular regarding the security situation, and also requests him to report on the implementation of the present resolution within three months of its adoption;

13. Decides to remain actively seized of the matter.

The Secretary-General, on 9 December [S/1997/970], notified the Council that, having received authorization to increase the number of military observers serving with UNMOT, he had asked the current contributors of military observers, as well as other Governments, to make the required additional personnel available. The Governments of the Czech Republic, Ghana, Indonesia, Nepal, Nigeria and the Republic of Korea had responded favourably and, following the usual consultations, he proposed to add those Member States to the list of those providing military observers. The Council agreed to the proposal on 12 December [S/1997/971].

Korean question

The United Nations Command (UNC) continued in 1997 to implement the maintenance of the 1953 Korean Armistice Agreement. The submission of its annual report to the Security Council on its implementation activities in 1996 drew a renewed call from the Democratic People's Republic of Korea (DPRK) for the replacement of the Agreement by a new mechanism to be negotiated directly between senior military officers of the DPRK and the United States.

The International Atomic Energy Agency (IAEA), which remained unable to report to the Council on the full compliance by the DPRK with its obligations under its safeguards agreement with the Agency, was commended by the General Assembly for its continuing, impartial efforts to secure that compliance.

Communications. The Foreign Ministry of the DPRK issued a 2 July memorandum [S/1997/514] on the occasion of the twenty-fifth anniversary of the 1972 joint communique by the two Koreas, laying down three agreed principles for their peaceful reunification.

On 12 September [A/52/353], the DPRK drew attention to what it called the arms build-up by the Republic of Korea. It claimed that the United States, while arguing for a four-way negotiation for the establishment of peace on the Korean peninsula, was supplying the Republic with the latest military equipment and munitions on a large scale. The DPRK warned the two countries not to test its military potential and demanded that the United States withdraw its troops from the Republic of Korea.

Armistice Agreement

On 28 July, the United States, on behalf of the Unified Command established pursuant to Security Council resolution 84(1950) [YUN 1950, p. 230], submitted to the Council the annual report of UNC [S/1997/596] concerning the maintenance in 1996 of the 1953 Armistice Agreement [YUN 1953, p. 136, GA res. 725(VIII)].

The report provided a synopsis of 1996 events and their impact on UNC's continuing efforts to maintain the Agreement. It stated that UNC, of which 9 UN Member States (Australia, Canada, Colombia, France, New Zealand, Philippines, Thailand, United Kingdom, United States) of the original 16 remained represented, would continue carrying out its obligations under the Agreement until a durable peace was achieved through political dialogue by the parties directly concerned with the Korean conflict. As the Ko-

rean People's Army (KPA) remained adamant in its refusal to participate in joint investigations of reported violations of the Agreement within the demilitarized zone (DMZ). UNC continued to dispatch its observer teams into the UNC (southern) portion of the DMZ and to conduct unilateral investigations of alleged violations there. The Republic of Korea currently provided "police" for that portion of the DMZ.

In keeping with the Agreement, the Commander-in-Chief of UNC appointed Major-General Cha Ki Mun of the Republic of Korea Army as the Senior Member of the UNC component of the Military Armistice Commission (MAC), set up to supervise the implementation, as well as to settle violations, of the Agreement.

Throughout 1996, the Neutral Nations Supervisory Commission (NNSC), established under the Agreement as an integral part of the Korean Armistice, remained represented by only two (rather than four) neutral nations in residence, Sweden and Switzerland. NNSC held weekly meetings in the joint security area in Panmunjom to review and evaluate UNC reports regarding the number of arriving and departing military personnel. The Polish member (forced by unilateral KPA measures to withdraw in 1995 [YUN 1995, p. 464]) returned to Panmunjom in 1996 to meet with the Swiss and Swedish members on 30 January, 29 April, 6-7 May and 1-2 October. KPA remained unresponsive to continued UNC calls to nominate a successor for Czechoslovakia and to restore support to the Polish member.

In 1996, KPA and the United States reached an agreement on the Korean War remains issue, by which the United States would compensate KPA for costs associated with the recovery of remains returned between 1990 and 1994, and KPA would allow a team from the United States Army Central Identification Laboratory in Hawaii to participate in two joint recovery operations north of the military demarcation line. The first operation resulted in the recovery of one United States soldier, whose remains were returned and positively identified in September.

The report recorded nine dates between 15 February and 13 October in which KPA violated the Armistice Agreement in the joint security area, the military demarcation line and the DMZ. The most significant of those violations took place on 5-7 April and on 18 September. The April violation involved the reinforcement of the KPA guard force in the joint security area by over 200 additional soldiers armed with assault rifles, heavy and medium machine-guns, rocket-grenade launchers and recoilless rifles. KPA refused to accept any telephonic protests from UNC MAC or to meet to discuss the matter. The Sep-

tember violation was the infiltration into the Republic of Korea of the 26-man crew of a DPRK submarine that had run aground in the Republic's eastern coastal waters some 60 miles south of the DMZ [YUN 1996, p. 265]. In its search for the crew, the Republic's Army killed 24 of the crew and captured one; the last remained unaccounted for.

Further reported were separate UNC repatriations to the DPRK of the remains of the 24 submarine crew referred to above, four civilians and four KPA soldiers believed to be victims of drowning. A KPA soldier, swept southwards by the flood waters of the Imjin River, was also repatriated. The DPRK Red Cross also repatriated the remains of a South Korean civilian who had apparently drowned.

While not directly involved in the North-South dialogue or negotiations on the reunification of the two Koreas, UNC provided administrative assistance and security for those talks and other contacts held in the joint security area in Panmunjom.

Communications. The DPRK, commenting on the UNC report on 15 September [S/1997/714], claimed the United States had totally distorted the facts presented by the report so as to place responsibility for the paralysed Korean Armistice system on the DPRK, when in fact it rested with the United States. The DPRK reiterated its proposal that, to resolve the impasse in the Armistice arrangements, its senior military officers and those of the United States should negotiate the establishment of a new mechanism in conformity with the actual situation.

Earlier, the DPRK alleged that, on 16 July, a group of its soldiers on routine patrol on the north side of the military demarcation line was suddenly attacked by the Republic of Korea Army with a barrage of several thousand shells and bullets [S/1997/566]. The DPRK blamed the United States for the incident, which, it said, could have been avoided had maintenance of the DMZ not been left to its "puppet", the Republic of Korea.

Referring to the incident as a clear violation of the Korean Armistice Agreement [S/1997/591], the Republic of Korea stated on 28 July that the incident involved 14 North Korean soldiers who intruded some 70 to 100 metres into the UNC side of the DMZ near Cheolwon, Kangwondo, and, ignoring warning shots, proceeded further southwards, firing automatic and heavy weapons. A 30-minute exchange of fire ensued. The Republic of Korea urged the DPRK to abide by the Armistice Agreement until replaced by an alternative arrangement, as stipulated in their Agreement on Reconciliation, Non-Aggression and Ex the

North of Korea, which was signed in 1991 [YUN 1991, p. 154] and entered into force on 19 February 1992.

IAEA safeguards inspections

Pursuant to the agreement between IAEA and the DPRK for the application of safeguards in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (safeguards agreement) [YUN 1968, p. 17, GA res. 2373(XXII)], in force since 1992 [YUN 1992, p. 73], IAEA continued to secure full compliance by the DPRK with that agreement. To that end, IAEA continued to dispatch to the country inspection teams from Vienna, in addition to the IAEA inspectors (currently two to four) continuously present in the Nyongbyon area. Developments in the safeguards implementation were reported to the General Conference of IAEA through its Board of Governors and communicated to the Security Council through the Secretary-General.

IAEA report. The IAEA Director General, in his report transmitted on 14 October [S/1997/793], stated that the inspectors resident in Nyongbyon continued to monitor the freeze of operations instituted by the DPRK in 1994 [YUN 1994, p. 442] in technical buildings at the following sites: the Radiochemical Laboratory of the Institute of Radiochemistry of Nyongbyon, the Fuel Rod Fabrication Plant, the 5-MWe Experimental Power Reactor and the two larger 50-MWe and 200-MWe Nuclear Power Plants under construction at the time of the freeze. The canning operation for the irradiated fuel rods from the 5-MWe reactor, begun in 1996, was about 90 per cent complete, with the rods placed in containers and under IAEA seals. Four inspectors, on rotation every few weeks, were continuously present in the Nyongbyon area during the canning operation.

The Director General stated that the seventh round of technical discussions was held (Pyongyang, 20-24 January) between IAEA and the DPRK, but that, once again, no progress was made on outstanding issues. They included the preservation of information, which must remain available to enable IAEA to verify the correctness and completeness of the DPRK's initial declaration under its safeguards agreement; and its refusal to accept key technical measures, such as the measurement of liquid wastes at the Radiochemical Laboratory (reprocessing plant) to verify that there was no movement or any operation involving such wastes. The DPRK was of the view that IAEA requirements were "excessive" and, as it had repeatedly stated, not in line with progress in the implementation of that provision of the 1994 Agreed Framework between the DPRK and the United States [YUN 1994, p. 442] calling for the re-

placement of the DPRK's graphite-moderated reactors and related facilities with light-water nuclear reactors. (The ground-breaking for the construction of two 1,000-MWe reactors took place at Sinpo on 19 August.) That repeated linkage underlined the fundamental difference of view between IAEA and the DPRK concerning the safeguards agreement: whereas IAEA regarded that agreement as binding and in force, the DPRK regarded acceptance of measures required to enable IAEA to monitor the freeze as being solely within the context of the Agreed Framework rather than as part of the implementation of the safeguards agreement. Thus the DPRK indicated that, until a significant portion of the light-water project was completed—but before the delivery of key nuclear components—IAEA could carry out ad hoc and routine inspections under the safeguards agreement only at facilities not under the freeze.

The Director General stated that the DPRK had accepted some verification activities, such as containment and surveillance measures needed to monitor the freeze, but had declined the installation of monitoring equipment at nuclear waste tanks or any sampling or measurements at any location in the five plants indicated above. It had moreover declined measurements for assessing the total amount of plutonium in spent fuel rods from the 5-MWe Experimental Power Reactor. The DPRK had also imposed limitations on access by IAEA inspectors to certain technical support buildings at the facility sites subject to the freeze, which the DPRK excluded from the scope of IAEA verification activities on the grounds that they had changed the nature of their operations at the time of the freeze and hence were not subject to monitoring. The DPRK stated that it had agreed to freeze only those technical buildings directly related to its nuclear programme, not those indirectly related to it. It appeared to be the case, therefore, that the DPRK could consider the matter of access as requests to be allowed by it on a case-by-case basis, not as a right of the inspectors.

The Director General noted an improvement in the means of communication between IAEA inspectors in the DPRK and IAEA headquarters, as well as between the Department of Safeguards of DPRK's General Department of Atomic Energy and that of IAEA. The DPRK had also accepted the designation of additional inspectors and, in January, clarified that the nuclear graphite manufactured for use at the 50-MWe Nuclear Power Plant was subject to IAEA monitoring. About half of the required graphite blocks were presented to IAEA, with the statement that the manufacture of such blocks and other nuclear-related equipment and components had ceased

since July 1993. IAEA was awaiting formal confirmation of that statement from the DPRK.

By a 3 October resolution, the General Conference of IAEA called on the DPRK to comply with the safeguards agreement and urged it to cooperate fully with IAEA in the implementation of that agreement.

Following informal consultation in September, an eighth round of technical discussions was held (Vienna, 21-24 October). The Director General noted, however, that no progress was made on the outstanding issues associated with the DPRK's compliance with the IAEA-DPRK safeguards agreement.

GENERAL ASSEMBLY ACTION

By **resolution 52/11** of 12 November, the General Assembly commended the Director General and secretariat of IAEA for their continuing, impartial efforts to implement the safeguards agreement still in force between IAEA and the DPRK, including their efforts to monitor the freeze of specified facilities in that country as requested by the Security Council. The Assembly expressed concern about the continuing non-compliance of the DPRK with the safeguards agreement. It urged the DPRK to cooperate fully with IAEA in the implementation of that agreement and to take all steps IAEA might deem necessary to preserve all information relevant to verifying the accuracy and completeness of the DPRK's initial report on the inventory of nuclear material subject to safeguards until the DPRK came into full compliance with its safeguards agreement.

Cambodia

The year 1997 saw the eruption of armed violence in Cambodia in early July, marking the culmination of mounting tensions between the two major political parties—the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, led by the First Prime Minister, Prince Norodom Ranariddh; and the Cambodia People's Party, led by the Second Prime Minister, Samdech Hun Sen—which made up the government coalition that emerged from the 1993 elections, supervised by the United Nations in accordance with the 1991 Paris Agreements on Cambodia [YUN 1991, p. 155]. The First Prime Minister, absent from the country at the time, was replaced and five members of the National Assembly fled the country. The Secretary-General and the Security Council called on all

parties to respect their commitments under the 1991 Paris Agreements and urged them to resolve their differences through political dialogue. The European Union (EU) joined in those urgings.

In meetings held by the Secretary-General with Cambodian leaders and the Association of South-East Asian Nations (ASEAN), a consensus emerged on the desirability of those political leaders and officials who had left Cambodia to return to the country and resume their offices. Towards the end of October, guarantees for their safe return and resumption of office were communicated to the Secretary-General by the Cambodian authorities. Subject to the approval of the Council, the Secretary-General indicated his readiness to provide UN assistance in monitoring that process, as requested by ASEAN.

(For the question of the credentials of Cambodia to the fifty-second session of the General Assembly, see PART FIVE, Chapter IV.)

Political developments

During the first half of the year, the tense relationship between the co-Prime Ministers of Cambodia that had been building up for months gradually erupted into violence as the country began gearing up for national elections due in 1998. In Phnom Penh on 30 March 1997, a peaceful rally lawfully organized by Sam Rainsy, head of the Khmer Nation Party and reported to be a political ally of the First Prime Minister, was attacked by a grenade, killing at least 16 people and injuring over 100 others. The Secretary-General deplored the attack and called for an investigation by the Royal Government of Cambodia and on all sides to exercise restraint and ensure a political process conducive to free and fair elections. On 22 April [A/52/125-S/1997/334], the First Prime Minister referred to the incident as a setback for democracy in Cambodia, saying it was imperative that the Office of the Secretary-General's Representative in Cambodia be maintained as the country moved closer to the communal and legislative elections. He would therefore welcome the nomination of a successor upon the expiration of the current Representative's term of office.

The worsening situation escalated into armed violence during 5-6 July. In its wake, the First Prime Minister was replaced in absentia and many government officials and opposition figures fled the country. Following that event, the Special Representative of the Secretary-General for Human Rights in Cambodia issued a report documenting over 40 extrajudicial killings of persons loyal to the First Prime Minister and of other opposition figures, as well as numerous cases of disappearances (see also PART TWO, Chapter I). On 7 July [S/1997/533], the Presidency of the EU ap-

pealed for an immediate and unconditional ceasefire and called on the Cambodian authorities quickly to re-establish operation of the country's constitutional institutions. The EU further called on ASEAN to use its influence to persuade those authorities to re-establish calm and reminded the Government of its public undertaking to the international community when it announced that legislative elections would be held in May 1998. The Secretary-General expressed grave concern over the fighting and dismay to learn of the death in custody of Hor Sok, co-Secretary of State for the Interior Ministry. He called on the co-Prime Ministers to resolve the ongoing political crisis through negotiations, in accordance with the 1991 Paris Agreements and the Cambodian Constitution, which held that "the Kingdom of Cambodia adopts a policy of liberal democracy and pluralism".

SECURITY COUNCIL ACTION

The Security Council met on 11 July [meeting 37991 regarding the recent developments in Cambodia and, following consultations among its members, authorized its President to make the statement below [S/PRST/1997/37]:

The Security Council is gravely concerned at recent developments in Cambodia, including violence, which have the effect of jeopardizing continued progress of the Cambodian peace process, and calls for an immediate end to the fighting.

The Council reaffirms the need to respect the principles of national unity, territorial integrity and sovereignty of the Kingdom of Cambodia.

The Council calls upon all parties to respect fully their commitments under the Paris agreements on Cambodia. It urges them to resolve their differences through peaceful means and political dialogue and in accordance with the spirit of national reconciliation.

The Council calls upon the parties again to ensure the effective and smooth operation of constitutional institutions.

The Council condemns all acts of violence and calls upon all parties to ensure the safety and security of persons and to respect the principles and rules of humanitarian law.

The Council reminds the Cambodian Government of its public undertaking that free and fair legislative elections would be held in May 1998. It stresses the importance of this electoral process.

The Council welcomes and supports all efforts to promote dialogue among the parties, including those undertaken by the countries of the Association of South-East Asian Nations and other signatory States of the Paris agreements on Cambodia.

The Council will remain seized of the matter.

Communications. On 16 July [A/51/944-S/1997/556], Cambodia's Second Vice-President and member of the Permanent Committee of the

National Assembly, Son Soubert, referred to what he termed the barbaric coup d'etat staged by the Second Prime Minister and declared that, under the Constitution, the National Assembly could not be legally convened without prior adoption of the session's agenda by the Permanent Committee's 12 members (reduced to six, as five had fled the country and the Assembly President had become Acting Chief of State) and that a "new" First Prime Minister could not be elected at will in the absence of an agreement between the Assembly's President and co-Vice-Presidents. That declaration was preceded by the Parliament's statement of 15 July condemning the coup and calling for: the reconvening of the Paris Conference to reaffirm the implementation of the Paris Agreements; non-recognition of the Government installed by Second Prime Minister Hun Sen or of any decisions made by an intimidated Parliament; the establishment of a tribunal to mete justice to the perpetrators of genocide or crimes against humanity in Cambodia; pressure on Hun Sen to stop his strategy of intimidation; the protection of opposition parties from arrest and execution; sanctions against Cambodia until democracy and human rights were restored; and a declaration by the United Nations Educational, Scientific and Cultural Organization for the protection of the Angkor temples.

On 16 July [S/1997/557], First Prime Minister Ranariddh appealed to the Security Council to deny recognition to the Second Prime Minister's "new puppet First Prime Minister". On 18 July [A/51/947-S/1997/570], First Prime Minister Ranariddh stated that the reported reason for the actions taken against him by the Cambodian People's Party was that he had "joined hands" with the Khmer Rouge, whose hard-core armed soldiers had penetrated in and around Phnom Penh, and that he had chosen to absent himself from the country early in the month; the Royal Government thus took "preventive actions" to defend the Constitution and the country's achievements since the 1993 elections [YUN 1993, p. 370]. On 24 July [A/51/949-S/1997/584], First Prime Minister Ranariddh informed the Secretary-General of the move by the "Acting Head of State", Samdech Chea Sim, to recall the Permanent Representative of Cambodia to the United Nations, Prince Sisowath Sirirath. Without his approval, the First Prime Minister contended, the Permanent Representative, jointly appointed by him and the Second Prime Minister, could not be recalled.

On 21 July [A/51/953-S/1997/593], the members of the National Assembly requested their Acting Chairman to postpone any Assembly meetings until such time as the situation in the country re-

turned to normal because, in the current climate of intimidation, they could not carry out their duties in a spirit of independence and according to their consciences. They underscored that: the 12-member National Assembly and its Standing Committee could not be replaced before May 1998; a quorum of seven was required for the Standing Committee to meet; only the Committee could convene the Assembly and set its agenda; and a group of 10 Parliament members could request postponement of any Assembly meeting.

In a statement issued on 1 August [S/1997/611], First Prime Minister Ranariddh referred to the American Broadcasting Corporation's televised interview of Second Prime Minister Hun Sen in which he suggested cooperation between the Royal Cambodian Armed Forces and the Royal Thai Armed Forces to try to capture the Khmer Rouge leader, Pol Pot, and bring him before an international tribunal for the crime of genocide. According to the statement, Hun Sen, until that interview, had always held that "his old boss Pol Pot" was dead and was not interested at all in seeing Pol Pot brought to trial, for in all likelihood he had many secrets that might implicate Hun Sen and a former senior commander of the Khmer Rouge forces. The suggestion was yet another ploy, the statement continued, to win international support for Hun Sen's coup d'etat, capitalizing on the world's revulsion at Pol Pot and the Khmer Rouge.

In a 14 August statement [S/1997/659], the EU renewed its support for ASEAN's mediation efforts in the Cambodian crisis, noting that ASEAN did not rule out the possibility of organizing an informal meeting of all the parties involved in order to restore political stability in the country.

Further developments

Fighting between the forces loyal to the First Prime Minister and those loyal to the Second Prime Minister intensified in the north and north-west of Cambodia during the second half of August, which the Secretary-General viewed with deep concern. He further expressed sympathy for the plight of some 200,000 Cambodians driven from their homes into Thailand by the fighting (see PART THREE, Chapter XII).

Letter from Secretary-General. On 27 October [S/1997/998], the Secretary-General informed the Security Council of recent developments in Cambodia subsequent to the 5-6 July events, of which the Secretariat had briefed the Council in informal consultations, and of his September meetings in New York with Cambodian leaders and ASEAN Foreign Ministers. He said a consensus emerged at those discussions that it was highly

desirable for those political leaders, in particular the National Assembly members, who had left Cambodia following those events to return as soon as possible in order to participate fully in the political process by drawing up pending key legislation to ensure a level playing field for free and fair elections in 1998. Measures to ensure their return in satisfactory condition were also discussed.

The Secretary-General attached a 22 October letter from Ung Huot (who signed as First Prime Minister) and Second Prime Minister Hun Sen recording the Government's undertakings to guarantee the physical security and safety of those members of the National Assembly and other political leaders wishing to return to Cambodia and resume their political activities in connection with the forthcoming elections; to maintain and respect the parliamentary immunity of the National Assembly members; to guarantee all other political leaders' freedom from arrest and detention in respect of acts done and words spoken prior to their return, and thereafter in respect of acts and words in connection with their electoral activities; and to ensure that all political leaders enjoyed freedom from intimidation and threat in respect of any and all political activities relating to the election, and, in particular, freedom of movement, assembly and speech, as provided for under the Constitution and electoral law, without discrimination. The letter also reiterated the Government's readiness for the United Nations to monitor implementation. The Secretary-General was confident that the letter provided the necessary guarantees to meet the legitimate concerns of the political leaders.

Also attached was a 22 October letter from the ASEAN Governments of Indonesia, the Philippines and Thailand requesting UN assistance and cooperation in monitoring the safe return of all political leaders and other leading personalities of the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, as well as of other parties, and the unfettered resumption of their political activities. The Secretary-General said he would be ready to provide such assistance and cooperation, subject to the Council's approval and on the understanding that the role of the United Nations would be essentially political, since, as indicated by the letter, the Cambodian authorities would be responsible for the actual safety of the returnees and the unfettered resumption of their political activities.

The Secretary-General also attached a 24 October letter from First Prime Minister Ranariddh inquiring as to whether the safety guarantees also applied to him. After consulting the Legal Counsel, the Secretary-General was of the view that the

guarantees offered in the 22 October letter applied fully to Prince Ranariddh and was writing to him accordingly. The Secretary-General said those guarantees combined with the monitoring role of the United Nations provided an adequate atmosphere for the political leaders' return.

The Council, on 30 October [S/1997/999], welcomed the assurances given by the Cambodian authorities and expressed support for the steps the Secretary-General intended to take, as described in his letter.

Office of Secretary-General's Representative in Cambodia

The Office of the Secretary-General's Representative in Cambodia, set up in 1994 [YUN 1994, p. 450], remained in place in Phnom Penh in 1997. By an exchange of letters between the Secretary-General and the Security Council on 30 May [S/1997/426] and 3 June [S/1997/427], Lakhan L. Mehrotra (India) was appointed as the Secretary-General's Representative, succeeding Benny Widyono, who relinquished that post in May. Mr. Mehrotra assumed his duties on 16 June.

The Representative's mandate was extended by the Secretary-General on 7 April [S/1997/307] and again on 8 October [S/1997/787], each time for a six-month period. The Council took note of those extensions on 14 April [S/1997/308] and 13 October [S/1997/788], respectively. One military adviser continued to assist the Representative in the discharge of his mandate.

UNTAC financing

The question of the liquidation of the United Nations Transitional Authority in Cambodia (UNTAC), terminated in 1993 [YUN 1993, p. 371], and the closure of its financial books remained to be completed. Thus, the General Assembly, by **decision** 51/483 of 15 September, included in the provisional agenda of its fifty-second session the item on the financing and liquidation of UNTAC. By **decision** 52/456 of 22 December, the Assembly decided that the Fifth Committee should continue its consideration of the same item at the resumed fifty-second session in 1998.

Other matters

Iran-Iraq

In communications addressed to the Secretary-General in 1997, Iran and Iraq continued to charge each other with repeated violations

of their 1988 ceasefire agreement [YUN 1988, p. 188] and of their 1991 Tehran agreements [YUN 1991, p. 163] on the area of separation between them.

As alleged by Iran, Iraqi violations, recorded on an almost daily basis, included: in addition to vehicular and helicopter patrolling, motor-boat patrolling of the Arvand Rud (Shatt al-Arab); military exercises by up to 200 troops; deployment of up to 350 troops; troop and occasionally tank movements in and out of the area of separation; firings at Iranian boundary police and border guards; random cross-border firings with small-arms fire, and heavy weapons, as well as detonations from specific geographical coordinates; emplacing long-range air-defence cannons and machine-guns; constructing roads, repairing embankments, excavating canals and building bunkers; putting up tents and flagpoles; border intrusions for the purpose of planting mines; and frequent infiltrations on land and by boat of Iraqi-supported, armed anti-revolution elements, as well as armed smugglers, extorting villagers and seizing fishing boats and fishermen.

By notes of 19 April [S/1997/521] and 19 May [S/1997/783], Iran lodged a protest with the Embassy of Iraq in Tehran against the repeated harassment of Iranian fishing and passenger boats by armed Iraqi vessels, singling out the Iraqi tug-boat Alhamra. Iran claimed its boats were usually fired upon, their communications equipment destroyed and property looted. On 2 October [S/1997/768], Iran reported that, in response to an incursion into its territory on 29 September by two heavily armed groups belonging to an Iranian terrorist organization based in Iraq, it launched what it termed a limited defensive air bombardment of the groups' terrorist bases in Iraq. Describing that operation as a fresh act of armed aggression by Iran, Iraq claimed [S/1997/753] that its inability to exercise control over its northern territory owing to the United States-imposed no-fly zone was being taken advantage of by Iran to engage in aggressions against Iraq.

Iraq countercharged Iran with frequent violations of its territory, in particular of its airspace and territorial waters, citing civilian incursions within its borders; the hijacking of Iraqi fishing boats; the frequent firing at such boats and at fishermen, killing some of them; the kidnapping of Iraqi citizens, including shepherds, fishermen and frontier police; sustained cross-border firings; shooting of Iraqi border guards; and, in the area of separation, mine-laying and the setting up of observation posts and customs posts. Iraq also claimed instances of Iranian bomb and missile attacks within Iraq.

On 31 December 1996 [S/1997/31], Iraq transmitted two letters further confirming the responsibility of the Iraqi Al-Da'wah party based in Iran and supported by that country for the assassination attempt made on the Iraqi President's son in 1996 [YUN 1996, p. 269]. On 13 January 1997 [S/1997/34], Iraq reported that the Embassy of Iran in Baghdad returned the two Iraqi notes requesting the extradition to Iraq or the trial in Iran of the perpetrators of that attempted assassination, stating only that the notes contained groundless and unacceptable charges that were outside the scope of diplomatic affairs; it did not address the matter of the terrorist activities of the Al-Da'wah party. Iraq requested UN intervention to persuade Iran to bring the perpetrators to trial or surrender them to Iraq for that purpose. Iraq reiterated that request to the Secretary-General on 25 January [S/1997/86].

Iran responded on 14 January [S/1997/38] that a number of Iraqi opposition groups inside and outside Iraq had claimed responsibility for the assassination attempt. To blame Iran for Iraq's chaotic domestic problems was an old Iraqi trick to divert attention from its escalated instigation of and support for a terrorist group within its borders to carry out attacks against Iran.

By letters of 27 January [S/1997/87] and 30 July [S/1997/599], Iran also rejected certain violations alleged against it in 1996 and explained that its arrest and subsequent investigation of four Iraqis resulted in their release; and that its investigation of the incident involving 11 Iraqi launches also resulted in the release of the launches and their crews, except for two that were still under investigation.

On 16 September [S/1997/726], Iraq protested in the strongest terms against the use which Iran had begun to make of Iraq's 115 military and 27 civil aircraft entrusted to it under a 1991 agreement between the two countries. Iraq claimed that the military aircraft had been repainted and integrated into Iran's air force and the civilian aircraft distributed to its civil aviation company and to the air force transport command for use in internal transport operations. Iran asked the Secretary-General to use his good offices with Iran to impress upon it the obligation to return all of the aircraft in question and to ask it to desist from making any modifications to them.

Iran—United States

Iran continued in 1997 to protest against what it said were illegal United States activities within Iranian territorial waters and airspace and to demand an end to them. Iran's notes of protest against those activities were transmitted by the

Interests Section of the Islamic Republic of Iran in Washington, D.C., to the United States Department of State through the Embassy of Pakistan, copies of which Iran provided to the Secretary-General.

The illegal activities cited by Iran involved warships of the United States which, in separate incidents, were reported to have issued a warning to a helicopter belonging to the Iranian oil company HTX which was flying to an oil platform, halted an Iranian ship for a thorough inspection and ordered two others to change their course [S/1997/159]; locked radar on the Iranian battleship Khadang [S/1997/346]; fired at two Iranian motor boats from a four-mile distance with eight rounds of semi-heavy shots and ordered a naval helicopter to overfly another motor boat, causing it to fill with water [S/1997/598]; and intercepted an Iranian sea-patrolling aircraft and, on several occasions, violated Iranian territorial waters. United States aircraft were also cited as having violated Iranian airspace [S/1997/610].

United Arab Emirates—Iran

Greater Tunb, Lesser Tunb and Abu Musa

By identical letters of 2 January to the Secretary-General and the Security Council [S/1997/8], the United Arab Emirates annexed the texts of its notes verbale of 1992 and 1996 to the Iranian Embassy in Abu Dhabi lodging protests against Iran's decisions regarding Abu Musa, an island belonging to the United Arab Emirates. Those decisions involved the prevention of the return to Abu Musa of Iranians under the employ of the Emirates and Iranian activities on the island, specifically the holding of a soccer tournament, the building of an airfield and the opening of a cold-storage plant and a fish-processing factory—all of which the United Arab Emirates regarded as constituting a flagrant violation of Iran's 1971 memorandum of understanding with Abu Musa [YUN 1971, p. 210], the imposition of an unlawful state of affairs and an attempt to bring the island under Iranian sovereignty by use of force.

On 12 February [S/1997/122], the United Arab Emirates requested the Security Council to continue to be seized of item 10 of the list of matters before it on 4 January, namely, a 3 December 1971 letter from the Permanent Representatives of Algeria, the Libyan Arab Jamahiriya, the People's Democratic Republic of Yemen (Yemen since 1990) and Iraq concerning Iran's occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates. Calling that letter an interference

in its internal affairs, Iran emphasized on 28 May [S/1997/411] the need to resolve the existing misunderstandings in bilateral negotiations. Kuwait on 16 April [S/1997/329] transmitted a 31 March resolution adopted by the Council of the League of Arab States renewing affirmation of the sovereignty of the United Arab Emirates over the three islands, expressing disapproval of Iran's persistence in implementing measures aimed at consolidating its occupation of those islands and renewing its call on Iran to solve the dispute over them, including to agree to refer the case to the International Court of Justice. A similar statement was made by the Ministerial Council of the Gulf Cooperation Council [A/52/180-S/1997/448] at its sixty-third session (Riyadh, Saudi Arabia, 31 May).

On 4 May [A/52/154-S/1997/383] and 20 May [A/52/186-S/1997/477], the United Arab Emirates vigorously protested Iran's announced construction of an airport on Abu Musa and on the Greater Tunb, as well as of a dock on the Greater Tunb, as unwarranted acts of provocation. Responding on 9 October [S/1997/784], Iran reaffirmed its position of principle that only through bilateral negotiations could misunderstandings be resolved. The United Arab Emirates issued protests on 24 August [A/52/361-S/1997/720] against the naval exercises conducted by Iran on Abu Musa on 11-13 August, and on 18 November [S/1997/941] against the fact that Iran had given the names Tunb to an Iranian pilot vessel and Abu Musa to an Iranian naval pontoon in order to impose a fait accompli and perpetuate Iran's occupation of the three islands.

Other complaints lodged with the Iranian Embassy in Abu Dhabi concerned Iran's violation of the territorial waters of the United Arab Emirates between May and November 1996 [A/51/771-S/1997/10] and in January 1997 [A/52/71 & S/1997/101]. Iran explained on 2 March [A/52/160] that one of the apparent violations cited was in fact due to the separation of a barge from its tugboat because of bad weather and consequent drift into the waters of the United Arab Emirates.

India-Pakistan

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) continued in 1997 to monitor the situation in Jammu and Kashmir. As at 31 December, UNMOGIP had a strength of 44 military observers under the command of the Chief Military Observer. Major-General Choung-Jun Ahn (Republic of Korea), appointed by an exchange of letters between the Secretary-General and the Security Council on

11 March [S/1997/220] and 14 March [S/1997/221], assumed his duties as Chief Military Observer on 27 March, succeeding Major-General Alfonso Pessolano (Italy).

UNMOGIP headquarters alternated between Srinagar, Kashmir, in the summer (1 May to 31 October) and Rawalpindi, Pakistan, in the winter (1 November to 30 April).

Communication. By a memorandum issued in Islamabad, Pakistan, on 15 August [A/52/286-S/1997/647], the Special Committee of the National Assembly of Pakistan on Kashmir recalled that the principles embodied in Security Council resolutions 47(1948) [YUN 1947-48, p. 396], 51(1948) [ibid., p. 402], 80(1950) [YUN 1950, p. 308] and 91(1951) [YUN 1951, p. 343], as well as in the 1948 [YUN 1947-48, p. 402] and 1949 [YUN 1948-49, p. 280] resolutions of the United Nations Commission for India and Pakistan, expressly stated that the final disposition of Jammu and Kashmir would be in accordance with the will of its people expressed through a free and impartial plebiscite under UN auspices. Also recalled was the Indian Prime Minister's reiteration before the Indian Parliament on 26 June 1952 that, if after a proper plebiscite the people of Kashmir did not want to be with India, India would accept that and would not send an army against Kashmir. The Special Committee claimed that, instead of fulfilling that promise, India had reacted with violence to the legitimate demands of Kashmir: over the past eight years, 60,000 innocent Kashmiris had perished at the hands of the 600,000-strong Indian security forces present in Kashmir; a reign of terror had been unleashed, characterized by extrajudicial executions, forced relocation of the population, gang rapes of women and systematic efforts to obliterate the ethnic, social and cultural identity of the Kashmiri people.

The Special Committee asserted that India's denial of the inalienable right of self-determination to the people of Kashmir could not be permitted and the atrocities being perpetrated on them could not be condoned. It urged the United Nations to hold a plebiscite in Jammu and Kashmir without further delay; to call on India to withdraw its army of occupation from there, to end its repression of the Kashmiris and to continue the dialogue with Pakistan to resolve peacefully all outstanding issues between them, including their dispute over Jammu and Kashmir; to demand that international human rights organizations be given full access to Jammu and Kashmir; and to ask the Commission on Human Rights to appoint a Special Rapporteur on Jammu and Kashmir.

Chapter V

Europe and the Mediterranean

The resolution of the complex situation in the territories of the former Yugoslavia-Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) and the former Yugoslav Republic of Macedonia (FYROM)—continued to be the major focus of United Nations attention in the region of Europe and the Mediterranean. However, the situation in Albania and Georgia, including the region of Abkhazia, and the conflicts between Armenia and Azerbaijan over the Nagorny Karabakh region and in the Mediterranean island of Cyprus were of no less concern as United Nations efforts to find solutions to those continuing conflicts intensified.

In the countries of the former Yugoslavia, United Nations peacekeeping efforts in 1997 achieved mixed results in the restoration of peace and stability. The United Nations Mission in Bosnia and Herzegovina (UNMIBH) continued to assist the parties in implementing the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes (also known as the Dayton-Paris Peace Agreement or the Peace Agreement) and the separate Dayton Agreement on implementing the Federation of Bosnia and Herzegovina. Two major implementation bodies of the Agreement met during the year—the Steering Board of the Peace Implementation Council (PIC) in Sintra, Portugal, in May, and the PIC Conference in Bonn, Germany, in December. The Council noted that, despite some progress, peace and the institutions of civil society to uphold it remained fragile. In March and again in May, the Security Council authorized an increase in UNMIBH police personnel. In December, the Council extended UNMIBH's mandate for a further six months, until June 1998.

The United Nations achieved significant success in its efforts towards the full implementation of the 12 November 1995 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium. In July, the Council extended the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for a final period until 15 January 1998, following the successful holding of elections and the implementation by Croatia of its commitments with respect to the return of refugees and displaced persons. The Council

created a new police monitoring mission to replace UNTAES on the termination of its mandate. However, no progress was made in settling the conflict in the Prevlaka peninsula, where the United Nations Mission of Observers (UNMOP) continued to monitor its demilitarization.

In FYROM, reduction of the military component of the United Nations Preventive Deployment Force (UNPREDEP) began in March but was suspended until May in view of the situation in neighbouring Albania and its possible effects on Albanian-speaking minorities throughout the region. The reductions resumed on 1 October as the situation improved. In December, the Council decided to extend UNPREDEP's mandate for a final period until August 1998 and to complete withdrawal of the military component soon thereafter. It requested the Secretary-General to submit recommendations on the most appropriate type of international presence in the country after that date.

With regard to the situation in Albania, the Council, in March, authorized the deployment of a multinational force (known as Operation Alba), led by Italy, for three months to help restore and uphold the rule of law and the integrity of Albania's institutions and to deal with the humanitarian crisis that had resulted from the chaos and unrest caused by failed investment schemes. The force, which was extended in June for another 45 days, was withdrawn in early August as the situation returned to normal.

The Georgian peace process was revitalized during the year as the Secretary-General convened talks on the conflict in July and November at which all sides agreed to the strengthening of United Nations involvement in the peace process and approved a programme of action and a mechanism for doing so, including a coordinating council. However, in November, the Council expressed regret that despite those efforts there had been no visible progress on the future political status of Abkhazia and the return of refugees and displaced persons. The Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for a further six months, until 31 January 1998.

The Secretary-General intensified his efforts to bring about a comprehensive settlement of the Cyprus issue. He convened talks in July in the

New York area and in Switzerland in August between the leaders of the Greek and Turkish communities to consider principles and objectives of a settlement and modalities of future negotiations. Although those talks were inconclusive, the Secretary-General's Special Adviser continued to consult with the two leaders on the modalities of their continuation.

The United Nations continued to cooperate with the Organization for Security and Cooperation in Europe (OSCE) in its efforts to achieve a settlement of the armed conflict between Armenia and Azerbaijan over the Nagorny Karabakh region. No progress was made during the year towards that end.

In other areas, the General Assembly stressed that closer engagement of Balkan States in co-operation agreements would favourably influence the political and economic situation in the region, as well as good-neighbourly relations among all Balkan States. It also adopted resolutions on strengthening cooperation between the United Nations and OSCE and on strengthening security and cooperation in the Mediterranean.

The former Yugoslavia

During 1997, the United Nations continued to work towards restoring peace and stability in the countries of the former Yugoslavia-Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) and the former Yugoslav Republic of Macedonia (FYROM)—through its peacekeeping missions in those countries. The United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) handed over executive power to the Croatian authorities and, in August, began its phased withdrawal from the region. The Security Council created a new police monitoring mission that would replace UNTAES on the termination of its mandate on 15 January 1998. Likewise in FYROM, the United Nations Preventive Deployment Force (UNPREDEP) recommenced its withdrawal in October following a suspension due to the crisis in neighbouring Albania earlier in the year. The Council extended UNPREDEP's mandate for a final period until August 1998. The United Nations Mission in Bosnia and Herzegovina (UNMIBH) continued to assist that country to return to stability. The Council increased the strength of the mission by 306 police and 11 personnel.

Combined financing of UN operations

During its resumed fifty-first session in 1997, the General Assembly continued consideration of the Secretary-General's report on the financial performance of the United Nations Protection Force (UNPROFOR), the United Nations Confidence Restoration Operation in Croatia (UNCRO), UNPREDEP and the United Nations Peace Forces headquarters (UNPF) for the period 1 January to 30 June 1996, which it had begun in 1996 [YUN 1996, p. 279], and the related report of the Advisory Committee on Administrative and Budgetary Questions [A/51/872]. During that period, UNPF had undertaken pre-liquidation tasks in respect of UNCRO and UNPROFOR, including the disposition of assets and settlement of claims and the transition to the Implementation Force (IFOR). It continued to provide administrative and logistic support to UNPREDEP and to the new peacekeeping operations in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and in Bosnia and Herzegovina (UNMIBH). (Details of the financing of the respective peacekeeping operations in the former Yugoslavia are to be found in the relevant sections below.)

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/639/Add.2], adopted **resolution 51/12 B** without vote [agenda item 129].

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Having considered also the report of the Board of Auditors and the report of the Office of Internal Oversight Services,

Recalling Security Council resolutions 727(1992) of 8 January 1992 and 740(1992) of 7 February 1992, in which the Council endorsed the sending of a group of military liaison officers to Yugoslavia to promote maintenance of the ceasefire,

Recalling also Security Council resolution 743(1992) of 21 February 1992, by which the Council established the United Nations Protection Force, and the subsequent resolutions by which the Council extended and expanded its mandate,

Recalling further Security Council resolution 981(1995) of 31 March 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia, to be known as UNCRO,

Recalling Security Council resolution 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former

Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force,

Recalling also Security Council resolution 1025(1995) of 30 November 1995, in which the Council decided to terminate the mandate of the United Nations Confidence Restoration Operation in Croatia on 15 January 1996,

Recalling further Security Council resolution 1031(1995) of 15 December 1995, in which the Council decided to terminate the mandate of the United Nations Protection Force on the date on which the Secretary-General reported that the transfer of authority from the United Nations Protection Force to the Implementation Force had taken place,

Recalling the letter dated 1 February 1996 from the President of the Security Council to the Secretary-General informing him of the Council's concurrence in principle that the United Nations Preventive Deployment Force should become an independent mission,

Recalling also its resolution 46/233 of 19 March 1992 on the financing of the United Nations Protection Force and its subsequent resolutions and decisions thereon, the latest of which was decision 51/457 of 18 December 1996,

Reaffirming that the costs of the combined Forces are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the combined Forces, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the combined Forces by certain Governments,

Mindful of the fact that it is essential to provide the combined Forces with the necessary financial resources to meet their outstanding liabilities,

1. Takes note of the status of contributions to the combined Forces as at 15 May 1997, including the contributions outstanding in the amount of 732 million United States dollars, representing 15 per cent of the total assessed contributions from the inception of the United Nations Protection Force to the period ending 31 March 1996, notes that some 36 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the combined Forces in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Endorses also the observations and recommendations contained in the report of the Board of Auditors and the report of the Office of Internal Oversight Services;

7. Requests the Secretary-General to take all necessary action to ensure that the combined Forces are administered with a maximum of efficiency and economy;

8. Decides to appropriate the amount of 240,562,100 dollars gross (236,351,600 dollars net) for the combined Forces for the period from 1 January to 30 June 1996, taking into account the amount of 100 million dollars gross (98,430,700 dollars net) authorized by the Assembly in its decision 50/410 B of 23 December 1995, the amount of 50 million dollars gross (49,215,350 dollars net) authorized by the Assembly in its decision 50/481 of 11 April 1996, for the period from 1 January to 31 May 1996 and the amount of 90,562,100 dollars gross (88,705,550 dollars net) authorized by the Assembly in its resolution 50/235 of 7 June 1996 for the period from 1 January to 30 June 1996;

9. Decides also, as an ad hoc arrangement, and taking into account the amount of 89,484,800 dollars gross (87,915,500 dollars net) already apportioned in accordance with General Assembly decision 50/410 B, to apportion the additional amount of 151,077,300 dollars gross (148,436,100 dollars net) for the period from 1 January to 30 June 1996 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1996, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of 2,641,200 dollars approved for the period from 1 January to 30 June 1996;

11. Decides that, for Member States that have fulfilled their financial obligations to the combined Forces, there shall be set off against the apportionment, as provided for in paragraph 9 above, their respective share in the unencumbered balance of 87,793,328 dollars gross (92,251,479 dollars net) in respect of the period ending 30 June 1996;

12. Decides also that, for Member States that have not fulfilled their obligations to the combined Forces, their share of the unencumbered balance of 87,793,328 dollars gross (92,251,479 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

13. Decides further to appropriate the amount of 50,247,200 dollars gross (46,951,000 dollars net) for the liquidation of the combined Forces and common support for the period from 1 July 1996 to 30 June 1997, inclusive of the amount of 1,193,200 dollars for the support account for peacekeeping operations, consisting of the amount of 18,693,450 dollars gross (17,361,600 dollars net) already authorized by the Assembly in its resolution 50/235 for the period from 1 July to 30 September 1996, the amount of 6,231,150 dollars gross (5,787,200 dollars net) already authorized by the Assembly in its decision 50/410 C of 17 September 1996 for the period from 1 to 31 October 1996, the amount of 12,462,300 dollars gross (11,574,400 dollars net) already authorized by the Assembly in its resolution 51/12 A of 4 November 1996 for the period from 1 November to 31 December 1996 and the amount of 12,860,300 dollars gross (12,227,800 dollars net) already authorized by the Assembly in its decision 51/457 for the period from 1 July 1996 to 30 June 1997;

14. Decides, as an ad hoc arrangement, to apportion the amount of 50,247,200 dollars gross (46,951,000 dollars net) for the period from 1 July 1996 to 30 June 1997 among Member States in accordance with the scheme set out in the present resolution, and taking into account the scale of assessments for the years 1996 and 1997, as set out in its resolution 49/19 B and its decision 50/471 A;

15. Decides also that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 14 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3,296,200 dollars approved for the period from 1 July 1996 to 30 June 1997;

16. Decides further to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters".

On 22 December, the Assembly, by **decision 52/456**, decided that the Fifth Committee, at its resumed fifty-second (1998) session, should continue to consider the item on the financing of UNPROFOR, UNCRO, UNPREDEP and UNPF headquarters.

State succession issues

During 1997, the Special Negotiator on succession issues of the Office of the High Representative continued to hold meetings with the five successor States of the former Federal Republic of Yugoslavia-Bosnia and Herzegovina, Croatia, FRY, FYROM and Slovenia—in their continued

search for an agreement on State succession issues; the process was in its sixth year. At the first plenary conference on succession issues in 1997 (Brussels, Belgium, 22-24 January), disagreement continued regarding the definition and identification of state property and the different interpretations of the process of dissolution of Yugoslavia. The Special Negotiator undertook to prepare proposals for the apportionment of state archives and a list of embassies abroad that were subject to division.

On 30 May [S/1997/434], the Ministerial Meeting of the Steering Board of the Peace Implementation Council (Sintra, Portugal) (see below under "Bosnia and Herzegovina") noted that settlement of succession issues was regarded by international financial institutions as a prerequisite for normalizing their relations with FRY. Economic resources that would be released by a settlement of such issues would be a great help to all countries of the region. The international community, through the Special Negotiator, remained ready to assist the parties in their collective effort to reach a settlement. However, that would only be meaningful if the five States were willing to make the substantial compromises necessary. The Steering Board urged the parties urgently to seek an agreement.

At the Peace Implementation Conference (Bonn, Germany, 9-10 December) [A/52/728-S/1997/979] (see below), the Peace Implementation Council noted that, despite many rounds of discussion on settlement proposals, the five States had been unable to make any progress. It called on them to reach agreement on all outstanding succession issues within the context of the Special Negotiator's draft Framework Memorandum on Succession Issues of 13 November and, as a first step, and without waiting for an overall settlement, to reach agreement as soon as possible on certain specific action, including effective access by the five States to records and data held by any of those States that could be relevant to the settlement of succession issues.

The High Representative reported to the Secretary-General [S/1998/40] that the five countries had met in Brussels (9-11 December) to discuss the revised draft Framework Memorandum on Succession Issues. Those negotiations were to continue on the basis of the revised text and in the light of the conclusions of the Bonn Peace Implementation Conference.

In related developments, Bosnia and Herzegovina and Croatia, in a joint statement, which they transmitted to the Secretary-General on 11 August [A/52/277-S/1997/638], reaffirmed their commitment to preserving and strengthening the integrity, sovereignty and political indepen-

dence of Bosnia and Herzegovina. They agreed to exchange a draft agreement for regulating relations between the two countries.

Bosnia and Herzegovina

In 1997, the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina (the Peace Agreement), signed in December 1995 [YUN 1995, p. 544], remained at the heart of United Nations activities in that nation.

Deeply involved in the implementation process were: the High Representative, responsible for the Agreement's civilian aspects [YUN 1996, p. 293], the United Nations Mission in Bosnia and Herzegovina (UNMIBH) [Ibid., p. 294], the key entities of which were the International Police Task Force (IPTF) and the Mine Action Centre (MAC), and the multinational Stabilization Force (SFOR), led by the North Atlantic Treaty Organization (NATO), which had replaced the Implementation Force (IFOR) in December 1996 [Ibid. p. 293] and which was responsible for the military aspects of the Agreement.

Two major meetings were held on the implementation of the Peace Agreement. The Steering Board of the Peace Implementation Council (PIC), which met in Sintra, Portugal, in May, underlined that the international community would not tolerate any attempts at the partition of Bosnia and Herzegovina. The country would remain united and sovereign, consisting of two multi-ethnic entities—the Federation and Republika Srpska. In Bonn, Germany, in December, the PIC Peace Implementation Conference noted that considerable progress had been made in implementing peace and stability in Bosnia and Herzegovina during the year, but that peace and the institutions of civil society to uphold it remained fragile amid a legacy of bitterness and distrust.

In June, Carlos Westendorp (Spain) replaced Carl Bildt (Sweden) as High Representative.

The Council authorized an increase in UNMIBH's authorized strength in March and again in April. In December, it extended the UNMIBH mandate for an additional period, terminating on 21 June 1998.

Implementation of Peace Agreement

Progress in implementing the General Framework Agreement for Peace in Bosnia and Herzegovina was the subject of reviews in May by the PIC Steering Board at the Foreign Ministerial level and in December by the PIC Peace Imple-

mentation Conference. The PIC Steering Board, which was established in 1995 [YUN 1995, p. 511], comprised Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom, the United States, the European Union (EU) Presidency, the European Commission (the administrative arm of the EU) and the Organization of the Islamic Conference.

In December 1996 [YUN 1996, p. 290], the Conference, having approved a 12-month action plan, had declared that in 1997 its objectives would be to consolidate peace, encourage reconciliation and economic, political and social regeneration, and take radical steps to restore Bosnia and Herzegovina to economic health and prosperity.

PIC Steering Board meeting (May). The PIC Steering Board met at the Foreign Ministerial level in Sintra, Portugal, on 30 May to review progress in the implementation of the Peace Agreement for Bosnia and Herzegovina, in the light of the conclusions of its November 1996 meeting in Paris [YUN 1996, p. 308] and the guidelines from the Peace Implementation Conference held in London in December of that year [Ibid., p. 309].

In the Political Declaration that emerged from the Sintra meeting [S/1997/434], the Steering Board said that, while significant progress had been made during 1996 and the first part of 1997 in realizing the goals of the Peace Agreement, major problems and challenges remained.

The Board agreed unanimously that all the authorities of Bosnia and Herzegovina were failing to live up fully to their obligations under the Peace Agreement. It arrived at that conclusion having reviewed developments since the London Conference, when the PIC countries had reaffirmed their willingness to assist with the development of Bosnia and Herzegovina, but on the clear condition that all the authorities of the country fulfilled their own binding commitments to move the peace process forward. The main responsibility for the future of the country rested with the elected and constitutional representatives, the Board said. The help they would receive from the international community would be dependent upon the commitment they demonstrated to the Peace Agreement.

The Board asked the High Representative to supply a list of shortcomings or non-compliance by the authorities in Bosnia and Herzegovina in the implementation of the Peace Agreement, and to recommend specific action to be taken by the international community in each case.

The Board's conclusions also addressed issues of security cooperation and arms control; the unity of Bosnia and Herzegovina as a State with two multi-ethnic entities; full implementation of the Constitution of Bosnia and Herzegovina; co-

operation on war crimes; economic reform; conditionality for refugee return; public security; human rights; freedom of movement, trade and communications; local elections; the media; the situation in the Brcko area; succession negotiations; civilian funding shortfalls; and nomination of a new High Representative (see below).

Regarding arms control, the Board noted the entities' less than full compliance; it expressed great concern about the level of armaments and military spending in the country and in the region. The high levels of military and military-related spending in both the Federation and Republika Srpska imposed a heavy burden on the country and diverted financial means from economic reconstruction and essential social spending, such as health and education. The Board called for a significant reduction in military expenditure. It was deeply concerned that the authorities had yet to provide the Bosnia and Herzegovina Demining Commission with material and financial support; such support should be provided immediately so that the Commission could tackle the extensive demining task ahead.

The Board stated that Bosnia and Herzegovina would remain a united and sovereign country consisting of two multi-ethnic entities. The international community would not tolerate any attempts at partition or tendencies in either entity to develop patterns of cooperation with neighbouring countries that were inconsistent with the country's sovereignty and territorial integrity.

With regard to full implementation of the Constitution, FRY and Bosnia and Herzegovina should fulfil immediately their commitments to establish unconditional, full diplomatic relations and open embassies in Sarajevo and Belgrade. The Board expected Bosnia and Herzegovina to appoint or confirm the country's ambassadors by 1 August 1997 at the latest and requested the High Representative to assist in the process. If, however, the matter was not solved by that date, the Board would take further steps, including dealing only with those ambassadors of Bosnia and Herzegovina who represented the new authorities of the united country. The Board also expected a quick decision on the common flag of Bosnia and Herzegovina. After 1 September 1997, it would recommend to all countries and organizations that existing flags and symbols not be recognized as those of the country unless so decided as laid down in the Constitution.

In the matter of war crimes, the Board said that although cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) (see PART FOUR, Chapter II) had improved, the failure to hand over indicted persons

remained a matter of grave concern. The situation in Republika Srpska, where Radovan Karadzic continued to influence the political decision-making of the entity in violation of both the letter and the spirit of previous undertakings, was unacceptable. The Board supported the High Representative's recommendation to the Security Council to deny new economic assistance to those municipalities that continued to tolerate indicted persons working in a public capacity, and would follow that up.

As to economic reform, the Board urged the authorities of the entities to establish a sound legal and political basis for an open and dynamic free market economy. It demanded the immediate and unconditional opening of the full border between Bosnia and Herzegovina and Croatia. In addition, the Board asked the High Representative to proceed speedily with preparing the second package of essential legislation to be presented to the authorities of the country. It should include legislation on frequency management and telecommunications, airspace management, permanent election law, immigration law and permanent law on customs and customs tariffs.

Addressing refugee return, the Board said there would be continued instability in Bosnia and Herzegovina unless a process was put in place to enable refugees and displaced persons to return to their pre-war homes in a peaceful, orderly and phased manner. Although all the authorities had agreed, as part of the Peace Agreement, to support those returns, none had abided by it in practice. International economic aid was conditional upon compliance with, and implementation of, the Peace Agreement. The Board called for the Federation and Republika Srpska to amend their property laws in order to make possible the full implementation of annex 7 of the Peace Agreement. The existing laws placed insurmountable legal barriers in the path of return, effectively blocking hundreds of thousands of pre-war occupants from returning to their homes.

Regarding public security, the Board expected both entities to accelerate the restructuring of their police forces in line with the two plans prepared under the guidance of IPTF. Republika Srpska in particular was behind in restructuring commitments. The authorities in Bosnia and Herzegovina were called on to take further measures to provide the necessary control and security to address smuggling, terrorism and crime along its international borders.

The Board was deeply concerned about the pattern of discrimination and harassment of ethnic minorities throughout the country and with the complacency of responsible authorities in the

face of such abuses (see also PART TWO, Chapter III). The police not only frequently condoned violence on ethnic and political grounds, they were often responsible for violations themselves. The legal system remained inadequate to meet that challenge, and efforts to ensure adherence to the rule of law needed to be a priority. In that connection, the Board asked the High Representative to report to PIC on compliance with the conclusions of the report submitted to the Florence meeting in 1996 [YUN 1996, p. 306] and to recommend specific action.

Freedom of movement throughout Bosnia and Herzegovina was a key provision of the Peace Agreement and the Constitution, and no authorities had the right to impede the full freedom of movement of persons, goods, services and capital, the Board stated. It insisted that further progress be made towards working collectively, and on an equal basis, in the Civil Aviation Authority (CAA) and opening the regional airports of Mostar, Tuzla and Banja Luka. The Board further insisted that the authorities of Bosnia and Herzegovina ensure that CAA was reconstituted and operational by the end of July. If that action was not undertaken, the Board would recommend that international aviation authorities cease to cooperate with the existing body.

The Board underlined the importance of the municipal elections set for 13-14 September, noting that the process would not be complete until elected officials had been installed. The Board stated that the promotion of independent media was an essential step for developing democratic institutions and of particular importance in preparing the ground for the elections. The need to encourage independent publishers and broadcasters was stressed.

In the matter of Brcko (see below), the Board stressed that full cooperation with the Supervisor and his decisions, as well as adherence to all parts of the Peace Agreement, were essential obligations for both of the entities, and recalled that any final award by the Arbiter would take compliance by the authorities fully into account. The Board expressed deep concern at the failure of Republika Srpska authorities to safeguard the freedom of movement in the area and strongly censured the Federation for its failure to cooperate in the Brcko process, particularly for blocking economic assistance to Brcko, hindering the return of refugees through its failure to accept agreed procedures and withholding its support for the electoral process.

Peace Implementation Conference (December). The Peace Implementation Conference of PIC (Bonn, Germany, 9-10 December) [A/52/728-S/1997/979] reviewed progress in implementing

the Peace Agreement since its second meeting in London in 1996 [YUN 1996, p. 309] and the Ministerial Meeting of the PIC Steering Board earlier in 1997 (see above). The Conference discussed human rights, legal reform and war crimes; constitutional and other legal matters; refugees and displaced persons; public order and police issues; the media; elections; economic reconstruction and reform; the situation in Brcko; security and arms control; regional matters; and the role of the High Representative.

PIC concluded that considerable progress had been made in implementing peace and stability in Bosnia and Herzegovina since its last meeting, especially in the following areas: the municipal elections of September and the special elections for the Republika Srpska Assembly in November; arms control and confidence- and security-building measures; restructuring and reform of police; the beginning of minority returns in the Federation and to a lesser degree in Republika Srpska; economic revival in the Federation; development of non-partisan professional media; and the more than doubling of the number of persons indicted for war crimes in the custody of ICTY. PIC welcomed the results obtained in enhancing the climate of security and in addressing the main prerequisites for reconciliation, tolerance and democracy, as well as freedom of movement and the improvement of the economy.

However, much more could have been achieved had the authorities in Bosnia and Herzegovina contributed their full share to the construction of a civil and democratic society, PIC said. Implementation of the Peace Agreement was entering its third year and the consolidation period its last phase, yet a huge effort was still needed to achieve the ultimate goal of making peace in Bosnia and Herzegovina and its entities self-sustainable. In particular, progress was needed to build functioning governmental and administrative structures, to further democratization, to ensure the adequate protection of human rights, police reform and the rule of law, to establish a proper management of the economy—including the fight against corruption and revenue evasion—and to complete successfully the return of refugees and displaced persons.

Noting that peace and the institutions of civil society to uphold it remained fragile, PIC highlighted the following matters of concern: the majority of common institutions were operating insufficiently and permanent facilities had not been established; illegal structures of government in the Federation had not been dissolved or integrated; serious problems of local administration, notably in Mostar (see below), continued to exist and the implementation of municipal elec-

tions still encountered resistance in several municipalities; lack of strong multi-ethnic political parties and a structured civil society; lack of legislation on demining and the continuing manufacture of mines; human rights were still not adequately protected, citizenship was not legally defined, there was no Bosnia and Herzegovina passport or jointly agreed flag; property and housing legislation blocked the return of refugees and displaced persons to their pre-war homes; the police were still sometimes used to obstruct the implementation of election results, did not deal effectively with politically or ethnically motivated crimes, were responsible for documented cases of abuse of persons in custody and, more generally, were not sufficiently obliged by the political leadership to advance the goals of the Peace Agreement; human rights violations remained endemic, despite improvement in some areas: neither entity had taken steps to ensure that its laws were compatible with the European Convention on Human Rights; comprehensive plans to facilitate returns had not been implemented; there were no functioning public corporations; Bosnia and Herzegovina had failed to finance its common institutions or service its external debt on time, implement common policies on foreign trade, apply a common customs tariff, issue common bank notes, achieve transparency and good governance in the use of public funds, and establish effective institutions to curb corruption and revenue evasion; and full normalization of Bosnia and Herzegovina's relations with its immediate neighbours had not taken place.

PIC said it would continue to assist Bosnia and Herzegovina in 1998, but concluded that an even more persistent approach on the part of the international community was required. The actions of the authorities in Bosnia and Herzegovina too often fell short of their words, the Council said; recent reports by the World Bank and the European Commission's Customs and Fiscal Assistance Office (EC-CAFAO) were new, sobering evidence of that attitude. Continued procrastination could even endanger the progress that had been achieved thus far.

PIC again made clear to the authorities in Bosnia and Herzegovina that assistance by the international community remained conditional upon compliance with the Peace Agreement and subsequent obligations. It reaffirmed that it would tolerate neither any tendencies to dominate the political institutions of Bosnia and Herzegovina nor any attempts to undermine its sovereignty and territorial integrity.

The Council insisted that all persons indicted for war crimes be handed over to ICTY, and it drew particular attention to the failure of the authorities of Republika Srpska and FRY to carry out that obligation.

The Republic of Croatia and FRY were reminded of their obligations under the Peace Agreement, which the Council expected would be discharged in their entirety, voluntarily and immediately.

The Council recognized and supported what it called the emerging consensus on the need for a military presence to continue beyond June 1998, considering it indispensable for the maintenance of a stable security environment and, in particular, for helping to create secure conditions for the conduct by the High Representative, as well as by the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and other international organizations, of tasks associated with the Peace Agreement. It stressed that the presence of SFOR and IFOR, its predecessor, had been the greatest single contributor to sub-regional security since the signing of the Peace Agreement and would continue to be in the short to medium term. It welcomed NATO's plans to consider options for a multinational follow-on force to SFOR beyond June 1998.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 71], the General Assembly adopted **resolution** 52/150 without vote [draft: A/52/L.67/Rev.1 & Add.1] [agenda item 47].

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994 and 51/203 of 17 December 1996 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Also reaffirming its support for the constitutional rights of the three constituent peoples and others in Bosnia and Herzegovina as a united country consisting of two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995,

Also welcoming the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the functioning of the common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in the im-

plementation of the Peace Agreement and the process of reconciliation and reintegration,

Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Expressing support for the efforts of the United Nations High Commissioner for Refugees in facilitating the return of refugees and displaced persons throughout Bosnia and Herzegovina and in particular the Open City project carried out by the High Commissioner,

Supporting the efforts of the Coalition for Return in facilitating the objectives of annex 7 of the Peace Agreement,

Having considered the fourth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, noting the varying degrees of cooperation and compliance described therein, and stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation in Bosnia and Herzegovina and in the region as a whole,

Noting that the conclusions of the Peace Implementation Conference, held at Bonn, Germany, on 9 and 10 December 1997, state that all persons indicted for war crimes must be handed over to the International Tribunal for justice to be dispensed impartially, under the terms of the Peace Agreement and Security Council resolutions, and that they draw particular attention to the failure to carry out that obligation by the authorities of the Republika Srpska and the Federal Republic of Yugoslavia,

Supporting fully the efforts of the International Tribunal aimed at the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827(1993) of 25 May 1993 and 1022(1995) of 22 November 1995, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations, including the unconditional establishment of diplomatic relations among those States in accordance with the Peace Agreement and the settlement of issues relating to the succession of States,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help to guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the holding of elections throughout Bosnia and Herzegovina under the supervision of the Organization for Security and Cooperation in Europe on 13 and 14 September 1997 for municipal or local governments, and calling for full implementation of the results by the deadline of 31 December 1997,

Noting the positive impact of the three previous pledging conferences, held on 21 December 1995, 13 and 14 April 1996 and 25 July 1997 and chaired by the World Bank and the European Union, on the peace process and reintegration of the country as well as the reconstruction effort, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation in reconstruction efforts and the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties meeting their obligations under the Peace Agreement,

Welcoming in particular the important efforts of the European Union and bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

1. Expresses its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. Welcomes the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, and the successful holding of municipal elections on 13 and 14 September 1997 throughout Bosnia and Herzegovina;

3. Reiterates its demand for the full, comprehensive and consistent implementation of the Peace Agreement;

4. Supports fully the coordinated efforts of the High Representative in the implementation of the peace process in Bosnia and Herzegovina, in accordance with the Peace Agreement, and calls upon all parties to cooperate fully and in good faith with him;

5. Welcomes the conclusions of the Peace Implementation Conference, held at Bonn, Germany, on 9 and 10 December 1997, and calls upon all parties as signatories to the Peace Agreement and others concerned to implement fully those conclusions and to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina, in accordance with the Peace Agreement;

6. Also welcomes the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council, held at Sintra, Portugal, on 30 May 1997, and demands their full implementation;

7. Calls upon all parties to cooperate fully, and in good faith, in ensuring the substantial functioning of all of the common institutions of Bosnia and Herzegovina in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to continue to provide assistance to meet the infrastructural needs of the new common institutions of Bosnia and Herzegovina;

8. Recognizes that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina,

9. Also recognizes that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts;

10. Underlines that the assistance provided by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations;

11. Welcomes the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, and calls upon all parties to cooperate fully with it;

12. Also welcomes the conclusion of the Peace Implementation Conference that there is an emerging consensus on the need for an international military presence to continue beyond June 1998, considering it indispensable for the maintenance of the stable security environment necessary for the implementation of civilian aspects of the Peace Agreement;

13. Expresses its full support for the efforts of the United Nations International Police Task Force in carrying out its mandate, and calls for the fullest cooperation by all parties in this regard;

14. Stresses the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons and the establishment of the necessary conditions for freedom of movement;

15. Urges all the parties to implement fully and without delay the results of recent municipal elections in all municipalities of Bosnia and Herzegovina, in particular through the constitution of councils, and to establish functioning municipal assemblies that reflect the election results, in accordance with the relevant provisions of the Peace Agreement;

16. Underlines the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina free and pluralistic media;

17. Insists upon the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law, including in Bosnia and Herzegovina, and underlines the obligation of all the parties to hand over to the Tribunal all indicted persons in territories under their control and otherwise fully to comply with the orders of the Tribunal and to cooperate with the work of the Tribunal, including

with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina;

18. Urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the purpose of the Tribunal, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

19. Reaffirms once again the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the Peace Agreement, in particular its annex 7, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with the relevant provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and non-governmental organizations to establish and implement projects designed to facilitate the voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help to create a safe and secure environment with increased economic opportunity;

20. Encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including to areas where they would be in the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

21. Reaffirms once again its support for the principle that all statements and commitments made under duress, in particular those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

22. Calls for the repeal of all property laws that prevent pre-war residents from returning to their homes and for ensuring the passage of non-discriminatory legislation;

23. Emphasizes the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

24. Stresses that the obligation to cooperate fully with the Supervisor for Brcko and his decisions is an essential obligation for both of the entities, and notes that the conclusions of the Bonn Peace Implementation Conference state that the outcome of the Arbitration

Award in March 1998 will be significantly affected by the degree of compliance shown by the parties;

25. Welcomes the notable progress in the implementation of articles II and IV of the Agreement on Regional Stabilization and the successful completion of declared reduction liabilities under the article IV agreement, and urges all parties to continue to pursue the full implementation of their obligations;

26. Stresses the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina, and the status and implementation of the Agreement on Sub-regional Arms Control;

27. Commends the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the Islamic Development Bank, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Organization for Security and Cooperation in Europe, the Peace Implementation Council and the World Bank, in their roles in the implementation of the Peace Agreement;

28. Also commends, in particular, the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the office of the High Representative for Implementation of the Peace Process in Bosnia and Herzegovina, the office of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

29. Decides to include in the provisional agenda at its fifty-third session the item entitled "The situation in Bosnia and Herzegovina".

Civilian aspects

The civilian aspects of the 1995 Peace Agreement [YUN 1995, p. 544] entailed a wide range of activities, including humanitarian aid, rehabilitation of infrastructure and economic reconstruction, establishment of political and constitutional institutions, promotion of respect for human rights and the holding of free and fair elections. The High Representative, who chaired the PIC Steering Board and other key implementation bodies, was the final authority with regard to implementing the civilian aspects. UNMIBH, which comprised a UN civilian office, IPTF and MAC, reported to the Secretary-General through the United Nations Coordinator.

High Representative

The PIC Steering Board, in May (see above), nominated Carlos Westendorp (Spain) to serve as the High Representative from 20 June 1997, replacing Carl Bildt (Sweden), who was named first High Representative in 1995 [YUN 1995, p. 547].

SECURITY COUNCIL ACTION

On 12 June [meeting 3787], the Security Council unanimously adopted **resolution 1112(1997)**. The draft [S/1997/445] was prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 1031(1995) of 15 December 1995 and 1088(1996) of 12 December 1996,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

1. Welcomes the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997, and agrees with the designation of Mr. Carlos Westendorp as High Representative in succession to Mr. Carl Bildt;

2. Expresses its warmest appreciation to Mr. Carl Bildt for his work as High Representative;

3. Reaffirms the importance it attaches to the role of the High Representative in monitoring the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and also reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 of the Peace Agreement concerning civilian implementation and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly.

Reports of High Representative. The High Representative reported four times on the implementation process during the year, covering the period from 1 December 1996 to 31 March 1997 [S/1997/310], from 1 April to 30 June [S/1997/542], from 1 July to 30 September [S/1997/804], and from 1 October to 31 December [S/1998/40]. He described progress in the civilian implementation of the Agreement, which he had been mandated to monitor, mobilize and coordinate. (For details, see below under specific subjects.)

During the year, the High Representative convened monthly PIC Steering Board meetings at the level of political directors of the respective Foreign Ministries and weekly meetings at the ambassadorial level in Sarajevo, each devoted to specific issues of the peace process.

The High Representative stated that, by the end of 1997, considerable progress had been made in implementing peace and stability in

Bosnia and Herzegovina and in enhancing the climate of reconciliation, tolerance and democracy. Achievements included the establishment and functioning of common institutions, holding of free elections and commencement of economic reconstruction—all prerequisites for the three constituent peoples—Bosniacs (Bosnian Muslims), Bosnian Croats and Bosnian Serbs—to live peacefully together. The overall picture in Bosnia and Herzegovina was changing for the better and life was returning to normal.

Notwithstanding those accomplishments, however, huge and complex tasks lay ahead. The High Representative felt that it would be premature to say that the peace process was yet irreversible or lasting. The main responsibility for turning the Peace Agreement into living reality, he said, lay with those who signed it.

UN Mission in Bosnia and Herzegovina (UNMIBH)

During 1997, the Secretary-General submitted four reports to the Security Council on the activities of UNMIBH [S/1997/224 & Add.1, S/1997/468, S/1997/694, S/1997/966].

Special Representative and Coordinator. On 31 January [S/1997/102], the Secretary-General informed the Security Council of his intention to appoint Kai Eide (Norway) as his Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina to replace Iqbal Riza (Pakistan). The Council agreed with the appointment on 4 February [S/1997/103].

On 26 November [S/1997/938], the Secretary-General informed the Council that Mr. Eide would relinquish his post on 15 January 1998 and that he intended to appoint Elizabeth Rehn (Finland) to replace him as of 16 January. The Council agreed on 1 December [S/1997/939].

Report of Secretary-General (March). In a 14 March report [S/1997/224 & Add.1], the Secretary-General stated that during the first three months of the stabilization or consolidation period, admirable progress had been achieved in some areas, particularly in the establishment of joint institutions. In others, however, progress remained dangerously slow. Tensions persisted between the different ethnic communities, with violence frequently erupting when displaced persons attempted to return to their homes.

The Secretary-General stated that, should the Security Council agree that IPTF was to carry out the international policing proposed by the Brcko Implementation Conference in March (see below), an increase in UNMIBH's authorized strength (186 police and 11 civilian personnel) would be required. In addition, the IPTF Com-

missioner had determined that the additional human rights investigation tasks that the Council had endorsed for IPTF in resolution 1088 (1996) [YUN 1996, p. 310] would require that the force be strengthened with 120 police personnel. The Secretary-General therefore requested the Council to consider authorizing an increase of 306 personnel for IPTF plus 11 additional civilian staff.

SECURITY COUNCIL ACTION (March)

On 31 March [meeting 3760], the Security Council unanimously adopted **resolution 1103(1997)**. The draft [S/1997/263] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1035(1995) of 21 December 1995 and 1088(1996) of 12 December 1996,

Recalling also the need for the implementation of the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), in particular those provisions relating to cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia,

Noting that the International Police Task Force has been entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina,

Taking note of the decision of 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area, and noting the holding of the Brcko Implementation Conference in Vienna on 7 March 1997,

Reminding all parties to annex 2 of the Peace Agreement of their obligation, in accordance with article V of that annex, to be bound by the decision of the arbitral tribunal and to implement it without delay,

Expressing its appreciation to the personnel of the United Nations Mission in Bosnia and Herzegovina, including those of the International Police Task Force, for their work in assisting in the implementation of the Peace Agreement in Bosnia and Herzegovina, and to all other personnel of the international community engaged in implementing the Peace Agreement,

Welcoming the report of the Secretary-General of 14 March 1997,

1. Decides to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 186 police and 11 civilian personnel, in the light of the recommendation of the Secretary-General concerning the role of the International Police Task Force in Brcko, contained in his report of 14 March 1997, and in order to enable it to carry out its mandate set out in annex 11 of the Peace Agreement and resolution 1088(1996) of 12 December 1996;

2. Acknowledges the importance of ensuring that the International Police Task Force is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference and agreed upon by the authorities in Bosnia and Herzegovina, and decides to consider expeditiously the recommendations of the Secretary-General concerning those tasks, contained in his report of 14 March 1997;

3. Urges Member States, with the support of the Secretary-General, to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

4. Calls upon all parties to the Peace Agreement to implement all aspects of that Agreement and to cooperate in full with the International Police Task Force in the conduct of its activities;

5. Stresses the need for the continued closest possible coordination between the multinational Stabilization Force and the International Police Task Force, in particular in the area of Brcko;

6. Decides to remain actively seized of the matter.

Communication. On 5 May [S/1997/351], the Secretary-General transmitted to the Security Council an IPTF report on the human rights situation in Mostar (1 January-15 February 1997) (see below). He reiterated his 14 March recommendation that IPTF be strengthened by 120 personnel to carry out the human rights investigation tasks authorized by the Council in resolution 1088(1996).

SECURITY COUNCIL ACTION (May)

On 16 May [meeting 3776], the Security Council unanimously adopted **resolution 1107(1997)**. The draft [S/1997/371] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling its resolution 1103(1997) of 31 March 1997 concerning the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Having considered the report of the Secretary-General of 14 March 1997 and his letter dated 5 May 1997 to the President of the Security Council,

1. Decides to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 120 police personnel, in the light of the recommendation of the Secretary-General concerning the tasks of the International Police Task Force set out in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina, in order to enable the Task Force to carry out its mandate set out in annex 11 of the Peace Agreement and resolution 1088(1996) of 12 December 1996;

2. Urges Member States to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

3. Decides to remain seized of the matter.

Reports of Secretary-General. In a 16 June report [S/1997/468], the Secretary-General stated that the authorized strength of IPTF had increased from 1,721 to 2,027 in accordance with the Security Council's 31 March and 16 May resolutions (see above). He described the activities during the reporting period of IPTF, Civil Affairs, the Legal Office, MAC and the Trust Fund Unit of UNMIBH and of other members of the UN system.

The Secretary-General observed that cooperation between SFOR and the United Nations was excellent and it was largely due to SFOR support that IPTF had been able to make progress. The withdrawal or large-scale reduction of SFOR would render the position of IPTF largely untenable and would negatively affect other vital UN operations, such as those of the Office of the United Nations High Commissioner for Refugees (UNHCR). That situation was likely to continue for at least another year.

The situation in Mostar had improved, said the Secretary-General, and an agreement on the restructuring of the Neretva Canton Police (Sarajevo) had provided the context for the next phase of IPTF activity, particularly in the area of police reform. However, the refusal of the Republika Srpska Government to cooperate fully with IPTF was causing great concern.

On 8 September [S/1997/694], the Secretary-General presented the Security Council with an update of UNMIBH's activities and those of other UN operations in Bosnia and Herzegovina. He expressed concern about the tense and volatile situation in Republika Srpska, where the authorities continued to follow a policy of minimum implementation of the Peace Agreement. While welcoming the agreement by the Presidency of Bosnia and Herzegovina on diplomatic representation, he regretted the failure to achieve within the agreed time-frame agreements on a common currency, a citizenship law or passports.

In a 10 December report [S/1997/966], the Secretary-General again described UNMIBH activities and those of other UN operations in Bosnia and Herzegovina. He reported that the Mission had suffered a tragic setback on 17 September when a helicopter crashed in central Bosnia, killing 12 UNMIBH members.

The period under review had seen progress towards implementing the Peace Agreement, including the inauguration of joint Bosniac-Croat

police forces in the two mixed cantons of the Federation; the initiation of a comprehensive police restructuring programme in Republika Srpska; and the appointment of a multi-ethnic police leadership in the contested city of Brcko. However, that progress was in its early stages and still fragile and would require UNMIBH's continued engagement in developing the capacity for policing according to internationally acceptable standards.

Police restructuring had to be accompanied by reform of the judicial system, the monitoring of which was another UNMIBH function. However, a wider range of activities in that area had not been possible due to a lack of resources and qualified personnel. Reforming the police, the judicial system and the prisons had to be addressed in an integrated way if a fair and non-discriminatory law and order environment was to be created, the Secretary-General said. Also, financial crime, smuggling and other illicit operations were causing loss of revenue to Bosnia and Herzegovina. UNMIBH was ready to begin training entity police forces in detecting those kinds of crime and to assist in establishing special anti-corruption units. In order to carry out the tasks related to judicial reform and economic crime, UNMIBH would require an increase in human and financial resources.

The Secretary-General stated that although much had been achieved in the two years of experience with the complex arrangements of the Peace Agreement, much also remained to be done. He therefore recommended an extension of the UNMIBH mandate for a further 12 months. He noted, however, that the presence of IPTF monitors was contingent on the continued existence of a credible international military force.

SECURITY COUNCIL ACTION (December)

On 19 December [meeting 3842], the Security Council unanimously adopted **resolution 1144(1997)**. The draft [S/1997/989] was sponsored by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031(1995) of 15 December 1995, 1035(1995) of 21 December 1995, 1088(1996) of 12 December 1996, 1103(1997) of 31 March 1997 and 1107(1997) of 16 May 1997,

Expressing its continued commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 10 December 1997, and taking note of his observations, in particular with regard to the International Police Task Force,

Affirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, in particular the International Police Task Force for its valuable work in such areas as police restructuring, training, weapons inspections and promoting freedom of movement, as well as its assistance in connection with the elections in Bosnia and Herzegovina,

Expressing its appreciation to the personnel of the Mission, and commending the leadership and dedication of the Special Representative of the Secretary-General and the Commissioner of the International Police Task Force in their efforts to support the implementation of the Peace Agreement,

Noting that the presence of International Police Task Force monitors is contingent on the existence of adequate security arrangements which, at present, can only be secured by a credible international military force,

1. Decides to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1998, which will be renewed for a further period unless significant changes are made to the security arrangements as currently provided by the multinational Stabilization Force, and decides also that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, and agreed upon by the authorities in Bosnia and Herzegovina;

2. Expresses its support for the conclusions of the Bonn Conference, and encourages the Secretary-General to pursue implementation of its relevant recommendations, in particular on the restructuring of the International Police Task Force;

3. Requests the Secretary-General to keep the Council informed regularly about the work of the International Police Task Force and, in particular, its progress in assisting the restructuring of law enforcement agencies; to report every three months on the implementation of the mandate of the United Nations Mission in Bosnia and Herzegovina as a whole; and to include in his first report a description of action taken to implement recommendations of the Bonn Conference on restructuring the Task Force, particularly the creation of specialized Task Force units to train Bosnian police to address more effectively key public security issues;

4. Reaffirms that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skill of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

5. Urges Member States to provide training, equipment and related assistance for local police forces in coordination with the International Police Task Force, recognizing that resources are critical to the success of the police reform efforts of the Task Force;

6. Calls upon all concerned to ensure the closest possible coordination among the Office of the High Representative, the multinational Stabilization Force, the Mission and the relevant civilian organizations and agencies in order to ensure the successful implementation of the Peace Agreement and the priority objectives of the civilian consolidation plans, as well as the security of the International Police Task Force;

7. Pays tribute to the victims of the helicopter crash of 17 September 1997 in Bosnia and Herzegovina, including members of the Office of the High Representative, the International Police Task Force and a bilateral assistance programme, for their sacrifice in advancing the peace process;

8. Decides to remain seized of the matter.

UNMIBH financing

The Secretary-General submitted to the General Assembly a report on the financing of UNMIBH for the period 1 July 1997-30 June 1998 [A/51/519/Add.1 & Corr.1]. Although the United Nations Mission of Observers in Prevlaka (UNMOP) was an independent mission, for administrative and budgetary purposes it was treated as part of UNMIBH. The Secretary-General's budget for the maintenance of UNMIBH, including UNMOP, for that period totalled \$172,587,000 gross (\$164,511,600 net). In response to a request by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/51/681], the Secretary-General submitted a February addendum [A/51/519/Add.2] containing information on the criteria used in conducting the local salary survey carried out in UNMIBH and reducing the cost estimates to take account of the discontinuance of hazard duty allowance as of 1 December 1996. The revised cost estimates amounted to \$165,597,600 gross (\$157,522,200 net). In another addendum [A/51/519/Add.3], the Secretary-General presented the financial performance report of UNMIBH, including UNMOP and the Office of the Special Coordinator for Sarajevo, for the period 1 January-30 June 1996. The Assembly, by resolution 50/241 [YUN 1996, p. 279], had appropriated \$43,849,300 gross (\$42,662,500 net) for that period. Expenditures amounted to \$37,332,500 gross (\$36,161,700 net), resulting in an unencumbered balance of \$6,516,800 gross (\$6,500,800 net). In a May report [A/51/519/Add.4], the Secretary-

General presented a revised budget for the period 1 July 1997-30 June 1998 incorporating the additional requirements for the international policing in Brcko authorized by the Security Council by **resolution 1103(1997)** (see above). Those additional requirements totalled \$12,930,000 (gross)(\$12,394,200 net).

For its consideration of UNMIBH financing, the Assembly also had before it related ACABQ reports [A/51/872, A/51/910].

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/710/Add.1], adopted **resolution 51/152 B** without vote [agenda item 153].

Financing of the United Nations Mission in Bosnia and Herzegovina

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Mission in Bosnia and Herzegovina and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1035(1995) of 21 December 1995, by which the Council established the United Nations Mission in Bosnia and Herzegovina for an initial period of one year, and Council resolution 1088(1996) of 12 December 1996, by which the Council extended the mandate of the Mission to 21 December 1997,

Recalling also Security Council resolution 1093(1997) of 14 January 1997, in which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Prevlaka peninsula until 15 July 1997,

Recalling further its decision 50/481 of 11 April 1996 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 51/152 A of 16 December 1996,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Mission in Bosnia and Herzegovina as at 15 May 1997, including the contributions outstanding in the amount of 27.4 million United States dollars, representing 18 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 June 1997, notes that some 21 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. Endorses the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;

6. Approves, on an exceptional basis, the special arrangements for the Mission with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Mission shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Mission in Bosnia and Herzegovina the amount of 178,880,900 dollars gross (170,269,700 dollars net) for the maintenance of the Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 6,880,900 dollars for the support account for peacekeeping operations, to be apportioned among Member States at a monthly rate of 14,906,742 dollars gross (14,189,142 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Mission beyond 21 December 1997;

9. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of

the estimated staff assessment income of 8,611,200 dollars approved for the Mission for the period from 1 July 1997 to 30 June 1998;

10. Decides further that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the unencumbered balance of 6,516,800 dollars gross (6,500,800 dollars net) in respect of the period ending 30 June 1996;

11. Decides that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 6,516,800 dollars gross (6,500,800 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

12. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

ANNEX

Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts shall remain recorded in the Special Account for the United Nations Mission in Bosnia and Herzegovina until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

In July [A/51/519/Add.5 & Corr.1], the Secretary-General presented a revision to the UNMIBH budget for the period 1 July 1997-30 June 1998, which incorporated additional requirements of \$7,943,900 gross (\$7,600,400 net) relating to the investigation of human rights abuses by police in Bosnia and Herzegovina, as approved by the Security Council in **resolution 1107(1997)** (see above). The revision also included the costs of the transfer of central support to the operations in

the former Yugoslavia from the United Nations Peace Forces headquarters to UNMIBH, amounting to \$2,664,100 gross (\$2,387,200 net).

The Assembly also had before it an ACABQ report [A/52/546] stating that ACABQ did not believe it necessary to appropriate an additional \$10.6 million gross over and above the \$ 178.9 million already appropriated. It recommended, however, that the Secretary-General be authorized to retain in the UNMIBH account the unencumbered balance for the period 1 July 1996-30 June 1997 until the Assembly had taken a decision on the performance report for 1 July 1997-30 June 1998.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 76], the General Assembly, on the recommendation of the Fifth Committee [A/52/690], adopted **decision 52/437** by which it authorized the Secretary-General to enter into commitments in an amount not to exceed \$10,608,000 gross (\$9,987,600 net) for the maintenance of UNMIBH for the period 1 July 1997-30 June 1998, in addition to the \$178,880,900 gross (\$170,269,700 net) already appropriated. It requested the Secretary-General to employ locally recruited staff for UNMIBH General Service posts and to report to the Assembly on the matter. It decided to keep the item on the financing of UNMIBH under review.

On 22 December (**decision 52/456**), the Assembly decided that the Fifth Committee should continue to consider the financing of UNMIBH at the resumed fifty-second (1998) session.

International Police Task Force (IPTF)

During 1997, the authorized strength of UNMIBH's International Police Task Force (IPTF) rose from 1,721 to 2,027, following increases approved by the Security Council in **resolutions 1103(1997)** and **1107(1997)** (see above). Some 40 countries provided personnel to man 64 stations.

Monitoring police activities throughout the country remained the major focus of IPTF during the year, as did assisting in the return of refugees to villages in the zone of separation. Restructuring and training of police in the Federation of Bosnia and Herzegovina and in Republika Srpska also continued.

On 6 February [S/1997/118], the Secretary-General informed the Council of his intention to appoint Manfred Seitner (Denmark) as Commissioner of IPTF, replacing Peter FitzGerald (Ireland), and the Council agreed with that appointment on 11 February [S/1997/119]. Mr. Seitner took over on 3 March.

On 14 March [S/1997/224 & Add.1], the Secretary-General reported that a regional IPTF office had been established in Mostar following an increase

in tension there. In early February, tensions also rose in the Brcko area (see below) causing IPTF to enhance its presence in the region. In the context of restructuring the police in the Federation, the first new cantonal police force was put in place in Sarajevo in February. The number of officers was reduced by almost 900 in Sarajevo alone; only professionally trained police were being retained. A plan to restructure the police in Republika Srpska, which was submitted to IPTF by the Ministry of the Interior on 31 January, did not envisage publishing the names of potential police officers. IPTF was working with the authorities to encourage them to correct that shortcoming. A course on executive (VIP) protection was held in Ireland in mid-March for a multi-ethnic group of police officers—the first training exercise involving officers from both entities—who were responsible for protecting members of the Presidency of Bosnia and Herzegovina. IPTF had conducted its first investigation of human rights violations by the local police in West Mostar in mid-February (see below) and documented serious violations by the Bosnian Croat Police, as well as unprofessional policing practices on both sides. The IPTF Commissioner had determined that in order to carry out satisfactorily additional and existing tasks relating to human rights investigations, monitoring of the local police, strengthening of police training, police restructuring and developing guidelines for democratic principles, the Force would have to move from a primarily generalist one to one with a substantial number of police experts in specialized fields. However, IPTF would still need to maintain a presence throughout the country and monitor key locations, such as Mostar, the resettlement area of the zone of separation and other areas where substantial tensions remained. IPTF's authorized strength was increased by the Council by **resolution 1103(1997)** of 31 March.

The Secretary-General stated in June [S/1997/468] that IPTF's main goals continued to be to contribute to improving freedom of movement, to monitor and assist in establishing safe conditions for returning refugees and displaced persons and for the period of the forthcoming election campaign, and to assist in restructuring and training local police. The Force was also carrying out investigations into allegations of human rights violations by local police. In that regard, IPTF had introduced a new policy to prevent vehicles bearing the licence plates of the other entity from being stopped and harassed by the local police, by which those forces were forbidden to hold static checkpoints for longer than 30 minutes unless prior approval was obtained from IPTF. The Federation Government had endorsed

the new policy, although local compliance remained unsatisfactory. The Republika Srpska authorities had refused to accept it but were avoiding direct confrontation when approached by IPTF patrols. Other activities being carried out by IPTF included assisting local police to combat crime, advising local police on operational issues and serving as a bridge between the forces of the two entities, and investigating incidents in Gajevi, Brcko and Drvar. IPTF was also liaising closely with OSCE on the Implementation Plan for the September municipal elections.

In September [S/1997/694], the Secretary-General reported that police monitoring, restructuring and training activities in the Federation were continuing. Although efforts were being made to agree on police restructuring with the Republika Srpska authorities, the constitutional crisis in that entity made the task even more difficult. Also, sporadic violence against international organizations in Republika Srpska, which was precipitated by SFOR efforts to detain two men with sealed indictments for crimes against humanity from ICTY, impeded negotiations on restructuring. In that context, the Special Representative came to an agreement with the SFOR Commander on 7 August on the status of paramilitary forces, by which such forces would be treated as military units, subject to SFOR control. On 17 August, evidence was revealed of interception of communications of the Republika Srpska's President by the police and of intimidation of two judges of the Constitutional Court. IPTF then initiated an urgent investigation of allegations of human rights abuses at the Banja Luka Public Security Centre, during which it uncovered large quantities of illegal weapons and ammunition. A further operation uncovered additional large quantities of weapons from four other police stations in Banja Luka. On 28 August, disturbances between supporters of the President and of the Prime Minister broke out in Brcko, during which a number of attacks were made on UN personnel and property. Only one IPTF monitor was slightly injured but more than 30 vehicles were seriously damaged and the IPTF station was completely looted. Investigations of human rights violations by local police were carried out in Sarajevo, Jajce and Banja Luka.

In December [S/1997/966], the Secretary-General stated that police training was continuing, progress had been made with regard to the agreement concerning paramilitary forces in Republika Srpska and police restructuring in the Federation had maintained its rate of progress. In all municipalities of the ethnically mixed Neretva and Central Bosnia Cantons of the Fed-

eration, Bosniac and Croat police officers were patrolling together. In a cooperative effort, IPTF and SFOR carried out 563 weapons inspections in local police stations between 20 August and 30 November. Illegal weapons were found in 121 cases: 49 in Republika Srpska and 72 in the Federation. IPTF cooperated closely with OSCE and SFOR in implementing the municipal elections held on 13 and 14 September and the elections for the Republika Srpska Assembly on 22 and 23 November. IPTF then worked with OSCE and local authorities to develop security plans for inaugural sessions of the municipal assemblies. However, as at 1 December, only 15 of 136 municipal administrations had fulfilled the conditions for final certification by OSCE and 9 municipalities had not met at all.

Mine Action Centre (MAC)

By the end of 1997, MAC of UNMIBH had 120 trained deminers in Banja Luka, Tuzla and Mostar and 40 in Bihac, where they operated under the terms of a contract between UNMIBH and a non-governmental organization. In addition, about 750 trained civilian deminers were working on programmes funded by the European Commission, Norwegian People's Aid, MAC and the World Bank.

Information continued to be collected in the MAC database, which by year's end documented more than 18,000 minefields [S/1997/966]. By 30 November, the total area surveyed and cleared in 1997 by all organizations participating in demining programmes was about 5 square kilometres.

During the spring, the return of displaced persons and refugees had led to a sharp increase in the number of civilian mine casualties and fatalities, the Secretary-General reported in June [S/1997/468], and the demand for mine-clearing assistance had risen.

On 15 October, a Memorandum of Understanding on the UN Mine-Action Plan was signed by the United Nations and the Council of Ministers of Bosnia and Herzegovina and Agreed Principles for Demining after 1 January 1998 were signed by the Council of Ministers on 30 October. Discussions were under way in order to reach agreement on administrative arrangements for the Bosnia and Herzegovina mine action centre and the entity mine action centres, in order to complete the establishment of demining structures in the country by 31 December, as called for in the conclusions of the 1996 Peace Implementation Conference [YUN 1996, p. 309].

Constitution

The High Representative, in his April report [S/1997/310], noted that the focus of his Office's attention during the first months of 1997 had been on constitutional implementation. All the common institutions (the Presidency, the Council of Ministers, the Parliamentary Assembly, the Constitutional Court, the Central Bank and the Standing Committee on Military Matters) had been established and, in most cases, had started to work. However, in order to be more than empty shells of little relevance, those institutions had to take decisions on the laws and other issues that would turn the State into a functioning reality. The High Representative's Office had presented to the Council of Ministers a quick-start package of interim essential legislation that comprised laws and other measures that constituted the minimum for the State to start functioning in the key areas under its control.

The High Representative stated that by the end of the year [S/1998/40], the Presidency, the Council of Ministers and the Parliamentary Assembly were meeting regularly, although the efficiency of their work continued to be hampered by the lack of administrative structures and permanent locations. A notable achievement was the efficient work of the Constitutional Court, which ruled on a number of cases in December. However, it was necessary for the authorities in Bosnia and Herzegovina to provide the Court with full funding.

A matter of concern was that the authorities had not made better progress in implementing key aspects of the Bosnia and Herzegovina Constitution and in passing important legislation. The High Representative had decided to enact legislation on the customs tariffs schedule and the draft law on citizenship due to inaction by the authorities. The authorities should rapidly adopt an election law and ensure consistency and cooperation between the entities in the area of legal reform, the High Representative said.

Civil affairs

At the beginning of 1997, the Secretary-General reported [S/1997/224 & Add.1] that 49 Civil Affairs officers were deployed at UNMIBH headquarters, four regional headquarters (Banja Luka, Mostar, Sarajevo and Tuzla), and at a liaison office in Pale. Support was provided to IPTF, local political trends and events were analysed, and good offices were made available for local confidence-building and problem-solving.

Civil Affairs officers also trained new IPTF officers and participated in the OSCE-led effort to create conditions in which voters in the municipal elections could make free and informed

choices at the ballot box. The officers also worked with IPTF to identify areas of possible intercommunal conflict and addressed police and human rights problems.

The Secretary-General reported in December [S/1997/966] that Civil Affairs officers in the field had cooperated with IPTF and SFOR in finding solutions to numerous delays and difficulties encountered during the municipal elections in September and the Republika Srpska Assembly elections in November. Civil Affairs also worked closely with the High Representative in developing the operational plan for introducing a common licence plate for Bosnia and Herzegovina. In Brcko, Civil Affairs assisted in preparing orders issued by the Supervisor concerning the establishment of a multi-ethnic police force.

Federation issues

The High Representative reported in April [S/1997/310] that the implementation of the Federation remained a major activity of his Office. The first months of 1997 were characterized by continuing mistrust between the Federation partners.

The Federation—with its Bosnian Muslim (Bosniac) and Bosnian Croat populations—was one of two constituent entities of the Republic of Bosnia and Herzegovina, the other being Republika Srpska, established in areas of the Republic that had not been under its control and where primarily Bosnian Serbs resided. The Federation was considered an essential prerequisite for the establishment of a multi-ethnic, democratic society in Bosnia and Herzegovina.

An eruption of violence in Mostar on 10 February (see below), when West Mostar police shot at Bosniac cemetery visitors and assaults and evictions in the Mostar area followed, interfered with progress on some Federation issues, the High Representative stated.

On 18 March, both Federation Houses of the Federation Assembly elected the new Federation President, Vladimir Soljic, and his Deputy, Ejup Ganic. On 20 March, the Government adopted a draft law on the Federation Implementation Council, which would, if adopted by the Federation Assembly, facilitate the removal from office of officials who obstructed the implementation of the Federation. On the same day, the Government adopted the Federation budget.

On 27 March, a comprehensive agreement was signed to implement the Sarajevo Protocol, with precise steps outlined to establish the City Council, elect a mayor and deputies, and amend the Federation and Canton constitutions. Bosniacs, Croats and Serbs would have guaranteed rights in the governance of the city. If implemented, the

High Representative said, the agreement would ensure the multi-ethnic character of Sarajevo and improve the climate in the Federation.

Over the course of the year [S/1997/542, S/1997/804], the High Representative reported that the political and security climate continued to improve. On 4 September, the Sarajevo Canton Assembly adopted the constitutional amendments necessary to establish the city of Sarajevo.

By the end of the year [S/1998/40], the High Representative said that considerable results had been achieved with regard to police restructuring and refugee return. The political and security situation in the Federation continued to improve, despite some security incidents with possible terrorist background. The successful establishment of a joint police force and progress in judicial reform had contributed to those advances.

Nevertheless, there were still signs of old structures being kept alive despite the fact that they should have been disbanded as the structures of the Federation and the new common institutions of Bosnia and Herzegovina were established and functioning.

Republika Srpska issues

The High Representative reported during 1997 on issues related specifically to Republika Srpska, the entity of the Republic of Bosnia and Herzegovina where primarily Bosnian Serbs resided.

In April [S/1997/310], the High Representative stated that, on 7 February, the National Assembly adopted the Law on the Government of Republika Srpska and Law on Ministries, which rationalized the structure of the Government and decreased the total number of ministries. The main pillars of the Government's programme remained: defence of territorial integrity; organized settlement of the population to areas close to the inter-entity boundary line; economic reconstruction; and social protection of the people.

The High Representative was concerned that Republika Srpska continued the pretence of statehood; a number of its laws were filled with references and terminology to that effect. The continuation of the Ministry of Foreign Affairs was contrary to the Peace Agreement, as was reference to crucial issues of foreign economic policy in the newly adopted Law on the Senate.

An agreement between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Republika Srpska was signed in Belgrade on 28 February, establishing a special parallel relationship. The formation of a virtual customs union between them, on which negotiations were taking place, would be contrary to the Peace Agreement, the High Representative warned. He was also

concerned about the apparent disrespect displayed by some Republika leaders for the provisions and procedures of the Republika Srpska Constitution.

In July [S/1997/542], the High Representative described the constitutional and political crisis that erupted in Republika Srpska in June when the Government refused to follow decisions by the President to suspend the Minister of the Interior and, subsequently, to dissolve the Parliament. The crisis mirrored a growing rift between hardliners of the Serbian Democratic Party (SDS) and those who wished to implement the Peace Agreement.

In October [S/1997/804], the High Representative reported that the constitutional crisis had deepened. On 10 July, the Venice Commission, an advisory body of law experts, confirmed that the President had acted within her rights in dissolving the Assembly and that the Government could, until new elections, only continue its work in a caretaker capacity. On 15 August, the Republika Srpska Constitutional Court ruled that the President's decision had been unconstitutional.

The security situation in the Republika worsened further when, on 10 July, SFOR tried to apprehend two persons accused of war crimes. The result was one arrest and the death of the former chief of police of Prijedor. The SDS leadership then orchestrated a defamation campaign and launched attacks against representatives of international organizations.

The political crisis in Republika Srpska was still continuing at the end of the year [S/1998/40] with the dissolved National Assembly continuing to meet and pass laws that were not legally valid. Elections for the National Assembly were held on 22-23 November and did not produce a clear majority for any party or party coalition, although SDS remained the party with the greatest number of seats. Following persistent pressure from the High Representative, the first session of the National Assembly met on 27 December.

Restructuring of the Republika Srpska police moved forward, particularly in Banja Luka and Brcko. However, the overall security environment remained tense at times. ICTY arrest warrants for persons under Republika Srpska jurisdiction had not been complied with. In that regard, the continuing influence of Radovan Karadzic on the political life of Republika Srpska was unacceptable, the High Representative stated.

The economic situation remained grim, with high levels of unemployment and low wages and pensions. There was no sizeable foreign investment in Republika Srpska in 1997 and interna-

tional aid was limited and linked to cooperation with the peace process.

Brcko and the Inter-Entity Boundary Line

On 14 February [S/1997/126], the High Representative transmitted to the Security Council President the decision adopted that day in Rome by the Arbitral Tribunal established in 1996 [YUN 1996, p. 293] to settle the dispute over control of the Brcko area in north-eastern Bosnia and Herzegovina, and the related positioning of the Inter-Entity Boundary Line (IEBL) in that area. The parties had agreed under annex 2 of the Peace Agreement that the IEBL would constitute the boundary between the Federation and Republika Srpska.

In its Award, which was final and binding, the Tribunal stated that there was a clear need to establish a programme for proper implementation of the Dayton Accords in the Brcko area. The High Representative would, as soon as was feasible, establish an office and staff in Brcko under the leadership of a Deputy High Representative for Brcko ("the Brcko Supervisor" or "Supervisor"), whose functions would be to supervise the Agreement's implementation throughout the area for not less than one year and to strengthen local democratic institutions. The Agreement went on to describe the Supervisor's mandate and the institutions that he should establish with the participation of OSCE, UNHCR, SFOR, the World Bank, IMF, the institutions of Bosnia and Herzegovina, local ethnic groups and other official and unofficial groups.

As to the disputed boundary, absent any further action by the Tribunal, the IEBL would remain unchanged and the Tribunal would continue to monitor the situation in the area during the period of interim supervision. The Tribunal would entertain from either party requests for further action affecting the Award with respect to the allocation of political responsibilities in the area, provided that any such requests were received between 1 December 1997 and 15 January 1998. It would render any further decision by 15 March 1998.

SECURITY COUNCIL ACTION

On 14 February [meeting 3740], the Security Council President made the following statement [S/PRST/1997/7] on behalf of the members:

The Security Council notes the announcement of the decision on 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area, pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

The Council reminds the parties to annex 2 to the General Framework Agreement of their obligation

to be bound by the decision of the arbitral tribunal and to implement the decision without delay. The Council underscores the importance of prompt and full cooperation by the parties to the General Framework Agreement and the annexes thereto (collectively the "Peace Agreement") in carrying out their commitments to implement the Peace Agreement in its entirety.

In his March report [S/1997/224 & Add.1], the Secretary-General observed that the Brcko arbitration award placed obligations on Republika Srpska relating to freedom of movement, the return of refugees and the restructuring of the police, as decided at the Brcko Implementation Conference (Vienna, 6-7 March).

In **resolution 1103(1997)** of 31 March, the Security Council authorized an increase in UN-MIBH of 186 police and 11 civilians in connection with the IPTF role in Brcko, as recommended by the Secretary-General (see above).

Mostar violence

On 7 March [S/1997/204], the Secretary-General submitted to the Security Council President an IPTF report on an outbreak of violence in Mostar in the south-west of Bosnia and Herzegovina on 10 February that resulted in the death of one person and the wounding of at least 20 others.

An IPTF investigation established that a procession of several hundred Bosniacs marched from East Mostar towards a cemetery in West Mostar. The cemetery visit, of which the West Mostar police had been notified, was part of the Bajram religious holiday observance. Three IPTF monitors accompanied the group, which was led by religious and political leaders, including the Deputy Mayor of Mostar. The procession crossed the former confrontation line between the communities of East and West Mostar and proceeded—despite several tense encounters with West Mostar police—to the cemetery. When the marchers reached the edge of the cemetery, some police officers began beating them with batons. As the marchers retreated, at least two plain-clothes officers began firing at the marchers' backs, causing the death and injuries.

As reports of the violence spread, random attacks on citizens within the city and on routes into and out of Mostar were reported. Many were by Bosniacs against Bosnian Croats, but some were against Bosniacs by Bosnian Croats. Twenty-eight Bosniac families were illegally evicted from their apartments and 19 others fled West Mostar in fear. In the days following the evictions, those wishing to return to their apartments were reinstated.

The investigation found that the actions by law enforcement officers—excessive force in beating

marchers and unnecessary and disproportionate lethal force-were criminal acts and constituted violations of internationally recognized standards of law enforcement. There had been a concerted effort at the highest level of the West Mostar police to hide the facts of the confrontation, and the failure of the police of both East Mostar and West Mostar to protect potential and actual victims of the cross-ethnic attacks following the 10 February confrontation illustrated the serious absence of professional police leadership throughout the area.

Communications. On 11 February [S/1997/121], Bosnia and Herzegovina transmitted to the Security Council President a statement by the Chair of the Presidency of the country that resulted from a telephone discussion between the Chair, Alija Izetbegovic, and the President of Croatia, Franjo Tudjman, on the subject of the situation in Mostar. The two leaders had agreed that an independent IPTF commission should determine the causes of and responsibility for the incident and that those responsible should face the consequences.

On 19 February [S/1997/140], Bosnia and Herzegovina forwarded to the Council President the decisions on Mostar adopted at a 12 February meeting attended by officials of the Federation of Bosnia and Herzegovina, representatives of the Office of the High Representative, IPTF and SFOR, including SFOR's commanding officer.

Among other things, the participants reconfirmed the request for an independent IPTF investigation and affirmed that the perpetrators would be arrested and brought to trial and that office holders, including police suspected of instigating or taking part in the violence, would be relieved of their duties and, if found responsible, dismissed from their offices. The participants also: guaranteed evicted citizens a prompt return to their homes and the prompt arrest and prosecution of those responsible for the evictions; appealed to IPTF and SFOR to keep an increased presence in Mostar until the situation had further stabilized and full freedom of movement was re-established; and deplored inflammatory statements in the media that had aggravated the situation and contributed considerably to the escalation of the crisis. They further agreed to monitor the situation in Mostar closely and to convene a follow-up meeting as soon as the IPTF report was submitted.

On 3 March [S/1997/183], Bosnia and Herzegovina forwarded to the Council President a letter from the Principal Deputy High Representative containing comments on the IPTF investigation of the Mostar incident (see above). It was vital, he said, to demonstrate to the citizens of Bosnia and

Herzegovina that crimes did not go unpunished. In that connection, he asked that several actions be taken, including prosecution of several West Mostar police officers, including the Deputy Chief, who were named by IPTF in connection with the shooting and dismissal from office by 26 February of the Chief of the West Mostar police, for allegedly obstructing the IPTF investigation, and his replacement by a police professional from outside the Mostar region. The Principal Deputy High Representative would recommend to EU Governments and to Steering Board members that they bar from travel to Europe or overseas those who had been identified in the IPTF report as perpetrators of the violence. Criminal investigations and judicial proceedings relating to all police officers involved in the 10 February incident must proceed promptly with complete international monitoring, he said.

Although the violence was inexcusable, it could not be seen in a vacuum said the Principal Deputy High Representative. The weeks preceding 10 February had seen a series of incidents, including grenade attacks on both sides of the city, without the political leadership undertaking serious joint efforts to calm the growing tensions. He would not hesitate to request the intervention of Bosnia and Herzegovina and action by EU Governments regarding travel restrictions against any politician in the Herzegovina Neretva Canton who, through inflammatory statements, continued to foster antagonisms.

The principals of the major implementation agencies in Bosnia and Herzegovina had requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit an additional report detailing the incidents preceding and following the violence of 10 February for consideration by the Federation partners. The Federation partners, the Principal Deputy High Representative said, must commit themselves to draw all necessary conclusions, including personal consequences for all officials and police officers who had failed to perform their duties.

The Principal Deputy High Representative also outlined the steps taken in implementing the 12 February decisions on Mostar (see above). The Reinstatement Team (composed of Mostar police, IPTF and SFOR) had successfully assisted all persons illegally evicted in the wake of the events of 10 February to return to their homes. The team would continue its work. In particular, it would reinstate any persons whom the Mostar Deputy Federation Ombudsman had determined were illegally evicted, should the authorities fail to act promptly to implement the Ombudsman's findings.

While the number of illegal evictions had decreased substantially, the threat of illegal eviction continued. In addition, freedom of movement had not yet been fully established.

SECURITY COUNCIL ACTION

On 11 March [meeting 3749], the Security Council President made the following statement [S/PRST/1997/12] on behalf of the members:

The Security Council has considered the letter dated 7 March 1997, and the annex thereto, from the Secretary-General to the President of the Security Council concerning the incident on 10 February 1997 involving a violent assault against a group of civilians attempting to visit a graveyard in West Mostar in the presence of the International Police Task Force, in which one person died and others were wounded.

The Council notes that the participants in the meeting on 12 February 1997 referred to in the letter from the Secretary-General agreed, *inter alia*, to request the International Police Task Force to conduct an investigation into that incident, to accept and endorse the report in full, and to draw the necessary conclusions concerning the arrest, the bringing to trial and dismissal from office of those found responsible for instigating or participating in violent acts.

The Council fully supports the conclusions drawn from the International Police Task Force report by the Office of the High Representative and fully supported by the Task Force, the Commander of the Stabilization Force in Bosnia and Herzegovina and the members of the Contact Group.

The Council strongly condemns the involvement by West Mostar police officers in the violent assault on 10 February 1997 as referred to in the International Police Task Force report annexed to the letter dated 7 March 1997 from the Secretary-General to the President of the Security Council.

The Council also condemns the failure of the local police to provide protection to civilians subject to inter-ethnic attacks which occurred throughout Mostar both before and after the incident on 10 February 1997, and stresses the importance it attaches to preventing such incidents in the future.

The Council takes note of the announced suspension of some of the police officers identified in the International Police Task Force report but remains deeply concerned by the failure to date of the responsible authorities to take all the necessary steps to implement the conclusions drawn from that report. It strongly condemns attempts by those authorities to place conditions upon the arrest and prosecution of the police officers identified in the International Police Task Force report as having fired upon the group of civilians.

The Council demands that the responsible authorities, notably in West Mostar, immediately implement the conclusions drawn from the International Police Task Force report and, in particular, suspend all relevant police officers and arrest and prosecute them without further delay. It also calls

upon the responsible authorities to investigate all police officers involved in the incident.

The Council requests the Secretary-General to keep it informed of the situation. It will remain actively seized of the matter.

Communications. On 21 March [A/51/841-S/1997/245], the Netherlands forwarded to the Secretary-General the common position of the EU on restrictive measures against persons having perpetrated violent acts during the incidents in Mostar on 10 February. The EU Council agreed with the recommendations of the Office of the High Representative that those identified as perpetrators of violence during the Mostar incidents should be banned from travelling to Europe and overseas. The three persons who had allegedly perpetrated violent acts during the Mostar incident (Ivan Hrkac, Bozo Peric, Zeljko Planinic) would be reported for purposes of non-admission in the territories of the member States. That list would be updated following the outcome of further investigations and judicial proceedings.

On 26 March [S/1997/256], the Secretary-General transmitted to the Security Council a letter from the Principal Deputy High Representative in Bosnia and Herzegovina in which he reported that five police officers had been tried in West Mostar on minor charges in a seriously flawed trial that took no account of the shooting that killed one person and wounded at least 20 others. Among the five were the three officers—Hrkac, Planinic and Peric—who had been clearly identified in the IPTF report as having shot at the backs of retreating visitors at the cemetery. Planinic was sentenced to one year and Hrkac and Peric to six months in prison, but the sentences were suspended and the three left the court free men. Justice had not been achieved, the Principal Deputy High Representative said.

In a letter to the President and Vice-President of the Federation of Bosnia and Herzegovina, the Principal Deputy High Representative had requested that the Government ensure without delay correct legal proceedings based on a new indictment, founded in the facts, and that a proper criminal investigation of the suspects be undertaken. He also requested that the Lower Court in East Mostar not open parallel proceedings against the suspects or proceed with trials in absentia, in violation of international fair trial standards. He had further raised the expectation that IPTF would have complete access to any site, person, activity, proceeding or other item or event throughout the criminal investigation and legal proceedings, in accordance with annex 11 of the Peace Agreement.

On 5 May [S/1997/351], in response to the Security Council's request to be kept informed, contained in the 11 March presidential statement (see above), the Secretary-General submitted the summary of a report on human rights and the security situation in Mostar, prepared by IPTF and the Human Rights Coordinating Centre. He stated that there had been no further action by the responsible authorities to implement the Council's demands. However, the general situation in Mostar had improved. Evictions from West Mostar had stopped and 100 police officers (50 Bosniacs and 50 Croats) were jointly patrolling the central districts of the town. IPTF had also made progress in negotiating the establishment of the joint Federation police force in the Neretva (Mostar) Canton.

Elections

Municipal elections. In April [S/1997/310], the High Representative stated that the 1997 municipal elections, scheduled for 13 and 14 September, would be of critical importance to the future development of Bosnia and Herzegovina; a sound election process was considered the essential ingredient in the peace implementation process. The overall approach in preparations for the elections should include ensuring higher quality than had prevailed for the general elections in September 1996; complete international supervision of all polling stations and of every stage of the election process; and that OSCE should have the structures for the likely re-runs, as well as for the installation of elected officials. The Provisional Election Commission (PEC) had adopted specific rules enabling refugees to vote in an intended place of residence as well as giving displaced persons the right to vote where they currently resided, provided they proved continuous residence before 31 July 1996.

Among other things, it was determined that, for registration to succeed, local election commissions had to be trained and fully functioning before the registration process was launched on 5 May; that registration centres had to be conveniently located and internationally supervised; that the 2,300 polling stations envisaged be deemed sufficient in number; and that a massive and effective voter education campaign be undertaken.

An Advisory Commission, working under the auspices of the Council of Europe, was established in February to examine issues related to municipal structures, including some new ones. Management of the post-election situation was also considered of importance.

In July [S/1997/542], the High Representative reported that special attention was being paid to

Brcko and Mostar in preparations for the elections. The affirmative voter registration in Bosnia and Herzegovina, which would clearly define the electorate, began on 5 May. Certain irregularities had been disclosed in a number of areas. Where claims had been substantiated, candidates had been struck from party lists and voters had been re-registered. Since a solution to the territorial reorganization within the Federation had not been found, 18 municipalities remained divided by the IEBL without governing authorities, disenfranchising some 60,000 voters. An Election Implementation Plan, agreed to by the High Representative and OSCE, was endorsed by the PIC Steering Board in Sintra on 30 May.

The High Representative reported in October [S/1997/804] that the 13-14 September elections had been held in a calm, orderly and dignified manner. Threats of election boycott were encountered throughout the preparation period. Although representatives of both the Federation and Republika Srpska withdrew from the work of PEC prior to the election, negotiations resulted in their return before elections took place. Approximately 80 to 85 per cent of the electorate participated.

The Election Results Implementation Committee monitored all aspects of the parties' implementation of municipal elections. The High Representative stated that the establishment of the Permanent Elections Commission would take place once an Election Law had been adopted by the Bosnia and Herzegovina Parliamentary Assembly.

Republika Srpska elections. Elections for the Republika Srpska National Assembly were held in a calm and secure environment on 22 and 23 November, with a voter turnout of 79 per cent, the High Representative reported [S/1998/40]. However, they did not produce a clear majority for any party or party coalition, he said, adding that it was his interpretation that that was a sign of increasing political pluralism and democratization of the political landscape in the Republika Srpska and in Bosnia and Herzegovina as a whole. He felt that the results demonstrated that the people of Republika Srpska desired change in their political leadership.

Refugees and displaced persons

It was estimated that, since the beginning of 1997, some 150,000 refugees and displaced people had returned to their homes in Bosnia and Herzegovina, the Secretary-General said in his December report on UNMIBH activities [S/1997/966]. Of those, 100,000 were from countries of asylum. During the year, repatriation assistance (shelter and transport) was

provided throughout Bosnia and Herzegovina and targeted assistance went to extremely vulnerable individuals (the elderly, the handicapped and orphans) and residents of collective centres. The development of the Open City initiative, whereby UNHCR and its partners gave support and material assistance to communities that offered to declare themselves "open cities" by welcoming previous residents from all ethnic backgrounds who wished to return, was pursued with vigour, with UNHCR recognizing six open cities during 1997: Konjic, Busovaca, Vogosca, Bihac, Gorazde and Kakanj.

The plight of refugees and displaced persons was also addressed at the Peace Implementation Conference (Bonn, December) [A/52/728-S/1997/979]. PIC welcomed the return of more than 400,000 refugees and displaced persons since the signing of the Peace Agreement, but noted that over 600,000 Bosnian refugees remained abroad and over 800,000 remained displaced internally. It acknowledged that large-scale repatriation in 1998 would be contingent on successful minority return movements, particularly to Sarajevo and Republika Srpska. The overall conditions for return had not significantly improved, despite some amelioration in freedom of movement and respect for human rights. Because of continued obstruction, large numbers of returning refugees and displaced persons were being relocated against their will in places other than their original homes.

PIC demanded that the authorities in Bosnia and Herzegovina act resolutely to remove all barriers to return. It urged the entity Governments to instruct cantonal and municipal authorities to elaborate phased return plans, starting with the identification of areas where returns or preparations for returns to empty housing space could happen immediately. Such plans should be made in cooperation with UNHCR, with the Return and Reconstruction Task Force (RRTF) and international organizations, and associations of displaced persons and refugees, and be completed by the end of February 1998. Regarding Sarajevo, PIC endorsed the efforts of the High Representative and UNHCR to develop a Sarajevo return strategy and called on the authorities to agree on that strategy prior to the conference on return to Sarajevo, which was expected to be held in early 1998. In particular, PIC called for a review of implementation and a timetable for full implementation of the February 1996 Rome Statement on Sarajevo and the October 1996 Sarajevo Protocol, particularly regarding minority rights and multi-ethnic participation in governance.

Human rights

The High Representative, in a report covering the period October-December 1997 [S/1998/40], said that systemic human rights violations continued to occur in both entities, despite gradual improvement in freedom of movement, fewer arbitrary arrests and a more responsible attitude on the part of the authorities. Few steps had been taken by Federation or Republika Srpska authorities to ensure that the rights and freedoms set forth in the European Convention on Human Rights were effectively protected. Harassment, violence and destruction of property on the basis of ethnicity remained substantial problems, and discrimination on ethnic or political grounds was endemic, particularly in Republika Srpska. The role of police in addressing those violations itself continued to present significant concerns, particularly as police response was influenced by political and ethnic criteria, and reports of abuse in police custody were frequent. In those respects, the situation during the reporting period remained fundamentally unchanged. Property and housing laws that blocked the return of hundreds of thousands were still in force, making full implementation of annex 7 of the Peace Agreement impossible. Both entities needed to take urgent steps to amend those laws, the High Representative said. As reiterated at the Bonn Conference, the Federation would be held to its commitment, made at the Federation Forum on 12 November 1997, to adopt the three draft laws submitted by his office. The Republika Srpska had been urgently asked to amend its property and housing legislation within 60 days of the new Government taking office. If the entities failed to take those actions, the High Representative would recommend additional measures as sanctions. Establishing the conditions for safe return, including functioning human rights protection mechanisms, was also an essential component of the implementation of annex 7, as were efforts to address current discrimination and difficulties associated with both civil registration and acquiring access to personal documents throughout Bosnia and Herzegovina.

The Constitutions of the entities themselves embodied insupportable distinctions between ethnic groups in their designation of "constituent peoples", the High Representative said. Those provisions should be amended to accord equal status to Bosniacs, Croats and Serbs, along with members of other groups, in order to foster multi-ethnicity and ensure that the fundamental principle of equal rights for all people was fully respected. In addition, the current education policy and programmes of both entities did not promote understanding and reconciliation. It

was essential that the responsible authorities move expeditiously to develop an education programme consistent with those principles and with the right of parents to choose the nature of the education their children received.

The Human Rights Task Force had emphasized the urgent need for criminal justice reform in both entities. In particular, there was a need for criminal law and procedure codes to be harmonized with the European Convention on Human Rights. As noted at the Bonn Conference, the Federation should implement the recommendations of the expert team regarding the criminal procedure code by 31 January.

The Office of the United Nations High Commissioner for Human Rights had continued to support the mandate of the Special Rapporteur by keeping her informed of relevant developments and intervening with local authorities on her behalf, the Secretary-General said in his 10 December report [S/1997/966]. It also continued efforts to reform the judicial system of Bosnia and Herzegovina, including conducting and coordinating trial monitoring activities; providing human rights expertise to the expert team for criminal justice reform; supporting a project on a judicial training institute; and conducting a project to provide suspects with lawyers familiar with international human rights law. In addition, the Office was monitoring the procedure for the appointment of judges, in particular in the Federation, to assess its consistency with relevant human rights standards.

Economic rehabilitation and reconstruction

The international community continued to fuel economic recovery in 1997, the High Representative stated [S/1998/40]. An estimated \$1.5 billion in aid had been implemented so far in the country, approximately 95 per cent of which was in the Federation, including Sarajevo, and the proportion of financial help for Republika Srpska was increasing. In the fourth quarter of 1997, eight grant agreements were signed with the authorities in Bosnia and Herzegovina. The World Bank approved credits totalling \$27 million for two projects with a total cost of \$123 million. That included the reconstruction assistance project (\$82 million), which was dedicated to Republika Srpska. Some 150 new contracts were signed during the last quarter of the year. In the same period, the European Commission had contracted grants for a total of \$125 million. Together with the Commission on Public Corporations, the High Representative's Office held negotiations to establish a Railway Corporation in Bosnia and Herzegovina. A framework agreement was to be signed in January by which the

parties would resume traffic immediately; final negotiations on the organization of the sector were to be completed by March. Preliminary discussions had also started on postal services.

Although the Arbitral Award (see above) stated the significance of economic revitalization of the Brcko area, only slow progress had been made by international donors and development agencies in that regard. Following a donors' conference on 4 and 5 November, several donors demonstrated interest in funding specific projects.

The World Bank's mission in Bosnia and Herzegovina continued to implement the economic reconstruction programme approved at the Brussels conference in December 1995 [YUN 1995, p. 547], the Secretary-General said in December 1997 [S/1997/966]. The Bank was also helping Bosnia and Herzegovina to introduce reforms in the economic system to put economic growth on a sustained basis and to speed the transition to a market economy. A total of \$408 million in World Bank funds had been mobilized for 18 specific projects and a fund of \$150 million was being managed to co-finance those projects, bringing the value of projects prepared by the World Bank and being implemented to nearly \$1.5 billion. At the end of September, contracts signed using World Bank-administered funds totalled 2,184, for a value of \$320 million. The Bank had mobilized substantial resources to rebuild houses in UNHCR target zones and to implement job-creation programmes and other schemes for infrastructure development. The World Bank and the United Nations Development Programme (UNDP) had closely coordinated their programmes, resulting in excellent leverage of UNDP efforts and a particularly valuable contribution by UNDP to the Bank-led reconstruction efforts.

UNDP continued to expand its activities within its country cooperation framework, focusing primarily on multisectoral area-based development programmes supported by selected national sectoral projects and assistance to policy development.

Military aspects of Agreement

Stabilization Force

During 1997, the Secretary-General of the North Atlantic Treaty Organization (NATO) reported monthly to the Security Council, in accordance with resolution 1088(1996) [YUN 1996, p. 310], on the activities of the multinational Stabilization Force (SFOR), also known as Operation Joint Guard [S/1997/81, S/1997/193, S/1997/257, S/1997/369, S/1997/602, S/1997/636, S/1997/718, S/1997/794, S/1997/893, S/1997/975]. The Force operated under

the leadership of NATO, as had its predecessor, IFOR. At the end of 1997, approximately 36,000 troops were deployed in Bosnia and Herzegovina and in Croatia, with contributions from all 16 NATO member countries and 20 non-NATO nations.

At the end of January [S/1997/81], NATO reported that there had been a successful transition from IFOR (Operation Joint Endeavour) to SFOR, which intended to build on IFOR achievements and to contribute to the secure environment necessary for the consolidation and stabilization of peace in the region.

Throughout the year, SFOR conducted surveillance and reconnaissance by means of ground and air patrols; carried out inspections of military sites; confiscated and destroyed unauthorized weapons; provided security for the return of refugees; monitored demining activities; and reported on general compliance with the military provisions of the Peace Agreement. It also supported the international civil organizations in Bosnia and Herzegovina. It worked with IPTF to maintain local security and facilitate freedom of movement; assisted the Office of the High Representative, UNHCR and IPTF in implementing procedures for the orderly return of refugees and displaced persons in the zone of separation; provided technical experts and assistance in telecommunications and engineering; and assisted IPTF in defining entity jurisdictional boundaries. SFOR and OSCE had also established a cooperative relationship, particularly with regard to preparing for the elections.

Croatia

During 1997, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) continued to assist Croatia and the local Serb community in the process of peacefully reintegrating the subregion into Croatia. The mandate of UNTAES, which was established by the Security Council in 1996 [res. 1037(1996)], included demilitarization, reintegration of institutions and the creation of conditions to permit the holding of elections.

Following Croatia's 13 January announcement guaranteeing the local Serb population representation and voice at various levels of local, regional and national government and affirming its intention to protect their legal and civil rights, elections in the UNTAES region and nationwide were held on 13 April. In addition to being an important milestone for the legitimate representation

of the local population in the Croatian constitutional and legal system, the elections also opened the way for the return of displaced persons in Croatia. On 24 April, Croatia adopted Agreed Procedures on Return, which provided guiding principles and specific mechanisms to govern a programme of return of Croatian citizens to their homes throughout Croatia. On 26 June, the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) authorized the build-up of its mission personnel to 250 to assist with and monitor implementation of Croatian legislation and commitments on the two-way return of refugees and displaced persons and the protection of their rights.

In the light of those developments, the Security Council, on 14 July, extended the UNTAES mandate until 15 January 1998 and endorsed the Secretary-General's plan for the gradual devolution of executive authority for civil administration by the Transitional Administrator to Croatian authorities and for the restructuring of UNTAES.

Further advances in the reintegration process were made in October, when Croatia adopted a comprehensive programme of national reconciliation and appointed a multi-ethnic National Board for the Realization of the Programme on the Establishment of Confidence, Acceleration of Returns and Normalization of Life. By December, two thirds of the local reconciliation committees had been established.

In December, the Secretary-General reported that Croatia had shown more political will to complete reintegration successfully and had increased efforts to meet its obligations, although some commitments remained to be fulfilled. The Council called on the Government to implement fully and promptly all of its obligations and commitments, including those reached with UNTAES. It decided to establish immediately after the termination of UNTAES on 15 January 1998 a support group of 180 UN civilian police for nine months to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons.

The Council also considered the situation with regard to the monitoring of the demilitarization of the Prevlaka peninsula. The Secretary-General pointed out that compliance with the practical options proposed by the United Nations Mission of Observers in Prevlaka (UNMOP) to reduce tension and improve safety and security in the area confirmed the lessening of tensions in the region. However, while both parties continued to reiterate their firm commitment to a negotiated resolution of the disputed issues of Prev-

laka, substantive talks had not started and there was no prospect in sight that the long-term violations in the UN-controlled zone would end. Recent developments at other parts of the border between Croatia and the Federal Republic of Yugoslavia (FRY), on the other hand, gave him grounds for hope that the two countries could solve the disputed issue of Prevlaka through mutual negotiations. Under the circumstances, he recommended a further six-month extension of the UNMOP mandate, to 15 July 1998.

UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES)

The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) continued to assist in the implementation of the 1995 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the Basic Agreement) [YUN 1995, p. 587] between Croatia and the local Serb authorities. Major-General W. Hanset (Belgium) was appointed Force Commander through an exchange of letters between the Secretary-General and the Security Council [S/1997/66, S/1997/67] to succeed Major-General J. Schoups (Belgium), who completed his tour of duty on 15 January. By a similar exchange of letters [S/1997/578, S/1997/579], William Walker (United States) was appointed Transitional Administrator for UNTAES, with effect from 1 August, to replace Jacques Paul Klein (United States). In July, the Council extended the UNTAES mandate until 15 January 1998. It also endorsed the Secretary-General's plan for restructuring UNTAES and for drawing down its military component from the authorized strength of 5,000 to 720 by mid-October 1997. The number of military observers remained at 100, while the civilian police strength was reduced from 600 to 250. On 19 December, the Council, noting that the UNTAES mandate would terminate on 15 January 1998, decided to establish as of 16 January a support group of 180 civilian police monitors for a single period of up to nine months.

Political developments

In January [S/1997/62], the Secretary-General informed the Security Council that during the last quarter of 1996 UNTAES had shifted its focus mainly to political issues and particularly to resolving outstanding policy issues required for the holding of elections. In December 1996, at the last 1996 meeting of the Joint Implementation Committee (JIC) on Elections, the Croatian position was that all residents of Eastern Slavonia eligible for Croatian citizenship, and who were liv-

ing in the region at the beginning of the UNTAES mandate on 15 January 1996, should be entitled to vote. Elections should be for existing Croatian institutions within existing electoral boundaries and should take place simultaneously with nationwide Croatian local and regional elections scheduled for 16 March 1997. For its part, the local Serb delegation to JIC believed that the region should be a single territorial unit with the same status as a county under Croatian law. Elections in the region should be held after elections in the rest of Croatia and all residents of the region, irrespective of origin or date of entry into the region, should be qualified to vote if they were citizens of the former Socialist Federal Republic of Yugoslavia. To help solve the political deadlock, the Transitional Administrator met with local Serb leaders and Croatian government officials to explore areas of flexibility and compromise. While the Government of Croatia was willing to offer additional guarantees to local Serbs, the local Serb Regional Assembly made no concession on its position of a single region. On 26 December 1996, the Transitional Administrator proposed to President Tudjman of Croatia and the President of the local Executive Council elements of a political package as a framework for elections and for long-term guarantees for the local Serb community. The Croatian authorities indicated their readiness to discuss those proposals but no response was received from local Serb leaders. On 30 December, the Transitional Administrator commenced intensive consultations with President Tudjman and the Government of Croatia on the political package for elections, resulting in a 13 January 1997 letter from Croatia (see below) containing guarantees on the completion of the peaceful reintegration of the UNTAES region.

Communications (January). By a 13 January letter [S/1997/27], Croatia informed the Security Council President that, under the terms of the Basic Agreement, elections in the UNTAES region and local elections nationwide would be held on 16 March. Local bodies of authority in parts of Osijek-Baranja and Vukovar-Sirmium counties, which were under the Transitional Administrator, would be established no later than 30 days thereafter, following certification of the elections by the Transitional Administrator. Serbs, and all other Croatian citizens, were eligible to participate if they had resided in Osijek-Baranja and Vukovar-Sirmium counties at the time of the 1991 census. Possession of Croatian citizenship/identity documents was a prerequisite for participation in the elections. Croatian citizens of Serb ethnicity, who had settled in the area prior to the UNTAES mandate and were currently living in the

area under the Transitional Administration, but were not domiciled in that particular area at the time of the 1991 census, might choose to vote for either local bodies of authority, provided they were living in the areas covered by those bodies or such local bodies of authority in the area of their 1991 residence. Voter registration would be organized by UNTAES and the Croatian authorities; the latter would also issue the necessary citizenship/identity documents. Local Serbs were guaranteed a post of Sub-Prefect in both counties as well as proportional representation, including at senior levels, in local health services, the police and judiciary. For the first year, Serb and non-Croat police would number approximately 700 to 800. Serbs would be able to appoint a Joint Council of Municipalities to meet once every four months with the Croatian President or with the chief of the Presidential cabinet. The representation of Serbs and other minorities in the House of Representatives of the Croatian Parliament would also be subject to proportional representation, based on the results of the next census. The President would appoint two Serb representatives as deputies in the House of Counties. They were also guaranteed senior-level posts in the Ministry of Reconstruction and Development and the Office for Displaced Persons and Refugees; Assistant Minister in the Ministries of the Interior, Justice and Education and Culture; and participation at the expert level in the working bodies of the Croatian Parliament. All minorities were guaranteed full rights with respect to educational and cultural autonomy, including the entitlement to prepare and implement a curriculum fostering cultural identity, history and heritage. They would also have full rights to preserve and foster individual cultural identity. Serbs throughout Croatia could establish a Council of the Serb Ethnic Community that might make proposals to the President on issues of common interest for the national minority. The Minister of Defence would enact a deferment for all members of the Serb community from the UNTAES area of compulsory military service for two years from the end of the UNTAES mandate, with the possibility of a further deferment thereafter. War victims, particularly the disabled, widows and orphans, were guaranteed full health and social rights. Croatia reaffirmed that nothing in the letter should derogate from the obligations of the Croatian Constitution, the Basic Agreement and Security Council resolution 1037(1996) [YUN1996, p. 319], among other documents.

In response, FRY forwarded to the Council President a 16 January letter [S/1997/64] from the local Serb Executive Council and Regional Assembly to the Transitional Administrator seeking

additional guarantees. They included: complete and permanent demilitarization of the UNTAES region; exemption from military service for Serbs for at least 15 years; the right of all displaced persons and refugees in Croatia to remain in their present accommodation until their original homes were rebuilt, or to be compensated for destroyed or damaged property, or to be provided adequate accommodation in the area where they lived; and the creation of a single, self-administered county for the region.

Communication from Secretary-General. The Secretary-General, on 21 January [S/1997/62], drew the Security Council's attention to the terms for elections as set out in Croatia's 13 January letter and to the Transitional Administrator's view that the rights and guarantees described therein, if fully and genuinely implemented, constituted a solid basis for holding elections simultaneously with nationwide elections in Croatia and offered substantial progress towards completing the process of peaceful reintegration of the region. He said that Croatia had also indicated to the Transitional Administrator its agreement to international monitoring of the implementation of the commitments outlined in the letter.

The Secretary-General observed that UNTAES had no mandate to pursue directly the question of the post-UNTAES military status of the region. However, as a confidence-building measure, the Transitional Administrator was encouraging Croatia to maintain the demilitarized status of the region and to reach agreement with FRY and Hungary on a demilitarized common border area. With regard to the prolonged exemption from military duty for local Serbs, the Secretary-General informed the Council that Croatian officials had indicated to UNTAES that applications for a second period of deferment of military service would be given positive consideration. He also noted the right to equal treatment with respect to housing, access to reconstruction grants and loans, and to property compensation, as guaranteed by existing Croatian law. He believed that Croatia should be encouraged to make a statement reaffirming its obligations under the Constitution, Croatian law and the Basic Agreement to treat all of its citizens equally regardless of their ethnicity. In the Secretary-General's view, the proposed political package, taken in conjunction with the Basic Agreement and Security Council resolution 1037(1996) and the guarantees contained in the December 1996 Affidavit of Employment, by which Croatia affirmed the protection of the rights of employees of public enterprises and institutions in the UNTAES area, constituted a framework of guarantees for those

Serbs wishing to stay in Croatia. He recommended that the Council consider favourably Croatia's 13 January letter and reiterated that strict compliance by all sides with the obligations outlined therein and the full support of the international community were essential to the reintegration process.

SECURITY COUNCIL ACTION (January)

On 31 January [meeting 3737], the Security Council considered the Secretary-General's letter and other communications, including a 25 January letter [S/1997/78] from FRY. FRY stated that Croatia's 13 January letter, while containing a number of useful initiatives and positive elements, failed to address certain issues, and some of its positions departed from the text and goals of the Basic Agreement. In that regard, it considered the requests set out by the Serbs in their 16 January letter to the Council to be well founded and deserving of careful consideration.

The Council authorized the President to make the following statement [S/PRST/1997/4] on its behalf:

The Security Council has considered the letter from the Secretary-General dated 21 January 1997 concerning developments with respect to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and welcomes his evaluation.

The Council welcomes the letter dated 13 January 1997 from the Government of Croatia on the completion of the peaceful reintegration of the region under the Transitional Administration, which guarantees the local Serb community representation and a voice at various levels of local, regional and national government, provides for a limited deferment of military service and affirms the intention of the Government of Croatia to provide the local Serb population with the protection of their legal and civil rights under Croatian law. The Council calls upon the Government of Croatia to implement fully the commitments contained in that letter and the oral guarantees made by Croatian officials to the Transitional Administration, as specified in the letter from the Secretary-General dated 21 January 1997.

The Council also takes note of the letter dated 16 January 1997 from the local Serb Executive Council and Regional Assembly on this matter.

The Council recalls the statement by its President of 15 August 1996 and again underlines the importance of the holding of elections, the organization of which is the responsibility of the Transitional Administration, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed on 12 November 1995. The Council shares the view of the Transitional Administrator that the rights and guarantees outlined in the letter from the Government of Croatia, if fully implemented, constitute a solid basis for the holding of elections simultaneously with nationwide elec-

tions in Croatia, and offer substantial progress towards the completion of the process of peaceful reintegration of the region. In this context, the Council emphasizes that the holding and certification of elections, upon a decision by the Transitional Administration, within the envisaged time-frame will only be possible if the Croatian authorities fulfil their obligations with respect to the completion of the issuance of citizenship and identity documents for all eligible voters and relevant technical documents, and provide all information as required by the Transitional Administration for certification of the elections. The Council underlines the need for full cooperation by the local Serbs.

The Council reiterates the importance of confidence-building measures which could benefit residents of the region beyond the expiration of the mandate of the Transitional Administration. In this regard, it encourages the Croatian authorities to maintain the present demilitarized status of the region.

The Council reaffirms the importance of effectively implementing the right of all residents in the region to equal treatment with respect to housing, access to reconstruction grants and loans, and to property compensation, as guaranteed by Croatian law. It reiterates the right of all refugees and displaced persons to return to their places of origin. It also reiterates the right of residents of a State to choose freely where they wish to live. The upholding of these principles is of vital importance for the stability of the region. In this connection, it strongly encourages the Government of Croatia to reaffirm its obligation, under the provisions of the Croatian Constitution, Croatian law and the Basic Agreement, to treat all its citizens equally regardless of their ethnicity.

The Council stresses that the restoration of the multi-ethnic character of Eastern Slavonia is important to international efforts to maintain peace and stability in the region of the former Yugoslavia as a whole. The Council encourages the Croatian Government to take such steps as are needed to promote goodwill, build confidence and provide assurances of a safe, secure and stable environment to all people in the region. These steps should include full implementation of its Amnesty Law, full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, improved cooperation with respect to local Serbs who wish to return to other areas of Croatia, full compliance with the Basic Agreement and full cooperation with the Transitional Administration and other international organizations. The Council welcomes the commitments by the Government of Croatia with regard to the establishment of a Joint Council of Municipalities, a Council of the Serb Ethnic Community and with respect to educational and cultural autonomy of the Serb population and other minorities in the region. The Council notes the reassurances of the Croatian authorities that applications for a second period of deferment of military service for local Serbs will be considered in a positive manner.

The Council condemns the incident that occurred at Vukovar on 31 January 1997, which resulted in the death of a Transitional Administration peacekeeper and injuries to other Transitional Administration personnel.

The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement. It also calls upon them to continue to cooperate with the Transitional Administrator and with the Transitional Administration in order to ensure the success of the process of reintegration. It calls upon the international community to support fully this endeavour.

The Council expresses its appreciation to the Transitional Administrator and his staff, and reaffirms its full support for them.

The Council will remain actively seized of the matter.

Report of Secretary-General (February). In a 24 February report [S/1997/148], the Secretary-General stated that, following consultations with Croatia, the Transitional Administrator had decided that elections in the region and nationwide would be held simultaneously on 13 April. That gave UNTAES an additional four weeks to complete its technical preparations. Agreement was also reached with Croatia on 31 January on expedited procedures for voter registration and the issuance of Croatian documents. However, implementation of the procedures had been uneven and dates promised for the introduction of new procedures had slipped. Despite Croatia's efforts to resolve delays in issuing documents, UNTAES had noted cases of applications pending for over two months. In addition, Serbs had expressed concern that the unique markings on documents issued raised doubts as to their validity and usefulness in the long term, particularly after the departure of UNTAES. Meanwhile, according to the Croatian Foreign Ministry, as at 3 February, the Government had issued 57,143 documents to the residents of the Danube region, out of 68,310 requests. The Secretary-General noted, however, that Croatian statistics on documents issued remained imprecise and did not differentiate between those actually issued and those denied. UNTAES was therefore unable to verify what percentage of the eligible voting population had received the necessary documents. It was clear, however, that most males of draft age had not been able to obtain Croatian passports. Voter registration of displaced persons commenced on 4 February but only a small proportion of them had so far done so. Furthermore, the Serb community had not yet nominated representatives to the local election commissions, and civic and voter education had been affected by delays in agreements on election processes. Difficulties relating to election logistics remained to be re-

solved, including agreement on a methodology for voting in absentia. The UNTAES Electoral Unit, which was actively engaged in establishing the conditions for free and fair elections, had instituted regular meetings with the Croatian Electoral Commission to coordinate and review progress in election operations and logistics.

Reviewing the general situation, the Secretary-General reported that, between 8 and 17 February, the Transitional Administrator had consulted with the parties concerned and the President of FRY, who expressed his full support for the holding of early elections to allow UNTAES more time for monitoring the situation in the region in the post-election period. He also expressed readiness to undertake bilateral negotiations with Croatia on issues of particular concern to the region. Croatia had responded positively to those proposals and agreed to enter into bilateral meetings at the Foreign Minister level.

The Secretary-General also drew attention to UNTAES reports on the growing rift between moderate Serb leaders wishing to stay in Croatia and others who were intimidating the majority of residents and obstructing the exercise of their rights. Moderate Serb leaders had expressed their willingness to participate in the elections if progress could be made on redrawing local municipal electoral boundaries that had been redrawn in 1991-1992, leaving Serbs in minority positions in several municipalities. They had also sought clarification of the functions and powers of institutions and positions outlined in Croatia's 13 January letter. The Secretary-General noted that in January, under instructions from the Regional Assembly, Serb negotiators had participated minimally in all joint negotiating bodies. However, on 5 February, following intensive meetings with the Transitional Administrator and consultations in Belgrade, the Regional Assembly endorsed the resumption of political negotiations, urged Serbs to stay in the region, acknowledged the necessity of holding elections once all preconditions were met, and sought guarantees concerning implementation of the Amnesty Law and long-term international monitoring. Despite those decisions, certain Serb leaders continued to mobilize sections of the population and to spread false rumours, creating an atmosphere of political agitation and uncertainty. In early February, daily peaceful demonstrations commenced in Vukovar and other towns, during which the demonstrators accused UNTAES of taking sides with the Croatian Government against Serbs.

The military situation remained generally calm but tension in the southern part of the region increased in late January. On 31 January, a

member of the UNTAES military component was killed in Vukovar. Since its inception on 2 October 1996, the weapons buy-back programme, financed by the Government of Croatia and organized by the UNTAES military component, had collected over 15,000 weapons and 435,000 rounds of ammunition. However, it was believed that considerable quantities of small arms and ammunition remained in private hands.

Progress in the Joint Implementation Committees had been slow due to delays by the local Serb authorities. The Transitional Administrator had emphasized to the Serbs the need to adhere to the 28 February deadline for reintegrating public enterprises into the Croatian economy. On 14 February, Croatia issued an additional affidavit of employment guaranteeing the continued employment of Serb employees in those enterprises, including health institutions. Other significant areas of progress included the beginning on 15 December 1996 of an UNTAES-sponsored visits programme to enable individuals with Croatian documents to enter or leave the region for up to seven days. Approximately, 2,500 people used the programme each week. At the same time, despite intensive efforts by the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNTAES, little progress had been made regarding the return of refugees and displaced persons. The Croatian Office for Displaced Persons and Refugees had not extended its services equally to Serbs by establishing offices throughout the region. Other obstacles included security concerns for Serb returnees in other parts of Croatia, the slow pace of demining in villages targeted for Serb returns, a shortage of adequate housing and the occupation by Bosnian Croats of houses owned by Serbs. Despite repeated suggestions by the Transitional Administrator, the Croatian side had so far not been willing to form a single association of both Croat and Serb displaced persons to address their common interests. However, it had indicated an interest in the formation of a joint Croat and Serb displaced-person coordination group after the elections. On 13 February, the Transitional Administrator sought from Croatia its commitment to the effective implementation of the right of all residents in the region to equal treatment with respect to housing and access to reconstruction grants and loans and to property compensation. The Administrator presented to the Government an outline of a "Start-up and recovery package for displaced persons", drafted jointly with UNHCR, to enable Serbs to return home or to build a new life in Croatia.

The Secretary-General agreed with the Transitional Administrator's view that 13 April was a re-

alistic and achievable date for the holding of free and fair elections. He called on the residents of the region to consider carefully their options, to follow wise leadership and to take up their future as citizens of Croatia. He expressed concern about the increase in the number of people leaving the region, which, in his view, could constitute a threat to international efforts to promote peace both in the region and in the wider area. The success of peaceful reintegration and the proof of Croatian good intent would be determined by the confidence-building measures taken by Croatia, he said. Croatia had not yet publicly confirmed the oral guarantees relating to international monitoring of the implementation of the commitments outlined in its 13 January letter and to a favourable consideration of applications for the second period of deferment of military service, the Secretary-General noted. It had also not yet responded to the Council's encouragement to reaffirm its obligations under the provisions of the Croatian Constitution, Croatian law and the Basic Agreement to treat all its citizens equally regardless of their ethnicity. The Secretary-General also expressed concern over the lack of progress with respect to the future of displaced persons and the establishment of equal treatment with respect to housing, access to reconstruction grants and loans and to property compensation. He welcomed the commitment of FRY and Croatia to make progress in their bilateral relations in regard to permanent demilitarization of the border region, delimitation of their common border, abolition of the visa regime and the opening of transport and commercial links. He observed that progress in those areas would contribute substantially to confidence-building and wider regional security.

SECURITY COUNCIL ACTION (March)

On 7 March [meeting 3746], the Security Council considered the Secretary-General's report. It also had before it a 4 March letter [S/1997/188] from FRY to the Council President, in which it drew attention to the inconsistent application and flouting by Croatia of its commitments under the Basic Agreement, relevant Council resolutions and Presidential statements, its own oral guarantees to the Transitional Administrator and the commitments given in its 13 January letter. According to FRY, that gave little cause for local Serbs to believe that Croatia was willing to integrate the region and led them to leave in even greater numbers. FRY proposed a number of elements for inclusion in a Council resolution, the adoption of which would exert more effective influence on Croatia to implement consistently and fully the commitments it had undertaken.

The Council authorized its President to make the following statement [S/PRST/1997/10] on its behalf:

The Security Council has considered the report of the Secretary-General of 24 February 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and recent developments in that region. It recalls the statement by its President of 31 January 1997 and reiterates its call on the parties to cooperate fully with the Transitional Administration and the Transitional Administrator.

The Council shares the observation contained in the report of the Secretary-General that, with the full cooperation of the parties, 13 April 1997 is a realistic and achievable date for the holding of free and fair elections in the region.

The Council underlines that it is in the best interests of the members of the Serb community to collect their citizenship documents, to participate fully in those elections, and to take part in Croatian political life as equal citizens on the basis of the implementation of the rights and guarantees contained in the letter dated 13 January 1997 from the Government of Croatia. The Council deplores disruptive activities by some elements of the Serb community in the region creating an atmosphere of political agitation and uncertainty. It calls upon all residents of the region to follow wise leadership, to stay in the region, and to take up their future as citizens of the Republic of Croatia.

The Council stresses that the holding of the elections will also depend on the readiness of the Government of Croatia to meet all preconditions, including the issuance of documents, provision of data and timely completion of the technical arrangements required for certification. The Council acknowledges the encouraging progress the Government of Croatia is making in this respect. It is, however, concerned that implementation of these procedures has been uneven. The Council urges the Government of Croatia to redouble its efforts to ensure the completion of the necessary technical preparations for the holding of elections.

The Council strongly urges the Croatian Government to issue, as a gesture towards reassuring the Serb community, formal public confirmation of the oral guarantees made to the Transitional Administration as specified by the Secretary-General in his letter dated 21 January 1997 and to reaffirm its obligations as referred to in paragraphs 28 and 29 of the report of the Secretary-General. It also calls upon the Government of Croatia to apply its Amnesty Law fairly and consistently to all persons subject to its jurisdiction. The Council stresses that, to a large measure, the long-term success of peaceful reintegration will be determined by the commitment of the Government of Croatia to reconciliation and to ensuring that those Serbs who are currently resident in the region will enjoy equal rights as Croatian citizens.

The Council shares the serious concern, as stated in the report of the Secretary-General, that no progress has been made concerning the future of displaced persons in the region and the establishment of equal treatment with respect to housing, access to

reconstruction grants and loans and property compensation, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and Croatian law. The Council reaffirms the right of all refugees and displaced persons to return to their homes of origin throughout the Republic of Croatia and to live there in conditions of security. It welcomes the proposal elaborated by the Transitional Administration and the Office of the United Nations High Commissioner for Refugees concerning the return of displaced persons, and urges the Government of Croatia to pursue discussions on that proposal without delay, to cooperate closely with the Transitional Administration and the Office of the High Commissioner in implementation, and to make a clear and unambiguous public statement and undertake concrete actions confirming the equal rights of all displaced persons regardless of their ethnicity.

The Council welcomes the commitment by the Federal Republic of Yugoslavia and the Republic of Croatia to make progress in their bilateral relations, in particular with respect to the permanent demilitarization of the border region and the abolition of the visa regime, which would constitute a major contribution to local confidence-building and the stabilization of the region.

The Council recalls its resolution 1079(1996) of 15 November 1996 and expresses its intention to consider recommendations, to be submitted by the Secretary-General as soon as possible after the successful holding of elections, concerning the further United Nations presence consistent with the fulfilment of the Basic Agreement.

The Council requests the Secretary-General to keep it regularly informed of the situation. It will remain actively seized of the matter.

Communications (April). On 9 April [S/1997/294], Croatia provided the Security Council President with data on the documents programme in the Croatian Danube region and on the status of Serbs and other minorities in Croatia. According to Croatia, 348,000 documents had been issued to residents of the region, out of 355,446 applications, including 120,000 domovnicas (citizenship certificates) needed for voter registration. However, the majority of Serbs were not using their documents to register to vote. The programme had been extremely successful due to the tremendous resources the Government had committed to the task. Croatia stated that, contrary to expectations, there had been no organized Serb exodus. It had encouraged Serbs on numerous occasions and at various levels to stay, including overtures from President Tudjman. The Government had also facilitated the return of 58 per cent of Serbs who had fled Croatia and had since made requests to return. Moreover, the situation in already reintegrated territories had stabilized. A working group, involving the Government, UNTAES and UNHCR, had been formed to strengthen the return process in both directions.

Croatia stressed the multi-ethnic composition of the country.

FRY, in an 11 April letter [S/1997/302] to the Council President, disputed both the data provided by Croatia, as compared to that provided by UNTAES, and the Croatian assessment of the situation in the country. It called on Croatia to enable all Serbian "expellees" and refugees living in the region to return to the homes they had fled and to grant them fair compensation for destroyed property. It should also revoke its laws denying Serbs the right to enjoy their property and stop altering the demography of the regions settled predominantly by Serbs by settling them with Croatian refugees. FRY said that it had proposed to Croatia a series of agreements to strengthen the legal basis for inter-State, good-neighbourly and stable relations, as well as an agreement on dual citizenship, to help promote a feeling of security among Serbs in Croatia.

Elections

Local elections for 25 municipal councils and three city councils in the UNTAES region were conducted as scheduled on 13 April and extended, because of technical difficulties, to 14 and 15 April. Those elections were held simultaneously with regional elections for two county assemblies and national elections for the Upper House of the Croatian Parliament. Nearly 500 international observers were deployed throughout Croatia to observe the elections. Within the UNTAES region, over 150 UNTAES observers were deployed at all polling stations. In addition, 30 observer teams from OSCE and observers from the Council of Europe and representatives of the diplomatic community visited numerous polling stations. Preliminary results prepared by the Local Electoral Commissions were announced by UNTAES on 19 April and certified by the Transitional Administrator on 22 April. Official results were announced on 30 April and confirmed by the Electoral Appeals Commission.

There were 193 polling stations in the region, including 30 locations for absentee voting for authorities outside the region. Displaced persons elsewhere in Croatia voted in absentia at 645 polling stations in 75 polling locations. The final number of voters inside the region was more than 71,000, and over 56,000 persons voted for the local authorities in absentia elsewhere in Croatia.

Communication from Secretary-General (April). The Secretary-General, reporting on the results of the elections in a 29 April letter [S/1997/343] to the Security Council President, said that the Transitional Administrator had indicated that no intimidation, violence or electoral improprieties were observed or reported at any time during the

election period. In addition, the Electoral Appeals Commission had reported that most complaints received were either corrected by the Transitional Administrator or dismissed after due consideration. The Media Experts Commission reported that several infractions of the code of conduct were corrected by local intervention. Both Commissions concluded the elections were free and fair.

The Transitional Administrator expressed the view that the elections had opened the way for the two-way return of all displaced persons in Croatia and praised the adoption by the Croatian Government, on 24 April, of the Agreed Procedures on Return [S/1997/341], developed by the Joint Working Group on the Operational Procedures of Return, which was composed of representatives of the Croatian Government, UNTAES and UNHCR. The procedures provided for guiding principles and specific mechanisms for a programme of return of Croatian citizens to their homes throughout Croatia. They covered family reunion, vacant inhabitable homes, homes damaged or destroyed by war, and homes that were being used temporarily.

SECURITY COUNCIL ACTION (May)

The Security Council met on 8 May [meeting 3775] to consider the Secretary-General's report of 29 April. It also had before it a letter [A/52/133-S/1997/348] from the Netherlands addressed to the Secretary-General, informing him of a 30 April statement by the European Union welcoming the holding of elections in the region and pointing out that strict respect for human rights and for the rights of minorities throughout the country remained a prerequisite for the ultimate success of the reintegration process.

Following consultations among the members, the Council authorized its President to make the following statement [S/PRST/1997/26] on its behalf:

The Security Council welcomes the letter from the Secretary-General dated 29 April 1997, which conveys the conclusions of the Transitional Administrator regarding the successful holding of the elections in the region of Eastern Slavonia, Baranja and Western Sirmium in the Republic of Croatia beginning on 13 April 1997, under the direction of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.

The Council shares the assessment of the Transitional Administrator that the holding of the elections has been an essential step for further progress in the peaceful reintegration of the region and marks an important milestone for the legitimate representation of the local population in the Croatian constitutional and legal system. It urges early formation of the newly elected bodies of local government and prompt and full implementation of the under-

takings contained in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and the letter dated 13 January 1997 from the Government of Croatia, including the establishment of the Joint Council of Municipalities and the appointment of local Serbs to the guaranteed positions in the parliamentary and administrative structures of Croatia.

The Council underlines the finding of the Transitional Administrator that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections. The Council welcomes the goodwill and sense of cooperation demonstrated by the parties to the process.

The Council emphasizes the importance of the two-way return of all displaced persons in Croatia, as well as the right of residents of a State to choose freely where they wish to live. In this context, it welcomes the Agreement of the Joint Working Group on the Operational Procedures of Return. It urges the Government of Croatia strictly to implement this agreement. The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement and stresses the need to respect human rights, including rights of persons belonging to minorities, throughout the country, in order to ensure the success of the process of reintegration.

The Council expresses its appreciation to the Transitional Administration and to those elements of the international community, including observers from the Organization for Security and Cooperation in Europe, the Council of Europe and members of the diplomatic community, whose efforts made possible the successful holding of elections. The Council commends the Transitional Administration for resolving technical difficulties by taking decisive actions, which contributed significantly to the successful holding of the elections.

The Council looks forward to the recommendations of the Secretary-General, in the light of the progress of the parties towards fulfilling the Basic Agreement, for the further United Nations presence in Eastern Slavonia, Baranja and Western Sirmium, possibly a restructured Transitional Administration, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning 16 July 1997, in accordance with Council resolution 1079(1996).

Post-election situation

Communications (June). FRY, in a 2 June letter [S/1997/425] to the Security Council President, requested the extension of the UNTAES mandate until the expiration of the transitional period. According to FRY, it would be the best guarantee for preserving peace and security and fully protecting the local Serb population. It would also represent an unambiguous signal and support of the international community to all parties to continue to fully implement the Basic Agreement and honour all obligations assumed unilaterally or otherwise.

On 13 June, Croatia submitted to the Council President a report [S/1997/454] on the results so far achieved in the peaceful reintegration and restoration of constitutional and legal order in the UNTAES region and a letter from its Foreign Minister requesting that, in the light of the success of the completion of the UNTAES mandate, the follow-on UN mission in the region should be restructured. The military component should commence a progressive process of disengagement on 16 July. The civilian component should gradually diminish its executive powers and transfer them to the elected authorities, provide support and assistance to the new local bodies, and monitor and assist in the return of displaced persons and human rights. The follow-on mission should also facilitate the phasing-in of the OSCE monitoring mission in Croatia, which should be expanded and strengthened to take over monitoring in the region completely on 15 January 1998, when the UN mandate in the region would end. Croatia would be agreeable to a future limited and reconstructed UN presence in the region to complete the transfer of executive authority from the Transitional Administration to the legally elected authorities immediately after 15 July.

Report of Secretary-General (June). In a 23 June report [S/1997/487], the Secretary-General described the post-election situation in the UNTAES region and outlined his plans for the continued presence of the United Nations. He stated that with UNTAES encouragement, the ruling Croatian Democratic Union (HDZ) and the Independent Democratic Serb Party (SDSS), both of which had won 12 seats in the Vukovar city council elections, had negotiated a power-sharing arrangement throughout the region and an agreement on the use of symbols and flags, thereby enabling all regional, municipal and town councils to be duly constituted by 6 June. However, at the inaugural meeting of the Vukovar Town Assembly on 28 May, attempts were made by local HDZ officials to sabotage the pre-agreed power-sharing arrangements and to disenfranchise the SDSS members of the Assembly. Serb confidence in Croatian intentions was badly shaken and, as at 16 June, full constitution of the Vukovar Assembly remained incomplete. On 16 May, the Joint Council of Municipalities (JCM) was constituted in Vukovar but was not granted legal status by Croatian officials until 6 June. However, difficulties remained regarding the modalities of registration. JCM, at the initiative of UNTAES, presented to President Tudjman on 27 May a list of proposed Serb candidates for appointment to senior positions in the Croatian administrative structures, which was accepted on 2 June. Al-

though oral guarantees to appoint two Serbs from the region to the Croatian House of Counties were not fulfilled, a compromise was reached whereby an additional Serb from Baranja was to be appointed Assistant Minister for Culture in the Ministry of Education and Culture. On 2 June, at the invitation of local Serb leaders, President Tudjman visited Beli Manastir, where his comments on the need for national reconciliation and his promise to review the list of alleged war criminals not included under the Amnesty Law were well received. However, during his visit to Vukovar on 8 June, his message of reconciliation was overshadowed by HDZ propaganda and the singing of Croat nationalistic songs. Among the local population, fears were rekindled about the future of Serbs in Vukovar once Croat displaced persons returned in substantial numbers. The Secretary-General reported that Croat officials were still not implementing all the decisions of the central Government and had on several occasions been uncooperative, using bureaucratic means to delay or stop promised support to the region. A State Commission was formed, headed by the Deputy Prime Minister and Minister for Reconstruction, Jure Radic, to coordinate Croatian State activities in the region and ensure that local politicians implemented national policy. While the Commission had made progress on non-controversial technical aspects of reintegration, President Tudjman's personal intervention was still required for more difficult issues.

The return to their homes of displaced Serbs occupying Croat housing was a priority task for UNTAES. Croatia opened six branches of the Office for Displaced Persons and Refugees in the region. By 13 June, some 5,000 families, representing some 11,000 individuals or approximately 25 per cent of the displaced persons estimated to be residing in the region, had registered with the Office. However, by 21 June only 105 families had been processed and 26 individuals had returned from the region. That slow pace of processing, coupled with a number of hostile incidents, particularly those on 13 May in villages around Hrvatska Kostajnica in which the local Croat population reacted violently to the appearance of a handful of Serb returnees, had seriously eroded Serb confidence in the possibility of return. Croatia blamed those incidents on "spontaneous" returns, which took place outside the operational procedures. In the absence of a government programme of national reconciliation and effective police security throughout Croatia, UNHCR and UNTAES agreed that all potential returnees should be encouraged to use the operational procedures to be assured of their full rights, social benefits and security. The Joint

Working Group on Returns played an essential confidence-building role for displaced persons by encouraging and monitoring two-way returns and assisting Croatia to develop further mechanisms for local residents who had previously occupied socially owned housing and for the equitable disposal or purchase of property through the Land Bank concept.

The reintegration of regional public institutions and enterprises had progressed rapidly. Since March, road maintenance, telephone and posts, railways, water supply and flood control had been successfully reintegrated. Some 800 Serbs had accepted Croatian work contracts, including senior managerial positions, and Croatia had agreed to modalities for reintegrating the region's pension fund and its beneficiaries. On 1 June, Croatian law was introduced for new cases in the region as existing laws were being phased out. Judges were to be appointed on the basis of proportional representation but the integration of the local judiciary was still beset with difficulties. On 6 June, the Croatian Minister for Health signed an agreement to reintegrate the health system and to assume financial responsibility for the Vukovar hospital and the Beli Manastir health centre. In the area of education, agreement was reached on 29 May on the issuance of Croatian employment contracts to 1,200 local employees and of education certificates for students.

On 19 May, UNTAES initiated the transformation of the monetary and financial system by introducing the kuna as legal tender, integrating the local payments system into that of Croatia and regulating all economic activity in accordance with Croatian commercial laws.

The security situation continued to cause concern in view of reports of harassment, intimidation, killings and physical assault of Serbs. Looting continued unabated, particularly in areas where ethnic Croats had resettled. The situation in the former Sector North was particularly volatile because of the relatively modest returns of displaced persons from the UNTAES-administered region. The application of the Amnesty Law continued to cause widespread concern among the Serb population. In that regard, the Croatian Ministry of Justice announced that an investigation into 146 suspected war criminals would be carried out in conjunction with Serb representatives from Eastern Slavonia. However, the Prosecutor for the International Tribunal for the Prosecution for Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia (see PART FOUR, Chapter II) reported that Croatia's cooperation with the

Tribunal was far from satisfactory. There were often delays and obstruction in investigations that Croatia perceived to be against its interest. Further, an agreement on the status of the Prosecutor's Liaison Office in Zagreb had not yet been concluded and there had been no progress in arresting most accused criminals.

The Secretary-General observed that UNTAES had made significant achievements in demilitarization, reintegration of institutions and creation of conditions that had permitted successful elections to be held. The people of the region appeared to have accepted Croatian citizenship and statehood and the institutional and political parameters for reintegration into the Croatian legal and constitutional system had been defined. However, while the institutional reintegration of the territory into the region was being finalized, the reintegration of the people had hardly begun. Although President Tudjman had reaffirmed to the Transitional Administrator Croatia's intention to fulfil its various obligations and guarantees, he had given no specific programmes or timetables for reassuring the local population and for successfully completing integration. Of particular concern was Croatia's intention to allow unrestricted access to the region without adequate measures to prevent harassment and intimidation of local residents by extremist Croat elements.

Regarding the future of UNTAES, the Secretary-General expressed concern that a precipitate transfer of authority to Croatia and the withdrawal of UNTAES in the near term could lead to a mass exodus of Serbs, create a humanitarian crisis for neighbouring countries, set back the process of bilateral normalization of relations, imperil regional security and create an unwelcome precedent for collective international peace efforts in Bosnia and Herzegovina. He therefore considered the two-phase exit strategy proposed by the Transitional Administrator to be an effective and cost-efficient programme for the successful completion of peaceful reintegration and the withdrawal of UNTAES. In the first phase of that strategy, the Transitional Administrator would devolve to Croatia executive responsibility for the major part of the region's civil administration while maintaining his authority and ability to intervene and overrule decisions should the situation deteriorate and the achievements of UNTAES be threatened. In the second phase, and subject to satisfactory Croatian performance, remaining executive functions would be devolved, with Croatia assuming responsibility for the continued demilitarization of the region and the gradual integration of the Transitional Police

Force (TPF) into the Croatian police force. In the first phase, UNTAES troop strength would be reduced from 5,000 to 2,530 by 15 August, and to 720 by mid-October. The number of military observers would remain unchanged at 100 but the civilian police force could be reduced from its authorized strength of 600 to 450, until the achievement of full integration of TPF, and subsequently to 250. A revised civil affairs structure with a strengthened focus on returns and human rights would be based around the new municipalities to monitor implementation of the Basic Agreement and other Croatian guarantees and commitments. By October, the strength of the civilian component would be reduced from 485 to 315 international staff and from 746 to 399 local staff, in addition to 70 United Nations Volunteers. In the following months, UNTAES would monitor Croatian performance in meeting mutually reinforcing and interdependent "benchmarks", which would give confidence to the region and thus permit a smooth downsizing of the mission.

The Secretary-General observed that the essential prerequisite for peaceful reintegration was the full cooperation of Croatia, which was responsible for convincing the local population that the reintegration of the people of the region was sustainable and that the process of reconciliation and return was irreversible. He welcomed the readiness of OSCE to increase its presence throughout Croatia to support local authorities and urged Croatia to extend its fullest cooperation to OSCE.

SECURITY COUNCIL ACTION (July)

On 14 July [meeting 3800], the Security Council considered the Secretary-General's report of 23 June, including his plan for the gradual devolution of executive responsibility for civil administration in the region and for restructuring UNTAES. It also had before it a 27 June letter [S/1997/496], in which Croatia assured the Council that the successes of the UNTAES mandate could be maintained by the newly elected and constituted local authorities and monitored by OSCE, whose new mandate (see below) had strengthened the United Nations ability to exit the region by 15 January 1998.

Also before the Council was an 8 July letter [S/1997/522] from Denmark, transmitting a 26 June decision of the OSCE Permanent Council. The Council authorized its mission to assist with and monitor implementation of Croatian legislation and commitments on the two-way return of all refugees and displaced persons, on the protection of their rights and on the protection of persons belonging to national minorities. The mis-

sion would make specific recommendations to Croatia and refer urgent issues to the Permanent Council. The Council also authorized the build-up of mission personnel, starting in July, to 250, with a view to full deployment by 15 January 1998.

On the basis of a draft resolution [S/1997/538] sponsored by Belgium, France, Germany, Italy, Japan, Portugal, the Republic of Korea, the Russian Federation, Sweden, the United Kingdom and the United States, the Council unanimously adopted **resolution 1120(1997)**.

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, in particular resolutions 1023(1995) of 22 November 1995, 1025(1995) of 30 November 1995, 1037(1996) of 15 January 1996, 1043(1996) of 31 January 1996, 1069(1996) of 30 July 1996 and 1079(1996) of 15 November 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Expressing its appreciation for the substantial achievements of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium in facilitating progress towards the peaceful return of the region to the control of the Republic of Croatia, and expressing further its deep appreciation to the dedicated military and civilian personnel of the Transitional Administration for their outstanding contributions to its mission, and to the Transitional Administrator, Mr. Jacques Paul Klein, for his leadership and dedication,

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants of the region,

Emphasizing the importance of the obligation of the Government of the Republic of Croatia to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the importance of the two-way return of all displaced persons in the Republic of Croatia,

Welcoming the Agreement of the Joint Working Group on the Operational Procedures of Return, but noting with concern that the lack of conditions necessary for the return of displaced persons to the former United Nations Protected Areas from the region of Eastern Slavonia, Baranja and Western Sirmium prevents the return in any substantial number of those displaced persons seeking to return to Eastern Slavonia, Baranja and Western Sirmium from other parts of Croatia,

Expressing its grave concern over the lack of improvement in respect for human rights, including the rights of persons belonging to minorities, in Croatia and in particular in the former United Nations Protected

Areas, and strongly deploring recent incidents of ethnically motivated violence in Hrvatska Kostajnica and similar incidents,

Reiterating its concern about the failure of the Government of the Republic of Croatia to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and in this context recalling the obligation of the States in the region to surrender to the Tribunal all those indicted,

Reiterating also its concern about continued uncertainty regarding implementation of the Amnesty Law, which has been detrimental to the building of confidence and trust among Croatia's ethnic communities,

Welcoming the report of the Secretary-General of 23 June 1997, and noting in particular his recommendations for the continued presence of the Transitional Administration after 15 July 1997, with an appropriate restructuring of the mission,

Recalling that the Basic Agreement provides that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties, and noting that the local Serb community has requested such an extension, as indicated by the Secretary-General in his report of 28 August 1996,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Expresses its full support for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with the Transitional Administration and other international bodies and to fulfil all obligations and commitments specified in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and all relevant Security Council resolutions, as well as in the letter from Government of the Republic of Croatia dated 13 January 1997;

2. Reaffirms in particular the importance of full compliance by the parties, in particular by the Government of the Republic of Croatia, with their commitments, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents, regardless of their ethnic origin, and urges the Government of the Republic of Croatia to ensure respect for the rights of all persons of all national ethnic groups;

3. Reaffirms also the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

4. Strongly urges the Government of the Republic of Croatia to eliminate promptly the administrative and legal obstacles to the return of refugees and displaced persons, in particular those posed by the Law on the Temporary Takeover and Administration of Specified Property; to create the necessary conditions of security,

safety, and social and economic opportunity for those returning to their homes in Croatia, including the prompt payment of pensions; and to foster the successful implementation of the Agreement of the Joint Working Group on the Operational Procedures of Return, treating all returnees equally, regardless of ethnic origin;

5. Reminds the local Serb population in Eastern Slavonia, Baranja and Western Sirmium of the importance of continuing to demonstrate a constructive attitude towards the reintegration of the region and a willingness to cooperate fully with the Government of the Republic of Croatia in building a stable and positive future for the region;

6. Reiterates its previous calls on all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia;

7. Urges the Government of the Republic of Croatia to eliminate ambiguities in implementation of the Amnesty Law and to implement it fairly and objectively in accordance with international standards, in particular by concluding all investigations of crimes covered by the amnesty and undertaking an immediate and comprehensive review with United Nations and local Serb participation of all charges outstanding against individuals for serious violations of international humanitarian law which are not covered by the amnesty, in order to end proceedings against all individuals against whom there is insufficient evidence;

8. Decides to extend the mandate of the Transitional Administration until 15 January 1998, as envisaged in its resolution 1079(1996) as well as in the Basic Agreement;

9. Endorses the plan for the gradual devolution of executive responsibility for civil administration in the region by the Transitional Administrator, as set out in the report of the Secretary-General of 23 June 1997;

10. Also endorses the plan for restructuring the Transitional Administration, as set out in the report of the Secretary-General of 23 June 1997, and, in particular, the proposal for achieving the drawdown of the military component of the Transitional Administration by 15 October 1997;

11. Stresses that the pace of the gradual devolution of executive responsibility would be commensurate with the demonstrated ability of Croatia to reassure the Serb population and successfully complete peaceful reintegration;

12. Reiterates its decision in its resolution 1037(1996) that Member States, acting nationally or through regional organizations or arrangements, may, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration;

13. Requests that the Transitional Administration and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 continue to cooperate, as appropriate, with each other as well as with the High Representative;

14. Requests the Secretary-General to continue to keep the Council regularly informed of the situation and to report in any case no later than 6 October 1997 on all aspects relevant to the peaceful reintegration of the region;

15. Stresses the importance of demilitarization of the area, and in that context stresses further the importance of achieving bilateral agreements on demilitarization and a liberal border regime in the region of Eastern Slavonia, Baranja and Western Sirmium, accompanied by appropriate confidence-building measures as suggested in the report of the Secretary-General of 23 June 1997;

16. Calls upon the Government of the Republic of Croatia, *inter alia*, to initiate a country-wide public programme of national reconciliation, to take all necessary steps for the official establishment and legal registration of the Joint Council of Municipalities, and to fulfil all its obligations as specified in the various agreements signed with the Transitional Administration;

17. Welcomes the renewed mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a particular focus on two-way return of all refugees and displaced persons, protection of their rights, and the protection of persons belonging to national minorities, welcomes also the decision of the Organization for Security and Cooperation in Europe for the build-up of its mission personnel starting in July 1997 with a view to full deployment by 15 January 1998, and urges the Government of the Republic of Croatia to cooperate fully with the mission of the Organization for Security and Cooperation in Europe to that end;

18. Underlines the observation of the Secretary-General that the essential prerequisite for the successful completion of peaceful reintegration of the region is the full cooperation of the Government of the Republic of Croatia, which bears the responsibility for convincing the local population that the reintegration of the people of the region is sustainable and that the process of reconciliation and return is irreversible;

19. Decides to remain actively seized of the matter.

SECURITY COUNCIL ACTION (September)

On 18 September [meeting 3818], the Security Council met to consider the lack of progress by Croatia in fulfilling the conditions for the transfer of executive authority. The Council authorized its President to make the following statement [S/PRST/1997/45] on its behalf:

The Security Council expresses its deep concern at the lack of substantial progress by the Government of the Republic of Croatia in fulfilling the conditions and tasks that are key to the transfer of executive authority to the Republic of Croatia in the territories of Eastern Slavonia, Baranja and Western Sirmium, as noted in its resolution 1120(1997) and the report of the Secretary-General of 23 June 1997.

In this regard, the Council calls upon the Croatian Government to meet its obligations and commitments and to take immediate action in the following areas: to remove all administrative and legal obsta-

des to the two-way return of all displaced persons as well as to the return of refugees; to ensure security and social and economic opportunity, including property rights, for all returnees; to take effective measures to prevent harassment of returnees; to implement measures to establish effective local government administrations; to ensure the regular payment of benefits to all pension and welfare recipients and open Croatian pension offices in the region; to ensure further economic reintegration; to initiate a country-wide public programme of national reconciliation and curb media attacks on ethnic groups; and to implement fully and fairly the Amnesty Law and cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. In this context, the Council notes the recent information provided by the Croatian Government on steps intended to address some of these issues and urges the Croatian Government to implement these steps without delay.

The Council emphasizes that the prompt completion of the tasks outlined above, as well as the fulfilment by the Croatian Government of its obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the agreements between the Croatian Government and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as well as the letter from the Croatian Government dated 13 January 1997, will determine the pace of further devolution of executive authority for the civil administration to the Croatian Government as well as further Council action. The Council urges all parties to cooperate fully with the Transitional Administration and looks forward to the report of the Secretary-General due no later than 6 October 1997, as requested in its resolution 1120(1997).

Communication (September). On 24 September [S/1997/745], Croatia submitted to the Security Council President a 22 September report on the implementation of its letter of intent of 13 January on the peaceful reintegration of the Croatian Danube region and the establishment of the constitutional and legal order of the Republic of Croatia in the counties of Osijek-Baranja and Vukovar-Sirmium, which were under UNTAES administration. The report concluded that the international community, with the cooperation of the Government of Croatia, had made substantial gains in reintegrating Eastern Slavonia into Croatia and that the devolution of authority from the United Nations in favour of Croatia could continue as envisioned. The Government would continue to fulfil its obligations and would not accept a further UN mandate in Eastern Slavonia after the expiration of the UNTAES mandate on 15 January 1998.

Croatia pointed out that it had spent an estimated \$1.7 billion for the reconstruction and revitalization of Eastern Slavonia and other reinte-

grated territories, of which only 2 per cent came from international assistance. The international community had hardly responded to calls for assistance and it was extremely difficult for Croatia to carry that burden alone in view of its overall war damage, estimated at \$13 billion in direct costs; the costs incurred for Bosnian refugees, which had reached \$1.1 billion by the end of 1996; and funds already spent on reconstruction and planned for future expenditure. The report stated that the documents programme was completed on 31 August and resulted in 154,443 persons receiving citizenship certificates (*domovnica*) in the region. That figure exceeded the pre-war population of Serbs in the region (70,000) and the pre-UNTAES estimates of the region's population (120,000), which indicated that as many as 50,000 persons formerly affiliated with the rebels displaced in the region had received documents, as had 34,443 persons currently living in other countries. The results of the programme were a true reflection of the Government's intentions and goodwill towards the former rebels who had accepted the rights and duties arising from citizenship. Progress had also been achieved over the past few months in two-way returns. In support of that statement, the report cited information provided by UNHCR that, by the end of August, over 8,000 Croatian Serb displaced had returned to the former Sectors North, South and West. Croatia contended that the information referred to those returns effected since the Government/UNTAES/UNHCR agreement on returns of 23 April and claimed that it was the only side in the region that had shown a positive flow into the territory it controlled by persons who had taken up arms against it. Croatia again stated that it was a multi-ethnic country and all ethnic groups were represented in its Government, commerce and public life. There had been difficulties with the reintegration of persons formerly affiliated with the rebels but it nevertheless continued with substantial success. The report provided detailed information on reintegration of the legal and economic system and on the return of displaced persons.

Report of Secretary-General (October). In accordance with Security Council **resolution 1120(1997)**, the Secretary-General submitted a 2 October report [S/1997/767] on all aspects relevant to the peaceful reintegration into Croatia of the region of Eastern Slavonia, Baranja and Western Sirmium. He informed the Council that over the previous 20 months, the Government of Croatia had achieved many of the goals established in the Basic Agreement and in its letter of 13 January; most technical reintegration issues had been successfully addressed. However, as at 25 Septem-

ber, substantial goals still remained to be accomplished before the end of the UNTAES mandate. He was particularly concerned that Croatia had sought to repudiate commitments made in key documents and to ignore the results of the April elections by using the 1991 census as the basis for determining Croat/Serb proportional representation in local institutions. In addition, that standard was not applied elsewhere in Croatia where Serbs constituted a clear majority in 1991. Croatia's insistence and pressure for the termination of the UNTAES mandate had increased but the progress achieved did not give confidence that the peaceful reintegration of the people of the region was as yet self-sustainable and irreversible.

On the positive side, the Secretary-General pointed out that Croatian control of regional public services and utilities had generally made substantial progress. Regular electricity was supplied to most areas, postal and telecommunication services were operational, rail services on two lines had been reintroduced, roads were being repaired, over 15,000 vehicles had been registered, some 17,000 drivers licences had been issued, and taxation and employment bureaux had been reintegrated. Some 4,200 work contracts had been offered in reintegrated public enterprises and institutions, of which 96 per cent had been accepted by local residents. All public employees were receiving at least part of their salaries.

However, progress had not extended to the areas of education, health and judiciary. Several employment issues remained to be resolved; the complete reintegration of schools had not yet been achieved; and the reintegration of the health sector had been slow and difficult. The 16 June agreement to provide medical supplies and assume immediate financial responsibility for medical facilities was not fulfilled until 28 August. In addition, only on 23 September did Croatia implement its commitments on proportional Serb representation in the judiciary, coordinate with UNTAES the judicial competition examinations and appoint Serbs to judicial posts in the Osijek-Baranja District Court, the State Prosecutor's Office and the Commercial Court. There continued to be a demonstrable lack of commitment by Croatian officials to work towards establishing effective local government administration. Municipalities throughout the region lacked adequate financial resources and Croatia had still not legally recognized the boundaries of new municipalities. Croat institutions "in exile" had not been formally annulled and few Croat officials resided or had a regular

presence in the region. Only the tax and customs authorities operated on a full-time basis.

After a three-month delay, on 29 August, the Joint Council of Municipalities was finally registered, had begun to participate in resolving local issues and was holding meetings with senior officials in Zagreb. The Serb National Council had started to function. Four Serb assistant ministers and two senior advisers had been appointed, although the cooperation and facilities provided to them were not always adequate. The regional system for social welfare, unemployment and pensions had been technically reintegrated into Croatian structures in July. Most of the region's residents had received Croatian documents. As at 25 September, some 146,000 citizenship documents, 130,000 Croatian identity cards and 126,000 passports had been issued. However, over 1,300 residents had been denied naturalization for having failed to meet the provisions of Croatian citizenship law.

No action had been taken to initiate a country-wide public programme of national reconciliation, as called for by the Security Council, although President Tudjman had assured the Transitional Administrator on 12 August that a national steering council would be established and that swift action would be taken to develop and implement a well-resourced programme. Instead, the State-owned media had attacked the concept as naive and Croatian television continued to broadcast inflammatory footage of events during the war. Even UNTAES proposals for establishing a day of reconciliation had not met with positive results. In general, the ethical and moral basis for reconciliation had been ignored by Croatian institutions and responsible officials. Within the context of reintegration and reconciliation, UNTAES facilitated the efforts of a tripartite (Croats, Serbs and UNTAES) missing persons commission by providing organizational and investigative oversight and security and acting as a buffer between the parties. Since July, over 100 remains had been exhumed under appropriate safeguards and conditions of dignity.

Some progress had been made in respect of the return of displaced persons and refugees. According to Croatian statistics, since April over 5,200 Serbs had returned to their homes in Croatia. In the same period, only 320 Croat displaced persons had returned to the region with official confirmation of the Office for Displaced Persons and Refugees. An additional 1,500 Croats had returned spontaneously, mainly to reconstructed villages in the south of the region. In the Secretary-General's view, two-way returns had been held up by the slow action of the Office for Displaced Persons and Refugees, the uncertain

security and economic situation in areas of potential return and legal impediments to getting back property. Approximately 23,000 displaced persons living in the region had registered with the Office for Displaced Persons and Refugees; more than half of them wished to return to homes in other parts of Croatia but, as at 15 September, only 3,250 individuals had received official confirmation that arrangements for their return had been completed. UNTAES, UNHCR and the Croatian Government had participated in public forum meetings throughout Croatia to address the concerns of communities to which Serbs were returning. During those meetings it was clear that the continued presence of UNHCR throughout the country was essential to the confidence and welfare of displaced persons and returnees. Croatia had not yet rescinded its Law on the Temporary Takeover and Administration of Specified Property, as urged in Security Council **resolution 1120(1997)**, or restored tenants' rights to Serb displaced persons living in socially owned apartments. Property claims commissions established in the former Sectors remained ineffective in resolving claims filed by displaced Croatian Serbs wishing to return. In addition, the possibilities for displaced persons to receive just compensation or to stay in the region, as provided in the Basic Agreement, had not been sufficiently addressed by Croatia.

In terms of the Amnesty Law, while Croatia had publicly stated that it no longer possessed a "war crimes list" of persons whose alleged criminal acts fell outside the Amnesty Law, UN staff had spoken with Croatian officials who had confirmed that various prosecutors' offices had lists of Croatian Serbs who were either being investigated or had been charged with war crimes or acts of genocide.

Considerable progress had been made in the organizational establishment of the Transitional Police Force (TPF), which consisted of 910 Serbs, 841 Croats and 52 members of other ethnic minorities. However, it did not enjoy significant confidence amongst either Serbs or returning Croats. Its inter-ethnic cohesion was yet to be fully established and some Serb officers complained that they had been discriminated against because of their ethnicity. Officers were also reluctant to take action against members of their own ethnic community. The Secretary-General considered that, in the absence of local confidence and evidence of the ability of TPF to control inter-ethnic tensions, it was essential that it continued operating under the authority of the Transitional Administrator and day-to-day control of the UN civilian police.

Concerning bilateral issues, Croatia and FRY signed a "soft border regime" agreement on 15 September. Until the agreement's entrance into force on 1 November, UNTAES would maintain a "free border" policy, with limited controls to deny transborder criminal activity. A modified customs regime had been established and agreement had been reached between the two countries on the long-term demilitarization of the border zone.

The UNTAES Human Rights Monitoring Unit became functional in early August, based on arrangements agreed with UNHCR. Numerous cases of human rights violations had been identified and, while there was no pattern of gross violations in the region, their cumulative effect and discriminatory practices were such that Serbs in the region had little confidence in the will of the Croatian authorities to protect them after the departure of UNTAES. Confirmed human rights abuses included unfair trial procedures in war crimes cases; attacks on Serb displaced persons from the region in other parts of Croatia, either by Croat police officers or with their apparent collusion; abuses by Croat TPF officers, usually involving harassment of Serb displaced persons; and discrimination against Serbs in education, employment, pensions and health care. The Secretary-General pointed out that reports of intimidation and harassment of Serb displaced persons by Croats from outside the region had increased during the past two months. On 1 June, under the authority of the Transitional Administrator, Croatian law became effective in the UNTAES region even though the reintegration of the judicial system was still pending.

With regard to the restructuring of UNTAES, the Secretary-General reported that its military component had been reduced to 2,530 personnel and the security situation in the region had enabled the preparation of plans for a further draw-down. UNTAES military activities were focusing on facilitating the reintegration and reconciliation process, while supporting the safe return of displaced persons and refugees. United Nations military observers continued to facilitate the two-way return of displaced persons, identify vacant houses and monitor human rights issues, while the 400 civilian police continued to monitor all TPF operations, control checkpoints and border crossings, conduct patrols throughout the region, carry out special investigations and monitor courts and prisons.

The Secretary-General observed that deficiencies in Croatian cooperation and performance over the past two months had delayed the decision by the Transitional Administrator that conditions had been achieved for the transfer of au-

thority to Croatia. The first phase of the UNTAES exit strategy had not been completed and authority could not be handed over as scheduled as it would jeopardize the achievements made. However, the Secretary-General considered that Croatia could meet its obligations and commitments if it applied itself with sufficient diligence in the time remaining. The Transitional Administrator was of the view that the military situation in the region would allow the second phase repatriation of the military contingent to start by 15 October and be completed by 15 November. However, because conditions had not yet enabled the full integration of TPF into the Croatian police force, a civilian police strength of 400 would be required until 15 January 1998. It was also essential that the number of UN military observers should remain unchanged at 100. UNTAES would continue close cooperation with OSCE to assist in establishing its long-term mission.

The Secretary-General concluded that the recent renewed commitment of Croatia had to be put into practice immediately to establish sufficient confidence that the termination of the UNTAES mandate could be achieved without jeopardizing the results of two years of intensive international investment in the process of peaceful reintegration of the region and its people.

Communication (October). On 3 October [S/1997/772], Croatia submitted to the Security Council President the text of its Programme for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia. The Programme's goals were: the creation of a general climate of tolerance and security; the realization of equality of all citizens with regard to the State administration; the establishment of trust between all citizens; the creation of general social, political, security and economic conditions for normalization of life; the speedy, secure and organized return of all Croatian citizens to those regions of Croatia from which they had been expelled or displaced; the inclusion of all citizens in building a democratic society; and creation of a political framework for the implementation of relevant legal norms. A national committee for monitoring the realization of the Programme was to be established, while counties, cities and municipalities were to establish their own committees to monitor the Programme in their areas. The Programme was to be implemented mainly in the political, legal, administrative, internal affairs, economic, social, cultural and educational fields, as well as in reconstruction and return and the media.

Croatia stated that the reconciliation programme showed the Government's commitment to integrating as equal citizens all persons formerly affiliated with the occupying forces who had accepted the rights and duties arising from Croatian citizenship. Croatia also informed the Council President of additional action it had taken in the reintegration process, including the complete integration of the Danube region into the Croatian judicial system and the adoption by the Croatian Parliament of a law on validation of previously unlawful documents issued in the occupied territories.

SECURITY COUNCIL ACTION (October)

On 20 October [meeting 3824], following consultations among its members, the Security Council authorized the President to make the following statement [S/PRST/1997/48] on its behalf:

The Security Council welcomes the report of the Secretary-General of 2 October 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and agrees with its balanced and objective assessment.

The Council notes with approval several positive actions taken by the Government of Croatia which are contained in the report, as well as those which have occurred since the report was issued. These developments include the recent agreements relating to education, progress on the reintegration of the judiciary, the law on convalidation, moves towards recognition of pensioner service, assistance to local governments and municipalities, and provision of documentation on twenty-five war crimes cases to the Transitional Administration. The Council is also encouraged by the increased cooperation with the International Tribunal on the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. The Council expects the Government of Croatia to continue to build upon these positive steps and accelerate its efforts in order fully to complete these initiatives.

The Council welcomes the recent establishment by the Government of Croatia of a programme for national reconciliation. A final assessment of this programme must await its full and prompt implementation.

The Council continues to note with concern that there are still many outstanding areas and issues of contention and non-compliance, which require further, urgent action from the Government of Croatia. The Council reiterates its call upon the Government of Croatia to curb media attacks on ethnic groups. The Council also underlines, in particular, the importance of the removal of all legal and administrative barriers, thus allowing the accelerated voluntary two-way return of displaced persons, including their right to choose to live in the region, as well as the return of refugees. It calls upon the Government of Croatia to give immediate effect to recent decisions of the Constitutional Court regarding the Law on the Temporary Takeover and Administration of

Specified Property, and to take further action to promote the safe return of owners to their homes and the resolution of the issue of lost tenancy rights, including ensuring access to reconstruction assistance.

Much progress in these and other outstanding areas must be made on an urgent basis, in order for the Government of Croatia to comply fully with its obligations and create the conditions for a successful completion of the Transitional Administration. For its part, the local Serb population must also take more active measures to participate in the reintegration process.

The Council notes the urgent need for all local government bodies in the region, particularly the City Council of Vukovar, to commence full normal functions immediately.

The Council expresses its concern about the behaviour of some officers of the Transitional Police Force, and urges full cooperation with the Transitional Administration in improving the performance of the Force. The Council approves the intention of the Secretary-General to retain United Nations civilian police and military observers at current levels to the end of the mandate of the Transitional Administration. The Council also notes the need to address concerns relating to the continuation of police monitoring functions.

The Council welcomes the close cooperation between the Transitional Administration and the Organization for Security and Cooperation in Europe in expanding the long-term mission of that latter in Croatia.

The Council shares the assessment of the Secretary-General that there is sufficient time for Croatia to comply fully with its obligations and commitments before 15 January 1998 and urges the Government of Croatia to redouble its efforts in the time remaining. The Council looks forward to the next report of the Secretary-General on all aspects relevant to the peaceful reintegration of the region, due by the beginning of December.

Report of Secretary-General (December). In a 4 December report [S/1997/953], the Secretary-General stated that, since his October report, Croatia had shown more political will to complete reintegration successfully and had increased efforts to meet its obligations. Important progress had been made, although not all obligations had been fulfilled. Some commitments could not be fully implemented within the two-year transitional period envisaged in the 1995 Basic Agreement and Croatian performance in other areas could be evaluated only with the passage of time. Reviewing the UNTAES role over the preceding two years, the Secretary-General stated that its success in the entire integration process was a positive precedent for peace throughout the former Yugoslavia. It had provided stability to enable Croatia and FRY to normalize their relations and enter into increasingly cooperative bilateral agreements, which were es-

sential to the full economic development of the Danube border area.

Among the specific positive developments in Croatia since his last report, the Secretary-General cited the adoption by Croatia, on 2 October, of a comprehensive programme of national reconciliation (see above), and the establishment, on 9 October, of a multi-ethnic national Board for the Realization of the Programme on the Establishment of Confidence, Acceleration of Returns and Normalization of Life to implement the programme. The Board had initiated meetings with national media representatives, religious leaders and non-governmental organizations to urge moderation and support for reconciliation. There had also been a welcome improvement in media coverage of Serbs in Croatia.

Since October, the two main Croat and Serb political parties in the region had made intensive efforts to establish fully functioning local municipalities. However, that task remained incomplete in most of them as they continued to face financial and legal difficulties. Although local Serb representatives in Croatian institutions had become progressively more active, their effectiveness was hampered by a lack of skills, finance and support. The Joint Council of Municipalities had not yet received promised government funding and had not yet met with President Tudjman in accordance with the Croatian Government guarantees of 13 January. Serb performance in planning for the long-term establishment of local Serb-language media had been disappointing. UNTAES had finally negotiated an agreement to allow continued broadcasting by four local Serb radio stations and for a daily television news programme.

The Secretary-General reported that, with very few exceptions, all public services and enterprises had been reintegrated and that Ministries had generally complied with commitments to proportional representation in employment. However, State enterprises at all levels had been slow and sometimes unwilling to issue permanent work contracts to Serbs. Progress in reintegration had been made in health and education. On 15 November, the Minister of Health agreed to provide one-year contracts to Serb medical personnel and to provide medical services to all residents of the region regardless of whether they were in possession of Croatian health cards. In mid-November, the implementation of agreements had started on the use of minority languages, allocation of principals' positions, the renewal of contracts for teachers whose credentials had not yet been validated and the delivery of Cyrillic textbooks. Some 13,000 residents were regularly receiving full or

partial pensions, but approximately 2,400 applications were still pending. Availability of social welfare assistance was improving slowly but unemployment benefits remained problematic.

Concerning the return of displaced persons and refugees, Croatian statistics showed that some 9,000 Serbs and 6,000 Croats had returned to their homes throughout Croatia. Croatia had still not responded to the repeated calls by the Security Council to remove legal obstacles to returns and consequently no long-term mechanisms had been established for returns to occupied homes. The Law on Temporary Take-over of Property remained in effect and proposed changes to it gave no assurance that Croat and Serb displaced persons would receive equal treatment. Also, there had been no resolution of the problem of restoration of lost tenancy rights in socially owned apartments in other parts of Croatia and Croatia had not presented a plan of options, as guaranteed in the Basic Agreement, for those Serb displaced persons who wished to receive just compensation or to remain in the region.

On 30 September, UNTAES and the Minister of Justice signed a declaration fully establishing the Croatian judiciary in the region, under which at least 40 per cent of all judges and other judicial personnel had to be Serbs. The Secretary-General stated that the Government of Croatia had begun to comply satisfactorily with those undertakings. Meanwhile, the application of the Amnesty Law continued to be a cause for anxiety to many Serbs as Croatia had not met its obligations to reduce public concern by concluding investigations of alleged serious crimes against international humanitarian law. The Osijek County Court alone had stated that there might be as many as 4,000 cases that needed to be reviewed before amnesty could be confirmed.

There had been an improvement in inter-ethnic cooperation in TPF, although Serb officers continued to be apprehensive about their personal future and work prospects once the Force was integrated into the Croatian police. Having acknowledged that TPF had not yet demonstrated the professional qualities or inter-ethnic cohesion necessary to police the multi-ethnic communities of the region effectively and impartially, Croatia had requested the continued presence of UN civilian police in the Danube region following the end of the UNTAES mandate.

Progress continued in the normalization of relations between Croatia and FRY. Cross-border rail traffic resumed on 11 November but implementation of the "soft border" agreement was postponed to 1 December.

Summing up, the Secretary-General stated that there was general consensus that UNTAES had successfully achieved its basic objectives, although full implementation of Croatian commitments remained incomplete. The performance of the past two months should be the baseline for additional efforts, which, if sustained, gave hope that the termination of UNTAES on 15 January 1998 would not jeopardize the results of two years of intensive international effort in the region. He emphasized, however, two essential conditions for achieving the long-term goals established by the Security Council: the complete and unreversed commitment of Croatia to the permanent reintegration of its Serb citizens; and the continued close scrutiny by the international community of Croatian performance.

In the circumstances, the Secretary-General recommended the termination of UNTAES on 15 January 1998 and the progressive turnover by the Transitional Administrator to Croatia of operational control of all remaining functions in the region. He also recommended that the Council establish a support group of 180 civilian police monitors for nine months, with the option of an earlier termination should circumstances so permit, whose task would be to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons. That would include monitoring investigations by the Croatian police of any allegations of police misconduct and the provision of training to improve the professional capability of the local police. The Secretary-General would appoint a senior UN official to head both the support group and the United Nations Liaison Office in Zagreb, which would retain its separate functions.

On 17 December [S/1997/953/Add.1], the Secretary-General notified the Council that the estimated costs for the civilian police group for nine months would be \$17.6 million. That estimate provided for 180 civilian police, supported by a civilian establishment of 53 international and 165 local personnel.

In a later report [S/1998/59], the Secretary-General informed the Council of Croatia's continued efforts and political will to meet its obligations. Since early December, considerable efforts had been made to establish fully functioning municipalities, and mutually acceptable arrangements were made to ensure a continued media voice for the Serb community within the region. In addition, representatives of the Joint Council of Municipalities had held their first meeting with President Tudjman. An agreement on the reintegration of health services was signed between UNTAES and Croatia on 3 December, pro-

viding for full financing of health facilities and equal access to health care for all residents of the region, together with arrangements to nostrify medical diplomas for 300 health care specialists by 10 January 1998. Progress was also achieved in increasing the availability of social welfare. According to government figures, since 5 December 11,437 pensions had been paid and 143 individuals had received unemployment benefits. In the area of public safety and security, UNTAES, on 15 December, transferred responsibility for the management and operational control of TPF to the Croatian Ministry of the Interior. The "soft border" agreement between Croatia and FRY was implemented on 14 December.

SECURITY COUNCIL ACTION (December)

On 19 December [meeting 3843], the Security Council considered the Secretary-General's 4 December report. It also had before it a 20 November letter from Croatia [S/1997/913] concerning its request to the Secretary-General for the presence in Croatia of civilian police monitors after the withdrawal of UNTAES. Croatia accepted the Secretary-General's proposals regarding the establishment and functions of the civilian police support group. Having considered a draft resolution [S/1997/990] submitted by Belgium, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States, the Council unanimously adopted **resolution 1145(1997)**.

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia (the Region),

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of the Region are integral parts of the Republic of Croatia,

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants in the Region,

Noting the termination of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998, as envisaged in its resolution 1079(1996) of 15 November 1996 as well as in the Basic Agreement, and in accordance with its resolution 1120(1997) of 14 July 1997, and expressing its deep appreciation to the Transitional Administrators for their leadership of the efforts of the United Nations in promoting peace, stability and democracy in the Region, and to the civilian and military personnel of the Transitional Administration for their dedication and achievement in facilitating the peaceful reintegration of the Region into the Republic of Croatia,

Emphasizing the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement and international conventions, to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the urgency and importance of the two-way return of all displaced persons in the Republic of Croatia,

Recalling the mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a focus on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of persons belonging to national minorities,

Welcoming the letter dated 20 November 1997 from the Minister for Foreign Affairs of the Republic of Croatia to the Secretary-General requesting a continued presence of United Nations civilian police monitors after the termination of the mandate of the Transitional Administration,

Welcoming also the report of the Secretary-General of 4 December 1997 and the recommendations contained therein, including the recommendation for the establishment of a support group of civilian police monitors,

Stressing that the Croatian authorities bear the main responsibility for the successful completion of the peaceful reintegration of the Region and the true reconciliation of the people,

1. Notes that the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium will terminate on 15 January 1998, and expresses its continued full support for the Transitional Administration as it completes its mandate;

2. Reiterates the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents regardless of ethnic origin, as well as its continuing obligations under international conventions and other agreements in this regard;

3. Underlines the fact that it is the Government of the Republic of Croatia and the Croatian police and judicial authorities who bear full responsibility for the security and safeguarding of the civil rights of all residents of the Republic of Croatia, regardless of ethnicity;

4. Calls upon the Government of the Republic of Croatia to implement fully and promptly all of its obligations and commitments, including those reached with the Transitional Administration, with regard to the Region;

5. Stresses the need for the Government of the Republic of Croatia to pursue the economic revitalization of the Region, and notes, in this respect, the importance of past and future involvement by the international community;

6. Notes with approval the recent improved performance of the Government of the Republic of Croatia towards fulfilling its obligations, including the adoption of a comprehensive programme of national reconciliation, and encourages continued progress in this regard;

7. Reaffirms the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia, welcomes the fact that some progress has been made in the peaceful two-way return of displaced persons and the return of refugees in the Region, and calls upon the Government of the Republic of Croatia to remove legal obstacles and other impediments to two-way returns, including through the resolution of property issues, the establishment of straightforward procedures for returns, the adequate funding of the Joint Council and all relevant activities of municipalities, the clarification and full implementation of the Amnesty Law, and other measures, as set out in the report of the Secretary-General;

8. Reminds the local Serb community of the continued importance of demonstrating a constructive attitude and participating actively in the process of reintegration and national reconciliation;

9. Stresses that the achievement of the long-term goals for the Region established by the Security Council depend upon the commitment of the Government of the Republic of Croatia to the permanent reintegration of its Serb citizens and upon the vigilant and active role of the international community, and in this regard welcomes the key role of the Organization for Security and Cooperation in Europe;

10. Emphasizes the role of other international organizations and the United Nations specialized agencies, in particular the Office of the United Nations High Commissioner for Refugees, in the Republic of Croatia;

11. Reiterates its call upon all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and recalls its encouragement by the increased cooperation of the Government of the Republic of Croatia with the Tribunal;

12. Urges the Republic of Croatia and the Federal Republic of Yugoslavia to pursue further normalization of their relations, especially in the areas of cross-border confidence-building measures, demilitarization and dual nationality;

13. Decides to establish, with effect from 16 January 1998, a support group of 180 civilian police monitors, for a single period of up to nine months as recommended by the Secretary-General, to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of the report of the Secretary-General and in response to the request by the Government of the Republic of Croatia;

14. Decides also that the support group will assume responsibility for those Transitional Administration personnel and United Nations-owned assets needed for its use in fulfilment of its mandate;

15. Requests the Secretary-General to keep it informed periodically and to report as necessary on the situation, and in any case no later than 15 June 1998;

16. Reminds the Government of the Republic of Croatia of its responsibility for the security and free-

dom of movement of all civilian police monitors and other international personnel, and requests that it provide all necessary support and assistance to the civilian police monitors;

17. Encourages liaison between the support group and the Organization for Security and Cooperation in Europe with a view to facilitating a smooth transition of responsibility to that organization;

18. Decides to remain seized of the matter.

UNTAES financing

The Secretary-General presented to the resumed fifty-first session of the General Assembly cost estimates of \$274,993,600 gross (\$265,657,000 net) for the period 1 July 1997 to 30 June 1998 for the maintenance of UNTAES [A/51/520/Add.1]. The estimates also covered the costs of the liaison offices in Belgrade and Zagreb. In February [A/51/520/Add.3], he revised those budget estimates downwards to \$266,619,500 gross (\$257,283,800 net) to take account of the discontinuation of the payment of hazard duty allowance in the mission area.

The Secretary-General also submitted the financial performance report [A/51/520/Add.2] for UNTAES for the period 15 January to 30 June 1996, showing an unencumbered balance of \$18,826,400 gross (\$18,880,000 net).

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, having considered the revised cost estimates and the related report [A/51/872] of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), and on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/711/Add.1], adopted **resolution 51/153 B** without vote [agenda item 154].

Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1037(1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium for an initial period of twelve months, and Council resolution 1079(1996) of 15 November 1996, in which the Council extended the mandate of the Transitional Administration to 15 July 1997,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Transitional Administration and its subsequent resolutions thereon, the latest of which was resolution 51/153 A of 16 December 1996,

Reaffirming that the costs of the Transitional Administration are expenses of the Organization to be borne

by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Transitional Administration,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium as at 15 May 1997, including the contributions outstanding in the amount of 51 million United States dollars, representing 11 per cent of the total assessed contributions from the inception of the Transitional Administration to the period ending 30 June 1997, notes that some 22 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Transitional Administration in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Approves, on an exceptional basis, the special arrangements for the Transitional Administration with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Transitional Administration shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Transitional Administration for

Eastern Slavonia, Baranja and Western Sirmium the amount of 275,344,900 dollars gross (266,226,000 dollars net) for the maintenance of the Transitional Administration for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 10,276,000 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 22,945,408 dollars gross (22,185,500 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Transitional Administration beyond 15 July 1997;

9. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,118,900 dollars approved for the Transitional Administration for the period from 1 July 1997 to 30 June 1998;

10. Decides further that, for Member States that have fulfilled their financial obligations to the Transitional Administration, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the unencumbered balance of 18,826,400 dollars gross (18.8 million dollars net) in respect of the period ending 30 June 1996;

11. Decides that, for Member States that have not fulfilled their financial obligations to the Transitional Administration, their share of the unencumbered balance of 18,826,400 dollars gross (18.8 million dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

12. Invites voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium".

ANNEX

Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts shall remain

recorded in the Special Account for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

The Assembly, by **decision** 52/456 of 22 December, decided that the Fifth Committee should continue consideration of the item on UN-TAES financing at its resumed fifty-second (1998) session.

UN Mission of Observers in Prevlaka (UNMOP)

During 1997, the United Nations Mission of Observers in Prevlaka (UNMOP), which had become a separate mission in 1996 [YUN 1996, p. 330], continued to monitor the demilitarization of the disputed Prevlaka peninsula and of neighbouring areas in Croatia and FRY by carrying out patrols on both sides of the border. The mission, which comprised 28 military observers, also maintained contacts with local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer, Colonel Harold Mwakio Tangai (Kenya), discussed matters concerning the implementation of Security Council resolutions with the authorities in Zagreb, Belgrade and Podgorica. While the situation in the mission area remained generally stable during the year, some occasional violations of the demilitarization regime raised tensions.

Both Croatia and FRY continued to reiterate their firm commitment to a negotiated resolution of the disputed issues of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between them, signed in Belgrade on 23 August 1996 [YUN 1996, p. 340]. However, substantial negotiations did not start in 1997.

In January, the Council authorized a six-month extension of UNMOP until 15 July; a fur-

ther six-month extension until 15 January 1998 was authorized in July.

SECURITY COUNCIL ACTION (January)

On 14 January [meeting 3731], the Security Council considered the Secretary-General's report of 31 December 1996 [YUN 1996, p. 333] on the situation in Prevlaka. The President drew the Council's attention to letters of 28 October 1996 from FRY [Ibid., p. 332] and 25 November 1996 [Ibid., p. 333] from Croatia on the Prevlaka issue. The Council adopted **resolution** 1093(1997) unanimously. The draft [S/1997/29] was prepared in consultations among Council members.

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1025(1995) of 30 November 1995, 1038(1996) of 15 January 1996 and 1066(1996) of 15 July 1996,

Having considered the report of the Secretary-General of 31 December 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia by which they reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would resolve their differences peacefully,

Noting with concern the violations in the United Nations designated zones in the region, and other activities, including restrictions on the freedom of movement of United Nations military observers, referred to in the report of the Secretary-General, which have dangerously increased tensions,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations among those States,

Commending the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to resolve peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good-neighbourly relations,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1997;

2. Urges the parties to abide by their mutual commitments and to implement fully the Agreement on

Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, and stresses that these are critical for the establishment of peace and security throughout the region;

3. Calls upon the parties to adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, as referred to in the report of the Secretary-General of 31 December 1996, and requests that the Secretary-General report by 15 April 1997 on progress made in implementing those practical options, in particular regarding the freedom of movement of the military observers throughout the area and respect for the demilitarization regime;

4. Calls upon the parties to cease and refrain from all violations and from military or other activities which may increase tension, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement, including through the removal of landmines;

5. Requests the Secretary-General to submit to the Council by 5 July 1997, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would resolve their differences peacefully;

6. Requests the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 to cooperate fully with each other;

7. Decides to remain actively seized of the matter.

Report of Secretary-General (April). In a 14 April report [S/1997/311], the Secretary-General informed the Security Council that Croatia and FRY had made no progress towards adopting the practical options proposed by UNMOP in May 1996 [YUN 1996, p. 332] to reduce tension and improve safety and security in the area. Both parties continued to restrict UNMOP's freedom of movement in the northern part of the demilitarized zone and access elsewhere was denied randomly and even constantly at several Croatian positions. Minefields on both sides of the international border of the demilitarized zone still constituted a hazard to UN military observers. The Chief Military Observer had conveyed to the authorities in Zagreb, Belgrade and Podgorica the new elements contained in the Council's 14 January resolution and had offered specific suggestions for lifting restrictions on the freedom of movement of UN military observers and on the removal of landmines. The parties had shown no willingness to take unilateral steps to improve respect for the demilitarization regime in Prevlaka and neighbouring areas. Both sides insisted on guaranteed reciprocity, which made it difficult if not impossible for meaningful progress to be made. The parties had also raised various concerns related to UNMOP's procedures, balance in reporting and dimensions of designated zones.

The Secretary-General stated that tension had increased in the UNMOP area due to a substantial increase in the number of Croatian special police personnel in the UN-designated zones, and to the fact that Croatian heavy weapons were observed inside the zones on two occasions. In February, a three-day exercise by the Yugoslav navy outside the UNMOP area of responsibility had prompted a strong reaction by Croatia, which partly restricted the movement of UN military observers on coastal roads inside the demilitarized zone. Croatian police boats entered the UN-controlled zone occasionally and, in March, a Yugoslav navy missile boat violated the zone.

The Secretary-General observed that since Croatia and FRY had indicated that their continuing bilateral negotiations, pursuant to the 1996 Agreement on Normalization of Relations [YUN 1996, p. 333], had not yet addressed the Prevlaka issues directly and that there had been no progress towards settling the dispute, UNMOP would continue to carry out its mandate within the existing constraints and would continue its efforts to enhance security confidence-building between the parties.

SECURITY COUNCIL ACTION (April)

On 25 April [meeting 3772], the Security Council authorized its President to make the following statement [S/PRST/1997/23] on its behalf:

The Security Council has considered the report of the Secretary-General of 14 April 1997 concerning the United Nations Mission of Observers in Prevlaka and expresses its disappointment at the general lack of improvement in the situation in Prevlaka.

The Council is concerned by the assessment of the Secretary-General that, while the situation generally has been stable, several developments have led to an increase in tension in the area. The Council is particularly concerned by the descriptions in the report of continuing violations of the demilitarization regime, including movements of heavy weapons and of special police of the Republic of Croatia, and the entry by a navy missile boat of the Federal Republic of Yugoslavia into the demilitarized zone, in disregard of the concerns and requests previously expressed by the Council.

The Council calls upon the parties to refrain from provocative actions of all kinds, to cease violations of the demilitarized zone and to cooperate fully with the United Nations military observers.

The Council also notes the observations in the report of the Secretary-General about the lack of any progress towards adopting the practical options proposed to the parties by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996, to improve the safety and security of the area. The Council reiterates its call upon both parties to adopt these practical options with a view to their early implementation, to remove landmines from areas pa-

trolled by the military observers, and to stop their interference with the freedom of movement of the military observers and with the implementation of the mandate of the observers.

The Council calls upon the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations, signed by them in Belgrade on 23 August 1996, and in the spirit of the Charter of the United Nations and good-neighbourly relations.

The Council emphasizes its confidence in and support for the work of the United Nations military observers. It expresses its appreciation to the military observers and to the Member States who have provided personnel and other forms of support.

The Council will remain seized of the matter.

Communications (May). FRY informed the Security Council President on 27 May [S/1997/394] that no acceptable solution to the Prevlaka problem had been reached nor had any significant progress been made in that regard, primarily because Croatia was not ready to negotiate and also because of Croatia's attitude on the ground. Consequently, FRY considered it necessary for the Council to extend UNMOP's mandate after 15 July to maintain security and strengthen confidence in the peninsula until a mutually agreed solution could be found in bilateral negotiations with Croatia.

On 29 May [S/1997/412], Croatia informed the Council that it was awaiting a response from FRY to its proposals for a possible security arrangement, including the possibility of demilitarizing broader areas on both sides of the border. Croatia was confident that such an arrangement could be found and, while it had shown understanding for FRY's security concerns in respect of Boka Kotorska, it believed that those concerns could be resolved only through arrangements that respected existing internationally recognized borders.

Report of Secretary-General (July). In response to the Security Council request contained in **resolution 1093(1997)**, the Secretary-General, in a 1 July report [S/1997/506], informed the Council that, despite encouragement by the Under-Secretary-General for Peacekeeping Operations, Croatia and FRY had failed to make any progress in adopting the practical options proposed by UNMOP to reduce tension and improve safety and security in the area. The long-standing violations of the demilitarization regime, previously reported, persisted. He also reported that, in their bilateral negotiations, the parties had not addressed the Prevlaka dispute directly. The unresolved dispute continued to obstruct progress towards opening the international border crossing at Debeli Brijeg, which lay within the demilitarized zone. At meetings in April and June, Croa-

tian and Yugoslav representatives were unable to reach agreement on the status of the crossing.

The Secretary-General provided the Council with information on new violations of the demilitarization regime. In May, for example, 56 boxes of mortar ammunition were seen inside the demilitarized zone at a Croatian position where compatible mortars had been observed in February. Also in May, the Yugoslav authorities confirmed for the first time that three positions that UNMOP had observed in the northern part of the demilitarized zone were manned by Yugoslav troops. Croatia and the media alleged that those positions were located on the Croatian side of the border. However, UNMOP, because of the restrictions imposed on its movements, could not verify the strength and armament of the Yugoslav army troops at those positions. Also, the waters of the UN-controlled zone continued to be violated by Croatian and Yugoslav fishing boats and, occasionally, by Croatian police boats and Yugoslav navy ships. The Secretary-General warned that those violations increased the possibility that incidents might occur between the parties. As to the freedom of movement of UN observers, the Secretary-General reported that the situation had worsened in June when Croatia denied access to positions in the north-western part of the demilitarized zone. FRY, on the other hand, had lifted a long-standing minor restriction in May.

The Secretary-General pointed out that the letters addressed to the Security Council President on 21 and 29 May by FRY and Croatia, respectively, showed that the parties still retained differing interpretations of the Prevlaka dispute. Croatia regarded the dispute as a security issue to be settled by an arrangement that would provide security for each State within existing borders, while FRY viewed the dispute as centred upon territorial possession of the Prevlaka peninsula. Nevertheless, the Secretary-General was convinced that the parties could fulfil their commitment under the Agreement on Normalization of Relations to resolve the issue of Prevlaka peacefully. He recommended a further extension of UNMOP's mandate until 15 January 1998.

SECURITY COUNCIL ACTION (July)

On 14 July [meeting 3800], the Security Council, having considered a draft resolution [S/1997/537] prepared in consultations among its members, unanimously adopted **resolution 1119 (1997)**.

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1025(1995) of 30 November 1995, 1038(1996) of 15 January 1996, 1066(1996) of 15 July

1996 and 1093(1997) of 14 January 1997, as well as the statement by its President of 25 April 1997.

Having considered the report of the Secretary-General of 1 July 1997,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting with concern that the parties have failed to make any progress in adopting the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996, to reduce tension and improve safety and security in the area, or in reaching a peaceful settlement of the Prevlaka issue,

Noting the observation contained in the report of the Secretary-General of 1 July 1997 that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1998;

2. Renews its call upon the parties to abide by their mutual commitments, implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, cease all violations of the demilitarization regime and military or other activities which may increase tension, and cooperate fully with the United Nations military observers and ensure their safety and freedom of movement, including through the removal of landmines;

3. Requests the Secretary-General to submit to the Council by 5 January 1998 a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement to resolve their differences peacefully;

4. Requests the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 to cooperate with each other;

5. Decides to remain actively seized of the matter.

Report of Secretary-General (December). Responding to the Security Council's request contained in the above resolution, the Secretary-General, in a 30 December report [S/1997/1019], stated that progress had been made towards implementing the UNMOP practical options. Following negotiations between UNMOP and Croatian officials, a minefield along a road inside the UN-controlled zone was cleared; some 67 mines were removed during November and December. Croatian authorities then closed three positions of the

Special Police inside the area, which allowed UN military observers to patrol roads inside the zone without risk to their safety. Efforts by the Chief Military Observer to establish procedures for regular access to positions throughout the UNMOP area were not successful, although Yugoslav authorities had lifted the partial restriction on UN military observers to Border Police positions and on their use of a road in the demilitarized zone. As in his previous reports, the Secretary-General informed the Council that the parties had made no progress towards a settlement of the Prevlaka dispute.

The situation on the ground in the UNMOP area remained stable, said the Secretary-General. Occasional violations of the demilitarization regime had decreased and were of lesser significance. However, violations in the "Blue Zone"—the demilitarization regime in the UN-controlled zone—continued, caused by the presence of approximately 30 Croatian Special Police and six Yugoslav Border Police. The most significant long-standing violation in the demilitarized zone ("Yellow Zone") was the continuing presence of Yugoslav army troops in the north-western part of the area. In addition, the waters of the UN-controlled zone continued to be violated frequently by both sides. At the same time, it was observed that the number of Croatian Special Police personnel deployed in the UNMOP area of responsibility had decreased.

The Secretary-General observed that compliance with the practical options proposed by UNMOP had confirmed the lessening of tensions in the region. While both parties continued to reiterate their firm commitment to a negotiated resolution of the disputed issues of Prevlaka, substantive talks had not started and there was no prospect of an end to the long-term violations in the UN-controlled zone. However, recent developments in other parts of the border between Croatia and FRY gave him grounds for hope that the two countries could solve the disputed issue of Prevlaka through mutual negotiations. Believing that the continued presence of UNMOP was indispensable, the Secretary-General recommended a further six-month extension of the UNMOP mandate, to 15 July 1998.

The Secretary-General submitted to the General Assembly recommendations on the financing of UNMOP for the period 1 July 1997 to 30 June 1998 [A/51/519/Add.1 & Corr.1], which, for administrative and budgetary purposes, were treated as part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH). (Details of those proposals and General Assembly action are to be found above, under "Bosnia and Herzegovina".)

Human rights concerns

In a 5 March report [S/1997/195], the Secretary-General provided to the Security Council information on the situation of human rights in Croatia obtained from UNHCR, the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia, the monitoring mission of OSCE, the European Community Monitoring Mission and the International Committee of the Red Cross. The report, which covered developments since the previous report on the subject in 1996 [YUN 1996, p. 333], also took account of information received from the Government of Croatia and from local and international non-governmental human rights organizations active in Croatia. Specific reference was made to the progress of measures taken by the Croatian Government to implement Security Council resolutions 1009(1995) [YUN 1995, p. 583] and 1019(1995) [Ibid., p. 560] and presidential statement S/PRST/1996/48 [YUN 1996, p. 340]. The Council had demanded that Croatia take urgent measures to end large-scale violations of human rights and humanitarian law, which were reported to have been perpetrated against the local Serb population in parts of its territory over which it had regained control in 1995 [YUN 1995, pp. 573 & 580].

The Secretary-General observed that Croatian Serbs, particularly in the former Sector South around Knin, continued to live in conditions of serious insecurity. Incidents of looting and harassment remained common, attributed mostly to recent Croat settlers and persons crossing the border with Bosnia and Herzegovina. The Croatian police continued to be ineffective in restoring security. Among the most serious acts committed was a "booby-trap" incident in Josani, Korenica municipality, in January, when a Serbian returning to his home moved a piece of

injuring him seriously. The situation in Western Slavonia (former Sector West) was generally more favourable. Croatia, in contrast to the assessment of most international observers that security measures were inadequate, maintained that it had deployed the necessary number of police officers to the former sectors, who were doing their best to ensure general safety in the region. To support its position, Croatia advised that between 4 August 1995 and 31 December 1996 it had dealt with 41 murder cases, of which 21 had been solved, as had 40 of the 68 cases of robbery.

Difficult living conditions for remaining Serbs had been eased considerably during the 1996/1997 winter by intensive humanitarian programmes conducted by international organizations in cooperation with Croatia and the Croatian Red Cross. Positive developments included

the provision of identity documents to virtually all remaining Serbs and restoration of some services, including electricity. However, many elderly Serbs remained isolated and vulnerable.

While more than 14,000 persons had received permission to return to the country, less than a quarter of them had done so, mostly because of the insecure conditions. UNHCR had facilitated the return of some 550 Croatian refugees from FRY. However, its programme to arrange the return of younger relatives of extremely vulnerable elderly individuals had made almost no progress, owing to the slow response of the Government. According to data from FRY, some 35,000 Croatian refugees in that country had expressed the desire to return immediately and it was believed that more would do so if conditions of personal and economic security improved. It was also virtually impossible for those refugees in FRY to return without Croatian documents or relatives in Croatia. Little progress had been made on resolving the property issue. Few Croatian Serb refugees had succeeded in regaining access to their homes and little if any corrective action had been taken by the local housing commissions, effectively leaving hundreds of Croatian Serbs homeless. Despite the 1996 Agreement on Normalization of Relations between Croatia and FRY [YUN 1996, p. 340], which included provisions to ensure to returning refugees and displaced persons the return of their property or a just compensation, and the establishment of a bilateral commission to implement that agreement, there had been little progress on the issue. While Croatia continued to insist upon its commitment to the return process, public remarks and official disposition, as well as developments on the ground, had led some observers to question the sincerity of that commitment. In the region administered by UNTAES, the application of the Amnesty Law continued to cause widespread concern among the Serb population. In addition, evidence showed that the detention and prosecution situation remained to be resolved. Appeals had been made to the Government to finalize its list of war crime suspects on the basis of existing evidence, to remove uncertainty and ensure that arbitrary arrests were not made among Serbs returning to Croatia. An additional concern related to the detention of some 18 persons who were reportedly being held by Croatia as prisoners of war in contravention of the commitments under the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina [YUN 1995, p. 544].

Croatia had become a member of the Council of Europe in 1996 and had signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols,

the Framework Convention for the Protection of National Minorities, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A working group was examining the compatibility of Croatian law with those human rights instruments. Croatia continued to cooperate with the Special Rapporteur for human rights in the former Yugoslavia, Elizabeth Rehn, and with the OSCE monitoring mission in the country. In February, the United Nations High Commissioner for Human Rights/Centre for Human Rights submitted a report to the Croatian Government on the need for possible technical cooperation projects in human rights.

There remained strong grounds for concern that the Government was withholding its full cooperation with the International Tribunal for the Former Yugoslavia. The Office of the Prosecutor reported that the Government had failed to provide requested assistance and information. No further arrests of accused persons had occurred and Croatia had informed the Prosecutor that no person indicted by the Tribunal was on Croatian territory.

International observers had noted the hostility that continued to characterize inter-ethnic relations in the former Sectors. It was therefore clear that if there was to be genuine improvement in the situation in the former Sectors, efforts by both international and local organizations to promote confidence and reconciliation would continue to be needed in the foreseeable future. (For further details on the human rights situation in Croatia, see PART TWO, Chapter III.)

SECURITY COUNCIL ACTION

On 19 March [meeting 3753], the Security Council, following consultations among its members, authorized the President to make the following statement on its behalf [S/PRST/1997/15]:

The Security Council has considered the report of the Secretary-General on Croatia of 5 March 1997, submitted pursuant to Council resolutions 1009 (1995) and 1019 (1995). It also recalls the statement by its President of 20 December 1996.

The Council remains deeply concerned that, although the Government of Croatia maintains that it has deployed the necessary number of police officers, Croatian Serbs continue to live in conditions of serious insecurity throughout the areas which had been designated United Nations Protected Areas and were known as Sectors West, North and South, particularly in the area of former Sector South around Knin. It calls upon the Government of Croatia to take further steps to restore a climate of law and order in those areas.

The Council welcomes the fact that difficult living conditions for remaining Serbs have been considera-

bly eased during recent months by intensive humanitarian programmes conducted by international organizations. In this context, it calls upon the Government of Croatia to assume fully its responsibilities, in cooperation with all relevant international organizations, to ensure that the social and economic situation of all inhabitants in the former sectors improves.

The Council expresses its concern that there continues to be little progress with regard to the return of Croatian Serb displaced persons and refugees to the areas. It calls upon the Government of Croatia to accelerate its efforts to improve conditions of personal and economic security, to remove bureaucratic obstacles to the rapid issue of documentation to all Serb families and to resolve promptly the property issue, by a return of property or just compensation, in order to facilitate the return of Croatian Serbs to the former sectors.

The Council calls upon the Government of Croatia to remove uncertainty about the implementation of its Amnesty Law, in particular by finalizing without delay the list of war crime suspects on the basis of existing evidence and in strict accordance with international law, and to put an end to arbitrary arrests, particularly of Serbs returning to Croatia.

The Council recalls the obligations of Croatia arising from relevant universal human rights instruments to which it is a party. It welcomes the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities, and expects that the Government of Croatia will implement those commitments fully.

The Council is concerned that the Government of Croatia continues to withhold its full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. It underlines the obligation of the Government of Croatia, in accordance with resolution 827 (1993), to respond promptly and in full to all requests from the International Tribunal. It also calls upon the Government of Croatia to conduct investigations into and the prosecution of persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council stresses the importance of the effective implementation of the measures outlined in the paragraphs above for promoting confidence and reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium. In this context, the Council requests the Secretary-General to continue to keep it informed on a regular basis and to report again on the humanitarian and human rights situation in Croatia within his report to be submitted by 1 July 1997 pursuant to paragraph 6 of resolution 1079 (1996).

GENERAL ASSEMBLY ACTION

The General Assembly, in **resolution 52/147** of December, urged Croatia to allow the expedi-

tious voluntary return of all refugees, including those from FRY, and of displaced persons, to take measures to secure their safety and human rights, to resolve the issue of property rights, to ensure equal access to protection and to social and housing reconstruction assistance regardless of ethnicity and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away.

Occupied territories

By a 22 July letter [A/52/231], Croatia drew attention to its 1994 request [YUN 1994, p. 564] that an item entitled "The situation in the occupied territories of Croatia" be included in the General Assembly's agenda and to Assembly resolution 49/43 on the subject [Ibid., p. 565]. Croatia also noted that, at its request, the Assembly had deferred consideration of the item in 1995 [YUN 1995, p. 572] and in 1996 [YUN 1996, p. 318]. Bearing in mind that the reintegration of the occupied territories had largely been completed, Croatia requested that the item on the situation in the occupied territories of Croatia not be included in the agenda of the Assembly's fifty-second session.

The Fourth (Special Political and Decolonization) Committee, on 19 December, decided to take no action on the item. By **decision** 52/418 of 10 December, the Assembly took note of the Fourth Committee's report [A/52/624].

The former Yugoslav Republic of Macedonia (FYROM)

Developments within the former Yugoslav Republic of Macedonia (FYROM) were uneven during 1997, with the successful holding of local elections and the establishment of an Ombudsman on the one hand and protests by ethnic communities with regard to instruction in local languages and the display of flags of national minorities on the other. However, the issue of major concern to the United Nations during the year was the possibility of the crisis in Albania (see below) spilling over to FYROM.

The United Nations Preventive Deployment Force (UNPREDEP)—described by the Secretary-General as the international community's first serious effort at preventive deployment—had, as mandated by the Security Council, begun to reduce its military component at the end of March. However, given the situation in Albania, which could possibly affect minority Albanian-speaking populations throughout the region, the Council,

on the Secretary-General's recommendation, suspended the military reduction until the end of UNPREDEP's mandate on 31 May. On 28 May, the Council extended UNPREDEP's mandate until 30 November. In August, the Secretary-General informed the Council that, given the improved situation in the region, he intended to implement the Council's decision to start a two-month phased reduction of UNPREDEP, starting on 1 October. In December, the Council again extended the UNPREDEP mandate—at the reduced troop strength—for a final period until 31 August 1998.

During the year, there was a further gradual improvement of relations between FYROM and some of its neighbours. Although the name-related dispute with Greece remained unsolved, both countries continued negotiations under the auspices of the Secretary-General's Personal Envoy, Cyrus R. Vance (United States), and economic relations between the two countries intensified significantly. While there were a number of incidents, including exchanges of fire, along the Albanian border, some improvement in the exercise of authority by Albanian border personnel was observed. Despite the fact that there was little progress regarding the demarcation of the border with the Federal Republic of Yugoslavia, the patrols of both sides appeared to honour their commitment to avoid hostile actions.

UN Preventive Deployment Force (UNPREDEP)

The United Nations Preventive Deployment Force (UNPREDEP) successfully contributed to preventing the spillover of conflicts elsewhere in the region into FYROM. The military units of the Force actively patrolled their respective areas of operation, while the military observers and civilian police continued their community and border patrols. The civilian component of the mission was actively involved in monitoring and reporting on developments that might affect the maintenance of peace and stability in the country. It assisted in promoting a better understanding among the various segments of the population and existing political forces, with a view to easing inter-ethnic tensions and strengthening the application of international standards on human rights. The mission continued to be headed by Henryk J. Sokalski (Poland). Through an exchange of letters between the Secretary-General and the Security Council on 17 June [S/1997/466, S/1997/467], Brigadier-General Bent Sohneman (Denmark) was appointed as UNPREDEP Force Commander. He replaced Brigadier-General Bo Lennart Wrangler (Sweden), who completed his tour of duty on 3 June.

In accordance with Security Council resolution **1110(1997)**, the reduction of the military component by 300 all ranks commenced on 1 October and was completed by 30 November. After that the strength of UNPREDEP consisted of two mechanized infantry battalions: a Nordic composite battalion and a United States Army task force, each with a strength of 350 personnel. The two battalions were supported by a 50-person heavy engineering platoon from Indonesia. There were also 35 military observers and 26 civilian police monitors.

Based exclusively on voluntary contributions, UNPREDEP endeavoured to reach out to the vulnerable segments of society through institution-building and experience-sharing. Those initiatives played an important role in building confidence between the people of the host country and the mission. Since mid-1995, the sum total of the extrabudgetary resources mobilized by the office of the Special Representative for social integration projects had amounted to some \$6 million.

Communications (March/April). In a 7 March letter [S/1997/205] to the Secretary-General, FYROM expressed concern that the overall situation in the region had deteriorated, especially with the escalation of the crisis in neighbouring Albania, where a state of emergency had been declared. Any further escalation of riots might cause flows of refugees that could seriously jeopardize security in the region. Under those circumstances, FYROM requested an urgent suspension of the reduction of UNPREDEP military personnel, as foreseen in Security Council resolution 1082(1996) [YUN 1996, p. 346].

In a 1 April letter [S/1997/267], FYROM outlined the factors that complicated the overall political and security situation in the region and had direct implications for his country. He requested that the existing mandate and composition (1,050 troops) of UNPREDEP be extended for a six-month period.

On 3 April [S/1997/276], the Secretary-General informed the President of the Council that recent developments in Albania had demonstrated that stability in the Balkan region remained extremely fragile. UNPREDEP had commenced the mandated reduction of its military component at the end of March when it began dismantling its observation posts along the borders with the Federal Republic of Yugoslavia (FRY) and Albania. Considering the situation in the region, however, the Special Representative and the Force Commander, with the Secretary-General's agreement, had temporarily suspended the drawdown. However, in order to meet the 30 April deadline for the mandated reduction, UNPREDEP would be

required to resume the drawdown in the coming days.

UNPREDEP had considered concentrating the drawdown on the border between FYROM and FRY. However, there was a clear possibility that reducing UNPREDEP's strength on the northern border at that sensitive time might have negative repercussions. Although UNPREDEP had been a most successful mission, proceeding with the planned reduction during a period when further regional instability continued to be a possibility could put at risk the credibility of the international community's first serious effort at preventive deployment. The Secretary-General therefore recommended that the Council approve the suspension of the reduction of the UNPREDEP military component until the end of the existing mandate on 31 May.

SECURITY COUNCIL ACTION (April)

On 9 April [meeting 3764], the Security Council unanimously adopted **resolution 1105(1997)**. The draft [S/1997/290] was prepared in consultations among Council members.

The Security Council,

Recalling its resolution 1082(1996) of 27 November 1996,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Having considered the letter dated 3 April 1997, and the recommendation contained therein, from the Secretary-General to the President of the Security Council,

1. Decides to suspend the reduction of the military component of the United Nations Preventive Deployment Force referred to in its resolution 1082(1996) until the end of the current mandate on 31 May 1997;

2. Welcomes the redeployment of the Force already achieved in the light of the situation in Albania, and encourages the Secretary-General to continue further redeployment of the Force taking into consideration the situation in the region, consistent with the mandate of the Force;

3. Requests the Secretary-General to submit to the Council by 15 May 1997 a report containing recommendations on a subsequent international presence in the former Yugoslav Republic of Macedonia, as referred to in its resolution 1082(1996);

4. Decides to remain seized of the matter.

Activities

Report of Secretary-General (May). In a 12 May report [S/1997/365 & Add.1], prepared in response to Security Council **resolution 1105(1997)**, the Secretary-General described the composition, strength and mandate of UNPREDEP, as well as activities of other UN organizations, agencies and programmes in FYROM. He also summarized developments in and around the country. In most of

the neighbouring countries, public unrest and tension had been evident: social unrest occurred in Bulgaria and FRY; State institutions collapsed and social structures disintegrated in Albania; the situation in Kosovo remained tense; and in Bosnia and Herzegovina, difficulties had been encountered in implementing the civilian aspects of the Dayton-Paris Peace Agreement [YUN 1995, p. 544]. Despite significant progress in developing relations in many areas between FYROM and FRY, no final agreement had been reached on the border demarcation. While relations with Greece had further improved, the dispute on the name-related issues remained.

Domestically, developments had been uneven. On the one hand, local elections had taken place in which all political parties participated; they had strengthened the pluralistic composition of the political scene and the exercise of grass-roots democracy. Parliament had established an Ombudsman, adopted a law on instruction in the languages of ethnic communities and passed a declaration on promoting inter-ethnic relations. On the other hand, a number of worrisome developments had been observed. The passage of the law on ethnic language instruction had sparked daily protests, followed by a hunger strike, by ethnic Macedonian students and had been criticized as insufficient by the ethnic Albanian political parties. Also, radical demands had resumed in some ethnic Albanian communities to establish ethnically based federalism in the Republic. Those developments had tested the country's fragile communal mosaic, said the Secretary-General. Unless they were tackled in earnest by all concerned, inter-ethnic relations might ultimately prove to be a significant destabilizing factor in the country.

Taking into account all those factors and in light of the strong view conveyed by the Government of FYROM for a continued UNPREDEP presence, the Secretary-General recommended that UNPREDEP's mandate be renewed for an additional six months until 30 November. He also recommended that the strength of the Force be maintained for a period of four months, up to 30 September, with a view to starting as of 1 October, taking into account the conditions prevailing at that time, a two-month phased reduction of the military component to the 750 troop level foreseen by the Council in resolution 1082(1996) [YUN 1996, p. 346]. The Secretary-General stated that he had instructed his Special Representative and the Force Commander to evaluate the effectiveness and composition of the mission and to recommend measures to ensure that the mission implemented all of its mandates in a cost-effective and coherent fashion. He had also re-

quested an examination of the feasibility of reorganizing the mission in order to enhance the role of the civilian police, military observer and civilian elements.

In the addendum to his report, the Secretary-General informed the Council that the cost of maintaining UNPREDEP at its present strength for a 12-month period was an estimated \$49.5 million gross (equivalent to \$4,125,000 per month). Therefore, should the Council decide to extend the Force's mandate, the cost would be within the resources to be provided by the General Assembly. The Secretary-General also reported that, as at 30 April, unpaid assessed contributions to the UNPREDEP special account for the 12-month period ending 30 June amounted to \$7.8 million.

SECURITY COUNCIL ACTION (May)

On 28 May [meeting 3783], the Security Council unanimously adopted **resolution 1110(1997)**. The draft [S/1997/405] was sponsored by France, Germany, Italy, Japan, Portugal, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its relevant resolutions, in particular resolutions 1082(1996) of 27 November 1996 and 1105(1997) of 9 April 1997,

Recalling also its resolution 1101(1997) of 28 March 1997, in which the Security Council expressed its deep concern over the situation in Albania,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Reiterating its appreciation for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to the personnel of the Force in the performance of their mandate,

Welcoming the significant progress made by the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia in developing their mutual relations in many areas, and reiterating its call upon the two Governments to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border in the light of the willingness shown by them to resolve the matter,

Taking note of the letter of 1 April 1997 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force,

Having considered the report of the Secretary-General of 12 May 1997 and the recommendations contained therein,

Noting his observation that recent developments in the region, in particular in Albania, have demonstrated that stability there remains fragile,

1. Decides to extend the mandate of the United Nations Preventive Deployment Force until 30 November 1997 and to start as of 1 October 1997, taking into account the conditions prevailing at that time, a two-

month phased reduction of the military component by 300 all ranks;

2. Requests the Secretary-General to keep the Council regularly informed about any relevant developments, and further requests the Secretary-General to review the composition, deployment, strength and mandate of the Force as outlined in his report, taking into consideration the situation prevailing at that time in the region, in particular in Albania, including in the context of elections in that country, and to submit a report to the Council by 15 August 1997 for its consideration;

3. Welcomes the redeployment of the Force already achieved in the light of the situation in Albania, and encourages the Secretary-General to continue further redeployment of the Force taking into consideration the situation in the region, consistent with the mandate of the Force;

4. Decides to remain seized of the matter.

Communication (July). On 17 July [A/52/254-S/1997/567], Albania transmitted a letter from its Minister for Foreign Affairs to the Secretary-General expressing deep concern that, since 9 July, FYROM military and special forces had been attacking Albanian civilians who had gathered peacefully in some cities predominantly inhabited by them to protest the adoption of a law on the use of flags. The Minister stated that the excessive and unnecessary use of force against the Albanians in FYROM had struck a serious blow to the efforts for enhanced regional stability and that the full integration and equal participation of the Albanian population in the life of the country was crucial for its durable stability. He encouraged the Security Council to send a mission to FYROM, composed of its members and representatives of States contributing troops to UNPREDEP, in order to gain first-hand information on the situation. The Secretary-General was invited to instruct the UNPREDEP Commander to report to him on the recent events in FYROM.

Report of Secretary-General (August). In an 11 August report [S/1997/631], the Secretary-General stated that while the composition, strength and mandate of UNPREDEP remained unchanged, there had been some redeployment, with three observation posts added along the western border of the mission area. Along that part of the border, the Secretary-General reported, UN soldiers had been exposed to frequent cross-border shooting from Albania, either by armed groups of illegal border-crossers or by other individuals. On a few occasions, UNPREDEP observation towers were deliberately shot at, as a result of which one soldier was injured. Active community patrolling by UN military observers had contributed to the easing of some tensions in the border area.

The civilian component of the mission continued to play an important role in the good offices mandate of the Special Representative, including maintaining an active dialogue with the authorities and political forces in the country and encouraging inter-ethnic communication and interaction. With the support of several Governments and international organizations, UNPREDEP had initiated a number of development projects, which had played a significant role in promoting mutual confidence and goodwill across society. The Special Representative continued to coordinate all UN activities in the country and to ensure cooperation with regional organizations monitoring developments in the area. In its monitoring of the border areas, the civilian police component of the mission was providing a unique tool for liaison with judicial and police authorities and with the population of the country, including the ethnic minorities. In addition, a special project on crime prevention and criminal justice had been initiated, which included a training programme for the local police. The UNPREDEP public information component had developed and implemented a programme to raise local and international awareness about the activities of the first UN preventive deployment operation.

Describing recent developments in FYROM, the Secretary-General stated that inter-ethnic relations within the country had suffered a setback as a result of a controversy over the public display of flags of national minorities. On 9 July, the Government had launched a massive law-enforcement operation in Gostivar to remove Albanian and Turkish flags from the front of the municipal building. During clashes with the police, three demonstrators died and many were wounded in what appeared to be excessive use of force by government special police forces. In response to severe criticism of the police action, the Government established a ministerial commission to investigate the events. The commission presented its report to the National Assembly, which would consider it after the summer recess. A few days before the Gostivar incident, a unification congress of two major ethnic Albanian opposition parties called for parallel governmental structures, autonomous institutions, a pan-Albanian parliament and ethnic regionalization. The appearance of black-shirted paramilitary guards during the congress was a disquieting manifestation of ethnic extremism.

The Secretary-General noted that the situation in neighbouring Albania had improved since the parliamentary elections there (see below). The underlying justification for extending the UNPREDEP mandate prior to that crisis had been to prevent conflicts elsewhere in the former

Yugoslavia from spilling over or threatening FYROM. It was evident that the situation in FYROM was still intimately linked to the overall situation in the region, particularly at its borders. However, the country's relations with its neighbours had continued to strengthen, as had its relations with other members of the international community. Internally, however, economic and social problems continued to pose a significant threat to the country's integration and long-term stability and further exacerbated inter-ethnic tensions. Those problems gave rise to the question of whether the current mandate of UNPREDEP was relevant to the existing situation and whether it could be implemented with fewer resources. It seemed advisable to the Secretary-General to pursue the implementation of the Council's decision to start, as at 1 October, a two-month phased reduction of the military component of UNPREDEP by 300 all ranks, bearing in mind the conditions prevailing at that time in the region. He had instructed his staff to consult with the Government of FYROM and other interested parties on the type of international presence that would be appropriate after 1 December 1997.

Communications (August, November). In a 21 August letter [S/1997/654] to the Secretary-General, Albania expressed regret that there were some inaccurate statements in the Secretary-General's August report. According to Albania's information, during the unification congress of two ethnic Albanian political parties in Tetovo, FYROM, no resolution or statement was released by the leaders or on their behalf calling for parallel government structures, autonomous institutions or a pan-Albanian parliament and ethnic regionalization. Albania stressed that the full integration and equal participation of the Albanian population in the life of FYROM was crucial for the stability and for the very existence of that country.

In a 27 August letter [A/52/301-S/1997/668] to the Secretary-General, FYROM expressed surprise and disappointment at the content of Albania's letter of 17 July (see above). FYROM stated that Albania had wrongly located the legal basis of the action of the State authorities in Gostivar on 9 July and had misinterpreted the law of FYROM. The Albanian minority in FYROM, represented by its political parties, had all along participated in the political decision-making process in the Parliament of the country and the largest party of the Albanian minority—the Party for Democratic Prosperity—had voted for the adoption of the Law on the Use of Flags of the National Minorities. FYROM underlined that the legal basis for the action taken by the Ministry of Interior, to remove the illegal flags, had been the order of the Constitutional Court of the country. The

Court also abolished decisions previously taken by the city assemblies of Tetovo and Gostivar, which enabled permanent flying in front of the municipal buildings of the national flags of Albania and Turkey. The events that followed the removal of the flags were obvious results of the political manipulation of certain political groups of the Albanian minority. FYROM explained that the recently adopted Law on the Use of Flags guaranteed the right to unrestricted use of the flags of the country's minorities for private purposes and at public institutions during State holidays.

On 3 November [S/1997/838 & Corr.1], FYROM transmitted to the Secretary-General a letter from its Minister for Foreign Affairs, in which he described the most recent developments in the region, particularly in Albania, Bosnia and Herzegovina, Kosovo and Montenegro. The Minister concluded that those sources of destabilization would require a longer period to be resolved and that the presence of UNPREDEP until the end of that period, which could last for 12 months, was necessary.

In a 10 November letter to the Security Council President [S/1997/890], the Secretary-General, referring to Council resolution 845 (1993) [YUN 1993, p. 209] concerning the difference between Greece and FYROM with regard to the latter State's name, informed the Council that his Personal Envoy, Cyrus Vance, was continuing his mission of good offices and that the most recent meeting between the parties had taken place on 2 October. The Secretary-General also informed the Council that, following a personal request by Mr. Vance and with the consent of the parties, he had decided to appoint Matthew Nimetz (United States) as Deputy to his Personal Envoy. Mr. Nimetz would chair the continuing talks between Greece and FYROM. On 14 November [S/1997/891], the Council President informed the Secretary-General that the Council had taken note of his decision.

Report of Secretary-General (November). In his report of 20 November [S/1997/911 & Add.1], the Secretary-General described developments in FYROM since his August report. In accordance with Council **resolution 1110 (1997)**, the two-month phased reduction of the UNPREDEP military component by 300 all ranks commenced on 1 October and would be completed by 30 November. By the end of the troop drawdown, the total number of observation posts, manned by the Nordic and United States battalions, would be reduced from 19 to 8, all of which would be situated at the most sensitive border points. The Secretary-General felt that the troop reduction of 300 could be considered as the start of a phased exit in response to the improved situation in the region.

With regard to recent developments in the region, the Secretary-General noted that there had been a further gradual improvement of relations between FYROM and some of its neighbours. Although the name-related dispute with Greece remained unsolved, both countries were continuing negotiations under the auspices of the Secretary-General's Personal Envoy. Economic relations between the two countries had intensified significantly, as had cross-border traffic. The situation along the Albanian border had been characterized by a number of incidents, including exchanges of fire. Although some improvement in the exercise of authority by Albanian border personnel had been observed, there had been a number of incidents where UN personnel had been exposed to indiscriminate firing by individuals along the border. There had been little progress regarding the demarcation of the border with FRY, but border patrols of both sides appeared to honour their commitment to avoid hostile actions.

Regarding the domestic situation, the Secretary-General noted that inter-ethnic tensions and socio-economic difficulties continued to affect negatively the strengthening of the country's stability. The political scene continued to reflect strains between the ruling coalition and the opposition parties, which were calling for early elections. An inter-party dialogue on issues most vital to the nation, initiated by the President of the Republic, was the most positive development of recent months.

The Secretary-General stated that peace and stability in FYROM continued to depend largely on developments in other parts of the region. In that regard, concerns had emerged over the uncertainty of the outcome of the presidential elections in Serbia. Increased violence in Kosovo had also raised fears of a spillover effect on ethnic Albanians in FYROM. The slow progress in implementing the civilian aspects of the Dayton-Paris Peace Agreement in Bosnia and Herzegovina, particularly in the Republika Srpska, had underscored the need for a long-term commitment by the international community in that country. The Secretary-General stressed that, once the UNPREDEP operation terminated, proper successor arrangements had to be put in place to reassure the Government of the international community's continued commitment to peace and stability in the country. The Council might wish, the Secretary-General suggested, to observe the effectiveness of the initial reduction of the military component by 300 before contemplating its next step. In any event, any further downsizing could hardly be implemented before the spring

of 1998 due to the severe winter conditions. In the meantime, the Secretary-General recommended extending the UNPREDEP mandate for an additional six-month period until 31 May 1998. The addendum to the Secretary-General's report addressed the financial aspect of his recommendation.

SECURITY COUNCIL ACTION (November/December)

On 28 November [meeting 3836], the Security Council unanimously adopted **resolution 1140 (1997)**. The draft [S/1997/932] was prepared in consultations among Council members. In a statement before the vote, the Council President said that informal consultations were still continuing on some technical aspects of UNPREDEP's mandate. However, since that mandate would expire on 30 November, the Council's members had decided to adopt the current draft text to allow time to complete consultations.

The Security Council,

Recalling its resolution 1110(1997) of 28 May 1997,

1. Decides to extend the mandate of the United Nations Preventive Deployment Force for an additional period terminating on 4 December 1997;
2. Decides to remain actively seized of the matter.

On 4 December [meeting 3839], the Security Council continued its consideration of the Secretary-General's 20 November report (see above) and unanimously adopted **resolution 1142(1997)**. The draft [S/1997/948] was sponsored by Costa Rica, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1105(1997) of 9 April 1997 and 1110(1997) of 28 May 1997,

Recalling also its resolutions 1101(1997) of 28 March 1997 and 1114(1997) of 19 June 1997, in which the Council expressed concern over the situation in Albania,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Reiterating its appreciation for the important role played by the United Nations Preventive Deployment Force in contributing to the maintenance of peace and stability, and paying tribute to the personnel of the Force in the performance of their mandate,

Reiterating its call upon the Governments of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their agreement of 8 April 1996, in particular regarding the demarcation of their mutual border,

Welcoming the phased reduction and restructuring of the troop strength of the Force, which has taken place pursuant to resolution 1110(1997),

Taking note of the letter dated 31 October 1997 from the Minister for Foreign Affairs of the former Yugoslav

Republic of Macedonia to the Secretary-General, requesting the extension of the mandate of the Force.

Having considered the report of the Secretary-General of 20 November 1997 and the recommendations contained therein,

Taking note of the observation of the Secretary-General that there have been a number of positive developments in the overall situation in the area, in particular the stabilization of the situation in Albania, but that peace and stability in the former Yugoslav Republic of Macedonia continue to depend largely on developments in other parts of the region,

Bearing in mind the intention of Member States and interested organizations to consider actively the instituting of possible alternatives to the Force,

1. Decides to extend the mandate of the United Nations Preventive Deployment Force for a final period until 31 August 1998, with the withdrawal of the military component immediately thereafter;

2. Requests the Secretary-General to report to the Council by 1 June 1998 on the modalities of the termination of the Force, including practical steps for the complete withdrawal of the military component immediately after 31 August 1998, and to submit recommendations on the type of international presence that would be most appropriate for the former Yugoslav Republic of Macedonia after 31 August 1998;

3. Decides to remain seized of the matter.

Financing of UNPREDEP

At its resumed fifty-first session, the General Assembly had before it reports by the Secretary-General on the financing of UNPREDEP [A/51/508 & Corr.1 & Add.1-3]. The original cost of maintaining the Force for the period from 1 July 1996 to 30 June 1997 had been estimated at \$52,351,500 gross (\$50,835,900 net), said the report. However, due mainly to delays in deployment of civilian staff and a reduced provision for contingent-owned equipment, the updated cost estimates for that period amounted to \$51,402,600 gross (\$50,046,000 net), representing a 1.8 per cent decrease in gross terms. For the period 1 July 1997 to 30 June 1998, the Secretary-General proposed a budget totalling \$44,298,000 gross (\$42,760,800 net), representing a 12.1 per cent decrease in gross terms compared to the resources allocated for the previous 12-month period. That was mainly due to a reduction in the Force's military strength and to reductions for vehicle spare parts, supplies and services, among other things. That proposed budget was later revised [A/51/508/Add.3] in light of Security Council resolution 1105(1997), in which the Council suspended the reduction of the UNPREDEP military component (see above).

That revision proposed a budget of \$49,474,800 gross (\$47,937,600 net) for the period from 1 July 1997 to 30 June 1998 and provided for the retention of the Force's military strength of 1,050 troops.

The Assembly also had before it reports of the Advisory Committee on Administrative and Budgetary Questions [A/51/872, A/51/910], in which it commented on the Secretary-General's proposed budget and on the financial performance report of UNPREDEP [A/51/508/Add.2] for the period from 1 January to 30 June 1996.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/51/712/Add.1], adopted resolution 51/154 B without vote [agenda item 155].

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Preventive Deployment Force and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force, and Council resolution 1110(1997) of 28 May 1997, in which the Council extended the mandate of the Force to 30 November 1997,

Recalling also its decision 50/481 of 11 April 1996 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 51/154 A of 16 December 1996,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Preventive Deployment Force as at 15 May 1997, including the contributions outstanding in the amount of 7.8 million United States dollars, representing 15 per cent of the total assessed contributions from the inception of the Force to the period ending 30 June 1997, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in par-

particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;

6. Approves, on an exceptional basis, the special arrangements for the Force with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Force shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

7. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

8. Decides to appropriate to the Special Account for the United Nations Preventive Deployment Force the amount of 46,506,700 dollars gross (44,969,500 dollars net) for the maintenance of the Force for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 1,906,700 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 4,283,892 dollars gross (4,142,192 dollars net) during the period from 1 July to 31 October 1997 and at a monthly rate of 3,671,392 dollars gross (3,550,092 dollars net) thereafter, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 November 1997;

9. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,537,200 dollars approved for the Force for the period from 1 July 1997 to 30 June 1998;

10. Decides further that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against the apportionment, as provided for in paragraph 8 above, their respective share in the

unencumbered balance of 5,259,700 dollars gross (5,070,300 dollars net) in respect of the period ending 30 June 1996;

11. Decides that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 5,259,700 dollars gross (5,070,300 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

12. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Preventive Deployment Force".

ANNEX

Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts shall remain recorded in the Special Account for the United Nations Preventive Deployment Force until payment is effected.

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be canceled and the then remaining balance of any appropriations retained therefor shall be surrendered.

By **decision 52/456** of 22 December, the Assembly, on the recommendation of the Fifth Committee, decided that the Committee should continue its consideration of the financing of UN-PREDEP at the resumed fifty-second (1998) session.

Albania

During the early months of 1997, following the collapse of a number of pyramid investment schemes, Albania suffered a severe general crisis that had economic, political and institutional dimensions. Massive unrest swept entire regions of

the country and the ensuing chaos resulted in looting of weapons from military armouries, destruction of public and private property and the deaths of more than 1,500 people. The state of emergency proclaimed by the Albanian Parliament was not effective as many areas of the country were under rebel control and the humanitarian situation deteriorated as stocks of food, medicine and medical supplies became badly depleted. The crisis also had repercussions for neighbouring Italy as tens of thousands of Albanian refugees fled there.

Following Albania's appeal for assistance, the Organization for Security and Cooperation in Europe (OSCE) supported Italy's initiative to create a multinational protection force to assist the Albanian authorities to deliver humanitarian assistance and create a secure environment for the international organizations working in the country. On 28 March, the Security Council authorized the deployment of such a force (known as Operation Alba), led by Italy, for an initial period of three months and requested the participating Member States to report to it on the force's activities at two-week intervals. By the beginning of May, the force, which ultimately comprised over 7,000 troops from 11 OSCE member States, was having a positive effect on the security situation in Albania. Commercial and industrial activities were resuming, schools had reopened and the curfew was reduced; however, armed bands were still active and organized crime and racketeering were creating obstacles to full resumption of economic and social life. On 19 June, the Council extended the force for another 45 days to provide a security framework for the Albanian elections.

On 14 August, the multinational force having withdrawn from Albania three days earlier, the Council considered the eleventh and final report on the operation of the force and held an open debate on the situation in Albania. Speaking before the Council, the Permanent Representative of Albania expressed his Government's profound thanks to the countries that had contributed to the force, stating that it had established safe zones for the distribution of humanitarian aid and had created a positive atmosphere of confidence and safety during the parliamentary elections. In a statement made on behalf of the Council, the President noted that the mandate of the force had been successfully fulfilled and encouraged the international community to assist and support the economic, social and institutional rehabilitation of Albania.

SECURITY COUNCIL ACTION (13 March)

On 13 March [meeting 3751], the Security Council, at the request of Albania [S/1997/215] and Italy

[S/1997/214], met to consider the situation in Albania. Following consultations, the Council President made the following statement [S/PRST/1997/14] on behalf of the members:

The Security Council, having considered the letter dated 13 March 1997 to the President of the Council from the Permanent Representative of Albania to the United Nations and the letter dated 12 March 1997 to the President from the Permanent Representative of Italy to the United Nations, expresses its deep concern about the deteriorating situation in Albania. It urges all concerned to refrain from hostilities and acts of violence and to cooperate with diplomatic efforts to reach a peaceful solution to the crisis.

The Council calls upon the parties involved to continue the political dialogue and to live up to the commitments undertaken on 9 March 1997 in Tirana. It urges all political forces to work together to lower tension and facilitate the stabilization of the country.

The Council calls upon the parties not to impede the provision of humanitarian assistance to the civilian population and, in this context, recalls the importance of keeping open all means of communication in the country. It encourages Member States and international organizations to help with the provision of humanitarian assistance.

The Council stresses the importance of regional stability and fully supports the diplomatic efforts of the international community, in particular those of the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis.

The Council requests the Secretary-General to keep it informed of developments in the situation in Albania.

The Council will remain seized of the matter.

Communications (March). On 14 March [A/52/94-S/1997/230], the Netherlands transmitted to the Secretary-General a 7 March statement by the Presidency of the European Union (EU), made on the occasion of his visit to Albania, that expressed concern at the situation there and its possible implications for the region. The EU, while recognizing the need to restore law and order and deploring the violence that had occurred, stated that it expected maximum self-restraint from all sides and urged that further violence be avoided. The Albanian authorities and all other parties were called on to respect human rights, including minority rights, and fundamental freedoms. The Union urged Albania, as a member of OSCE, to cooperate fully with the Personal Representative of the OSCE Chairman during his forthcoming mission to Albania. The EU had always given strong support to the creation of a democratic Albania and continued to support that goal; however, that would require Albania's acceptance of the principles and practices of democracy.

By a letter of 17 March to the Secretary-General [S/1997/226], the Netherlands transmitted a declaration made that day by the EU Presidency stating that EU Ministers, at a meeting in Apeldoorn, Netherlands (15-16 March), noted the request of the new Albanian Government for EU assistance. The Union took note of a number of elements, including that consultations should take place on the need for a Security Council resolution. The Presidency would send a high-level mission to Tirana, comprising also representatives of OSCE, the European Commission, Greece and Italy. In a further letter of 24 March [S/1997/251], the Netherlands drew attention to the conclusions of the EU Council of the same day, in which, following consideration of the report of the EU mission that had visited Albania, it had established an Advisory Mission to Albania to advise on humanitarian, economic, political and security-related developments.

On 27 March [S/1997/258], Italy informed the Secretary-General that the humanitarian situation in Albania continued to deteriorate, requiring prompt action by the international community. The OSCE Permanent Council had adopted a decision establishing the conditions for launching a prompt and complex effort to assist Albania. Italy was promoting the creation of a multinational protection force, the objective of which was to help create a safe and secure environment for international organizations to provide support in areas of international assistance. Italy was ready to take the lead in organizing and commanding a temporary humanitarian operation for Albania.

By a 28 March letter [S/1997/259], Albania informed the Council President that the situation in the country remained serious. Government control and law and order had yet to be achieved in a significant part of the country and a matter of grave concern was the humanitarian situation, which was further aggravated because of lack of security and the increasing need for basic humanitarian goods. In response to an official appeal by the Albanian Government, OSCE had agreed to support the offer of some member States to participate in a military or police force to protect humanitarian activities in Albania. Albania stated that the force would stay in the country until the conditions on the ground made it possible for the Government to ensure the safe delivery of humanitarian goods and until the forthcoming elections. Albania appealed to the Council to authorize promptly the deployment of such a force.

Annexed to Albania's letter was updated information on the Albanian crisis, the decision of the

OSCE Permanent Council adopted on 27 March and the conclusions of the meeting of the EU Council held on 24 March.

SECURITY COUNCIL ACTION (March)

On 28 March [meeting 3758], the Security Council adopted **resolution** 1101(1997) by vote (14-0-1), based on a draft [S/1997/260], orally revised, sponsored by Albania, Austria, Belgium, France, Greece, Italy, Poland, Portugal, the Republic of Korea, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom and the United States, subsequently joined by Denmark, Finland, Germany, Ireland and the Netherlands.

The Security Council,

Taking note of the letter of 28 March 1997 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council,

Taking note also of the letter of 27 March 1997 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General,

Taking note further of decision No. 160 of 27 March 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe, including the decision to provide the coordinating framework within which other international organizations can play their part in their respective areas of competence,

Recalling the statement of the President of the Security Council of 13 March 1997 on the situation in Albania,

Reiterating its deep concern over the deteriorating situation in Albania,

Underlining the need for all concerned to refrain from hostilities and acts of violence, and reiterating its call to the parties involved to continue the political dialogue,

Stressing the importance of regional stability, and in this context fully supporting the diplomatic efforts of the international community to find a peaceful solution to the crisis, in particular those of the Organization for Security and Cooperation in Europe and the European Union,

Affirming the sovereignty, independence and territorial integrity of the Republic of Albania,

Determining that the present situation of crisis in Albania constitutes a threat to peace and security in the region,

1. Condemns all acts of violence, and calls for their immediate end;

2. Welcomes the offer made by certain Member States to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance;

3. Welcomes also the offer by a Member State, contained in its letter, to take the lead in organizing and commanding the temporary multinational protection force, and takes note of all the objectives contained in that letter;

4. Authorizes the Member States participating in the multinational protection force to conduct the operation in a neutral and impartial way to achieve the objectives set out in paragraph 2 above, and, acting under Chapter VII of the Charter of the United Nations, further authorizes those Member States to ensure the security and freedom of movement of the personnel of the multinational protection force;

5. Calls upon all those concerned in Albania to cooperate with the multinational protection force and international humanitarian agencies for the safe and prompt delivery of humanitarian assistance;

6. Decides that the operation shall be limited to a period of three months from the adoption of the present resolution, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 9 below;

7. Also decides that the cost of implementing this temporary operation shall be borne by the participating Member States;

8. Encourages the Member States participating in the multinational protection force to cooperate closely with the Government of Albania, the United Nations, the Organization for Security and Cooperation in Europe, the European Union and all international organizations involved in rendering humanitarian assistance in Albania;

9. Requests the Member States participating in the multinational protection force to provide periodic reports to the Council, at least every two weeks, through the Secretary-General, the first such report to be made no later than fourteen days after the adoption of the present resolution, *inter alia*, specifying the parameters and modalities of the operation on the basis of consultations between those Member States and the Government of Albania;

10. Decides to remain actively seized of the matter.

VOTE ON RESOLUTION 1101(1997):

In favour: Chile, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Russian Federation, Sweden, United Kingdom, United States.

Against: None.

Abstain: China.

Speaking before the vote, China said that although it supported the international community's efforts to settle the question, the situation was an internal affair. For the Council to authorize action in a country because of internal strife was inconsistent with the Charter. However, in view of Albania's request for assistance, China would not stand in the way of the resolution's adoption.

Reports on multinational protection force (April-June). In response to the request contained in resolution 1101(1997), the Secretary-General transmitted to the Security Council every two weeks reports submitted by Italy on the multinational protection force for Albania. The first report, dated 9 April [S/1997/296], specified the parameters and modalities of the operation on the basis of consultations between the Member States participating in the force and the Government of Albania. It was foreseen that the force would consist of some 6,000 troops. Austria, Den-

mark, France, Greece, Italy, Romania, Spain and Turkey had committed to contribute to it. The force's political guidance would be provided by a Steering Committee, which would keep in close contact with the Government of Albania. The Steering Committee would also liaise closely with the United Nations, OSCE and the EU as well as with all international organizations involved in humanitarian assistance to Albania.

The second report [S/1997/335] summarized the first week of operations in Albania, noting that the overall situation had been relatively quiet and the deployment of the force had affected the security situation in a positive manner. Tensions had decreased and few clashes were being recorded. The local police were slowly regaining control, some schools had reopened and commercial activities were resuming. However, some local incidents had been reported, with casualties among civilians. The general attitude of the population towards the force was positive. Further improvements in the situation were noted in the third [S/1997/362], fourth [S/1997/392] and fifth [S/1997/440] reports as public institutions slowly restarted their activities. However, illegal activities by armed gangs persisted and some violence appeared to be politically motivated. Isolated shootings, mostly not aimed at the force, had caused casualties among the civilian population. As at 4 June, the force comprised 6,365 men from 10 countries (Austria, Denmark, France, Greece, Italy, Portugal, Romania, Slovenia, Spain and Turkey).

The sixth report [S/1997/460] was a special one that referred to the modalities of the force's presence after 28 June, the date when the force was due to withdraw and the day before the planned elections in Albania. The Steering Committee had met on 10 June to consider several requests by the Albanian authorities for the force to remain during the electoral process to help ensure a safe and secure environment for the OSCE monitoring teams. The Steering Committee therefore recommended that the force's mandate, contained in resolution 1101(1997), be extended to cover the completion of the electoral process and in any event not longer than 45 days after the termination of the original mandate.

Communication (June). In a 16 June letter addressed to the Council President [S/1997/464], Albania expressed appreciation for the prompt Council action that had led to the creation of the multinational protection force. Although major improvements had taken place in the field of public order, numerous challenges still existed and a serious threat remained for public security in certain areas in the light of the upcoming parliamentary elections, which were crucial for the

future of the country. The Government of Albania therefore requested that the force be extended for another three months.

SECURITY COUNCIL ACTION (June)

On 19 June [meeting 3791], the Secretary-General adopted **resolution 1114(1997)** by vote (14-0-1), based on a draft [S/1997/472] sponsored by Albania, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Poland, Portugal, the Republic of Korea, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom and the United States.

The Security Council,

Recalling its resolution 1101(1997) of 28 March 1997,

Recalling also the statement by its President of 13 March 1997 on the situation in Albania,

Taking note of the letter dated 16 June 1997 from the Permanent Representative of Albania to the United Nations addressed to the President of the Security Council,

Taking note also of the sixth report to the Council on the operation of the multinational protection force in Albania,

Taking note further of decision No. 160 of 27 March 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe, including the decision to provide the coordinating framework within which other international organizations can play their part in their respective areas of competence,

Expressing its appreciation for the neutral and impartial way in which the mandate of the Council has been carried out by the multinational protection force, in close cooperation with the Albanian authorities,

Reiterating its concern over the situation in Albania,

Underlining the need for all concerned to refrain from hostilities and acts of violence, and calling on the parties involved to continue the political dialogue and facilitate the electoral process,

Stressing the importance of regional stability, and in this context fully supporting the diplomatic efforts of the international community, particularly the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis and assist in the electoral process in Albania, in cooperation with the Albanian authorities,

Noting the need over a short period of time, as underlined in the sixth report on the operation of the multinational protection force in Albania, for a limited increase in the contingent originally planned, for the purpose of protecting the mission of the Organization for Security and Cooperation in Europe, especially in view of the planned elections,

Reaffirming the sovereignty, independence and territorial integrity of the Republic of Albania,

Determining that the present situation in Albania constitutes a threat to peace and security in the region,

1. Condemns all acts of violence, and calls for their immediate end;

2. Welcomes the readiness of the countries contributing to the multinational protection force to maintain their military contingents in Albania for a limited time as part of the multinational protection force in the

framework of the mandate provided by resolution 1101(1997);

3. Welcomes also the intention of the countries contributing to the multinational protection force to continue, within the framework of the mandate provided by resolution 1101(1997), to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance, and takes note of all the elements contained in the sixth report to the Council on the operation of the multinational protection force in Albania, concerning, inter alia, the electoral monitoring mission of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights;

4. Authorizes the Member States participating in the multinational protection force to conduct the operation in a neutral and impartial way to achieve the objectives set out in paragraph 3 above and acting under Chapter VII of the Charter of the United Nations, further authorizes those Member States to ensure the security and freedom of movement of the personnel of the multinational protection force;

5. Calls upon all those concerned in Albania to cooperate with the multinational protection force and with the missions of the international organizations;

6. Decides that the operation shall be limited to a period of forty-five days from 28 June 1997, at which time the Council will assess the situation on the basis of the reports referred to in paragraph 9 below;

7. Also decides that the cost of implementing this temporary operation will be borne by the participating Member States;

8. Encourages the Member States participating in the multinational protection force to cooperate closely with the Government of Albania, the United Nations, the Organization of Security and Cooperation in Europe, the European Union and all international organizations involved in rendering humanitarian assistance in Albania;

9. Requests the Member States participating in the multinational protection force to provide periodic reports to the Council through the Secretary-General, at least every two weeks, the first such report to be made no later than fourteen days after the adoption of this resolution, inter alia, specifying the parameters and modalities of the operation on the basis of consultations between those Member States and the Government of Albania;

10. Decides to remain actively seized of the matter.

VOTE ON RESOLUTION 1114(1997):

In favour: Chile, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Russian Federation, Sweden, United Kingdom, United States.

Against: None.

Abstain: China.

Reports on multinational protection force (June-August). The seventh biweekly report, dated 28 June [S/1997/501], stated that the situation in Albania remained tense with continuing clashes between rival gangs resulting in casualties, especially in the south of the country. The force had been involved in some incidents, including the freeing of OSCE monitors who had

been taken hostage and intervention in the case of a humanitarian convoy that had been attacked by an armed gang. The force was committed to helping to create a secure environment and the best possible conditions for holding regular and fair elections. Belgium became the eleventh country to contribute to the force.

The eighth report [S/1997/513] noted that the first round in the Albanian elections had taken place on 29 June and had generally run smoothly, given the local circumstances. Before and during the electoral process, the force had extended its deployment virtually throughout the country, increased its strength to 7,215 units and provided protection to OSCE monitoring teams, either indirectly, within the enlarged security framework, or directly, providing escorts on a case-by-case basis. Despite growing tensions on the eve of the elections, no incidents involving OSCE monitors were reported on election day. Some violence did occur, however, specifically the killing of a political leader that may have been linked to the elections. The force had to intervene in two cases of stolen ballot papers and in two cases where armed gangs surrounded polling stations at the end of the voting process.

The ninth report [S/1997/551] covered the second round of voting, which took place on 6 and 13 July. Prior to the elections, on 4 July, the force had moved to protect OSCE monitoring teams at the headquarters of the Central Electoral Commission in Tirana when gunshots were fired, leaving one dead and several wounded. The 6 July elections passed relatively smoothly, although the voting had to be suspended temporarily in some cases. At one polling station, an electoral officer was killed and two were injured when a gunman opened fire. The final voting operations on 13 July took place without incident. The tenth biweekly report [S/1997/601] set out the operational plan for the withdrawal of the force at the end of the mission (12 August), the duration of which had been limited by the Security Council.

The eleventh and final report on the multinational protection force for Albania [S/1997/632] stated that the force's withdrawal was completed on 11 August. The force, which comprised units from 11 countries, with Italy as the lead nation, had facilitated the safe and prompt delivery of humanitarian assistance and helped create a secure environment during the electoral process, the report said. The force carried out 1,598 missions, covering a total of 2,735,764 kilometres. Its activities included 1,397 daily escorts, 65 route security missions, 27 dedicated escorts for long humanitarian missions, 151 reconnaissance mis-

sions and 37 sanitary missions. During the elections the force provided security to 238 OSCE teams. Within the security framework provided by the force, humanitarian aid was distributed to 73 locations. The report concluded that, as a result of Operation Alba, it was hoped that a dramatic page of Albanian history had been turned. A new phase had to start without delay, focusing on the rehabilitation of state institutions and the return of the country to an orderly social, political and economic condition. An international conference was held in Rome on 31 July in preparation for a ministerial conference and a donors' conference in the autumn.

Communications (August). In a 5 August letter [S/1997/614] to the Security Council President, Italy expressed the view that it would be appropriate for the Council to conduct a thorough discussion of the results of the multinational protection force in Albania. Italy requested that an open meeting of the Council be held upon the expiration of the force's mandate.

That request was supported by Albania in an 8 August letter to the Council President [S/1997/628].

SECURITY COUNCIL ACTION (August)

On 14 August [meetings 3811 & 3812], the Security Council, at the request of Albania [S/1997/628] and Italy [S/1997/614], met to consider the results of the multinational protection force in Albania. In accordance with rule 37 of the Council's provisional rules of procedure, Albania, Denmark, Germany, Greece, Italy, Luxembourg, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Turkey were invited, at their request, to participate in the discussion.

Following consultations, the Council President made the following statement [S/PRST/1997/44] on behalf of the members:

The Security Council has considered the eleventh and last report of the operation of the multinational protection force in Albania of 11 August 1997, submitted pursuant to the requirement set out in paragraph 9 of resolution 1114(1997).

The Council notes with appreciation that the mandate of the multinational protection force, as set out in its resolutions 1101(1997) and 1114(1997), has been fulfilled successfully. The presence of the multinational protection force has contributed to the facilitation of safe and prompt delivery of humanitarian assistance in Albania. Its presence has also helped to create a secure environment for the missions of international organizations in Albania, as part of the efforts of the international community, particularly the Organization for Security and Cooperation in Europe and the European Union, to find a peaceful solution to the crisis and to assist international organizations in their role in the electoral process in close cooperation with the Albanian authorities.

The Council recognizes the role played by the multinational protection force and the Governments of the participating countries under Italian leadership in the full discharge of the mandate in assisting the Albanian authorities and the international organizations involved.

The Council is of the view that the Albanian people and their authorities bear the primary responsibility for the future of Albania and for restoring normal conditions in the country. The necessary international assistance will be conditional upon Albania's own efforts at achieving reconciliation, security, rehabilitation and economic reform.

In this respect, the Council encourages the international community to assist and support the economic, social and institutional rehabilitation of Albania and welcomes the steps that have already been taken in this direction, including the preparatory meetings for the ministerial conference to be held in Rome in autumn 1997.

Georgia

The United Nations, in consultation with the Organization for Security and Cooperation in Europe (OSCE), and with the Russian Federation as facilitator, renewed its efforts to revitalize the Georgian/Abkhaz peace process in 1997. High-level talks on the conflict were convened by the Secretary-General in Geneva in July and November to map out areas where concrete political progress could be made. All sides agreed to the strengthening of United Nations involvement in the peace process and approved a programme of action and a mechanism for doing so, including the establishment of a Coordinating Council. Discussions between the Georgian and Abkhaz sides on the draft protocol proposed by the Russian Federation for a Georgian-Abkhaz settlement also continued. During the year, the two sides also maintained bilateral negotiations in their efforts to maintain the momentum of the peace process and cooperation in a number of areas.

The Security Council, in November, regretted that, despite strenuous efforts to reactivate the peace process, there had been no visible progress on the future political status of Abkhazia and the permanent return of refugees and displaced persons. It called on the Secretary-General to continue his efforts to that end and on the parties to cooperate fully with those efforts. The Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) twice during the year. The second six-month extension was to terminate on 31 January 1998.

With effect from 1 July, the Secretary-General appointed Liviu Bota (Romania) as his resident Special Representative for Georgia to succeed his Special Envoy for Georgia, Edouard Brunner (Switzerland), who had carried out that function for four years.

UN Observer Mission in Georgia

The United Nations Observer Mission in Georgia, established by Security Council resolution 858(1993) [YUN 1993, p. 509], continued in 1997 to monitor and verify compliance with the 1994 Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583] and to fulfil other tasks as mandated by the Security Council in resolution 937(1994) [Ibid., p. 584]. The Mission operated in close collaboration with the Commonwealth of Independent States (CIS) peacekeeping force that had been in the zone of conflict, at the request of the parties, since 1994 [Ibid., p. 583]. The Council extended the Mission's mandate twice during the year, the first time until 31 July 1997 (**resolution 1096(1997)**) and the second until 31 January 1998 (**resolution 1124(1997)**).

On 8 April, the Security Council agreed [S/1997/292] to the Secretary-General's appointment [S/1997/291] of Major-General Harun Ar-Rashid (Bangladesh) to succeed Major-General Per Källström (Sweden) as Chief Military Observer of UNOMIG as of 1 May. On 12 June, the Council agreed [S/1997/450] to his appointment [S/1997/449] of Liviu Bota (Romania) to succeed Edouard Brunner (Switzerland) as his Special Representative for Georgia and Head of Mission with effect from 1 July. Mr. Bota was based in Tbilisi and Sukhumi.

Composition

Under the command of Chief Military Observer Major-General Källström until the end of April and under Major-General Ar-Rashid thereafter, UNOMIG, as at 9 January, maintained a strength of 125 military observers drawn from 23 countries, compared to its authorized strength of 136. By 24 October, that strength had been further reduced to 109 to accommodate an engineering unit that would undertake mine-detection and -clearing operations.

In addition to its main headquarters in Sukhumi (Abkhazia, Georgia), UNOMIG maintained an administrative headquarters in Pit-sunda, a liaison office in the Georgian capital of Tbilisi and team bases and a sector headquarters in each of the Gali and Zugdidi sectors. A team base in the Kodori valley was manned by observers operating from Sukhumi.

Activities

Report of Secretary-General (January). In response to a Security Council request contained in resolution 1065(1996) [YUN 1996, p. 356] for him to report regularly on the situation in Abkhazia, including the UNOMIG operation, the Secretary-General submitted a 20 January 1997 report [S/1997/47] containing updated information and recommendations regarding the peacemaking process and UN role after the expiry of the UNOMIG mandate on 31 January. He stated that key issues of the Georgian/Abkhaz peace process, such as the future political status of Abkhazia and the return of refugees and displaced persons, remained unresolved. However, the desirability of a political solution had been underlined in the increasingly frequent direct contacts between the two parties, the latest of which was an 8 January meeting in Gagra between the Foreign Minister of Georgia, Irakli Menagarishvili, and the Abkhaz leader, Vladislav Ardzinba, accompanied by the Abkhaz "Foreign Minister", Konstantin Ozgan. Both sides stated that the meeting had been useful, though it had not produced any concrete results. They discussed a visit by their respective speakers of parliament to Sukhumi and Tbilisi and a possible meeting between Georgian President Eduard Shevardnadze and Mr. Ardzinba, and closer co-operation on the Inguri power station issue. There had also been a number of meetings between representatives of the Georgian and Russian Governments.

The situation in the Gali security and restricted weapons zones remained unsettled and acts of violence increased, especially the indiscriminate laying of mines. The situation in the Zugdidi sector was also tense at times. Several murders, kidnappings, attacks, explosions and acts of looting had been reported. Both sides continued to violate the Moscow Agreement of 14 May 1994 [YUN 1994, p. 583]; between 10 September 1996 and 9 January 1997, UNOMIG reported 8 such violations by the Abkhaz side and 172 by the Georgian side.

The Secretary-General expressed his intention to initiate contacts with the two sides to assist them in unblocking the peace process. He would also discuss with the Russian authorities the modalities of cooperation between the United Nations and the Russian Federation, in its capacity as facilitator in the Georgian/Abkhaz peace process. In order to revitalize the UN role in the peace process, the Secretary-General proposed initiating UN-led expert meetings at the local level, covering fields such as energy, transportation and communications. UN-led negotiations

on the future political status of Abkhazia within the territorial integrity of Georgia could also be resumed.

The Secretary-General recommended a further six-month extension of the UNOMIG mandate until 31 July. Should the Council authorize such an extension, he said, the monthly maintenance cost of UNOMIG until 30 June would be limited to the appropriation contained in General Assembly resolution 50/237 [YUN 1996, p. 360] (equivalent to \$1,424,100 per month).

SECURITY COUNCIL ACTION (January)

The Security Council met on 30 January to consider the Secretary-General's report. Also before it was a 21 January letter from Georgia [S/1997/57] transmitting the provisions of the final document of the December 1996 Lisbon summit of OSCE that pertained to the situation in Georgia and a 24 January letter from Georgia [S/1997/75] transmitting a letter from the Chairman of the Supreme Council of Abkhazia, who condemned the appeals of the Abkhaz separatist leadership for economic aid and the lifting of restrictions imposed by Georgia to prevent the influx of illegal cargoes, mercenaries, narcotics and arms. Georgia also transmitted a 30 January statement [S/1997/95] stressing the importance of intensifying direct contacts with the Abkhaz side, despite the failure so far of those attempts or international efforts to thaw the situation. It also expressed its belief that the Security Council would continue to revive the peace process and give it new impetus.

On the same day [meeting 3735], the Council unanimously adopted **resolution 1096(1997)**. The draft [S/1997/93] was prepared in consultations among Council members.

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 1065(1996) of 12 July 1996, and recalling the statement by its President of 22 October 1996,

Having considered the report of the Secretary-General of 20 January 1997,

Acknowledging the efforts in support of the peace process of the Secretary-General and his Special Envoy, the Russian Federation as facilitator, and the Group of Friends of the Secretary-General on Georgia, as mentioned in the report,

Noting with deep concern the continued failure by the parties to resolve their differences due to the uncompromising position taken by the Abkhaz side, and underlining the necessity for the parties to intensify without delay their efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Noting the opening of the United Nations Human Rights Office in Abkhazia, Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, and expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement,

Noting with concern recent frequent violations on both sides of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994, as well as acts of violence organized by armed groups operating from south of the Inguri river and beyond the control of the Government of Georgia,

Commending the contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made to stabilize the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force has developed considerably, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the continued deterioration of the security conditions in the Gali region, with an increase of acts of violence by armed groups, and indiscriminate laying of mines, including new types of mines, and deeply concerned also at the continued deterioration of the safety and security of the local populations, of the refugees and displaced persons returning to the region and of the personnel of the Mission and of the collective peacekeeping force,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with the Mission and the collective peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision taken by the Council of Heads of State of the Commonwealth of Independent States on 17 October 1996 to expand the mandate of the collective peacekeeping force in the conflict zone in Abkhazia, Georgia, and to extend it until 31 January 1997,

1. Welcomes the report of the Secretary-General of 20 January 1997;

2. Reiterates its deep concern at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its commitment to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles, in particular the holding on 23 November 1996 and 7 December 1996 of illegitimate and self-styled parliamentary elections in Abkhazia, Georgia;

4. Reaffirms its full support for an active role for the United Nations in the peace process, welcomes the efforts of the Secretary-General and his Special Envoy aimed at achieving a comprehensive political settlement of the conflict, including on the political status of

Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia, as well as the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to continue to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe;

5. Welcomes, in this context, the initiative of the Secretary-General, as outlined in his report, to strengthen the role of the United Nations in the peace process;

6. Calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General, with the assistance of the Russian Federation as facilitator;

7. Welcomes the renewal of direct dialogue at a high level between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties;

8. Reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994, condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

9. Recalls the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

10. Reiterates its condemnation of killings, particularly those ethnically motivated, and other ethnically related acts of violence;

11. Reiterates its demand that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with the Office of the United Nations High Commissioner for Refugees and in accordance with the Quadripartite Agreement, in particular in the Gali region;

12. Welcomes, in this context, the holding of the meeting on 23 and 24 December 1996 in Gali on the resumption of the orderly repatriation of refugees and displaced persons, in particular to the Gali region, and calls upon the parties to continue these negotiations;

13. Calls upon the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994;

14. Condemns the continued laying of mines, including new types of mines, in the Gali region, which has al-

ready caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

15. Urges the Secretary-General to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission;

16. Decides to extend the mandate of the Mission for a new period terminating on 31 July 1997, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate of the collective peacekeeping force;

17. Expresses its full support for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, notes, in this context, the opening on 10 December 1996 of the United Nations Human Rights Office in Abkhazia, Georgia, as part of the Mission, under the authority of the Head of Mission, and requests the Secretary-General to continue to pursue the necessary follow-up arrangements with the Organization for Security and Cooperation in Europe and to continue close cooperation with the Government of Georgia;

18. Reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors;

19. Requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

20. Also requests the Secretary-General to continue to keep the Council regularly informed, and to submit a report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission and to provide recommendations in that report on the nature of the United Nations presence, and in this context expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

21. Decides to remain actively seized of the matter.

Communications (February-April). By a 10 February letter [S/1997/117], Georgia informed the Secretary-General that President Shevardnadze, on 1 February, had issued a decree on the implementation of the above resolution. The decree ruled that the Ministries of Internal Affairs and of State Security should ensure compliance with the 1994 Moscow Agreement [YUN 1994, p. 583] by intensifying activities to prevent the laying of mines

and penetration of illegal armed groups into the security zone. The decree ordered the Ministry of Foreign Affairs to prepare recommendations with a view to intensifying direct dialogue with the Abkhaz side and negotiations with the active participation of the United Nations and the Group of Friends of the Secretary-General on Georgia. The Foreign Ministry was also charged with ensuring close cooperation with the UN/OSCE joint Human Rights Office in Sukhumi. The decree further required that the Ministries of Finance and of Foreign Economic Relations elaborate a comprehensive plan for the post-conflict economic rehabilitation of Abkhazia, Georgia.

On 26 February [S/1997/154], Georgia reported a terrorist act carried out in the Gali region on 22 February, in which a nurse and two soldiers of the CIS peacekeeping force were killed. Georgia reiterated its position, reflected in the presidential decree of 1 February, that it would continue to ensure the safety of international observers and contribute to the comprehensive settlement of the dispute.

By a 1 April letter [S/1997/268], the Russian Federation transmitted to the Secretary-General the texts of instruments adopted by the CIS Council of Heads of State in Moscow on 28 March. The Council decided to extend the mandate of the CIS peacekeeping force in Abkhazia to 31 July. It also expanded the security zone and instructed the force's command to prepare a plan for redeploying the force in the Gali district and other measures for the organized return of refugees and displaced persons. The Council further instructed the Council of Ministers for Foreign Affairs and the Council of Ministers of Defence of CIS to amend the force's mandate, bearing in mind the change in the situation in the conflict zone.

Report of Secretary-General (April). The Secretary-General submitted a 25 April report [S/1997/340] updating information on the situation in Abkhazia since his 20 January report, including the operations of UNOMIG, and providing recommendations on the nature of the UN presence.

He stated that on 13 March the Chairman of the Georgian Parliament had informed him that the absence of progress in the settlement of the conflict, including the problem of the refugees and internally displaced persons, had created widespread dissatisfaction among the Georgian population and the country's leadership was increasingly being urged to take decisive action to resolve the conflict. Bilateral contacts between the two sides had continued. President Shevardnadze of Georgia and the Abkhaz leader, Mr. Ardzinba, agreed to establish a joint/bilateral commission chaired by senior representatives

from both sides. Bilateral contacts at the working level had also taken place, most notably in early March in the Gali region when senior officials responsible for energy problems met to address issues related to the hydroelectric power station at Inguri-GES. In addition, the Russian Federation had contacted the two sides in February to spell out the goals of the negotiations and to decide on the machinery for the comprehensive settlement of the conflict. The talks focused on the draft text of a declaration, proposed by the Russian Federation, on the principles for a settlement and confidence-building measures between the parties to the conflict.

In February, the Ministries of Communication of Georgia and the Russian Federation signed an agreement by which all external telephone communications to and from Sukhumi would be routed through Tbilisi, instead of through the territory of the Russian Federation. The Abkhaz leadership protested that agreement and threatened to end all contacts with the Georgian side if the status quo ante was not restored. A number of European organizations had visited Georgia, as had non-governmental organizations and research institutions from a number of countries, in order to bring together Georgian and Abkhaz individuals in an effort to facilitate progress towards the political settlement of the conflict. The Group of Friends of the Secretary-General on Georgia (France, Germany, Russian Federation, United Kingdom, United States) also maintained contact with the parties to the conflict and with the Secretary-General's representatives. The Secretary-General was exploring ways to revive the UN role in the peace process and was pursuing modalities of cooperation between the United Nations and the Russian Federation, in its capacity as facilitator in the Georgian/Abkhaz peace process.

The United Nations Human Rights Office in Abkhazia, established in 1996 [YUN 1996, p. 360], had begun its work and the Abkhaz authorities had shown readiness to work with it. The Office had already produced promising results, as reflected in the creation of a grass-roots organization for human rights and democracy in Abkhazia and the establishment by the Abkhaz leader, Mr. Ardzinba, of a human rights commission within his administration to cooperate with the UN Office. The Office had established contacts with the Government of Georgia and the Abkhaz authorities and with organizations concerned with human rights issues. A basic but systematic monitoring of human rights violations had commenced, focusing on compliance by the Abkhaz authorities with international human rights standards.

The situation in the Gali restricted weapons zone and, in particular, the security zone remained unsettled and tense. Acts of violence continued and had even increased during the first weeks of April. The most serious incident was the direct targeting of CIS peacekeepers, resulting in the death of three members of the force; 10 members were injured in separate incidents. UNOMIG personnel and property were also the victims of robbery and theft.

Despite the relatively high number of violations, both sides had generally complied with the 1994 Moscow Agreement during the preceding three months. UNOMIG reported 11 violations by the Abkhaz side and 56 by the Georgian side, most of them minor.

The Secretary-General stated that, in response to increased demand arising from a strengthened UN involvement in the peacemaking process, he planned to appoint, as a successor to his Special Envoy for Georgia, a resident Special Representative to be based in Tbilisi and Sukhumi. He intended to convene a meeting with both sides at an appropriate location to map out the areas where concrete political progress could be made. In the meantime, he was instructing his Deputy Special Envoy, Liviu Bota, to consult the Russian authorities further on the proposal to revitalize the Coordinating Commission, which would serve as the umbrella for the establishment of expert groups on energy, transportation and communications. He also intended to strengthen the political element of UNOMIG, by deploying throughout the mission area additional officers specialized in political, civil and legal affairs. He also planned to build upon the positive results recently achieved with the arrival of mine-protected vehicles and the resurfacing of the main roads to improve the safety of the military observers and the operational effectiveness of UNOMIG.

Communications (April). On 30 April [A/52/130-S/1997/345], Azerbaijan and Georgia transmitted to the Secretary-General the text of a 22 April resolution adopted by the Parliamentary Assembly of the Council of Europe. By the resolution, which concerned conflicts in Transcaucasia, including the situation in Georgia, the Council expressed the hope that the efforts of the parties concerned, the United Nations, OSCE and the Russian Federation would soon lead to an institutional balance acceptable to Tbilisi and Sukhumi so that the refugees could return and the populations of the region could resume their peaceful living conditions.

On 28 April [S/1997/339], Georgia transmitted a 23 April letter from President Shevardnadze to the Security Council President, drawing attention to the evidence provided by the State Com-

mission for the Investigation of the Policy of Ethnic Cleansing/Genocide carried out against the Georgian Population in Abkhazia, Georgia [A/52/116-S/1997/317], which pointed to the Abkhaz separatist policy of forcibly altering the demographics of Abkhazia and to the grave atrocities committed in that process. The Commission's findings suggested that punitive measures against the perpetrators should be considered and that it would be desirable for the United Nations to send experts to Georgia to carry out a full examination of the crimes, including ethnic cleansing. Attention was also drawn to the decision of the CIS heads of State to move the peacekeeping forces deeper into the conflict zone. There were signs that the implementation of that operation was threatened, primarily because the separatist leadership opposed the return of the refugees and displaced persons and the restoration of the natural regional demographics. The Georgian President said that it was time to consider the combination of persuasion and coercion. It was imperative that the UN role in the solution of the conflict be invigorated and that plans be made for a comprehensive resolution of the conflict based on the principles of the United Nations and OSCE.

SECURITY COUNCIL ACTION (May)

On 8 May [meeting 3774], the Security Council authorized its President to make the following statement [S/PRST/1997/25] on its behalf:

The Security Council has considered the report of the Secretary-General of 25 April 1997 concerning the situation in Abkhazia, Georgia. It has also taken note of the letter dated 1 April 1997 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and of the letter dated 28 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council.

The Council reiterates its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

The Council reaffirms its full support for a more active role for the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement.

The Council acknowledges the efforts in support of the peace process of the Secretary-General and his Special Envoy, with the assistance of the Russian Federation as facilitator, and of the Organization for Security and Cooperation in Europe and the Group of Friends of the Secretary-General on Georgia, as mentioned in the report of the Secretary-General of 25 April 1997.

In this context, the Council fully supports the proposals made by the Secretary-General in his report of 25 April 1997 to strengthen the involvement of the United Nations in the peacemaking process. It fully

supports, in particular, the intention of the Secretary-General to convene a meeting with both sides to map out the areas where concrete political progress can be made. The Council encourages the Secretary-General to explore the idea of revitalizing the Coordinating Commission and establishing expert groups on questions of mutual interest.

The Council welcomes the intention of the Secretary-General to appoint a resident Special Representative, as a successor to his current Special Envoy for Georgia, and to strengthen the political element of the United Nations Observer Mission in Georgia.

The Council further encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, in order to ensure a prompt and safe return of the refugees and displaced persons to their homes, with the assistance of all relevant international organizations. The Council takes note of the initiation of activities by the United Nations Human Rights Office in Abkhazia, Georgia.

The Council continues to stress that the primary responsibility for reinvigorating the peace process rests upon the parties themselves. It welcomes the continuation of direct dialogue between the parties. The Council calls upon them, in particular the Abkhaz side, to intensify the search for a peaceful solution by further expanding their contacts, and requests the Secretary-General to make available all appropriate support if so requested by the parties. The Council notes the appeal of the Secretary-General to both parties to pursue the current discussions on the implementation of the decisions adopted by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997.

The Council remains deeply concerned at the continued deterioration of the security conditions in the Gali region, including acts of violence by armed groups, indiscriminate laying of mines and armed robbery, and the resulting deterioration of the safety and security of the local populations, of the refugees and displaced persons returning to the region, and of the personnel of the Mission and the collective peacekeeping force of the Commonwealth of Independent States. The Council condemns the acts of violence which have led to the loss of life of members of the collective peacekeeping force. It welcomes the intention of the Secretary-General to continue to make every effort to build upon the positive results recently achieved in order to improve the safety of the military observers and the operational effectiveness of the Mission.

The Council reminds the parties of their obligation to ensure the safety and freedom of movement of the Mission and the collective peacekeeping force and, in particular, to prevent the laying of mines.

The Council welcomes the good cooperation between the Mission and the collective peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict.

The Council also welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally dis-

placed persons, and encourages further contributions to that end. It also reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Ceasefire and Separation of Forces and/or for humanitarian aspects, including demining, as specified by donors.

The Council requests the Secretary-General to continue to keep it closely informed of the situation.

Report of Secretary-General (July). In an 18 July report [S/1997/558], the Secretary-General stated that although the key issues of the Georgian/Abkhaz peace process, such as Abkhazia's future political status and the return of refugees, remained unresolved, vigorous efforts were being made by the United Nations, the Russian Federation, the Group of Friends of the Secretary-General on Georgia and OSCE to revitalize that process. Both parties to the conflict and the Russian Federation had expressed support for a more active role for the United Nations in the peace process. In particular, they had supported the Secretary-General's initiative to convene a high-level meeting on the conflict to map out areas where concrete political progress could be made (see below).

In May, a Russian delegation had visited Sukhumi to meet with Abkhaz leaders, and the Russian Federation had hosted intensive Georgian-Abkhaz consultations in Moscow in June on a draft Protocol on a Georgian-Abkhaz settlement, containing basic principles for a peaceful settlement of the conflict. However, no agreement had been reached on the text of the draft Protocol, although some rapprochement between the positions of the two parties was reported. Further unofficial contacts and discussions on the issue continued, including visits in July by the Deputy Secretary of the Security Council of the Russian Federation to Tbilisi and Sukhumi for discussions with both parties in an attempt to move the peace process forward. The Abkhaz side proposed that the two sides to the conflict conclude a treaty providing for the renunciation of the use of force, while the Georgian side stated that it did not see the need for such a treaty, since the commitment of the two parties to solve all existing problems peacefully had already been included in documents signed earlier. However, on 27 May, President Shevardnadze suggested the convening of an international conference on Abkhazia, Georgia, under UN auspices.

Georgia did not support continuation of the CIS peacekeeping force in the conflict zone after the expiry of its mandate on 31 July, unless the decisions of the CIS summit meeting of 28 March (see above) on the expansion of the security zone

and the repatriation of the refugees and internally displaced persons were implemented. It did however emphasize that, if the force were withdrawn, the Georgian side would not resume hostilities. Following the adoption by the Russian State Duma of a resolution requesting the Russian President to secure the presence of the CIS peacekeeping force beyond 31 July, the Secretary of the Russian Defence Council visited Tbilisi in July to discuss the issue of the force with Georgian leaders.

UNOMIG, the strength of which had been reduced to 116 military observers, continued to operate in the restricted weapons zones of the Zugdidi and Gali sectors and in the Kodori valley. Although UNOMIG had made vigorous efforts to improve the safety of its staff, personnel and property had been the victims of acts of robbery and theft on nine occasions during the preceding three months. UNOMIG continued to observe the activities of the CIS peacekeeping force and cooperation between the commanding officers was very good, in spite of changes in the leadership of the peacekeeping force.

The Secretary-General stated that prospects for progress in the Georgian/Abkhaz peace process had improved and there appeared to be a serious effort towards accommodation and compromise. He recommended that the Security Council extend UNOMIG's mandate until 31 January 1998. However, the extension should be reviewed if there were changes in the mandate of the CIS peacekeeping force.

High-level meeting. On 29 July [S/1997/558/Add.1], the Secretary-General reported that a high-level meeting had taken place in Geneva from 23 to 25 July under the chairmanship of his Special Representative for Georgia. The meeting was held with the participation of the two parties to the conflict and was attended by the Russian Federation (as facilitator), OSCE and representatives of the States belonging to the Group of Friends of the Secretary-General on Georgia. The goals of the talks were to map out areas where concrete political progress could be made, in particular on practical issues, and to re-establish a process of continuing work towards achieving a comprehensive political settlement. The parties welcomed the Secretary-General's proposals to strengthen UN involvement in the peacemaking process and reaffirmed their commitment to the non-use of force or threat of the use of force against each other as expressed in their communique of 13 January 1994 [YUN 1994, p. 578]. The Special Representative of the Secretary-General for Georgia, the representatives of OSCE and the Group of Friends of the Secretary-General on Georgia called on the Russian Federation and the

parties to agree on continuing the CIS peacekeeping operation in order to secure favourable and peaceful conditions for the continuation of negotiations to achieve a comprehensive settlement of the conflict. A follow-up meeting was to be convened in September.

Communication (July). President Shevardnadze, in a 28 July letter to the Secretary-General [S/1997/590], stated that the high-level meeting attested to the importance that the international community attached to the settlement of the Abkhazia conflict. Despite all efforts, however, the talks were fraught with serious problems, in particular the resistance by the Abkhaz party to a more active and effective participation of the international community in resolving the conflict. The failure to recognize that the peace process should not be monopolized by anyone was likely to further protract the resolution of the conflict, thus affecting the progress of the peace talks in the future. It was, therefore, imperative that the Security Council and the international community at large should give an adequate assessment to that destructive position. President Shevardnadze believed that the Geneva process should continue and hoped that the next round of negotiations would be held in September.

SECURITY COUNCIL ACTION (July)

Having met on 31 July [meeting 3807] to consider the Secretary-General's report, the Security Council unanimously adopted **resolution 1124** (1997). The draft [S/1997/594] was prepared in consultations among Council members.

The Security Council,

Recalling all its relevant resolutions, reaffirming in particular resolution 1096(1997) of 30 January 1997, and recalling the statement by its President of 8 May 1997,

Having considered the report of the Secretary-General of 18 July 1997,

Reiterating its full support for the more active role for the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement,

Acknowledging the efforts in support of the peace process of the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator, as well as the Group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe, as mentioned in the report,

Welcoming, in this context, the indication given in the report that prospects for progress in the peace process have improved, noting with deep concern the continued failure by the parties to resolve their differences, and underlining the necessity for the parties to intensify without delay their efforts to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the

State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Commending the contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States have made in stabilizing the situation in the zone of conflict, noting that the cooperation between the Mission and the collective peacekeeping force is good and has continued to develop, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the continuing unstable and tense security conditions in the Gali region, characterized by acts of violence by armed groups, by armed robbery, and other common crime and, most seriously, by the laying of mines, including new types of mines, and deeply concerned also at the resulting lack of safety and security for the local populations, for the refugees and displaced persons returning to the region and for the personnel of the Mission and of the collective peacekeeping force,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with the Mission and the collective peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision taken by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997 to expand the mandate of the collective peacekeeping force in the conflict zone in Abkhazia, Georgia, and to extend it until 31 July 1997, but noting with concern the uncertainty surrounding its extension beyond that date,

1. Welcomes the report of the Secretary-General of 18 July 1997;

2. Reiterates its deep concern at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its commitment to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles;

4. Welcomes the efforts of the Secretary-General and his Special Representative aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia, and the efforts undertaken by the Russian Federation in its capacity as facilitator, in particular during the last round of talks between the parties held in Moscow in June 1997, to

continue to intensify the search for a peaceful settlement of the conflict;

5. Reaffirms its support for the more active role for the United Nations in the peace process, encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe, and welcomes in this context the holding of a high-level meeting on the conflict, in Geneva from 23 to 25 July 1997, under the aegis of the United Nations, to map out the areas where concrete political progress could be made;

6. Takes notes of the addendum to the report of the Secretary-General, supports the intention of the Special Representative of the Secretary-General to resume the meeting in September, and calls upon the Abkhaz side, in particular, to engage constructively at this resumed meeting;

7. Stresses that the primary responsibility for reinvigorating the peace process rests upon the parties themselves, calls upon them to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator;

8. Welcomes the continuation of direct dialogue between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, requests the Secretary-General to make available all appropriate support if so requested by the parties, and recalls the appeal of the Secretary-General to both parties to pursue the discussions on the implementation of the above-mentioned decisions adopted by the Council of Heads of State of the Commonwealth of Independent States on 28 March 1997;

9. Recalls the conclusions of the Lisbon summit of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

10. Reiterates its condemnation of killings, particularly those ethnically motivated, and other ethnically related acts of violence;

11. Reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons of 4 April 1994, condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

12. Reiterates its demand that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with the Office of the High Commissioner and in accordance with the Quadripartite Agreement, in particular in the Gali region;

13. Calls upon the parties to ensure the full implementation of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

14. Condemns the continued laying of mines, including new types of mines, in the Gali region, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and to cooperate fully with the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations;

15. Urges the Secretary-General to continue to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to Mission personnel and to create conditions for the effective performance of the mandate of the Mission;

16. Decides to extend the mandate of the Mission for a new period terminating on 31 January 1998 subject to a review by the Council of the mandate in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force, and welcomes the intention of the Secretary-General, as mentioned in his report, to keep the Council informed of developments in this regard;

17. Reiterates its full support for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia;

18. Welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, encourages further contributions to that end, and reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors;

19. Requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

20. Requests the Secretary-General to continue to keep the Council regularly informed, to report after three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia, including on the operations of the Mission, and to provide recommendations in that report on the nature of the United Nations presence, and in this context expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

21. Decides to remain actively seized of the matter.

Communications (August). By a 22 August letter [S/1997/657], Georgia informed the Security Council President that, as a result of the initiative of the Russian President, Boris Yeltsin, a meeting

was held on 14 August in Tbilisi between an Abkhaz delegation, headed by Mr. Ardzinba, and a Georgian delegation, headed by President Shevardnadze, with the participation of the Russian Foreign Minister, Yevgeny Primakov. In a statement issued at the end of the meeting, the parties declared their determination to put an end to the conflict and to restore relations of peace and mutual respect. They were convinced that the time had come to embark on a course leading to peace and prosperity and to act jointly in a spirit of compromise and reconciliation. The parties undertook not to resort to arms to resolve their differences, nor to permit the renewal of bloodshed. Differences of opinion would be resolved exclusively by peaceful political means, through negotiations and consultations, both bilateral and with the assistance of the Russian Federation, under the auspices of the United Nations and the participation of OSCE and CIS. The meeting noted that it had been possible to reach agreement on a number of key problems but substantial differences remained on certain issues.

Report of Secretary-General (October). In a 28 October report [S/1997/827], the Secretary-General stated that the Georgian/Abkhaz peace process had been reactivated and there had been bilateral contacts between the two sides to the conflict. However, there continued to be no visible progress on the key issues—the future political status of Abkhazia and the permanent return of refugees and displaced persons. Nevertheless, both sides had reaffirmed their commitment to resolving the conflict by political means. At a meeting with Georgian President Shevardnadze on 21 July in New York, the Secretary-General discussed important aspects of the peace process, including the UN role in the political and peacekeeping fields.

It had been intended to resume the adjourned high-level meeting on the conflict, held in July, on 13 October in Geneva. However, the Abkhaz leader, Mr. Ardzinba, had stated that his side needed more time for preparation on substantive issues. He had also indicated that the text of the draft Protocol proposed by the Russian Federation, as agreed by him, could not be subject to further discussion and should simply be signed. The Russian Federation had also expressed preference for a postponement of the Geneva meeting since it had scheduled negotiations with the two sides in Moscow on the text of the draft Protocol during that period. Following further consultations, it was agreed that the meeting should be resumed in Geneva on 17 November.

Georgian/Abkhaz negotiations took place in Sukhumi on 9 and 10 September under the chairmanship of the First Deputy Foreign Minister of

the Russian Federation, Boris Pastukhov. The Secretary-General's Special Representative, the Chief Military Observer of UNOMIG and the head of the Georgia office of the Office of the United Nations High Commissioner for Refugees participated in the meeting. In a joint communique adopted at the end of the negotiations, the parties reaffirmed their determination to strive towards a prompt resolution of existing problems and the signing of the draft Protocol in Moscow in the near future. They agreed that the discussion on the process of an orderly and phased return of refugees and displaced persons should continue and expressed their intention to coordinate efforts to eliminate bandit groups, whose activities disrupted the peace process and impeded a settlement of the conflict and the return of refugees. The two sides supported intensifying the efforts of the CIS peacekeeping force to end the activities of such groups in the conflict zone and welcomed the reinvigoration of the UN role in the peace process.

Bilateral contacts between the two sides included a 14 August meeting between President Shevardnadze and Mr. Ardzinba in Tbilisi and a 20 August visit by a Georgian government delegation to Sukhumi where it met with the Abkhaz leaders. At the latter meeting, questions of cooperation in energy and communications were discussed and it was decided to set up a Coordination Commission to address practical matters. On 21 and 22 September, an Abkhaz delegation visited Tbilisi and had talks with government officials, mainly on economic issues, in the framework of the Coordination Commission. The two sides reportedly also agreed to open another channel of dialogue, among parliamentarians. In a public statement, the Abkhaz side said that unresolved political issues were affecting cooperation in various domains, including transport and communications. The next session of the Coordination Commission was scheduled for early November in Sukhumi.

Meanwhile, the situation in the Gali and Zugdidi restricted weapons and security zones remained unsettled and tense. Criminal activities against the local population and international personnel continued and local authorities on both sides of the Inguri river remained unable to deal fully with the situation. Armed groups increased their activities in the restricted weapons zone and in areas beyond the UNOMIG area of responsibility. In addition, on two occasions, and for the first time since the inception of the Mission, both the CIS peacekeeping force and UNOMIG were the victims of hostage-taking incidents in the Zugdidi sector. In the second incident, in view of the immediate grave danger to

the hostages, UNOMIG agreed to pay part of the ransom requested by the hostage-takers. The hostages were released unharmed, but the Secretary-General stated that the payment of ransom was contrary to established UN policy and stressed that the incident did not set a precedent. In October, the Council of Heads of State of CIS extended the mandate of the CIS peacekeeping force to 31 January 1998.

The Secretary-General reported that a UN medical survey team had visited UNOMIG to assess its medical, logistical and operational requirements, and recommended that it be provided with helicopter support for medical evacuation and with an additional ambulance. Although UNOMIG had made efforts to improve the safety of its staff, its personnel and property were again the victims of acts of violence, including hostage-taking, robbery and theft. A number of improvements were being put in place and arrangements made to provide the Mission with ballistic-protective vehicles to enhance the security of the military observers and to enable them to patrol areas where armed bandits and other groups were believed to operate.

In a November addendum [S/1997/827/Add.1] to his report, the Secretary-General submitted estimated costs for the ambulance and 15 ballistic-protective vehicles for UNOMIG, amounting to some \$1.7 million. The helicopter for medical evacuations would be provided through a reconfiguration of resources already provided for air support. The Secretary-General undertook to report to the General Assembly on additional requirements needed for the purchase of the vehicles.

SECURITY COUNCIL ACTION (November)

The Security Council met on 6 November [meeting 3830] to consider the Secretary-General's report. Following consultations among its members, the Council authorized its President to make the following statement [S/PRST/1997/50] on its behalf:

The Security Council has considered the report of the Secretary-General of 28 October 1997 concerning the situation in Abkhazia, Georgia.

The Council regrets that, despite strenuous efforts to reactivate the peace process, there has been no visible progress on the key issues of the settlement—the future political status of Abkhazia and the permanent return of refugees and displaced persons.

The Council attaches particular importance to the more active role for the United Nations in the peace process, and encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the Group of Friends of the Secretary-

General on Georgia and the Organization for Security and Cooperation in Europe. The Council calls upon the parties to cooperate fully with these efforts.

In this context, the Council regrets that the adjourned high-level meeting on the conflict, held in Geneva under the aegis of the United Nations, did not resume in October as initially planned. It welcomes the intention of the Special Representative of the Secretary-General to resume this meeting on 17 November to map out the areas where concrete political progress could be made, to take forward discussion of social and economic issues in support of a comprehensive settlement of the conflict, and to address the issue of the return of refugees. The Council calls upon all concerned to do their utmost for the resumption of this meeting with the constructive engagement in particular of the Abkhaz side.

The Council commends the efforts of the Secretary-General and his Special Representative aimed at achieving a comprehensive settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which respects fully the sovereignty and territorial integrity of Georgia, and the efforts undertaken by the Russian Federation as facilitator, in particular the initiative put forward by the President of the Russian Federation on 1 August 1997 and the Georgian-Abkhaz negotiations held in Sukhumi on 9 and 10 September with the participation of the Special Representative of the Secretary-General. The Council welcomes the meeting of the President of Georgia and Mr. Vladislav Ardzinba in Tbilisi on 14 August 1997, facilitated by the Minister of Foreign Affairs of the Russian Federation, and the continuation of direct dialogue between the parties, and calls upon them to intensify the search for a peaceful solution by further expanding their contacts.

The Council further encourages the Secretary-General to take such steps as are necessary, in cooperation with the parties, to ensure a prompt and safe return of the refugees and displaced persons to their homes, with the assistance of all relevant international organizations.

The Council welcomes the decision of the Council of Heads of State of the Commonwealth of Independent States mentioned in the report of the Secretary-General to extend the mandate of the collective peacekeeping force of the Commonwealth of Independent States until 31 January 1998.

The Council welcomes the good cooperation between the United Nations Observer Mission in Georgia and the collective peacekeeping force and their efforts to promote stabilization of the situation in the zone of conflict. The Council calls upon the parties to cooperate fully with the Mission and the peacekeeping force.

The Council expresses concern at the continuing violations of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 and calls upon the parties to ensure the full implementation of this agreement.

The Council remains deeply concerned at the continuing unstable and tense security conditions in the Gali and Zugdidi sectors and in the Kodori valley. The Council strongly condemns the kidnapping of

personnel of the Mission and the collective peacekeeping force.

The Council also condemns the continued laying of mines, including more sophisticated types of mines, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community. It calls upon the parties to take all measures in their power to prevent the laying of mines and intensified activities by armed groups and to co-operate fully with the Mission and the collective peacekeeping force in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the collective peacekeeping force and international humanitarian organizations.

The Council supports the additional measures envisaged by the Secretary-General in the report to improve the safety of Mission personnel and to create conditions for the effective performance of the mandate of the Mission.

The Council welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, encourages further contributions to that end, and reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects, including demining, as specified by donors.

The Council reminds the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation.

Further report of Secretary-General. As later reported by the Secretary-General [S/1998/51], the high-level meeting between the Georgian and Abkhaz sides reconvened in Geneva on 17 November. On 19 November, both sides adopted a Concluding Statement, in which they welcomed the Secretary-General's proposals to strengthen UN involvement in the peacemaking process, approved a programme of action and set up a mechanism for its implementation. The mechanism provided for the establishment of a Coordinating Council and, within its framework, that of working groups on issues related to the lasting non-resumption of hostilities and security problems; refugees and internally displaced persons; and economic and social problems. Separate groups of experts might be established to study specific aspects of issues relating to the comprehensive settlement of the conflict. Those bodies would meet under the chairmanship of the Secretary-General's Special Representative, with the participation of the Russian Federation and OSCE, and with the Group of Friends of the Secretary-General acting as observers. The first session of the Coordinating Council, which took place on

18 December in Sukhumi, adopted a "Statute of the Coordinating Council", in which it was emphasized that the Council had been established to implement the provisions of the Concluding Statement adopted on 19 November. Meetings of the three working groups were held to approve their programmes of work. The Coordinating Council decided, *inter alia*, to send a needs-assessment mission to Abkhazia in February 1998. Bilateral contacts were also made between the two sides, as a result of which it was agreed to re-establish some direct telephone communications. In December, a representative of the Abkhaz authorities visited Tbilisi and discussed with President Shevardnadze issues pertaining to the peaceful settlement of the conflict, the return of refugees and internally displaced persons and economic cooperation. Representatives of the Russian Federation met on several occasions with the two sides in order to promote progress in the peace process, including negotiations on the draft Protocol on a Georgian-Abkhaz settlement. The Group of Friends of the Secretary-General also maintained contacts with the two sides.

The situation in the security and restricted weapons zones of the Gali sector deteriorated, particularly in October and November when an explosion occurred at a power station and an Abkhaz army truck was involved in a mine incident.

The Secretary-General stated that much groundwork had been laid towards achieving substantive progress in the Georgian-Abkhaz peace process. However, progress in the area of the return of refugees and displaced persons was urgently needed.

Financing

In a February report [A/51/793], the Secretary-General submitted to the General Assembly the budget for UNOMIG for the 12-month period from 1 July 1997 to 30 June 1998. It provided for a strength of 135 military observers and 140 civilian staff. The budget totalled \$19,872,800 gross (\$18,874,400 net), including budgeted voluntary contributions in kind totalling \$2,057,600. An amount of \$984,700 was included for helicopter air support. Also before the Assembly was the related report of the Advisory Committee on Administrative and Budgetary Questions [A/51/855] and the report of the Office of Internal Oversight Services [A/51/432].

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], on the recommendation of the Fifth Committee [A/51/503/Add.1], the General Assembly adopted **resolution 51/236** without vote [agenda item 133].

Financing of the United Nations Observer Mission in Georgia

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Georgia, the related report of the Advisory Committee on Administrative and Budgetary Questions and the report of the Office of Internal Oversight Services,

Recalling Security Council resolution 854(1993) of 6 August 1993, by which the Council approved the deployment of an advance team of up to ten United Nations military observers for a period of three months and the incorporation of the advance team into a United Nations observer mission if such a mission was formally established by the Council,

Recalling also Security Council resolution 858(1993) of 24 August 1993, by which the Council decided to establish the United Nations Observer Mission in Georgia, and the subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1096(1997) of 30 January 1997,

Recalling further its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was decision 51/406 of 17 October 1996,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Observer Mission,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Observer Mission in Georgia as at 15 May 1997, including the contributions outstanding in the amount of 6 million United States dollars, representing 12 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 30 June 1997, notes that some 20 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors,

which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 18,580,500 dollars gross (17,582,100 dollars net) for the maintenance of the Observer Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 765,300 dollars for the support account for peacekeeping operations, to be assessed on Member States at a monthly rate of 1,548,375 dollars gross (1,465,175 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 July 1997;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 998,400 dollars approved for the Observer Mission for the period from 1 July 1997 to 30 June 1998;

9. Decides further that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraph 7 above, their respective share in the unencumbered balance of 1,056,950 dollars gross (831,900 dollars net) in respect of the period ending 30 June 1996;

10. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 1,056,950 dollars gross (831,900 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

11. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

12. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Observer Mission in Georgia".

On 22 December, the Assembly, by **decision 52/456**, decided to continue consideration of the agenda item on financing of UNOMIG at its resumed fifty-second (1998) session.

Armenia-Azerbaijan

In 1997, the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE) continued its efforts to reach a settlement of the armed conflict between Armenia and Azerbaijan that had erupted in 1992 [YUN 1992, p. 388] over the Nagorny Karabakh region of Azerbaijan.

Communications. During 1997, Azerbaijan and Armenia addressed several letters to the Secretary-General and the Security Council President regarding developments in the conflict between them.

On 24 February, Azerbaijan submitted a statement [A/52/81-S/1997/153] marking the fifth anniversary of what it characterized as an act of genocide against the Azerbaijani people in 1992 when civilians were allegedly slaughtered by Armenian nationalists supported by the Soviet Army. Azerbaijan called on all parties involved in the conflict to pursue constructive negotiations within the framework of the Minsk Group.

Armenia, in a 3 March statement [A/52/85-S/1997/180], said that the responsibility for the 1992 killings lay with the Azeri opposition group, the Azerbaijani National Front. It also cited a number of alleged atrocities and other wrongful acts by Azerbaijan against Armenians.

On 25 March [S/1997/252], Armenia informed the Security Council President that, in response to an appeal by the Co-Chairmen of the Minsk Group, it had decided, as a demonstration of goodwill before the resumption of negotiations, unilaterally to release all Azeri prisoners in Armenia. It called on Nagorny Karabakh and Azerbaijan to release all their prisoners of war.

In April [E/CN.4/1997/138], Azerbaijan forwarded to the Commission on Human Rights a letter accusing Armenia of systematically carrying out subversive and terrorist acts inside Azerbaijan. The letter cited specific alleged acts and said that the facts provided sufficient grounds for including Armenia on the list of States that supported terrorism at the State level.

Azerbaijan sent to the Secretary-General a 16 April letter [A/52/123-S/1997/331] accusing Arme-

nia of violating the ceasefire in its conflict with Azerbaijan by firing on a team of OSCE mediators who were monitoring compliance with the ceasefire regime.

Azerbaijan transmitted to the Secretary-General a 21 February statement [S/1997/147] concerning news reports in the Russian Federation and elsewhere about alleged illegal deliveries of Russian tanks and other weaponry to Armenia. The shipments were reportedly made with the complicity of elements within the Russian leadership who were bypassing the President and Government of the Russian Federation. The statement welcomed the action by the Russian Federation to investigate the allegations with the aim of learning whether such deliveries had occurred.

In a 28 February statement [A/52/84-S/1997/179], Armenia accused Azerbaijan of seeking to exploit reports of alleged illegal arms transfers from Russia to Armenia and of itself engaging in an improper arms build-up.

In a 3 March statement [S/1997/186], Azerbaijan expressed astonishment at Armenia's accusations and repeated its earlier charges that Armenia was illegally and secretly acquiring weapons for aggressive purposes. It said it expected active steps by the Russian Federation to halt the practice of illegal weapons deliveries to Armenia.

On 13 March [S/1997/219], Azerbaijan cited an ITAR-TASS news agency report that key Russian Federation officials had confirmed that military equipment had been improperly transferred to Armenia between 1994 and 1996. Azerbaijan called for appropriate punitive measures by the international community against Armenia.

Azerbaijan transmitted to the Secretary-General the text of a 14 March appeal [S/1997/229] to the President of the Russian Federation accusing "certain ruling circles" within the Russian Federation of stubbornly refuting the arms transfer allegations, despite reports in the Russian media that the transfers did occur. That posture raised doubts as to the objectivity and sincerity of the Federation's position as Co-Chairman of the Minsk Group, Azerbaijan said.

On 3 April [S/1997/270], Azerbaijan transmitted to the Secretary-General a 27 March decision of the Council of Ministers for Foreign Affairs of the Commonwealth of Independent States, in which it noted that the Russian Federation's Minister for Foreign Affairs stated that Russia was investigating the allegations of arms transfers. If the allegations proved true, measures should be taken and the guilty parties prosecuted.

Azerbaijan sent to the Secretary-General the text of a 4 April appeal [S/1997/323] to the President of the Russian Federation stating that the

Federation was allegedly arming and training Armenian military personnel. The situation raised serious doubts within Azerbaijan as to the sincerity of Russia's policy in the Caucasus, Azerbaijan said, and also raised the prospect of widening the war. Azerbaijan urged the President to investigate the alleged arms transfers, to return the military equipment to Russia under supervision of international observers, and to punish the guilty parties.

In a 5 September letter to the Secretary-General [A/52/322], Azerbaijan expressed deep concern about the 29 August signing by the Russian Federation and Armenia of a treaty of friendship, cooperation and mutual assistance, particularly those articles that provided for the two States to render military assistance to each other. The formal establishment of a Russian-Armenian military alliance constituted a direct threat to Azerbaijan's security, sovereignty and territorial integrity, it said. The treaty demonstrated that the Russian Federation was acting in violation of its obligations as the Co-Chairman of the OSCE Minsk Group.

On 23 August [S/1997/662], Azerbaijan transmitted to the Secretary-General two statements concerning reports that an election would be held on 1 September for president of the occupied territory of the Nagorny Karabakh region. The first, by Azerbaijan's Central Election Commission, said that such an election was a provocative action by Armenia and Armenian separatists in the Nagorny Karabakh region, whose aim was to create a puppet regime in the occupied territory of Azerbaijan. Azerbaijan called for international condemnation of the planned election, and asked the Minsk Group to take steps to prevent it. The second statement, by the Azerbaijani Parliament, largely reiterated that of the Commission.

In a 29 August letter to the Secretary-General [S/1997/676], Armenia accused Azerbaijan of having disseminated false information regarding what it termed the Nagorny Karabakh Republic. Armenia enclosed a document that it said contained the facts with regard to refugees, displaced persons and territories occupied during military actions in the conflict between Armenia and Azerbaijan.

On 10 September [S/1997/703], Azerbaijan responded to Armenia's 29 August letter. It stated that no Republic of Nagorny Karabakh existed in the territory of Azerbaijan; the so-called Republic was nothing more than a tactical ruse by Armenia aimed at annexing the Nagorny Karabakh region to Armenia. Azerbaijan categorically rejected any attempt to disseminate within the

United Nations the notion of an administrative and territorial entity that did not exist in Azerbaijani territory.

In October [A/52/564-S/1997/847], Azerbaijan transmitted to the Secretary-General the text of the Strasbourg joint statement by the Presidents of Azerbaijan and Armenia, made at their meeting during the summit of the Council of Europe (Strasbourg, France, 10-11 October). Both countries, said the statement, remained committed to a peaceful settlement of the Nagorny Karabakh conflict by political means, in the first place through negotiations. They expressed the belief that the Minsk Group framework would, with a constructive attitude by all parties involved, would make it possible to achieve real progress in settling the conflict.

Cyprus

In 1997, the Secretary-General intensified efforts to bring about a comprehensive settlement of the Cyprus issue by convening direct talks between the leaders of the Greek and Turkish communities who had expressed their readiness to make further efforts towards that end. At those talks, which were held in the New York area in July and in Switzerland in August, the leaders considered a draft statement proposed by the Secretary-General setting out the principles and objectives of a settlement and for the establishment of modalities for future negotiations. However, the talks ended inconclusively, and the Secretary-General held the view that an early third round of talks would have been unproductive. Nevertheless, his Special Adviser, Diego Cordovez, and his Deputy Special Representative, Gustave Feissel, continued to consult with the leaders of the two communities on the modalities of continuing the process of negotiations in 1998.

In the meantime, the Security Council extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) until 30 June 1998. UNFICYP, in an effort to have its 1996 proposals for the reduction of tension along the ceasefire lines accepted by the two communities, submitted revised proposals in June. In October, the Turkish forces declared their willingness to accept UNFICYP's revised package, provided the National Guard did likewise. Agreement was reached with both communities on 31 July on a number of humanitarian issues, in particular the problem of missing persons.

The question of Cyprus was included in the agenda of the General Assembly's fifty-second session by Assembly **decision 51/479** of 15 September. By **decision 52/459** of 22 December, the Assembly decided that the item should remain for consideration during that session.

Incidents

Communications. Throughout 1997, the Secretary-General received numerous letters from the Greek Cypriot and Turkish Cypriot sides, as well as from Greece and Turkey, containing charges and countercharges, protests and accusations and statements of explanation of position.

A number of communications between 25 February and 12 November contained protests by Cyprus against violations of Cypriot airspace and unauthorized intrusions into the flight information region of Nicosia by military aircraft of the Turkish Air Force, and letters from Turkey refuting those allegations. On 28 January [A/51/786-S/1997/84] and 19 June [A/51/928-S/1997/476], Cyprus also protested the docking of Turkish naval vessels in the ports of Famagusta and Kyrenia, which were declared closed to all vessels in 1974. On 25 June [A/51/934-S/1997/491], Turkey stated that such visits concerned the Turkish Republic of Northern Cyprus and Turkey, two sovereign, independent States that recognized each other; Greek Cypriot allegations concerning the visits were another instance of the propaganda campaign being carried out without regard to the need to suspend such harmful rhetoric, particularly on the eve of direct talks between the two leaders in New York (see below).

On 31 January [A/51/795-S/1997/111], Turkey drew attention to the decision of the Greek Cypriot administration to purchase an S-300 surface-to-air missile system from the Russian Federation, which, it said, demonstrated the hostile intentions of the Greek Cypriot side and would only serve to heighten tension on the island. On 19 September [A/52/383-S/1997/732], Turkey said that the missile system constituted a direct threat to the security of the Turkish Cypriots and to Turkey itself. Turkey expressed its intention to take corresponding measures and stated that it, together with the Turkish Cypriot side, was also determined not to allow the installation of missiles in south Cyprus to be used as a bargaining element in the negotiation process. Turkey requested that the Secretary-General urgently take initiatives to prevent the deployment of the missiles on the island. On the same date [A/52/386-S/1997/738], Rauf R. Denktas, President of the Turkish Republic of Northern Cyprus, said that the acquisition of the technologically sophisti-

cated missile system, which threatened to take the arms build-up on Cyprus to a new and disturbing qualitative level, added a highly destabilizing dimension to the military equation on the island and the region between guarantor States Turkey and Greece. He called on the Secretary-General to impress upon the Greek Cypriot leadership not to go ahead with the deployment of the missiles. Greece, on 26 September [A/52/398-S/1997/752], stated that as an independent State, Cyprus had exercised its fundamental right of self-defence and its responsibility to protect its citizens from aggression by improving the deterrent capabilities of the Cypriot National Guard. To redress the overwhelming military imbalance on the island, Cyprus had undertaken to upgrade its defence. Greece, as a Guarantor Power, had the legal and moral obligation to assist that effort, given its commitment under the 1960 Treaties of Alliance and Guarantees to support Cyprus in the event of an attack by Turkey. Also on 26 September [A/52/397-S/1997/739], Cyprus affirmed that the purchase of the S-300 ground-to-air missile system was exclusively for defensive purposes following repeated threats by Turkey and could only be used against incoming attacking aircraft. Cyprus, with no air force, could not possibly pose a threat to a major military Power like Turkey, it said. However, deployment of the missiles would not be necessary if substantial progress in finding a solution to the Cyprus problem was achieved. Cyprus protested the threat of the use of force by Turkey and its escalating aggressive attitude and actions against Cyprus. On 29 September [A/52/412-S/1997/762], the President of Cyprus, Glafcos Clerides, reiterated that the purchase of the missiles was for defensive purposes and said that he wished to record his protest against the threats by Turkey. On 4 [A/52/569-S/1997/852] and 20 [A/52/692-S/1997/915] November, Cyprus drew the attention of the Secretary-General to Turkey's substantial reinforcement of the armaments of its military forces in Cyprus.

In a 7 August letter to the Secretary-General [A/51/961-S/1997/624], Cyprus protested the "association agreement" between Turkey and the Turkish Cypriot community, signed on 6 August during the visit of the Foreign Minister of Turkey to the Turkish-occupied areas of Cyprus. Cyprus stated that the association agreement provided, *inter alia*, for the establishment of a 20-member association council to begin a process leading to gradual integration of the occupied areas of Cyprus into Turkey. In response [A/51/963-S/1997/648], Turkey referred to the "Agenda 2000" report of the European Union (EU), which envisaged the opening of accession negotiations between the EU and South Cyprus. Turkey said

that, in the face of those developments, Turkey and the Turkish Republic of Northern Cyprus had announced financial and economic integration measures to alleviate the effects of the embargoes on the Turkish Cypriots and to forge closer ties in defence and foreign policy to protect the interests of the Turkish Republic of Northern Cyprus. The planned association council would determine the measures for partial economic and financial integration and closer association in security and foreign affairs.

On the question of Cyprus joining the EU, Turkey, on 25 July [A/51/951-S/1997/585] and 29 September [A/52/404-S/1997/757], forwarded to the Secretary-General legal opinions prepared by internationally renowned lawyers to the effect that the Greek Cypriot side had no lawful or constitutional authority to act as the sole legitimate government in the island. Since 1963, stated one jurist, the co-founders of the 1960 bicomunal Republic of Cyprus had had their own separate democratically elected administrations and the Greek Cypriot regime had never exercised sovereignty over the whole of Cyprus. The other legal opinion underlined the fact that by virtue of the 1959 London-Zurich Agreements and the 1960 Treaty of Guarantee, the Greek Cypriot administration could not become a member of the EU before Turkey, and could not even apply for membership. On 15 October [A/52/481-S/1997/805], Cyprus submitted a legal opinion by three prominent international jurists, who stated that the Republic of Cyprus was fully eligible to become a member of the EU and rejected the above-cited legal positions presented by Turkey.

Letters from Cyprus and Greece contained complaints about the desecration of sacred places of worship and acts of vandalism at historic monuments. The Turkish Republic of Northern Cyprus refuted those allegations.

Good offices mission

Peace talks on a comprehensive settlement

On 17 April [S/1997/320], the Secretary-General informed the Security Council President of his determination to intensify efforts to bring about a comprehensive settlement of the Cyprus issue and to convene direct talks between the two leaders. To that end, he had appointed Diego Cordovez (Ecuador) as his Special Adviser on Cyprus as of 28 April, to succeed Han Sang-Joo, who was unable to continue due to other pressing commitments. Mr. Cordovez would prepare, and assist the Secretary-General in chairing, the next rounds of the intercommunal talks.

Report of Secretary-General (June). In a 20 June report on his mission of good offices in Cyprus [S/1997/480], the Secretary-General said that on 27 January he had written to the leaders of the Greek Cypriot and Turkish Cypriot communities underlining the importance he attached to finding an early settlement of the Cyprus problem. In his discussions with the two leaders in February and April, they had expressed their readiness to make further efforts to reach a comprehensive solution. The consultations held between the two leaders and his representatives in recent months had clarified aspects of the task of achieving the common objective of a viable and comprehensive solution to the Cyprus problem. By a 9 June letter, the Secretary-General had invited the two leaders to a first session of face-to-face negotiations to be held in the New York area from 9 to 13 July. Those talks would constitute the beginning of a process that should continue as long as needed to achieve agreement on a comprehensive solution. He envisaged another session in August and a third, if necessary. The Secretary-General believed that there was a need for new approaches and procedures and a sustained process of direct negotiations leading to the conclusion of instruments that would constitute a comprehensive settlement. He said that the permanent members of the Security Council also fully supported the early convening, under the aegis of the United Nations, of direct negotiations between the leaders of the two Cypriot communities to secure an overall settlement, and a number of Governments, as well as the EU Presidency, had appointed special envoys and representatives in support of the efforts carried out within the framework of the Secretary-General's good offices mission. The Secretary-General asked the Council and all concerned to urge the parties to embark upon a sustained process of negotiations that would lead to the conclusion of the instruments that would constitute a comprehensive settlement of the Cyprus issue.

Report of Secretary-General (December). The Secretary-General reported in December [S/1997/973] that the first round of talks had been held in Troutbeck, Dutchess County, New York, from 9 to 12 July. The two leaders had considered a draft statement, suggested by the Secretary-General, for launching the process of negotiations that would set out the principles and objectives of the settlement and establish the modalities for future negotiations. They subsequently met in Nicosia with the Deputy Special Representative, Gustave Feissel, to consider humanitarian matters and concluded a 31 July agreement to achieve progress on the issue of missing persons (see below).

At the opening of the second round of talks, held in Glion-sur-Montreux, Switzerland, from 11 to 15 August, the Turkish Cypriot leader informed the Special Adviser that, in the light of the publication of an EU document entitled "Agenda 2000" (relating to negotiations on EU membership for Cyprus), and pending clarification of some of the statements contained in that document, he would not be able to adopt any formal understandings or agreements. Although two further versions of the Secretary-General's draft statement were considered, the talks ended inconclusively. The Secretary-General considered that, in the circumstances, an early third round of talks would have been unproductive.

In subsequent discussions held in New York with the leaders of the Greek Cypriot and Turkish Cypriot communities, on 6 October and 3 November, respectively, the Secretary-General urged both leaders to show their political will to reach a settlement and to make a special effort to see recent developments in a positive light. At their invitation, Mr. Cordovez, the Special Adviser, visited Nicosia from 18 to 21 November for consultations with the two leaders and with the political party leaders of the two communities. He subsequently visited Athens, Ankara and London, the capitals of the three Guarantor Powers, and Brussels. On 27 November, Mr. Cordovez participated in a meeting held in Paris.

The Secretary-General stated that he had asked Mr. Cordovez to convey to the two community leaders, and to the Governments of Greece, Turkey and the United Kingdom, that he remained committed to continuing his good offices mission at the earliest appropriate time. He felt that to allow the present status quo to continue would entail serious danger.

In November, the two community leaders agreed that Mr. Cordovez should return to Nicosia in March 1998 to discuss the detailed modalities of a continuing process of negotiations and, it was hoped, set it in motion.

UNFICYP

The United Nations Peacekeeping Force in Cyprus (UNFICYP), established in 1964 by Security Council resolution 186(1964) [YUN 1964, p. 165.1, continued in 1997 to monitor the ceasefire lines of the Turkish forces and the Cypriot National Guard; to maintain the military status quo and prevent a recurrence of fighting; and to undertake humanitarian and economic activities. In the absence of a formal ceasefire agreement, the military status quo, as recorded by UNFICYP in 1974, remained the standard by which the

Force judged whether changes constituted violations of the status quo.

Composition and deployment

UNFICYP, under the overall authority of the Deputy Special Representative and Chief of Mission, Gustave Feissel, continued to monitor the ceasefire lines and to keep the area between the ceasefire lines of the Turkish forces on the northern side and that of the Cypriot National Guard on the southern side, known as the buffer zone, under constant surveillance from 22 permanent observation posts, 2 posts for daytime surveillance and 19 patrol bases for periodic daily surveillance. It also carried out periodic surveillance from 118 additional observation posts and maintained surveillance of the seaward extension of the ceasefire lines for 5 kilometres.

As at December 1997, UNFICYP, under the command of Major-General Evergisto Arturo de Vergara (Argentina), who succeeded Brigadier-General Ahti T. P. Vartiainen (Finland) on 1 March, comprised 1,230 troops and 35 civilian police from Argentina, Australia, Austria, Canada, Finland, Hungary, Ireland, Slovenia and the United Kingdom. Its civilian component numbered 335, of whom 44 had been recruited internationally and 291 locally.

Activities (December 1996-June 1997)

On 5 June, the Secretary-General submitted to the Security Council a report [S/1997/437 & Corr.1 & Add.1] covering developments and activities of UNFICYP from 11 December 1996 to 5 June 1997. Although both sides had generally respected the ceasefire and the status quo, said the report, minor incidents, such as frequent discharges of weapons, stone throwing, pointing of weapons and shouting of abuse, reflected the continued tension existing between the two sides along the ceasefire lines. There were also a number of shooting incidents, the most serious being two incidents in the area of Louroujina, south-east of Nicosia, on 27 January and 6 February.

Military construction by both sides continued. The National Guard in Nicosia strengthened its positions near Nicosia International Airport, in the area near the Nicosia Central Prison and along the ceasefire lines east of the city, while Turkish forces continued construction and improvement of positions along the length of the buffer zone. There were a number of reports of overflights of Cypriot airspace by Turkish Air Force aircraft. In May, Cyprus announced that Greek military aircraft would not enter Cypriot airspace during the planned "Toxotis" exercise and Turkey announced that its forces would re-

ciprocate in their exercises later in the year. In the fenced areas of Varosha, some buildings continued to be occupied by students and instances of property being removed were protested to the Turkish forces. On 6 January, Cyprus announced the purchase of S-300 surface-to-air missile systems (see above), which were scheduled to arrive towards the middle of 1998. The announcement drew a strong response from Turkey, including threats of retaliation.

As a follow-up to UNFICYP's 1996 proposals for reducing tension along the ceasefire lines, endorsed by the Security Council in resolution 1092 (1996) [YUN 1996, p. 369], the Secretary-General reported that, despite some 40 meetings with both sides at the Chief-of-Staff level, progress had not been possible. Although a convergence of views was achieved on some aspects between UNFICYP and one or the other side, no agreement was reached with both on the same subject. Only on 26 May did both sides submit detailed comments and suggestions on all the elements of UNFICYP's proposals. UNFICYP was continuing its efforts to elicit a positive response from both sides to the entire package of proposals.

UNFICYP intensified efforts to promote and facilitate bicomunal events, working closely with interested diplomatic missions on the island. On 19 May, a bicomunal concert by well-known singers from Greece and Turkey was held under UNFICYP auspices in the buffer zone near the Ledra Palace checkpoints. The concert generated a great deal of debate about bicomunal contacts, and a demonstration in Nicosia in protest against the concert resulted in violent clashes with the police. Demonstrations by Greek Cypriots also continued at the Ledra Palace checkpoint in Nicosia with the purpose of dissuading tourists from crossing to the northern part of the island.

The Secretary-General recommended that the Security Council extend UNFICYP's mandate for a further six months, until 31 December.

SECURITY COUNCIL ACTION

On 27 June [meeting 3794], the Security Council unanimously adopted **resolution 1117(1997)**. The draft [S/1997/492] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 5 June 1997 on the United Nations operation in Cyprus,

Welcoming also the letter of 20 June 1997 to the President of the Security Council from the Secretary-General on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 30 June 1997,

Reaffirming its earlier relevant resolutions on Cyprus, in particular resolutions 186(1964) of 4 March 1964, 939(1994) of 29 July 1994 and 1092(1996) of 23 December 1996,

Noting with concern that tensions along the ceasefire lines remain high, despite the decrease in the number of serious incidents over the last six months,

Reiterating its concern that negotiations on a final political solution have been at an impasse for too long,

1. Decides to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 31 December 1997;

2. Reminds both sides of their obligation to prevent any violence directed against Force personnel, to cooperate fully with the Force and to ensure its complete freedom of movement;

3. Underlines the importance of agreement by both sides to the reciprocal measures for the reduction of tension along the ceasefire lines proposed by the Force, as set forth in resolution 1092(1996), deeply regrets the fact that, in spite of the efforts of the Force, neither side has so far accepted such measures as a package, and reiterates its call upon both sides to do so without further delay or preconditions;

4. Calls upon the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

5. Reiterates its grave concern at the continuing excessive level of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

6. Again calls upon all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and calls upon the Secretary-General to promote efforts in this direction;

7. Reiterates that the status quo is unacceptable, and stresses its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

8. Welcomes the decision of the Secretary-General to launch a sustained process of direct negotiations between the leaders of the two Cypriot communities with the aim of securing an overall comprehensive settlement;

9. Calls upon the leaders to commit themselves to the process of negotiations, including through participation in the first session of such negotiations, to be held from 9 to 13 July 1997, urges them to cooperate actively and constructively with the Secretary-General and his Special Adviser on Cyprus, Mr. Diego Cordovez, to that end, and stresses that full support of all concerned is necessary for this process to produce results;

10. Calls upon the parties to create a climate for reconciliation and genuine mutual confidence on both sides and to avoid any actions which might increase tension;

11. Reaffirms its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

12. Welcomes the continuous efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and regrets that there has been no further progress on the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995;

13. Welcomes also the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build trust and mutual respect between the two communities, urges that these efforts be continued, acknowledges the recent cooperation from all concerned on both sides to that end, and strongly encourages them to take further steps to facilitate such bicomunal events and to ensure that they take place in conditions of safety and security;

14. Reaffirms that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important development that should facilitate an overall settlement;

15. Requests the Secretary-General to keep under review the structure and strength of the Force with a view to its possible restructuring, and to present any new considerations he may have in this regard;

16. Also requests the Secretary-General to submit a report by 10 December 1997 on the implementation of the present resolution.

17. Decides to remain seized of the matter.

Activities (June-December 1997)

Reporting on 8 December [S/1997/962 & Add.1] on developments in Cyprus and on UNFICYP activities from 6 June to 8 December, the Secretary-General stated that the level of tension along the ceasefire lines was higher than the norm, but lower than during the same period in 1996. Although both sides generally respected the ceasefire and the military status quo, there were frequent incidents and an increased number of restrictions of UNFICYP movement. Both sides continued to dispute the delineation of their respective ceasefire lines as well as the authority of UNFICYP in a number of areas in the UN buffer zone. The National Guard had violated the agreed arrangements for the civilian-use areas of Athienou and that part of the Nicosia-Larnaca highway that ran through the buffer zone, while Turkish forces had violated

the agreed military status quo arrangements in two locations in Sector 4, denied access through the Lefka checkpoint for all UNFICYP personnel, and challenged UNFICYP's right to move freely through some parts of the buffer zone. That had resulted in a number of incidents of restriction of movement, including some occasions when physical force was used against UNFICYP foot patrols.

There was a slight rise in the number of serious shooting incidents in or near the buffer zone. The most serious incident occurred on 8 October when Turkish forces fired seven rifle shots towards a Greek Cypriot farmer who, despite UNFICYP warnings, had driven his tractor beyond the farming security line. The incidents underlined the need for agreement on UNFICYP proposals to reduce tension along the ceasefire lines as called for in Security Council **resolution 1117(1997)** and previous resolutions.

Both sides undertook major military construction works extending eastward from Nicosia, including anti-tank ditches and other defensive fortifications. In the Pedieos River area, to the west of the Old City of Nicosia, both sides carried out "tit for tat" construction by building a network of bunkers with connecting trenches.

On 26 September, the leaders of the two communities met jointly with Gustave Feissel, the Deputy Special Representative and Chief of Mission in Cyprus, in efforts to reach agreement on security matters. It was suggested that the two leaders should take the opportunity to endorse the UNFICYP package of proposals for unmanning, the prohibition of loaded weapons along the ceasefire lines and the code of conduct. The two leaders agreed that Mr. Feissel would follow the meeting with separate discussions with each of them in the hope of preparing the ground for an agreed joint statement. Mr. Feissel was pursuing that with the two leaders.

Turkish aircraft violated Cypriot airspace during the National Guard annual military exercises from 11 to 16 October. On 15 October, Greek military aircraft violated the spirit of the ceasefire by flying within 1,000 metres of the buffer zone. On 16 October, the Secretary-General issued a statement in which he recalled the Security Council resolutions that called on all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops on the island, and called on the parties to create a climate for reconciliation and genuine mutual confidence on both sides and to avoid any actions that might increase tension. However, on 3 November, Turkish forces helicopters violated the buffer zone during the Turkish forces annual military exercise in Cyprus and,

on 5 November, four Turkish fighter planes flew straight across the buffer zone at an altitude of 200 metres and entered some 300 metres into the government-controlled area before returning to the northern part of the island.

Both sides continued to upgrade their military and mechanized forces. The equipment of the Turkish forces was modernized with replacement tanks and the introduction of large-calibre, self-propelled artillery pieces. The Government of Cyprus plan to purchase the S-300 air defence system (see above) continued to draw a strong reaction from Turkey and the Turkish Cypriot side.

UNFICYP continued efforts to have the package of proposals for the reduction of tension along the ceasefire lines accepted. In late June, to facilitate an agreement, it presented to both sides a revised package of unmanning proposals that took into account their expressed preoccupations. The revised proposals focused on Nicosia and Dherenia as the areas of close proximity most prone to generate tension; they were based on detailed on-site reviews with both sides and included a new approach of "lateral unmanning". The lateral unmanning approach would increase the distance between positions of the opposing forces by the unmanning of guard posts alternating diagonally between the two ceasefire lines. The proposal for the prohibition of loaded weapons along the ceasefire lines and the proposed code of conduct were amalgamated since both proposals aimed at raising the threshold before firearms were used. Despite a further 21 meetings with the military authorities on both sides, no agreement had been reached.

The latest position of the National Guard was that reducing tension along the ceasefire lines would best be achieved by implementing the prohibition of loaded weapons and the code of conduct. It did not wish to unman in areas such as Nicosia where the security of Greek Cypriot civilians might be affected. On 23 October, the Turkish forces declared their willingness to accept the UNFICYP revised package, provided the National Guard did likewise. UNFICYP would continue its efforts to reach an agreement on the proposed package of proposals.

UNFICYP movement in the northern part of the island continued to be restricted. On several occasions, humanitarian patrols were obstructed and vehicles searched, and on one occasion a humanitarian officer was arrested and held for several hours. UNFICYP continued to encourage contact and cooperation between the two communities and to build mutual trust through actively promoting bicomunal events and activities. It organized, in cooperation with various diplo-

matic missions, a bicomunal fair on 27 September attended by some 3,900 Greek and Turkish Cypriots. A large number of bicomunal meetings were also held in the Ledra Palace Hotel, located in the buffer zone in Nicosia, under the auspices of UNFICYP and diplomatic missions or on the initiative of Greek and Turkish Cypriot non-governmental and professional organizations representing a wide spectrum of disciplines and interests.

On 28 and 31 July, the leaders of the two communities met jointly with the Deputy Special Representative to discuss humanitarian issues of common concern, including the issue of missing persons. On 31 July, they agreed to provide each other with all the information at their disposal on the location of graves of Greek and Turkish Cypriot missing persons, to designate a person who would meet to exchange that information and to arrange for the return of the remains. On 30 September, the leader of the Greek Cypriot community informed Mr. Feissel that his side was ready to proceed as agreed on 31 July. The Turkish Cypriot side indicated that it would be ready by the end of November. At their 31 July meeting, the two leaders also reached agreement on a number of other humanitarian issues, which had since been implemented.

The Secretary-General recommended that the Security Council extend the mandate of the Force for a further period of six months, until 30 June 1998.

SECURITY COUNCIL ACTION

On 23 December [meeting 3846], the Security Council unanimously adopted **resolution 1146** (1997). The draft [S/1997/997] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 8 December 1997 on the United Nations operation in Cyprus,

Welcoming also the report of the Secretary-General of 12 December 1997 on his mission of good offices in Cyprus,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 31 December 1997,

Reaffirming all its earlier relevant resolutions on Cyprus, in particular resolutions 186(1964) of 4 March 1964, 367(1975) of 12 March 1975, 939(1994) of 29 July 1994 and 1117(1997) of 27 June 1997,

Noting with concern that tensions along the ceasefire lines remain high, despite the further decrease in the number of serious incidents in the last six months, and that restrictions to freedom of movement of the Force have increased,

Reiterating its concern that negotiations on a comprehensive political solution have yet to make progress, de-

spite the efforts made at the two rounds of direct negotiations, held in July and August 1997, between the leaders of the two communities, at the initiative of the Secretary-General,

1. Decides to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending on 30 June 1998;

2. Reminds both sides of their obligations to prevent any violence directed against Force personnel, to co-operate fully with the Force and to ensure its complete freedom of movement;

3. Underlines the importance of early agreement to the reciprocal measures for the reduction of tension along the ceasefire lines proposed and subsequently adapted by the Force, notes the fact that only one side has so far accepted this package, calls for early agreement to and rapid implementation of reciprocal measures, and encourages the Force to continue its efforts towards that end;

4. Calls upon the leaders of the two communities to continue the discussions on security issues begun on 26 September 1997;

5. Calls upon the military authorities on both sides to refrain from any action, particularly in the vicinity of the buffer zone, which would exacerbate tensions;

6. Reiterates its grave concern at the continuing excessive and increasing levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernized, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region and complicate efforts to negotiate an overall political settlement;

7. Calls upon all concerned to commit themselves to a reduction in defence spending and a reduction in the number of foreign troops in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as described in the set of ideas, stresses the importance of eventual demilitarization of the Republic of Cyprus as an objective in the context of an overall comprehensive settlement, and encourages the Secretary-General to continue to promote efforts in this direction;

8. Reiterates that the status quo is unacceptable, and stresses its support for the Secretary-General's mission of good offices and the importance of concerted efforts to work with the Secretary-General towards an overall comprehensive settlement;

9. Expresses its full support for the intention of the Secretary-General to resume in March 1998 the opened process of negotiations initiated by him in July 1997 and aimed at achieving a comprehensive settlement;

10. Calls upon the leaders of the two communities to commit themselves to that process of negotiations and to cooperate actively and constructively with the Secretary-General and his Special Adviser on Cyprus, and urges all States to lend their full support to these efforts;

11. Calls upon, in this context, all parties concerned to create a climate for reconciliation and genuine mutual confidence on both sides and to avoid any actions which might increase tension, including further expansion of military forces and armaments;

12. Reaffirms its position that a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

13. Welcomes the ongoing efforts by the Force to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island, and Turkish Cypriots living in the southern part, and welcomes also the progress in the implementation of recommendations arising out of the humanitarian review undertaken by the Force in 1995, as mentioned in the report of the Secretary-General;

14. Welcomes also the agreement reached between the leaders of the two communities on 31 July 1997 on the issue of missing persons in Cyprus;

15. Welcomes further the efforts of the United Nations and others concerned to promote the holding of bicomunal events so as to build cooperation, trust and mutual respect between the two communities, commends the increase in such bicomunal activity in the last six months, acknowledges the recent cooperation from all concerned on both sides to that end, and strongly encourages them to take further steps to facilitate such bicomunal events and to ensure that they take place in conditions of safety and security;

16. Recognizes that the decision of the European Union concerning the opening of accession negotiations with Cyprus is an important development;

17. Requests the Secretary-General to submit a report by 10 June 1998 on the implementation of the present resolution;

18. Decides to remain actively seized of the matter.

Financing

During its resumed fifty-first session, the General Assembly considered the financial performance report of UNFICYP for the period 1 July 1995 to 30 June 1996 [A/51/755 & Corr.1], the proposed budget for the period 1 July 1997 to 30 June 1998 [A/51/755/Add.1], which amounted to \$50,320,400 gross (\$48,180,600 net), and the related report of the Advisory Committee on Administrative and Budgetary Questions [A/51/851 & Corr.1]. On 13 June [meeting 101], the Assembly, on the recommendation of the Fifth Committee [A/51/921], adopted **resolution 51/235** without vote [agenda item 132].

Financing of the United Nations Peacekeeping Force in Cyprus

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Peacekeeping Force in Cyprus and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 186(1964) of 4 March 1964, by which the Council established the

United Nations Peacekeeping Force in Cyprus, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1092(1996) of 23 December 1996,

Recalling also its resolution 50/236 of 7 June 1996 on the financing of the Force,

Reaffirming that the costs of the Force that are not covered by voluntary contributions are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Noting the agreement of the Government of Greece that, for the period under consideration, a proportion of its annual voluntary contribution will serve to cover, in part, the United Nations obligations regarding termination benefits payable to locally employed civilian staff,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Expressing its appreciation to all those Member States and observer States which have made voluntary contributions to the Special Account established for the financing of the Force for the period prior to 16 June 1993,

Noting that voluntary contributions were insufficient to cover all of the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Takes note of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 13 May 1997, including the contributions outstanding in the amount of 13,326,013 United States dollars, representing 15 per cent of the total assessed contributions from 16 June 1993 to the period ending 30 June 1997, notes that some 23 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus an amount of 48,000,800 dollars gross (45,877,800 dollars net) for the maintenance of the Force for the period from 1 July 1997 to 30 June 1998, inclusive of an amount of 1,939,100 dollars for the support account for peacekeeping operations and an amount of 1,131,000 dollars for the cost of termination benefits for locally employed civilians relating to the period of employment after 15 June 1993;

8. Decides also, as an ad hoc arrangement, taking into consideration the funding through voluntary contributions of one third of the cost of the Force, equivalent to 15,292,600 dollars, by the Government of Cyprus and of 3,731,333 dollars by the Government of Greece, to apportion among Member States the amount of 28,976,867 dollars gross (26,853,867 dollars net), including an amount of 2,768,667 dollars, as provided for in paragraph 12 below, for the period from 1 July 1997 to 30 June 1998, to be assessed at a monthly rate of 2,414,738 dollars gross (2,237,822 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Force beyond 30 June 1997;

9. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 8 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2,123,000 dollars approved for the period from 1 July 1997 to 30 June 1998;

10. Decides to continue to maintain as separate the account established for the period prior to 16 June 1993 for the Force, invites Member States to make voluntary contributions to that account, and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

11. Calls upon Member States to make voluntary contributions to the Special Account for the Force to enable the United Nations to meet its remaining obligations with respect to the locally employed civilian staff;

12. Notes the agreement of the Government of Greece to earmark, on an ad hoc basis, for the period from 1 July 1997 to 30 June 1998, an amount of 2,768,667 dollars from its annual voluntary contribution of 6.5 million dollars to the Force, for this purpose;

13. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

14. Requests the Secretary-General to direct the Office of Internal Oversight Services to evaluate the events and circumstances that led to United Nations responsibility for termination pay to the locally employed civilians in the Force, including all aspects of accountability and responsibility of United Nations staff, and to report thereon to the General Assembly;

15. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

On 22 December, the Assembly, by **decision 52/456**, decided that the Fifth Committee should continue consideration of the item on the financing of UNFICYP and relevant reports at the resumed fifty-second (1998) session of the Assembly.

Other issues

Relations among Balkan States

Report of Secretary-General. In response to resolution 50/80 B [YUN 1995, p. 621], the Secretary-General sought the views of Member States, international organizations and competent organs of the United Nations on the development of good-neighbourly relations in the Balkan region and on measures and preventive activities aimed creating a stable zone of peace and cooperation there by the year 2000. In a September 1997 report [A/52/373], the Secretary-General reproduced replies received from three States: France, Italy and the former Yugoslav Republic of Macedonia.

Communications. By a 26 June letter [A/52/217-S/1997/507], Greece transmitted to the Secretary-General the Thessaloniki Declaration on Good-Neighbourly Relations, Stability, Security and Cooperation in the Balkans, adopted at the meeting of the Ministers for Foreign Affairs of countries of south-eastern Europe (Thessaloniki, Greece, 9-10 June). The Ministers declared their determination to actively promote good-neighbourly relations, stability, security and cooperation in the region and underlined their commitment to work together to ensure the rapid economic development of the area, with particular emphasis on trade liberalization and infrastructure projects, which would secure the prosperity of the peoples

in the region. They affirmed their conviction that the intensification of democratic institutions, respect for human rights and the development of civic society, accompanied by a free-market economy, would lead to the consolidation of stability in the area. The Ministers agreed to propose to their heads of State or Government that informal summits be convened of heads of State or Government with the Foreign Ministers of countries of south-eastern Europe. The first such summit was held on Crete, Greece, on 3 and 4 November.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/52/610], adopted **resolution 52/48** without vote [agenda item 81].

Development of good-neighbourly relations among Balkan States

The General Assembly,

Recalling its resolution 2625(XXV) of 24 October 1970, the annex to which contains the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and its resolutions 46/62 of 9 December 1991, 48/84 B of 16 December 1993 and 50/80 B of 12 December 1995,

Mindful of the importance of the activities aimed at the creation of peace, stability, security, cooperation and sustainable economic development in the Balkan region,

Affirming its determination that all nations should live together in peace with one another as good neighbours,

Emphasizing the urgency of the consolidation of the Balkans as a region of peace, security, stability and good neighbourliness, thus contributing to the maintenance of international peace and security and so enhancing the prospects for sustained development and prosperity for all peoples in the region,

Noting the desire of the Balkan States to develop good-neighbourly relations among themselves and friendly relations with all nations in accordance with the Charter of the United Nations and the principles of international law,

Emphasizing the importance of the results of the summit meeting of the heads of State and Government of countries of South-East Europe, held on Crete, Greece, on 3 and 4 November 1997, for the peace, good neighbourliness, stability and prosperity of the region,

Expressing its support for the international efforts aimed at the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled at Dayton, Ohio, on 21 November 1995 and signed in Paris on 14 December 1995,

Expressing also its support for the Pact on Stability in Europe, adopted in Paris on 21 March 1995, the Process of Stability and Good Neighbourliness in South-East Europe (Royaumont Initiative), the South-East European Cooperative Initiative and the activities of the Central European Initiative, as well as for the inter-Balkan process initiated by the Sofia Declaration on

Good-Neighbourly Relations, Stability, Security and Cooperation in the Balkans and further enhanced by the Thessaloniki Declaration on Good-Neighbourly Relations, Stability, Security and Cooperation in the Balkans,

Stressing the importance of good neighbourliness and the development of friendly relations among States for the promotion of international cooperation and for the solution of problems among States in accordance with the Charter of the United Nations,

Taking into account the importance of the ongoing cooperation between the United Nations and the Organization for Security and Cooperation in Europe,

Having considered the report of the Secretary-General on the development of good-neighbourly relations among Balkan States,

Taking note of its deliberations on the subject at the present session,

Mindful of the obligations of all States under the Charter of the United Nations,

1. Notes with interest the views of some States on the development of good-neighbourly relations among Balkan States, contained in the report of the Secretary-General;

2. Emphasizes the importance for all Balkan States to promote mutual cooperation in all fields and, inter alia, in trade and other forms of economic cooperation, transport and telecommunications, protection of the environment, advancement of democratic processes, promotion of human rights and development of cultural and sports relations;

3. Calls upon all Balkan States to endeavour to promote good-neighbourly relations and continually to undertake unilateral and joint activities, including confidence-building measures as appropriate, in particular within the framework of the Organization for Security and Cooperation in Europe;

4. Also calls upon all Balkan States and interested States outside the region to participate actively in and support the negotiations foreseen in annex 1 B, article V, of the General Framework Agreement for Peace in Bosnia and Herzegovina, with a view to reaching early results;

5. Calls upon the relevant international organizations and competent bodies and organizations of the United Nations system to continue to support and assist the ongoing process of development of good-neighbourly relations among the Balkan States, and invites them to inform the Secretary-General of their activities and of their views on the subject;

6. Stresses that the closer engagement of Balkan States in cooperation agreements on the European continent will favourably influence the political and economic situation in the region, as well as the good-neighbourly relations among all Balkan States;

7. Urges normalization of the relations among all States of the Balkan region;

8. Affirms the need for strict compliance with the principles of sovereign equality, territorial integrity or political independence, the inviolability of international borders and non-intervention in matters that are essentially within the domestic jurisdiction of any State;

9. Stresses the urgency of the realization of the aim of the Balkans to become a region of peace, stability, se-

curity, cooperation and sustained economic development;

10. Requests the Secretary-General to continue to seek the views of Member States, particularly those from the Balkan region, and of the relevant international organizations and competent bodies and organizations of the United Nations system, on the development of good-neighbourly relations in the region and on measures aimed at the creation of peace, stability, security, cooperation and sustained economic development in the Balkan region, and to submit a report to the General Assembly at its fifty-fifth session, taking into account, inter alia, the views expressed by Member States on the subject;

11. Decides to consider the report of the Secretary-General on the subject at its fifty-fifth session.

Cooperation with OSCE

Report of Secretary-General. In response to General Assembly resolution 51/57 [YUN 1996, p. 374], the Secretary-General, in an October 1997 report [A/52/450], described cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

During the year, cooperation and coordination between the two organizations had further improved, he stated.

The Office of the United Nations High Commissioner for Refugees (UNHCR), together with OSCE and the International Organization for Migration (IOM), organized the first meeting (Geneva, 2 July) of the Steering Group of the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States (CIS) and Relevant Neighbouring States [YUN 1996, p. 373]. In the follow-up to the Regional Conference, UNHCR and OSCE had further enhanced cooperation on questions related to human and minority rights, conflict prevention, conflict resolution and the return and reintegration of refugees and displaced persons in the CIS countries. UNHCR was also working with OSCE in preparing for the return of Ossetians to their homes in Georgia.

In January, informal high-level tripartite consultations were held in Geneva between the United Nations, OSCE and the Council of Europe. Issues discussed were the former Yugoslavia, the Caucasus, Central Asia and the follow-up to the 1996 Regional Conference. Participants agreed that, despite the ongoing cooperation in the regions under discussion, there was room for further mutually supportive action, particularly in the areas of democracy-building, the rule of law, constitutional matters and minority rights.

In the former Yugoslavia, the United Nations and OSCE had cooperated closely in a range of

matters, including elections in Bosnia and Herzegovina, the dispute over the Brcko area, legal reforms and training of local police (see above). In Albania, cooperation between OSCE and various UN agencies had become imperative in early 1997 (see above). Cooperation between OSCE, the World Food Programme and the United Nations Children's Fund had been crucial in ensuring prompt delivery of humanitarian assistance to needy Albanians.

OSCE had cooperated in various spheres with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), especially in the matter of confidence-building and reconciliation.

In Georgia, the Secretary-General's Special Representative was in frequent contact with the OSCE Head of Mission at Tbilisi. On 25 April, a memorandum of understanding concerning the UN office for the protection and promotion of human rights in Abkhazia, Georgia, was signed by the Officer-in-Charge of the Office of the United Nations High Commissioner for Human Rights and the OSCE Secretary-General. Under the memorandum, OSCE agreed to deploy to the office a member of its mission in Georgia who was experienced in human rights work.

In Tajikistan, the United Nations and OSCE had continued to cooperate closely for an early political solution to the conflict there. The inter-Tajik negotiating process, where OSCE representatives acted as observers, resulted in the signing on 27 June of the General Agreement on the Establishment of Peace and National Accord in Tajikistan. (See PART ONE, Chapter IV.)

GENERAL ASSEMBLY ACTION

On 25 November [meeting 55], the General Assembly adopted **resolution 52/22** [draft: A/52/L.38 & Add.1] by recorded vote (126-0-1) [agenda item 40]. Before its adoption, a vote (104-1-17) was taken on an amendment introduced by Azerbaijan [A/52/L.39] by which a phrase was added to paragraph 16 stating specifically that Nagorny Karabakh was a region of Azerbaijan.

Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

The General Assembly,

Recalling its resolution 48/5 of 13 October 1993 on observer status for the Conference on Security and Cooperation in Europe and the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe signed on 26 May 1993, as well as its resolutions 50/87 of 18 December 1995 and 51/57 of 12 December 1996 on cooperation between the two organizations,

Recalling also the declaration at the 1992 Helsinki Summit by the heads of State or Government of the

participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security,

Acknowledging the increasing contribution of the Organization for Security and Cooperation in Europe to the establishment and maintenance of international peace and security in its region through activities in early warning and preventive diplomacy, including through the activities of the High Commissioner on National Minorities, crisis management, arms control and disarmament, post-crisis stabilization and rehabilitation measures, and its efforts in supporting the economic dimension, as well as its crucial role in the human dimension,

Recalling the special ties between the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation,

Underlining the continued importance of enhanced coordination and cooperation between the United Nations and the Organization for Security and Cooperation in Europe,

1. Welcomes the report of the Secretary-General;
2. Also welcomes the further improvement of cooperation and coordination in the past year, as well as progress in common work in the field between the United Nations and the Organization for Security and Cooperation in Europe;
3. Further welcomes the Summit Declaration and the decisions adopted by the heads of State or Government of the Organization for Security and Cooperation in Europe on 3 December 1996 at Lisbon, in particular the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century, including the decision to define in a platform for cooperative security modalities for cooperation between the Organization for Security and Cooperation in Europe and other security organizations, and the ongoing work within the framework of the Organization for Security and Cooperation in Europe, as well as the commitment of participating States to consider developing a charter on European security on the basis of the Lisbon Declaration;
4. Notes with appreciation decision 193 of 5 November 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe to establish, under the aegis of the Permanent Council, a representative on freedom of the media of the Organization for Security and Cooperation in Europe;
5. Also notes with appreciation decision 194 of 5 November 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe to establish within the secretariat of that organization the position of a coordinator of economic and environmental activities, which, inter alia, will enhance interaction by the Organization for Security and Cooperation in Europe with relevant international economic organizations, financial institutions and organizations active in the environmental field;
6. Commends the Organization for Security and Cooperation in Europe for the fulfilment, in cooperation with the United Nations, of the role assigned to it by the General Framework Agreement for Peace in Bosnia

and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), in particular for:

(a) The successful supervision of the preparation and the conduct of the municipal elections on 13 and 14 September 1997;

(b) The monitoring, together with other international organizations, of the development of human rights standards;

(c) The agreements concluded under its auspices on confidence-building and security-building measures, as well as on subregional arms control;

(d) The efforts to contribute to the building of democratic structures and to the fostering of civil society, including the promotion of human rights standards, and welcomes in this context further cooperation between the United Nations and the Organization for Security and Cooperation in Europe;

7. Welcomes the readiness of the Organization for Security and Cooperation in Europe to continue to contribute to a peaceful settlement in and around Bosnia and Herzegovina;

8. Welcomes also decision 190 of 26 September 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe to supervise the preparation and conduct of elections in Republika Srpska;

9. Underlines the responsibility of the parties to speedy and full implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto;

10. Underlines also the responsibility of the relevant authorities of Bosnia and Herzegovina to implement fully the results of the municipal elections on 13 and 14 September 1997;

11. Welcomes the close cooperation between the Organization for Security and Cooperation in Europe and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, especially as regards confidence-building and reconciliation, as well as the strengthening of democratic institutions, processes and mechanisms at the municipal and district or county levels with the aim of achieving a peaceful reintegration and a safe return of refugees and displaced persons in the region, and notes that a continued high-quality police monitoring presence would make an important contribution to the success of the international efforts in that regard;

12. Welcomes also decision 176 of 26 June 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe, to extend the mandate of the reinforced Organization for Security and Cooperation in Europe Mission in Croatia until 31 December 1998;

13. Commends the Organization for Security and Cooperation in Europe for the fulfilment of the role assigned to it in Albania in decision 160 of 27 March 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe within the security environment provided by the multinational protection force, authorized by the Security Council in its resolutions 1101(1997) of 28 March 1997 and 1114(1997) of 19 June 1997, in particular for:

(a) The establishment of a coordinating framework for the international efforts in Albania;

(b) The provision, in cooperation with other international organizations, of advice and assistance within its field of experience;

(c) The success of its assistance in the preparation and the conduct, as well as the monitoring, of the elections on 29 June and 6 July 1997;

14. Takes note of decision 185 of 18 September 1997 of the Permanent Council of the Organization for Security and Cooperation in Europe to establish an Advisory and Monitoring Group of the Organization for Security and Cooperation in Europe in Belarus;

15. Welcomes the cooperation between the Organization for Security and Cooperation in Europe and the United Nations in the peace process in Georgia, including through the Human Rights Office in Sukhumi;

16. Fully supports the activities of the Organization for Security and Cooperation in Europe to achieve a peaceful solution to the conflict in and around the Nagorno Karabakh region of Azerbaijan, and welcomes cooperation between the United Nations and the Organization for Security and Cooperation in Europe in this regard;

17. Welcomes the continued close cooperation between the United Nations and the Organization for Security and Cooperation in Europe in Tajikistan, as well as the signing on 27 June 1997 of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and calls upon the parties to implement fully the General Agreement;

18. Requests the Secretary-General to continue exploring with the Chairman-in-Office and the Secretary-General of the Organization for Security and Cooperation in Europe possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Organization for Security and Cooperation in Europe, in accordance with Chapter VIII of the Charter of the United Nations and on the basis of the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe, signed on 26 May 1993, avoiding as much as possible duplication and overlapping in those areas where both organizations have their own respective roles to play;

19. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe in implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/22:

In favour Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lu-

cia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uzbekistan, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Armenia.

Strengthening of security and cooperation in the Mediterranean region

In response to General Assembly resolution 51/50 [YUN 1996, p. 376], the Secretary-General submitted an October report [A/52/427 & Corr.1], reproducing replies from five States (Algeria, Jordan, Lebanon, Malta, Russian Federation) to his note verbale requesting their views on means to strengthen security and cooperation in the Mediterranean region.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/605], adopted **resolution 52/43** without vote [agenda item 76].

Strengthening of security and cooperation in the Mediterranean region

The General Assembly,

Recalling its previous resolutions on the subject, including resolution 51/50 of 10 December 1996,

Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,

Bearing in mind all the previous declarations and commitments, as well as all the initiatives taken by the riparian countries at the recent summits, ministerial meetings and various forums concerning the question of the Mediterranean region,

Recognizing the indivisible character of security in the Mediterranean and that the enhancement of cooperation among Mediterranean countries with a view to promoting the economic and social development of all peoples of the region will contribute significantly to stability, peace and security in the region,

Recognizing also the efforts made so far and the determination of the Mediterranean countries to intensify the process of dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and to eliminating the causes of tension and the consequent threat to peace and security, and their growing awareness of the need for further joint efforts to strengthen economic, social, cultural and environmental cooperation in the region,

Recognizing further that prospects for closer Euro-Mediterranean cooperation in all spheres can be enhanced by positive developments worldwide, in particular in Europe, in the Maghreb and in the Middle East,

Reaffirming the responsibility of all States to contribute to the stability and prosperity of the Mediterranean region and their commitment to respect the purposes and principles of the Charter of the United Nations, as well as the provisions of the Declaration on Principles of International Law concerning Friendly

Relations and Cooperation among States in accordance with the Charter of the United Nations,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Expressing its concern at the persistent tension and continuing military activities in parts of the Mediterranean that hinder efforts to strengthen security and cooperation in the region,

Taking note of the report of the Secretary-General,

1. Reaffirms that security in the Mediterranean is closely linked to European security as well as to international peace and security;

2. Expresses its satisfaction at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination, and therefore calls for full adherence to the principles of non-interference, non-intervention, non-use of force or threat of use of force and the inadmissibility of the acquisition of territory by force, in accordance with the Charter and the relevant resolutions of the United Nations;

3. Commends the efforts by the Mediterranean countries in meeting common challenges through co-ordinated overall responses, based on a spirit of multi-lateral partnership, towards the general objective of turning the Mediterranean basin into an area of dialogue, exchanges and cooperation, guaranteeing peace, stability and prosperity, and encourages them to strengthen such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region;

4. Recognizes that the elimination of the economic and social disparities in levels of development and other obstacles, as well as respect and greater understanding among cultures, in the Mediterranean area will contribute to enhancing peace, security and cooperation among Mediterranean countries through the existing forums;

5. Calls upon all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament and non-proliferation, thus creating the necessary conditions for strengthening peace and cooperation in the region;

6. Encourages all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genuine openness and transparency on all military matters, by participating, inter alia, in the United Nations system for the standardized reporting of military expenditures and by providing accurate data and information to the United Nations Register of Conventional Arms;

7. Encourages the Mediterranean countries to strengthen further their cooperation in combating terrorism, in all its forms and manifestations, which poses a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation;

8. Invites all States of the region to address, through various forms of cooperation, problems and threats posed to the region, such as terrorism, international crime and illicit arms transfers, as well as illicit drug production, consumption and trafficking, which jeopardize the friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, funda-

mental freedoms and the democratic basis of pluralistic society;

9. Requests the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

Chapter VI

Middle East

The Middle East peace process, which began in Madrid, Spain, in 1991, stagnated in 1997, despite efforts to get it back on track. The Protocol concerning the redeployment of the Israeli Defence Forces in Hebron, concluded in January, and other Israeli measures, including the release of all female Palestinian prisoners, inspired hope for a revival of the peace talks. However, Israel's decision to start construction of a new settlement in Jebel Abu Ghneim south of East Jerusalem in March—the first since Israel had announced in August 1996 that it would cancel the restrictions on the building of settlements imposed in 1992 by the previous Government—thwarted that positive trend and led to a dangerous and lengthy stalemate. Terrorist bombings in Israel, which took the lives of innocent people, further shook the confidence between Israelis and Palestinians and deepened the crisis. The Israel-Syrian Arab Republic and Israel-Lebanon tracks of negotiations were also stalled.

In view of Israel's renewed settlement activities, the Security Council met twice in March, but failed to adopt the two draft resolutions before it, which would have requested Israel to stop construction of the Jebel Abu Ghneim settlement, as well as other similar activities. In the absence of action by the Council, the General Assembly, pursuant to its resolution 377 A (V) of 3 November 1950 entitled "Uniting for Peace" [YUN 1950, p. 193], convened in April for its tenth emergency special session, which was resumed in July and again in November. The Assembly demanded, among other things, immediate cessation of all settlement activities and other illegal Israeli measures in Jerusalem, and recommended that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilians in Time of War (Fourth Geneva Convention) hold a conference on measures to enforce the Convention in the occupied Palestinian territory. A number of the 188 States parties to the Convention voiced support for the recommendation.

The UN system's economic and social assistance to the Palestinians, coordinated by the UN Special Coordinator in the Occupied Territories, was geared towards improving living conditions in the West Bank and Gaza Strip—which had deteriorated due to frequent closures of the occupied territories, in order to help create a favour-

able atmosphere for the peace process on the ground. Chinmaya R. Gharekhan—serving also as the Secretary-General's Representative to the multilateral peace talks—succeeded Terje Rød-Larsen as Special Coordinator in February.

In 1997, the Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to mobilize international support for the Palestinians. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories reported to the General Assembly on the situation in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights.

Despite ongoing serious financial problems, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) maintained a wide-ranging programme of education, health, relief and social services to more than 3.4 million Palestinian refugees living both in and outside camps in the West Bank and Gaza Strip, as well as in Jordan, Lebanon and the Syrian Arab Republic. The Agency's financial crisis forced the UNRWA Commissioner-General to announce further austerity measures in August, including, for the first time, the introduction of school fees and a freeze on reimbursement of hospitalization costs, which provoked protests by the refugee community. Donor pledges of additional allocations enabled the Commissioner-General to revoke those measures for the time being. In view of the dire financial circumstances—which were likely to continue—donors were urged to increase their contributions to the Agency so that it could maintain the most basic and effective assistance to the refugees.

The situation in southern Lebanon remained tense and volatile during 1997, with a rising level of hostilities and an increase in the number of civilian casualties, especially during the second half of the year. The United Nations Interim Force in Lebanon (UNIFIL) pursued its efforts to limit the conflict and protect inhabitants from its consequences. The mandates of UNIFIL and of the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights were extended, and the United Nations Truce Supervision Organization (UNTSO), headquartered in Je-

rusalem, continued to assist both peacekeeping operations in their tasks.

By **decision 52/431** of 18 December, the General Assembly deferred consideration of the agenda item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security" and included it in the provisional agenda of its fifty-third (1998) session. The item had been inscribed yearly on the Assembly's agenda since 1981, following the bombing by Israel of a nuclear research centre near Baghdad [YUN 1981, p. 275].

Peace process

Overall situation

In a November report [A/52/581-S/1997/866] on the question of Palestine (see below) and the situation in the Middle East, the Secretary-General observed that the stagnation of the Middle East peace process during the preceding year was disappointing. After prolonged and difficult talks, the signing by Israel and the Palestinian Authority (PA) on 17 January 1997 of a Protocol concerning the redeployment of the Israeli Defence Forces (IDF) in Hebron, had inspired the hope that confidence and mutual trust between Palestinians and Israelis would increase and create a positive environment for subsequent successful negotiations. In addition to providing for the redeployment of IDF in Hebron, the Protocol created timetables for further redeployment of IDF in the West Bank and for the resumption of the permanent status negotiations. In March, Israel approved a plan for the first redeployment in the West Bank.

Regrettably, the Secretary-General stated, the start by Israel of construction of a settlement in Jebel (Jabal) Abu Ghneim/Har Homa to the south of East Jerusalem in March had thwarted that positive trend and led to a dangerous and lengthy stalemate. Terrorist bombings in Israel, which took the lives of innocent people, further shook the confidence between Israelis and Palestinians and deepened the crisis in the peace talks. The Secretary-General unreservedly condemned those acts of terror, calling them despicable and an enemy of the peace negotiations, and underlined that the parties to the peace process bore responsibility for settling the Arab-Israeli conflict in a just and comprehensive man-

ner, in accordance with Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. The people of the Middle East had a right to live in peace, security, mutual respect and dignity, he stressed, and attempts to avoid implementing in full and on time the agreements signed since 1993 or to undermine them could only postpone the fulfilment of their aspirations and weaken the peace process.

It was the Secretary-General's earnest belief, that both sides should do everything possible so that trust was restored, peace negotiations were revitalized and steady progress was ensured through the transition period, leading to a permanent settlement as envisaged by the 1993 Declaration of Principles on Interim Self-Government Arrangements [YUN 1993, p. 521]. Israel should refrain from unilateral actions that had the effect of pre-empting the outcome of the peace talks, while the PA should spare no effort in fighting terrorism effectively. He hoped that the resumption of high-level meetings in the autumn and the committee talks on outstanding issues would create momentum to get the talks back on track; progress on the Israel-Syrian Arab Republic and Israel-Lebanon tracks of negotiations was also essential for achieving a comprehensive and durable peace in the region.

The United Nations would continue to support the peace process, the Secretary-General concluded, politically as well as through the provision of economic and social assistance to the Palestinians facilitated by the UN Special Coordinator in the Occupied Territories. Improving the living conditions in the West Bank and Gaza was imperative for creating a favourable atmosphere for the peace process on the ground; in that connection, it was important that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) be put on a sound financial footing so that the downgrading of services to the Palestinian refugees could be avoided.

Occupied territories

Communications (19 January-3 March). On 21 January [A/51/782-S/1997/61], Israel transmitted to the Secretary-General the text of a letter sent by the Israeli Deputy Prime Minister and Minister for Foreign Affairs to his counterparts on 19 January following the signing and implementation of the Hebron Protocol. He stated that the agreements reached were testament to the commitment of both sides to continuing the peace process through direct negotiations, cooperation, avoidance of violence and the building of mutual trust. Israel was committed to implementing ex-

isting agreements on the basis of reciprocity and to advancing peace while ensuring security, as the terrorist outrages over the previous year served as clear reminder that progress towards peace could not be achieved without safeguards. The Hebron agreements referred not only to the redeployment of Israeli military forces in the city, but also to security arrangements, joint security measures, the deployment of the Palestinian police and various civilian matters relating to the effective functioning of the city and its Israeli and Palestinian populations; both sides had to work closely together and build confidence in each other if they were to implement the agreements effectively and proceed together on the path of peace.

Israel hoped that the Hebron agreements—brokered by the United States, with the assistance of Egypt and Jordan, and supported by the Russian Federation, the European Union (EU) and other members of the international community—dispelled the many doubts raised as to its commitment to the peace process, and it believed that the foundations had been established for continuing negotiations. The Deputy Prime Minister said it was now vital to push forward on all fronts of the peace process—the permanent status negotiations with the Palestinians, the negotiations with Syria and Lebanon, and the multilateral working groups to which Israel attached special significance. Israel would also continue to pursue normal relations with its neighbours, to ensure that the peace to be negotiated would be lasting; it was imperative that its relations with the countries of the Arab world and the growing regional cooperation not be used as pawns in the negotiating process; efforts to do so would not only damage mutual interests but also undermine the peoples' fundamental belief in peace, the Deputy Prime Minister stressed.

By a communique issued on 31 January [A/51/792-S/1997/100], the Palestinian leadership expressed concern over recent decisions taken by the Israeli Government and military leaders which, they warned, threatened to bring about the failure of all efforts to get the peace process back on track. They reported that on 19 January—two days after the signing of the Hebron Protocol—a decree was issued forbidding the inhabitants of the old city of Hebron from making repairs to their houses and Israeli forces began arresting all those doing so. On 27 January, they noted, the occupation forces expelled the Arab al-Jahalin tribe from their dwellings in the Abu Dis area of Jerusalem in order to make room for the expansion of the Maaleh Adumim settlement, and prohibited the use of the Bilal Mosque, locking the building.

In recent weeks, the Palestinian leaders charged, Israel had taken a number of decisions approving the expansion of Israeli settlements on Palestinian land, including the Holy City of Jerusalem. The identity cards of Palestinian residents of the city had been withdrawn, the appropriation of land and the continuing construction of bypass roads authorized, houses demolished and their inhabitants expelled. Israel's policy of closure, blockade and suppression continued to be implemented against the Palestinians, with shipments of food and medical supplies being held up for lengthy periods at international crossing points and in the ports.

Furthermore, the Palestinian leaders said, Israel had announced on 25 January that 70 million new shekels, due to the PA in respect of taxes and customs for the previous month, would not be transferred as part of the blockade against the Authority; the outstanding accounts and monies owed to the Authority amounted to some hundreds of millions of dollars. In an effort to tighten its blockade and prevent the export of Palestinian goods, Israel had also prohibited the operation of Gaza's international airport for more than six months, which resulted in daily losses of over \$7 million. European companies were prevented from starting work on the construction of the Gaza seaport, to be financed mainly by France and the Netherlands. Israel was also creating obstacles to safe passage between the West Bank and the Gaza Strip, and, so far, the Joint Commission on the release of women prisoners and other detainees had not met.

The pursuit of such practices, said the Palestinian leadership, threatened to cause the failure of all the efforts to get the peace process back on track and to ensure the faithful application of the agreements signed, as well as the efforts towards the resumption of the final status negotiations on the basis of the agreed agenda, which included the issues of Jerusalem, borders, settlements and refugees. They called on all countries, particularly the sponsors of the peace process and the Arab and Islamic States, to take immediate action to stop those practices and save the peace process. They renewed their call on Israel to desist from those measures, to annul the military decrees, to proceed with the balanced implementation of all the provisions of the 1995 Interim Agreement on the West Bank and the Gaza Strip between Israel and the Palestine Liberation Organization (PLO) [YUN 1995, p. 626] and the settlement of outstanding issues, and to resume the final status negotiations.

On 21 February, the Permanent Observer of Palestine to the United Nations, on behalf of the Group of Arab States members of the League of

Arab States (LAS), addressed identical letters [A/51/805-S/1997/149] to the Secretary-General and the President of the Security Council, expressing great concern at Israel's policy of taking illegal measures against the occupied Palestinian territories, including Jerusalem, as well as the occupied Syrian Arab Golan, which included continuing with the construction of settlements. Those actions, he said, violated the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and the 1907 Hague Convention, as well as the many resolutions adopted by the Security Council and the General Assembly, and seriously endangered the Middle East peace process and the integrity of the accords concluded between the parties.

The Arab Group drew particular attention to Israel's policies and illegal measures in occupied East Jerusalem, aimed at "Judaizing" the city—which was of vital importance to the Arab and Islamic world, as well as to the international community and the three major religions—and changing its legal status and demographic composition. Israel had confirmed its decision to build a new settlement to the south of East Jerusalem, specifically in the Jebel Abu Ghneim area, as a sequel to a series of other such decisions, including the building of a settlement in the Ras al-Amud area, within the original frontiers of the municipality of East Jerusalem. In addition, Israeli authorities had kept open the tunnel located within the Haram al-Sharif (which connected sacred and archaeologically significant sites under the western wall of the Al-Aqsa Mosque in East Jerusalem), Security Council resolution 1073(1996) [YUN 1996, p. 384] on the subject notwithstanding. It was recalled that Israel had destroyed the building belonging to the Burj al-Laqlaq association, located within the Old City, where it would appear that a new settlement was to be constructed. Israel was continuing to deprive the Palestinians of Jerusalem—who were its original inhabitants—of their "right of residence", in the context of what appeared to be a campaign to drive them out. It also further isolated East Jerusalem from the other areas of Transjordan (the West Bank), denying the Palestinians access.

The Group of Arab States members of LAS therefore requested the Security Council to take steps to induce Israel, the occupying Power, to put an end to its policies and actions and, in particular, to renounce any settlement activity, especially in the areas of Jebel Abu Ghneim and Ras al-Amud. Any failure in that regard risked having serious consequences and disastrous sequels, they warned.

On 25 February, the Permanent Observer, as Chairman of the Group of Arab States, transmitted a 23 February communique [A/51/808-S/1997/157] by the General Secretariat of LAS, in which it noted with grave anxiety Israel's decision to establish in the Jebel Abu Ghneim area a new settlement, with the alleged aim of tightening the stranglehold on Al-Quds (Jerusalem). Moreover, Israel continued to isolate East Jerusalem from the West Bank, declaring it off-limits to Palestinians and withdrawing residence permits for the city's original Arab inhabitants, which, LAS charged, constituted a deliberate "transfer" operation designed to encourage Jewish settlement in the city and to impose a *fait accompli* prior to the opening of the final status negotiations in March.

The actions to increase the flow of settlers into Jerusalem and the occupied Syrian Arab Golan constituted a flagrant violation of the Fourth Geneva Convention and the 1907 Hague Convention, as well as a serious infringement of UN resolutions; Israel's persistence in establishing settlements in the occupied Arab territories would have awkward consequences for the Middle East peace process. Accordingly, the Security Council and the co-sponsors of the peace process, the United States in particular, were urged to take prompt action to compel Israel to desist from those settlement activities, especially in Jerusalem.

On 27 February [S/1997/165], the Permanent Observer, on behalf of the Arab Group, requested that an immediate Security Council meeting be held in order to consider Israel's illegal settlement activity, above all in Jerusalem. That request was supported by the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) in identical letters of 28 February [A/51/812-S/1997/172] to the Secretary-General and the Council President.

Responding to the Palestinian leadership's 31 January communique, Israel, by a 3 March letter [A/51/814-S/1997/177], pointed out that a number of matters referred to in the communique were currently receiving the joint attention of both Palestinians and Israel, and many of the issues raised had already been resolved or were in the process of being resolved. Israel felt that the outstanding issues should be settled directly between the two sides through the agreed channels; attempts to politicize them and invite international pressure could only damage the trust between the parties and be counterproductive. Israel therefore called on the international community to encourage the Palestinians to resolve those matters face to face with Israel, which, for its part, proposed to raise

its own concerns regarding compliance by the Palestinians with their obligations directly and in the appropriate forums. Israel expressed particular concern at the threat that, if Palestinian demands were not met, the peoples of the region would return to their former positions of confrontation and struggle; veiled threats of violence undermined the foundations of dialogue and damaged the prospects of progress in negotiations, Israel believed.

SECURITY COUNCIL CONSIDERATION (5-7 March)

At the request of the Permanent Observer of Palestine [S/1997/165], the Security Council, on 5 and 6 March, discussed the situation in the occupied Arab territories [meeting 3745]. With the Council's consent, the Council President invited Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Brazil, Canada, Colombia, Cuba, Indonesia, Iran, Israel, Jordan, Kuwait, Lebanon, Malaysia, Malta, Morocco, the Netherlands, Norway, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yemen, at their request, to participate in the discussion without the right to vote. The President also invited the representative of Palestine to participate, at his own request [S/1997/194] and in accordance with the Council's provisional rules of procedure and previous practice. Invitations were also extended to the Permanent Observer of the Organization of the Islamic Conference (OIC), at the request of Indonesia [S/1997/196], and to the Chairman of the Committee on Palestinian Rights, at his own request.

The first speaker, the representative of Palestine, reported that Israel had decided on 26 February to build a new settlement for approximately 25,000 Israeli settlers in the area of Jebel Abu Ghneim, on land confiscated in 1991 and 1992. That construction would isolate areas of Arab Jerusalem from the southern part of the West Bank, in pursuit of a long-standing Israeli plan to build settlements around Arab neighbourhoods in order to isolate them completely from the rest of the West Bank. The measure followed a series of others that constituted a clear policy aimed at the "Judaization" of Jerusalem and at changing its legal status and demographic composition, including the intended building of a settlement of more than 132 housing units in the heart of East Jerusalem in the populated Arab quarter of Ras al-Amud, which would also overlook Al-Haram Al-Sharif and the Al-Aqsa Mosque.

The representative charged that Israel had long enforced the isolation of East Jerusalem and kept the Palestinians out of the city, in another at-

tempt to impose a de facto situation and despite the affirmation by the international community that East Jerusalem was part of the occupied territories.

The historical shift following the signing of the 1993 Declaration of Principles [YUN 1993, p. 521] and of the 1995 Interim Agreement [YUN 1995, p. 626] (the so-called Oslo agreements) had resulted in positive changes in the Middle East, as the benefits of peace began to appear on the horizon for the peoples of the region and for the whole world in general. Unfortunately, Israel had begun to pursue policies that ran counter to the spirit and logic of the peace process and to take decisions and actions that were in gross violation of the agreements reached and that aimed at altering the situation and the status of the city of Jerusalem and creating new facts on the ground that would pre-empt negotiations and render them useless. If the peace process was to succeed, those measures could not continue. There would be no peace in the region without the attainment of Palestinian and Arab rights in the Holy City. Israel had to cease construction of the colonial settlement in Jebel Abu Ghneim and promptly cease all settlement activities and confiscation of land, especially in occupied East Jerusalem. The Council should adopt a clear resolution in order to guarantee respect for its relevant resolutions and for international law and to save the peace process; such goals fell within its responsibility to preserve international peace and security.

Israel pointed out that Jerusalem had been the capital of the State of Israel since its rebirth in 1948 and the seat of Jewish Government since its establishment by King David some 3,000 years earlier. Since that time, the thoughts, hopes and prayers of the entire Jewish people had been focused on Jerusalem, whose centrality to Judaism transcended geographical boundaries. Currently, it was Israel's largest city, home to 578,000 residents, of whom 71.2 per cent were Jewish. The Israeli Government had unanimously approved construction in Har Homa/Jebel Abu Ghneim and in 10 predominantly Arab neighbourhoods throughout Jerusalem. The new neighbourhood of Har Homa, to be located in an unpopulated area in southern Jerusalem, within the city's municipal boundaries, would eventually consist of 6,500 housing units; 75 per cent of the land for the project was owned by individual Jews.

Jerusalem was in the midst of an unprecedented surge of planning and development. The Har Homa project was an essential part of a comprehensive municipal plan to construct 20,000 new housing units for Jerusalem's Jewish residents and 8,500 for its Arab residents—a ratio comparable to that of both its populations. Con-

currently with the construction of Har Homa, infrastructure work for the construction of 3,000 housing units in 10 of the city's predominantly Arab neighbourhoods was to begin, with the purpose of alleviating the shortage of housing for both populations.

The coming years would be crucial for the Arab-Israeli peace process, Israel stated; during that time, the international community would have to exhibit restraint, understanding and trust in the determination of Israel and its neighbours to advance the peace process. Israel regretted that the Council once again saw fit to discuss issues of contention between Israel and the Palestinians; the PLO's very appeal to the Council was inconsistent with its explicit agreement to settle all issues under dispute through negotiations. The two parties were currently making progress in negotiations and reconciliation, and the peace process had thus far succeeded in establishing a new *modus vivendi* between them. Most recently, that was expressed in the Hebron Protocol and through the establishment of timetables for resuming the negotiation of the permanent status and further redeployment of IDF in the West Bank.

Regrettably, Israel continued, some speakers in the Council failed to differentiate between the issue of Jerusalem and its neighbourhoods and the issue of settlements in the West Bank and the Gaza Strip, which were to be negotiated separately within the context of permanent status negotiations. In agreeing that the issue of Jerusalem was to be part of permanent status negotiations, the parties recognized Jerusalem as a separate issue, with the city's status remaining unchanged so long as no decision to the contrary was taken in those negotiations. Therefore, Israel stressed, the approval of building plans within the city or the implementation of any construction work did not constitute a change in Jerusalem's status; neither did it create a situation that could adversely affect the permanent status negotiations. In any event, since the existing agreements did not accord the Palestinian authorities any powers or responsibilities in Jerusalem, Israel was under no obligation to coordinate its actions with them or to consult with them.

After hearing 49 speakers, the Council, on 7 March [meeting 3747], voted on a draft resolution [S/1997/199] submitted by France, Portugal, Sweden and the United Kingdom, by which the Council would have called on Israel to refrain from all actions or measures, including settlement activities, which altered the facts on the ground, pre-empting the final status negotiations, and had negative implications for the peace process. It would have further called on Israel to

abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention, and called on all parties to continue their negotiations within the peace process.

The draft resolution received 14 votes in favour to 1 against (United States), and was not adopted owing to the negative vote of a permanent Council member.

Speaking before the vote, Costa Rica stated that it had supported the draft text originally presented by the EU countries on the understanding that its content would accurately reflect what was expressed in the debate. An important point, Costa Rica said, would have been to preserve the unity of that message; unfortunately, however, the negotiation process took a different path and consensus was not reached. The Middle East peace process needed unity of purpose and that should be the Council's message to the parties. Although unity in the Council had not been maintained, Costa Rica would vote for the draft text because the spirit of Oslo had to be upheld at all costs as the only way towards a stable and lasting peace.

Egypt believed that the draft resolution was balanced and avoided confrontation and represented a Council reaction that was commensurate with the gravity of Israel's decision on Jebel Abu Ghneim. The text expressed in form and content the commitment to the Charter of the United Nations and the norms of international law; it also reflected the EU support for the peace process, as well as the sentiments of grave concern expressed by many delegations over the expansion of Israeli settlement activity, which was in contravention of the legal commitments Israel had entered into with the PA.

Explaining its negative vote, the United States said it shared the concern expressed by many Council members about Israel's decision to commence construction in Har Homa/Jebel Abu Ghneim, which ran counter to the progress and achievements of the parties to date and was not helpful to the peace process. Building the trust and confidence needed to create the environment for successful negotiations, especially on the difficult issues involved in the permanent status talks, required the parties to take special care to avoid pre-emptive actions that prejudged outcomes. However, the Member States of the United Nations had to take great care to respond in a way that would bolster, not batter, the negotiating process and encourage the partners in peace. Despite its useful role in working for Middle East peace, the Council was not an appropriate forum for debating issues under negotiation between the parties. Unfortunately, the draft resolution would not have helped; it made sweep-

ing statements on the legal status of Israeli settlements, which the parties themselves had agreed to treat as a permanent status issue in the talks that were about to resume. The Council should reiterate support for the achievements of the partners to date and respect their commitment to working together towards their common goal—a peaceful and prosperous Middle East—without the interference of outside parties.

In the view of the representative of Palestine, the central importance of Jerusalem and the grave danger posed by Israel's decision required the Palestinians and Arabs to insist that the Council adopt a clear draft resolution on the question. Despite the moderation and flexible timing of the text and accommodation of certain requirements, the Council had been unable to assume its responsibilities because one permanent member exercised its right of veto. The Council's inaction stood in stark contrast to the collective position of the international community, the great potential damage of Israel's decision, its impact on the peace process and the harm wrought by the Council's failure to adopt the submitted text. The Council remained responsible for international peace and security, including in the Middle East, the representative stressed; the peace process and the Palestinian-Israeli agreements had not ended the responsibilities of the United Nations or provided a reason for the Council not to intervene—especially when those agreements had been violated.

Some States seemed to suggest that Israel had the right to take unilateral steps and impose new realities on the ground, the representative continued, while the Palestinian side should commit itself to resolving through negotiations the problems resulting from those steps. The Palestinians would not change their position on Jerusalem and their historical rights in the city, which was a central issue to them; in view of the Council's failure to fulfil its obligations, they would request the UN Members to agree to an emergency meeting of the General Assembly.

Since the Council had decided not to take any action regarding the decision to begin construction in Har Homa and in 10 predominantly Arab neighbourhoods throughout Jerusalem, Israel stated, it hoped that the sponsors of the proposed resolution would recognize that the Council was not the appropriate forum for discussing outstanding issues between Israel and the Palestinians. The peace process was founded on direct, open and substantial dialogue between the two sides, which had brought about historic progress; the adoption of unbalanced positions by outside parties could only damage that process. The permanent status negotiations between Israel and

the Palestinians would be resumed later in the month, and issues such as Jerusalem would be discussed.

GENERAL ASSEMBLY ACTION

In accordance with requests by Qatar, as Chairman of the Group of Arab States [A/51/822], and Colombia, as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries [A/51/823], the General Assembly convened on 12 March [meetings 91 & 92] to consider the situation in the Middle East, together with the question of Palestine.

The Observer of Palestine stated that Palestine had come before the Assembly following the Council's failure to carry out its duties under the Charter due to the use of the veto power by the United States. The international community should reiterate its firm position with regard to the consequences of Israel's illegal policies, and reaffirm that all its measures aimed at changing the legal status and demographic composition of Jerusalem were null and void; that Israeli settlements were illegal and a great obstacle on the road to peace; that the plight of the Palestinian refugees had to be resolved through their right to return or through compensation; and that the acquisition of territory by acts of war was inadmissible. The Assembly's action should focus on Israel's behaviour, which seemingly aimed at retaining a large portion of the occupied territory, including East Jerusalem, and at preventing the Palestinians from enjoying their inalienable rights; such designs totally contradicted the mutual recognition of Israel and the PLO and the text and spirit of the agreements reached, which specified the goal of the process—implementation of Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. The solution was to guarantee Israel's actual compliance with the agreements reached and their complete implementation in accordance with the agreed timetables.

In Israel's view, there was no substitute for direct negotiations, through which the 1993 Declaration of Principles and all subsequent agreements had been reached. Israel's sincere hope was that the Hebron Protocol, which created timetables for further redeployment of Israeli forces in the West Bank and for the imminent resumption of the permanent status negotiations, as well as other measures taken by Israel—the release of all female Palestinian prisoners; the formation of nine committees to discuss all outstanding issues, such as the construction of a Gaza airport and seaport and safe passage; and steps to address the economic situation in the West Bank and Gaza Strip, including raising to

70,000 the number of Palestinians allowed to work in Israel—would increase mutual trust and create an atmosphere conducive to the peace process. However, despite the progress achieved, the Palestinians, whenever contentious issues arose, instead of seeking redress through direct negotiation, ran to third parties and bodies not involved in the peace process, with the hope of imposing their positions on Israel. The United Nations was not the appropriate forum for discussing such issues, Israel stated, and the multitude of UN resolutions relating to the Arab-Israeli conflict had failed to advance the peace process even one inch; direct negotiations, beginning in Madrid and continuing for the better part of the decade, had proved the only way to advance the cause of peace.

It was important to distinguish, Israel stressed, between the issue of Jerusalem and that of the settlements, which were separate and would be discussed in the context of the permanent status negotiations scheduled to resume later in the month. Israel concluded that its message to the international community was to support the peace process, but not to adopt one-sided positions aimed at prejudging and predetermining the outcome of the negotiations.

During the debate, which featured 30 speakers, widespread concern was expressed at the planned construction of the settlement at Har Homa/Jebel Abu Ghneim, as well as at the recent acts of terrorism, both seen as obstacles to the peace process.

On 13 March [meeting 93], the Assembly adopted **resolution 51/223** [draft: A/51/L.68 & Add.1] by recorded vote (130-2-2) [agenda items 33 & 35].

**Israeli settlement activities in the occupied
Palestinian territory, in particular in
occupied East Jerusalem**

The General Assembly,

Having considered the letters dated 21, 25 and 27 February 1997 from the Permanent Observer of Palestine on behalf of the States members of the League of Arab States,

Expressing deep concern at the decision of the Government of Israel to initiate new settlement activities in the Jebel Abu Ghneim area in East Jerusalem,

Expressing concern about other recent measures that encourage or facilitate new settlement activities,

Stressing that such settlements are illegal and a major obstacle to peace,

Recalling its resolutions on Jerusalem and other relevant General Assembly and Security Council resolutions,

Confirming that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status,

Reaffirming its support for the Middle East peace process and all its achievements, including the recent agreement on Hebron,

Concerned about the difficulties facing the Middle East peace process, including the impact these have on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including under the agreements already reached,

Having discussed the situation at its 91st, 92nd and 93rd plenary meetings on 12 and 13 March 1997,

1. Calls upon the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground, pre-empting the final status negotiations, and have negative implications for the Middle East peace process;

2. Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967;

3. Calls upon all parties to continue, in the interests of peace and security, their negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;

4. Requests the Secretary-General to bring to the attention of the Government of Israel the provisions of the present resolution.

RECORDED VOTE ON RESOLUTION 51/223:

In favour Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Marshall Islands, Micronesia.

Introducing the draft resolution on behalf of its 57 sponsors, Indonesia said that they regarded the text as a reasonable, balanced and appropriate response to Israel's ill-conceived action; its adoption would be invaluable in ensuring that the peace process remained on track. The resolution as a whole reaffirmed UN permanent responsibility on the question of Palestine.

Speaking before the vote, Israel said it was difficult to comprehend that countries wishing to play a more active role in the peace process were rushing to support and even sponsor such a blatantly one-sided and biased text, which singled out Israel and was detrimental to that process. The murder of six Israeli schoolgirls and their teacher the same morning in the Jordan Valley

reinforced Israel's belief that the only way to promote peace, support the political process and fight terrorism was through direct talks. It welcomed the positive UN support for the peace process, as expressed by Assembly resolution 51/29 [YUN 1996, p. 381], which could be useful but only when in concert with the efforts of all the parties involved, with a view towards building consensus.

While sharing the widely expressed concern over the construction at Har Homa/Jebel Abu Ghneim and believing that such action ran counter to the achievements of the parties to date, the United States felt that the Assembly should not inject itself into the negotiation process; doing so could only build mistrust and harden both sides' positions, while interfering with the progress the parties were making on their own. Instead, the United States felt that the international community should reiterate its support for the achievements of the partners and respect their commitment to work together towards their common goal—a peaceful and prosperous Middle East—without outside interference.

Expressing deep appreciation to those who had voted in favour, the Observer of Palestine said that their action reflected the almost unanimous support of the international community. That clear position, which included many friends of Israel, sent an unmistakable message to all parties. The first element of that message was that Israel should stop its plans to construct the Jebel Abu Ghneim settlement and refrain from further settlement activities; the second element was that the United Nations had a central role to play, in keeping with its responsibilities under the Charter, especially when Israel, a Member State, violated international humanitarian law, relevant UN resolutions and the bilateral agreements reached within the framework of the peace process.

Communications (17-21 March). On 17 March, the Permanent Observer of Palestine, in identical letters to the Secretary-General and the President of the Security Council [A/51/834-S/1997/228], reported that less than 24 hours after the overwhelming adoption of **resolution 51/223**, Israel had reaffirmed its decision to proceed with the construction of a new settlement in Jebel Abu Ghneim, to begin that week. That was further proof, he said, of Israel's contempt for the will of the international community and its persistence in violating international law, UN resolutions and the agreements reached between the parties. Some Israeli officials had made the situation even worse by making dangerous statements, threatening the foundations of the peace process and even the mutual recognition of both sides. Is-

rael's attitude was reinforced by the recurring impediment to the exercise of the mechanisms provided for in the UN Charter.

The current serious situation necessitated Security Council action, the Observer said. The Palestinians hoped that this time the Council would be enabled to exercise its responsibilities under the Charter. They called on it to do so and to demand immediate and full cessation of all Israeli settlement activities in the occupied Palestinian territories, including Jerusalem, especially the settlement in Jebel Abu Ghneim.

On 18 March [A/51/837-S/1997/233], the Observer of Palestine informed the Secretary-General that Israel had begun work for the construction of the new settlement on that date, closing off the area, declaring it a military zone and sending in bulldozers. He called on the Security Council to convene an immediate, official meeting to consider the serious situation and adopt a resolution clearly demanding the immediate and full cessation of all settlement activities in Jebel Abu Ghneim, East Jerusalem and throughout the occupied territories.

By a letter of 21 March [A/51/839-S/1997/243], Israel drew the Secretary-General's attention to a terrorist act committed that day in a cafe in Tel Aviv, as a result of which three women were killed and over 40 others, children among them, wounded. The organization Hamas had claimed responsibility. Israel noted that a few days earlier, Israeli security services had warned of imminent terrorist attacks, as the release by the PA of several Hamas terrorists, together with incendiary statements made by Palestinian exponents, were being interpreted as a "green light" for attacks on Israel—an interpretation not countered by Palestinian officials; therefore, the Palestinian leadership bore overriding responsibility for the attack. In addition, Israel stated, the convening of the Security Council, the General Assembly and other international forums in which Israel had been lambasted time and again contributed to an atmosphere conducive to anti-Israeli operations. Israel remained firmly convinced that Chairman Yasser Arafat had full control of the situation in the Palestinian self-rule areas in which Hamas and other like-minded organizations were based; however, the Palestinian leadership had failed to make adequate efforts to prevent terrorist activities. Israel called on the international community to condemn unequivocally the recent terrorist act and to dedicate all its efforts to eradicating the plague of terrorism.

SECURITY COUNCIL CONSIDERATION (21 March)

In response to a request by Qatar, on behalf of LAS, for an immediate Security Council meeting

[S/1997/235], the Council convened on 21 March [meeting 3756]. The President, with the consent of the Council, invited Israel and Qatar, at their request, to participate in the discussion without the right to vote. An invitation to participate was also extended to the representative of Palestine, at his own request [S/1997/242].

The President drew attention to a draft resolution [S/1997/241] presented by Egypt and Qatar, demanding that Israel immediately cease construction of the Jebel Abu Ghneim settlement and other settlement activities in the territories, and requesting the Secretary-General to submit a report on developments in that regard. The draft received 13 votes in favour to 1 against (United States), with 1 abstention (Costa Rica), and was not adopted owing to the negative vote of a permanent Council member.

Before the vote, statements were made by China, Costa Rica, Egypt, Japan and the United States. Egypt said that the Arab Group hoped the Council would take measures as soon as possible, as Israel's provocative policies had a grave effect on the situation in the region, having raised violence and tension. While condemning terrorism in all its forms, including the attack in Tel Aviv that day, Egypt pointed out that Israel had to realize that its settlements policies, which stirred up international and Arab feelings, would always lead to destructive results for all the peoples of the Middle East. The Arab Group wished to give all Council members the opportunity to reach a formula that would enable the Council to send a unanimous message; Egypt was prepared to continue consultations towards that end. The Council's silence and its failure to take up its duties under the UN Charter would send an erroneous and dangerous message, likely to encourage Israel in continuing to violate international law, thus aborting the peace process which was at a very sensitive juncture.

Stressing that its opposition to the text should not be interpreted as an expression of support for the construction at Har Homa/Jebel Abu Ghneim, the United States said that the controversy over the settlement would not be resolved by interference from the Council, the General Assembly or any other outsider, but only by the parties themselves, who had demonstrated time and again in the nearly six years since the Madrid Conference that they could overcome the problems and differences that divided them and move forward with the active support of the international community. The Council's action, however, lacked that spirit of encouragement. Rather than addressing the issue in a forum that was inappropriate for the real work at hand, the international community should concentrate on find-

ing a way to support Israelis and Palestinians as they tried to cope with a difficult situation and to restore the confidence, trust, hope and dialogue that was essential to forging a just and lasting peace.

In Costa Rica's view, Israel's decision seriously jeopardized the peace process and threatened the spirit of Oslo, as did the reprehensible terrorist acts that had taken place in recent hours, responsibility for which had been claimed by the Hamas group. The radical positions of either side should never override the explicit will expressed by President Yasser Arafat and the late Israeli Prime Minister Yitzhak Rabin, when they signed the Oslo peace accords, which was the only route both sides should continue to follow.

China felt it necessary for the Council to send Israel a clear message, calling on it to cease immediately its settlement activities. China also condemned all forms of terrorist activities and expressed deep regret at the bombing incident that had taken place in Tel Aviv.

It was a cause for great sadness that the Council had not succeeded in its effort to arrive at a unanimous message to Israel and it was regrettable that Israel was proceeding with the construction at Har Homa, Japan said; such action could undermine the peace process which had been so arduously constructed over the years. Japan voiced deep indignation over the terrorist bombing in Tel Aviv.

Speaking after the vote, France regretted that it had not been possible to achieve consensus; the Council ought to be able to carry out its responsibilities with regard to actions that endangered the peace process and that had aroused the disapproval of the entire international community. In France's opinion, the settlements ran counter to international law and were at variance with the spirit of the peace process. At the same time, France expressed concern at the resumption of deadly violence in Tel Aviv and, during the previous week, in the Jordan Valley.

In the Russian Federation's view, the situation continued to deteriorate and was becoming increasingly confrontational because of Israel's acts of provocation, which in connection with the recent outbreak of violence complicated the negotiation process. Russia urged Israel to rescind its decision to build a new settlement in East Jerusalem and stressed the importance for both parties to avoid further instances of confrontation and to break the deadlock in the peace process. Russia strongly condemned the terrorist act in Tel Aviv as criminal and unwarranted.

Portugal had hoped that the Council could have agreed on a formula whereby it would have assumed its responsibilities and expressed firmly

its support for the peace process, which, through terrorist violence, was being used by those who wanted to jeopardize the achievements reached. Both parties had to realize that there was no alternative to that process. Israel should reconsider and stop all actions that created mistrust among the Palestinian and Arab peoples, while the Palestinians and their leaders should continue to show restraint and not resort to violence.

Sweden fully supported the draft text's content. It urged restraint in order to prevent an escalation of violence and stressed that the only way forward was to return to the peace process.

Due to the United States veto, the Council had failed, for the second time, to carry out its duties for the maintenance of international peace and security, the Observer of Palestine remarked; it was regrettable that the veto had been cast in the aftermath of Israel's commencement on 18 March of the building of the Jebel Abu Ghneim settlement, in the wake of Assembly **resolution 51/223**, which had reflected a near-unanimous position of the international community, and against the background of escalating tension in the region and the increasing outrage among Palestinians and Arabs resulting from Israeli policies and statements.

It was difficult to accept that the veto had been cast to protect the peace process, as it was difficult to accept that bilateral negotiations were the only solution at a time when one of the two parties was imposing new facts on the ground; the reality was, Palestine stated, that the veto had been cast to shield Israel from the will of the international community and exempt it from international law and the Charter. The existence of bilateral agreements should not, said the Observer, negate the provisions of international law or those of Council resolutions; it was the duty of the international community to reject any attempt to exploit the peace process to neutralize the law and leave the Palestinian side subject to the occupier and the imbalance of power on the ground. The Palestinians would return to the Council whenever the situation so required; at the same time, they would also resort to other UN bodies, particularly the General Assembly, as that body had partitioned Palestine and bore special responsibility for it.

Although still committed to the peace process, the agreements reached and the need to work for their implementation, the Observer continued, the Palestinians were determined to protect their historical and legal rights, particularly in Jerusalem and on every inch of their land. While condemning the terrorist bombing that had taken place in Tel Aviv, the Observer emphasized that

such acts could not be isolated from the situation created by Israeli policies and actions.

Israel noted that on the same day when three Israeli women were murdered by Palestinian terrorists and more than 40 others, including children, were wounded, 13 Council members supported a one-sided draft resolution singling out Israel. The Council debate and those preceding it harked back to the dark days before the Madrid Peace Conference when Arab countries were engaged in anti-Israeli warfare and attempted to misuse the Council. The convening of the Council, the Assembly and other international forums that lambasted Israel unfortunately contributed to an atmosphere that was further interpreted by terrorist organizations as conducive to operations against Israel.

In recent weeks, Israel charged, the Palestinians had been engaged in a concerted effort to bring international pressure on it and to avoid addressing the outstanding issues through a mechanism established as part of the peace process. Those actions could only damage the trust between the parties, be counter-productive and raise doubts over the Palestinians' readiness to negotiate in good faith.

In compliance with its commitments, Israel had undertaken to implement the first phase of redeployment of its forces, to release all female Palestinian prisoners and to reopen negotiations on a range of issues, including safe passage, the airport and the Gaza port. The Palestinians had undertaken to complete revising the Palestinian charter, to fight terrorism, prevent violence and conduct Palestinian Council activities in the area of its jurisdiction—and not in Jerusalem. However, they had failed to demonstrate their intention or will to comply with all their commitments, but chose to generate political pressure and avoid the direct bilateral talks that were the basis of the Israeli-Palestinian negotiations. The Interim Agreement obliged the Palestinians to act against all expressions of violence and terror, an obligation restated and strengthened in the Note for the Record attached to the Hebron Protocol; notwithstanding that obligation, recent months had seen a marked decline in Palestinian activity against terrorists. Not only had the Palestinian Council ceased to arrest individuals suspected of terrorism and ceased to take measures against the terrorist infrastructure, but it continued to release members of terrorist groups, many of whom had been actively involved in organizing and perpetrating acts of terror.

Communications (24 March-4 April). By a letter of 24 March [S/1997/249], Israel stated that the requests for Security Council meetings made by the Permanent Observer of Palestine on 27 Feb-

ruary and 18 March (see above) were not valid, having been made by a representative of an organization and not a State, as required under the UN Charter and the Council's provisional rules of procedure. Responding to Israel's communication on 4 April [S/1997/275], the Observer of Palestine emphasized that Israel had no authority with regard to issues relating to the Council's work, which were decided by its members. Also, there was a clearly established practice with regard to his requests for Council meetings. Israel responded to the Observer on 5 May (see below).

Commission on Human Rights. At its fifty-third session (10 March-18 April) [E/1997/23], the Commission on Human Rights considered a report by the Special Rapporteur on the Palestinian territories occupied since 1967 [E/CN.4/1997/16]. It adopted one resolution on Israeli settlements in the occupied Arab territories [res. 1997/3], another on the situation in occupied Palestine [res. 1997/4] and a third on the Middle East peace process [res. 1997/6]. It also adopted resolutions dealing with human rights violations in the occupied Arab territories, including Palestine [res. 1997/1], and human rights in the occupied Syrian Golan [res. 1997/2] (see PART TWO, Chapter III).

Emergency special session

On 31 March, Qatar, as Chairman of the Group of Arab States at the United Nations, requested an emergency special session of the General Assembly to discuss the item "Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory". The Secretary-General transmitted that text to Member States on 1 April, asking them whether they concurred in that request. As the majority did concur, the Secretary-General, by a 22 April note [A/ES-10/1], informed Members that the tenth emergency special session would convene at UN Headquarters on 24 April. Qatar's letter was annexed to the note. The need for the speedy convening of an emergency special session was also stressed by the Permanent Observer of Palestine on 8 April in identical letters to the Secretary-General and the President of the Security Council [A/51/866-S/1997/289].

On 24 April, the Credentials Committee accepted the credentials of 183 Member States. The Assembly, by **resolution ES-10/1** of 25 April, approved the Committee's report [A/ES-10/5] without vote.

Malaysia, the Assembly President, said the emergency special session reflected the Members' conviction that an increasingly grave situation involving peace and security existed. In the past two months, the Security Council twice and

the Assembly once had held extensive discussions on Israel's actions in East Jerusalem and the rest of the occupied territories. The emergency special session underlined the Member States' resolve to deal with the issue by peaceful means, in an effort to eliminate tension and save the peace process.

In the words of the Observer of Palestine, the Middle East peace process had heralded an end to a long era of conflict and had become the harbinger of a promising future for the region and its peoples. According to the 1993 Declaration of Principles [YUN 1993, p. 521], peace was pursued on the basis of mutual recognition of the legitimate rights of both peoples and their desire to live in peaceful coexistence and mutual dignity and security. A just, lasting and comprehensive settlement—based on Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]—and a historic reconciliation were to be achieved through the agreed political process. Within that context, the two sides agreed on a five-year transitional period of interim self-government arrangements and also agreed to postpone negotiations on a number of important issues, including the future of Jerusalem and Israeli settlements, until a time not later than the beginning of the third year of the negotiation process. Three years after the peace process began, however, the very bases of the peace process were being eroded. The Declaration of Principles had led to significant changes; Israel gained great benefits as a result and the Palestinian side began to accomplish some goals, most important of which was the holding of democratic general elections for the Palestinian National Authority and its President. The process continued, enduring numerous difficulties and problems, some of which were expected but were overcome through the general commitment of both parties to fulfil their contractual obligations. However, the current Israeli Government had adopted basic political guidelines that contradicted the agreements signed, and a regression to the mentality of the occupier overwhelmed the dealings between both parties. It had fervently pursued settlement activities and the "Judaization" of East Jerusalem, which led to a dramatically deteriorating situation. The only exception to that trend of reversal of the peace process was the Hebron Protocol, which was, however, followed by a series of Israeli actions that threatened the peace process and its actual continuation. The most dangerous of those actions was the construction of a new settlement in Jebel Abu Ghneim. Palestinians saw their living conditions decline as a result of Israeli policies preventing any viable development of the Palestinian economy, while the most im-

portant commitments agreed on—including safe passage between the West Bank and Gaza Strip, operation of the airport and building of the port, and return of hundreds of thousands of displaced Palestinians—remained unfulfilled. Land confiscations continued, as did the exploitation of natural resources and the transfer of settlers to the occupied territory.

The bombings and acts of terror, from whatever source, were a different issue, the Palestinian representative stated; there was an established policy in that regard, confirmed by the strategic decision to accept the peace process. The Palestinian side condemned those acts and would continue to resist them; nevertheless, their complete elimination required real progress on both the political and economic, not only on the security, levels.

As the situation deteriorated as a result of Israeli policies and actions, new ideas were being proposed that called for setting aside existing agreements, moving to the final settlement negotiations and completing them in a specified time-frame, as though existing agreements did not cover the final settlement negotiations. That was unacceptable. The right path was implementation of the existing agreements and acceleration of the negotiations for the final settlement. The Palestinians were still ready to implement their obligations under the peace process and the agreements reached between the parties within its framework. However, they were fully aware of the real threats facing the process from the Israeli side, and thwarting those threats required extraordinary efforts by the sponsors of the peace process and the international community as a whole. To stop the illegal construction at Jebel Abu Ghneim and all other settlement activities would be a success for justice and peace and an impetus to work for a better future in the Middle East.

In Israel's view, the building of a new neighbourhood in Jerusalem and any other dispute that might arise between the two sides could not be considered as a "threat to international peace and security". No determination had been made, during two Security Council meetings, that the dispute constituted such a threat, nor had the Council called for the convening of an emergency special session of the Assembly. Such a session, not activated for the past 15 years, was a relic of the cold-war era, particularly unsuited and discordant in the context of the Israeli-Palestinian peace process and would not only fail to advance mutual understanding, but could become a source of further polarization. The housing construction in the Har Homa neighbourhood had already been dealt with at five meetings

in the past month, two in the Council and three in the Assembly. The emergency special session was being convened as a cloud of insecurity hung over the peace process and recommendations by Arab Foreign Ministers to freeze normalization with Israel could be heard. Although that threatened a return to the era before the peace process, Israel was committed to achieving a permanent and comprehensive peace. Its sincere hope was that the Hebron Protocol and subsequent steps would increase mutual trust and create an atmosphere conducive to advancing the peace process. The decision to build in Har Homa did not violate any agreements with the Palestinians, under which, pending the conclusion of the permanent status negotiations, the PA did not have any standing in the city of Jerusalem.

Unfortunately, Israel continued, instead of continuing the peace process, the Palestinians had embarked on a regional and international campaign to exert pressure on and isolate Israel if it did not accept all Palestinian positions. Israel's commitment to peace was irreversible and it would spare no effort to reach true peace for itself and its neighbours. However, there could be no meaningful peace while terrorism reigned; the Palestinians' fight against terrorism should be uncompromising and comprehensive, which was an obligation they undertook when they embarked on the path of negotiation and peace. Unfortunately, the Palestinians were not keeping their commitment to refrain from inciting violence, but Israel was hopeful that the PA would take the necessary measures in its fight against terrorism and return to the permanent status negotiations. The issue of Jerusalem would be discussed within the context of those negotiations.

GENERAL ASSEMBLY ACTION

Following a two-day debate, the General Assembly, on 25 April [meeting 3] adopted **resolution ES-10/2** [draft: A/ES-10/L.1 & Add.1] by recorded vote (134-3-11) [agenda item 5].

Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory

The General Assembly,

Aware of the commencement, after the adoption of General Assembly resolution 51/223 of 13 March 1997, of construction by Israel, the occupying Power, of a new settlement in Jebel Abu Ghneim to the south of East Jerusalem on 18 March 1997, and of other illegal Israeli actions in Jerusalem and the rest of the occupied Palestinian territory,

Noting with regret that the Security Council, at its 3747th meeting, on 7 March 1997, and at its 3756th meeting, on 21 March 1997, twice failed to adopt a resolution on the actions referred to above, as a result of the negative vote of a permanent member of the Council,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

Reaffirming also the principle of the inadmissibility of the acquisition of territory by force,

Having considered the serious deterioration of the situation in the occupied Palestinian territory, including Jerusalem, and in the Middle East in general, including the serious difficulties facing the Middle East peace process, as a result of recent Israeli actions and measures,

Affirming its support for the Middle East peace process, started at Madrid in 1991, on the basis of Security Council resolutions 242(1967) of 22 November 1967, 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978, for the principle of land for peace and for the full and timely implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and of all commitments reached between the parties,

Recalling its relevant resolutions, including resolutions 181(II) of 29 November 1947 and 51/223, and the relevant resolutions of the Security Council, in particular those on Jerusalem and Israeli settlements in the occupied territories, including resolutions 252(1968) of 21 May 1968, 446(1979) of 22 March 1979, 452(1979) of 20 July 1979, 465(1980) of 1 March 1980, 476(1980) of 30 June 1980, 478(1980) of 20 August 1980, 672(1990) of 12 October 1990 and 1073(1996) of 28 September 1996,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual and religious dimension of the City, as foreseen in relevant United Nations resolutions on this matter,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Regulations annexed to the Hague Convention IV of 1907 to the occupied Palestinian territory, including Jerusalem, and all other Arab territories occupied by Israel since 1967,

Recalling the obligation of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and ensure respect for the Convention in all circumstances, in accordance with article 1 of the Convention,

Conscious of the serious dangers arising from persistent violation and grave breaches of the Convention and the responsibilities arising therefrom,

Convinced that ensuring respect for treaties and other sources of international law is essential for the maintenance of international peace and security, and determined, in accordance with the preamble to the Charter of the United Nations, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Also convinced, in this context, that the repeated violation by Israel, the occupying Power, of international law and its failure to comply with relevant Security Council and General Assembly resolutions and the agreements reached between the parties undermine the Middle East peace process and constitute a threat to international peace and security,

Increasingly concerned about the actions of armed Israeli settlers in the occupied Palestinian territory, including Jerusalem,

Aware that, in the circumstances, it should consider the situation with a view to making appropriate recommendations to the States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. Condemns the construction by Israel, the occupying Power, of a new settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem and all other illegal Israeli actions in all the occupied territories;

2. Reaffirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever;

3. Reaffirms also that Israeli settlements in all the territories occupied by Israel since 1967 are illegal and an obstacle to peace;

4. Demands immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;

5. Demands also that Israel accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations;

6. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world;

7. Calls for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities;

8. Recommends to the States that are High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to take measures, on a national or regional level, in fulfilment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention;

9. Requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory;

10. Expresses the need for scrupulous implementation of the agreements reached between the parties, and urges the sponsors of the peace process, the interested parties and the entire international community to exert all the necessary efforts to revive the peace process and to ensure its success;

11. Recommends that a comprehensive, just and lasting solution to the question of the City of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internation-

ally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities;

12. Rejects terrorism in all its forms and manifestations, in accordance with all relevant United Nations resolutions and declarations;

13. Decides to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

RECORDED VOTE ON RESOLUTION ES-10/2:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against Israel, Micronesia, United States.

Abstain: Australia, Canada, Germany, Latvia, Liberia, Lithuania, Marshall Islands, Norway, Romania, Rwanda, Uruguay.

Speaking before the vote, Israel said the Middle East peace process had no need for another forum to hurl rhetoric or for another resolution, which contained many contentious elements and was detached from reality and devoid of evenhandedness. Direct negotiations would continue to be the only viable effective solution. Over the past 24 hours, while the Council was debating, a number of violent incidents occurred in the Jerusalem area. The resolution did not send the right message to the peoples of the region, in particular to the Palestinians; the message rather had to be that the peace process would go forward and that violence and terror were illegitimate and unacceptable.

Although sharing the concerns expressed about Israel's decision to begin construction at Har Homa/Jebel Abu Ghneim, the United States believed that the resolution would make harder the task of rebuilding confidence and reactivating productive negotiations. The Security Council and the Assembly should not insert themselves into issues that the negotiating partners had decided would be addressed in permanent status talks. Beyond the threat the text posed to the peace process, it also posed a threat to the orderly conduct of business at the United Nations, clearly infringing on the Security Council's authority and setting a dangerous precedent by

moving in the direction of the Assembly endorsing collective action against one of its Members.

Explaining its abstention, Norway said it remained convinced that the current crisis in the peace process could be solved only by the parties themselves, through direct negotiations; adoption of the resolution at the current time would not be conducive to the goal of an early resumption of those negotiations. Germany felt the text was unbalanced, and Canada considered it not helpful, the Middle East peace process being at a critical juncture. Australia was concerned that the resolution would do nothing to advance the re-establishment of trust and confidence between the parties. Uruguay abstained on the understanding that the matter of Israeli settlements should be left to negotiations between the parties.

Although voting in favour, the Russian Federation felt that the reference in paragraph 11 to internationally guaranteed provisions regarding the status of the Holy Places in Jerusalem, a subject for Palestinian-Israeli negotiations, had no direct relation to the resolution's topic. Russia emphasized the need for liaison between the two parties in the area of security and for implementation by the parties of all their commitments under relevant agreements, as stressed in paragraph 10.

Reaffirming the ongoing relevance of the peace process agreed to in Madrid, based on resolutions 242(1967) [YUN 1967, p. 257], 338(1973) [YUN 1973, p. 213] and 425(1978) [YUN 1978, p. 312], Lebanon stated it would have preferred inclusion in the text of an explicit reference to the Declaration adopted by the Assembly as resolution 50/6 [YUN 1995, p. 289] during the fiftieth anniversary of the United Nations, which, among other things, reaffirmed the right of peoples to resist foreign occupation. Lebanon also reiterated its condemnation of what it called Israeli terrorism, manifest in the ongoing acts of violence committed by Israeli settlers and the Israeli Army throughout occupied Arab territory; any such illegal activity as the establishment of settlements, including in Jerusalem, should be condemned.

The Syrian Arab Republic had voted in favour because it believed that the construction and expansion of Israeli settlements in the occupied territories undermined the peace process and jeopardized the peace and security of the region as well as of the entire world. With reference to paragraph 7, Syria reaffirmed that all Israeli settlement activities in the territories occupied since 1967 were illegitimate and were to be considered null and void and in violation of international law.

Eritrea felt that the resolution fell short of expressing in clear language that a just, stable and

lasting Middle East peace could not prevail without the realization of the Palestinians' fundamental right to self-determination through the establishment of an independent homeland. Mexico would have preferred a more rigorous wording of the principle of "land for peace".

Speaking before the session was temporarily adjourned, the Observer of Palestine expressed the hope that the new, clear message addressed to Israel would help achieve the cessation of the illegal Israeli actions and a return of the peace process to its appropriate track.

On 6 May [S/1997/360], the President of the General Assembly informed the President of the Security Council that 59 Member States and two observers had participated in the Assembly's debate during the emergency special session. The Assembly President drew the Council President's attention in particular to paragraphs 9 and 13 of **resolution ES-10/2**.

Communications (May/June). Referring to the 4 April letter from the Permanent Observer of Palestine (see above), Israel, on 5 May [S/1997/355], said that the proposition that a UN Member State had no authority with regard to issues relating to the work of the Security Council, as stated by the Observer in his communication, was unacceptable. Concerning the authority to request Council meetings, Israel was of the view that the established practice by which only States were entitled to make such requests reflected the provisions of the Charter and the Council's provisional rules of procedure and should continue to be followed.

By a letter of 5 June [A/52/173], Israel called the Secretary-General's attention to what it called a series of ominous and disturbing events during the last month, in which three Palestinians—involved in bona fide commercial real estate transactions with Israelis—were brutally murdered in the Jerusalem and Ramallah areas. Another abduction and potential murder was foiled by the Israeli police. Those acts, Israel stated, were preceded, and given justification, by a wave of public incitement by high-ranking Palestinian officials who had advocated punishment of persons selling real estate to Israelis, even declaring such transactions treason and punishable by death. Such incitement and the subsequent abductions and murders, which clearly represented a flagrant abuse of all civilized norms, as well as of human rights principles and the rule of law, were an assault on the fundamental tenets of the peace process, namely, to foster mutual trust and cooperation and create a basis for friendly relations between Palestinians and Israel. Israel urged the international community to condemn them une-

quivocally, and called on the Palestinian leadership to take steps to end such action.

By identical letters dated 12 June [A/51/923-S/1997/453], the Permanent Observer reported to the Secretary-General and the Security Council President that the Israeli Prime Minister had revealed ideas about a final settlement with the Palestinians, which included the establishment of a virtual "Greater Jerusalem" under Israeli sovereignty, continuous control over the Jordan Valley, a buffer zone along the borders and annexation of settlement blocs. That would leave less than half of the occupied territory for the Palestinians and without geographical contiguity, thus ensuring prevention of the realization of Palestinian national rights, including the establishment of a Palestinian State. The Prime Minister's plan, the Observer alleged, was solid evidence, along with government guidelines, of Israel's intention to destroy the peace process and the agreements reached, while trying to impose unilaterally a new framework; the plan also made a mockery of resolution 242(1967), which was the basis of the peace process and implementation of which was the goal of the agreements reached between both sides, and of the principles embodied in the mutual recognition of Israel and the Palestinians. The plan, as well as the continuation of illegal Israeli actions in the occupied territory, including Jerusalem, represented another direct challenge to the international community and a gross violation of **resolution ES-10/2**.

The Observer stated that the issue of land could not be considered in isolation from that of Israeli settler colonialism, a major dimension of which was the illegal acquisition of Palestinian land, as Israel used any non-Palestinian ownership of land as a tool to challenge Palestinian sovereignty; since its establishment, Israel had instituted all types of practical and legal arrangements to prevent land ownership by non-Jews. The PA would permit only the application of existing laws in the occupied territory to prevent illegal land sales and transfers and, at the same time, would continue to take measures to inhibit any attempt by persons to take the law into their own hands.

Report of Secretary-General (June/July). The Secretary-General, on 26 June, presented a report [A/ES-10/6-S/1997/494 & Corr.1 & Add.1] on implementation of **resolution ES-10/2**, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, as well as on his efforts to monitor the situation.

The Secretary-General, by a 14 May note verbale addressed to all Member States and to the

Permanent Observer of Palestine, requested any information relevant to the implementation of the resolution. In order to comply with the Assembly's request, he had intended to dispatch a Special Envoy to the area and had instructed the Under-Secretary-General for Political Affairs to contact Israel to discuss the scope of such a mission. He gave details of consultations and of an exchange of letters between Israel and the UN Secretariat, in which Israel expressed concerns over the sending of a UN representative to the region and other matters connected with implementation of the resolution. During discussions between Israel and the Under-Secretary-General on the terms of reference of the proposed mission, Israel placed a number of restrictions on the visit, including limiting the representative's interlocutors to Israel and the PA and not allowing settlements other than Har Homa (Jebel Abu Ghneim) to be inspected or issues other than the construction of housing in Har Homa to be reflected in the representative's report.

On 5 June, the Secretary-General informed Israel that he proposed to dispatch the Under-Secretary-General for Political Affairs, Kieran Prendergast, as his Special Envoy. His terms of reference would be to discuss with Israel any matter it chose to raise with him and, based on those discussions and on consultations with the PA, to provide the Secretary-General with information for the requested report. Although the primary focus of the mission would be the construction of housing in Har Homa, the Special Envoy would also discuss other topics should Israel or his other interlocutors choose to raise them. The Special Envoy would also be ready to meet with parties other than the Government of Israel and the PA should they so request.

In response, Israel reiterated its restrictions on the terms of reference of the Secretary-General's representative; the Secretary-General noted that those restrictions would prevent the Special Envoy from carrying out his task adequately. He hoped that the visit could take place on the basis set out by him on 5 June and noted that, in order for the report to be completed by 25 June, as the Assembly had requested, the Special Envoy would need to leave New York no later than 14 June.

In further correspondence, Israel objected to the holding of the emergency special session, saying that there was no procedural or substantive justification, and it categorically rejected the one-sided resolution adopted.

Owing to Israel's restrictions, which, the Secretary-General said, were not acceptable to the United Nations, it had not been possible to dispatch the Special Envoy in conditions under which he could discharge in a satisfactory man-

ner the mandate entrusted to the Secretary-General by the Assembly. Therefore, he based the substantive portion of his report on reliable sources available to the United Nations at Headquarters and in the field.

According to that information, he reported, Israel had not abandoned, as of 20 June, its construction of a new settlement at Jebel Abu Ghneim. Although settlement activity continued unabated throughout the occupied territories (see below), Abu Ghneim was viewed as particularly serious for a number of reasons. (a) Politically, the construction there was the first move to establish an entirely new settlement on occupied Palestinian lands since a freeze was imposed by the previous Israeli Government. Palestinians pointed out that such a move prejudiced final status negotiations, during which the issue of Jerusalem and borders was to be determined; the settlement was seen as closing the door on what Palestinians expected to be the future capital of a Palestinian State-East Jerusalem. (b) Geographically, the settlement represented the final link in a chain of Israeli settlements around occupied East Jerusalem, which was seen as a final step towards isolating Jerusalem from the rest of the West Bank and as part of Israel's stated policy to incorporate fully occupied East Jerusalem as part of the "unified eternal capital of the State of Israel". (c) Demographically, the settlement would further advance the forced alteration of occupied East Jerusalem's religious and ethnic composition; according to projections, 50,000 Jewish settlers from Israel would settle in a predominantly Arab area. (d) Economically, the settlement was expected to damage an already devastated Palestinian economy, due to the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank. (e) As to the peace process, Israel's refusal to abandon construction represented, in the view of the Palestinians, the largest single negative factor in the breakdown of that process and the fomenting of unrest in the occupied territories. Through both public statements and the continuing construction, the Israeli Prime Minister and other government representatives continued to reject the terms of the Assembly resolution requiring cessation of those activities. Palestinian communities in the Gaza Strip and the West Bank, included Jerusalem, had responded with two months of public demonstrations, during which hundreds of Palestinians were wounded in clashes with the Israeli military and a number of Palestinian deaths were reported, while tensions continued to mount.

According to the report, Israeli Prime Minister Netanyahu had promised to build 3,500 housing

units for Palestinians in 10 as yet unidentified neighbourhoods in Arab East Jerusalem, at the same time as construction at Jebel Abu Ghneim proceeded. It was not clear whether the units would be government funded, or if only building permits would be issued. Since 1967, reportedly, only 600 housing units for Palestinians had been built by the Government.

Israeli settlement activities continued during the period under review in numerous locations throughout the West Bank and Gaza, the Secretary-General stated; expansion was recorded in over 30 settlements and settlement road construction was under way at more than 10 sites. It had been reported that 30,000 dunums of Palestinian land in the West Bank were expropriated in 1997 for the expansion of settlements. Significant portions of land had been seized for those purposes near Hebron, around Jerusalem and in the Jordan Valley. In the Gaza Strip, attempts by settlers to seize additional land adjacent to existing settlements at Gush Katif led to violent clashes among Palestinians, Israeli settlers and the military, resulting in a number of Palestinians injured and at least one dead. Demolitions of Palestinian homes, some of them punitive and unlicensed, in Jerusalem and other parts of the occupied territories continued.

The Secretary-General noted that Israel had implemented other measures that altered or purported to alter the character, legal status and demographic composition of Jerusalem, and adopted a number of administrative, legal and other measures affecting the rights and status of Palestinians living there. External support for settlements and their economic infrastructure continued, including private support from foreign companies and individuals.

Israel had not, as of 20 June, accepted *de jure* applicability of the Fourth Geneva Convention to all occupied territories, the Secretary-General said, and the realization of the principle of territorial integrity, as enunciated in the Oslo accords, had been frustrated by Israeli restrictions on the movement of persons and goods. Israel's policy of general closure of the occupied territories, in effect since March 1993, was aggravated by periodic comprehensive closures entailing complete denial of movements during a full 353 calendar days until mid-June 1997. Since 21 March, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures had been imposed for a total of 24 days. Internal closures, during which movement was not allowed even inside the West Bank, took place on 27 days in 1996. Restrictions on movement were also imposed on UN officials and project materials, resulting in delays and

added costs for development projects in the occupied territories and in serious disruption of the work of humanitarian agencies.

A number of other activities deemed to be in violation of international law continued to raise tensions and jeopardize both the peace process and the rights of the Palestinians, the Secretary-General stated, including the imprisonment of over 3,000 Palestinians in Israeli jails, almost 300 of them held in administrative detention without charge or trial. Palestinian detainees continued to be subjected to torture and other mistreatment under security regulations officially endorsed by the Israeli High Court and the Government.

Israel's 6 March decision to limit the long-delayed second troop redeployment to only 9 per cent of the West Bank further aggravated the situation. Within the overall deteriorating security situation, Palestinian violence against Israeli civilians, settlers and military personnel increased, as did military operations against Palestinians. The majority of violent incidents involving settlers, who attacked Palestinians in response to stone-throwing, took place in the Hebron area, but sporadic incidents of settler violence were also reported in the Gaza Strip.

The Secretary-General's report contained responses from 11 Member States to his request for information relevant to the implementation of **resolution ES-10/2**, received as of 23 June, and a reply from the Observer Mission of Palestine to the United Nations. Replies from three additional States were reproduced in an 11 July addendum [A/ES-10/6/Add.1-S/1997/494/Add.1].

The Permanent Observer of Palestine underlined the importance of the emergency special session and of the implementation by Member States of the resolution adopted, in particular of paragraphs 7 and 8. With regard to paragraph 7, he stated that while no known Member was providing assistance to illegal Israeli activities in the occupied territories, the activities of private groups in some countries and the issue of the fungibility of money raised concerns that should be addressed. Paragraph 8 stressed the obligation of the High Contracting Parties to the Fourth Geneva Convention to ensure respect by Israel, the occupying Power, for the Convention; it was accordingly expected, the Observer said, that specific national as well as regional actions would be taken by the Parties in that regard. He noted that Israel had not heeded the demand in the resolution to cease the construction of Jebel Abu Ghneim and all other settlement activities, but continued with such illegal measures, as it continued to violate the integrity of Palestinian territory, imposing all kinds of restrictions on the

freedom of movement of persons and goods. Efforts by UN Members during the emergency special session and those of the Secretary-General were indeed valuable, the Observer emphasized, in the attempt to salvage the peace process, which was being very seriously threatened by Israel's failure to comply with the will of the international community, international law and **resolution ES-10/2**, in addition to its serious violations of the agreements reached with the PLO in the framework of the peace process. In case of Israel's non-compliance, the emergency special session could be resumed and could consider making further recommendations under Chapters VI and VII of the UN Charter, the Observer concluded.

Communications (3-11 July). By a 3 July letter [A/ES-10/7-S/1997/515], the Syrian Arab Republic, referring to Israel's position as expressed in the Secretary-General's report, charged that Israel was seeking to evade all responsibility with respect to the serious deterioration in the occupied territories, including Jerusalem, attributable to its settlement policy, particularly the construction at Jebel Abu Ghneim. Distinguishing between terrorism, to be condemned, and struggles against occupation, to be supported, Syria said the only form of terrorism to be condemned was State terrorism, which Israel practised under the guise of self-defence.

On 7 July [A/52/225-S/1997/530], Israel expressed serious reservations with regard to the content and tone of the Secretary-General's report, which, it felt, could only further encourage those on the Palestinian side who believed that there was no need to sit at the negotiating table when international forums were prepared to abet its attempts to bypass the peace process; UN Members should not delude themselves that a document of that nature could play any constructive role in bringing the parties to resolve the differences between them. The report bore little or no relation to the task assigned by **resolution ES-10/2**, made no effort to understand or convey the complexities of the issues it raised and presented uncorroborated reports as fact and parroted partisan political views. It focused on Israel's security measures in response to terrorist attacks, without considering the terrorism and incitement that created the need for such measures, and blamed Israel for "fomenting unrest" in the territories, thus absolving the Palestinian side from any responsibility for escalating the violence. The report took judgemental positions on issues to be negotiated in the final status negotiations and, far from contributing to resumption of peaceful negotiations, it conveyed a clear message to the Palestinians that the United Nations was a con-

venient and willing forum for bypassing the peace process.

Resumed session (July). Following a 7 July request [A/ES-10/8] from Egypt, as Chairman of the Arab Group and on behalf of the States members of LAS, the Assembly on 15 July resumed its tenth emergency special session. Support for the request to resume the session was voiced by the Movement of Non-Aligned Countries [A/ES-10/9], the Committee on Palestinian Rights [A/ES-10/10] and OIC [A/ES-10/11-S/1997/532].

Expressing appreciation for the Secretary-General's report, the Observer of Palestine, the first of the 38 speakers during the debate, said it set out the real picture, in particular with regard to the Jebel Abu Ghneim settlement and all illegal Israeli actions in East Jerusalem and the rest of the occupied Palestinian territory; the report should serve as a shock for the international community concerning the reality of Israel's actions, the attempted destruction of the basis of the historical reconciliation and mutual recognition of the existence and rights of Israelis and Palestinians, and serve as an additional reason for taking decisive measures. The building of the settlement and the attempts to "Judaize" and seize Jerusalem had to be stopped to salvage the peace process. The Palestinians had made many concessions concerning their historic rights to their homeland in order to achieve peace; they had recently accepted a solution based on Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213] and on the principle of returning the territories occupied since 1967 in their entirety for peace. The West Bank, including East Jerusalem, and the Gaza Strip constituted only about 22 per cent of the area of mandated Palestine. In spite of that, the Observer said, some on the Israeli side attempted to deny responsibility for Israel's official acceptance of that solution, which enjoyed international consensus, rejecting the principle of land for peace or proposing a compromise; that position insulted the Palestinians' national feelings and the will of the whole world. The world unanimously rejected Israel's practices and insisted on the need to implement the agreements reached, and only Israel rejected those factors.

The Palestinians and their leadership were still committed to engaging in the peace process and upholding the agreements reached; they hoped that the sponsors of the peace process, other influential parties and the entire international community would exert additional efforts to bring about a change in Israel's position, which was necessary to salvage the peace process. In order to regain their inalienable rights and establish their independent State, with Jerusalem

as its capital, the Palestinians would continue to work within the United Nations, and to return to the emergency special session and to the Security Council.

The real issue threatening the peace process was not an urban housing project, said Israel, but the unravelling of the very basis of the Israel-PLO agreements: the principle that violence would not be used as an instrument to achieve political ends. Since the signing of the Declaration of Principles in 1993 [YUN 1993, p. 521], Israel had witnessed an unprecedented upsurge in terrorism, much of it emanating from areas under the control of its negotiating partner. But despite repeated suicide bombings that struck the heart of its cities, Israel was determined to make the peace process work. Rather than stop that process, Israel moved forward with the Hebron Protocol and the "Note for the Record", in which both sides undertook to implement their mutual commitments and which made the principle of reciprocity an integral part of the Oslo process. Since January 1997, Israel had taken difficult and tangible steps for peace, completing the redeployment in Hebron, releasing convicted terrorists from prison, transferring large funds to the PA and offering a further redeployment that would have more than tripled the area under full Palestinian control in the West Bank, had it been implemented by the Palestinian side. Israel was ready and willing to resume negotiations on all outstanding interim issues and to restart the final status negotiations.

While it had met all of its commitments, Israel stated, the PLO had met none of its post-Hebron obligations: the process of revising the Palestinian National Council Covenant, which called for Israel's destruction, had not been completed; cooperation between Israeli and Palestinian security services had not been strengthened, but repeatedly cut off; there had been no systematic and effective combating of terrorist organizations, as Hamas and Islamic Jihad terrorists had been released from prison over recent months; not a single terrorist suspect had been transferred by the Palestinian side; no illegal arms had been confiscated in the area under Palestinian jurisdiction; the size of the Palestinian police had not been reduced to the level agreed on under the Interim Agreement; and Palestinian governmental activity in Jerusalem had not been halted.

In Israel's view, the emergency special session threatened to turn the clock back decades, undermining the international community's painstaking efforts in three areas: the work of the United Nations itself, the work of humanitarian organizations and the work of those involved in the peace process. Any delusions one might have

had about the role the United Nations might play in the Middle East were dispelled by the Secretary-General's report, the content and tone of which, and the interpretation of its task, were hostile and one-sided, entirely ignoring paragraph 12 of **resolution ES-10/2** and the issue of terrorism. It legitimized the incitement and use of violence as a response to political differences. Despite Israel's offer to place all relevant information before those preparing the report, none of the serious and controversial allegations contained in the report were submitted to Israel for verification or comment. The report was damaging not only to the reputation of the United Nations, but also to the valuable work of its agencies operating in the region, which served for the report as sources "in the field"; it threatened to harm the cooperation between host States and UN agencies which was essential for their functioning.

GENERAL ASSEMBLY ACTION

Following the debate, the Assembly, on 15 July [meeting 5], adopted **resolution ES-10/3** [draft: A/ES-10/L.2/Rev.1, orally revised] by recorded vote (131-3-14) [agenda item 5].

Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory

The General Assembly,

Having received with appreciation the report of the Secretary-General,

Recalling all relevant United Nations resolutions,

Reaffirming its resolution ES-10/2 of 25 April 1997,

Having been informed in the report of the Secretary-General that, inter alia, the Government of Israel, as of 20 June 1997, has not abandoned its construction of the new Israeli settlement at Jebel Abu Ghneim and that settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of lands adjacent to settlements and related activities, in violation of Security Council resolutions on the matter, continues unabated throughout the occupied Palestinian territory, and also that the Israeli Prime Minister and other representatives of the Government continue to reject the terms of resolution ES-10/2 requiring the cessation of those activities,

Aware that, in the light of the position of the Government of Israel, as indicated in the report of the Secretary-General, the General Assembly should once more consider the situation with a view to making additional appropriate recommendations to States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. Condemns the failure of the Government of Israel to comply with the demands made by the General Assembly at its tenth emergency special session in resolution ES-10/2;

2. Strongly deplores the lack of cooperation of the Government of Israel and its attempts to impose restrictions upon the intended mission of the Special En-

voy of the Secretary-General to Israel and the occupied Palestinian territory, including Jerusalem;

3. Reaffirms that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activity, and the practical results thereof cannot be recognized, irrespective of the passage of time;

4. Reiterates the demands made in resolution ES-10/2, in particular for the immediate and full cessation of the construction of a new settlement at Jebel Abu Ghneim, to the south of occupied East Jerusalem, and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;

5. Demands that Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites;

6. Recommends to Member States that they actively discourage activities which directly contribute to any construction or development of Israeli settlements in the occupied Palestinian territory, including Jerusalem, as these activities contravene international law;

7. Demands that Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the occupied Palestinian territory, including Jerusalem;

8. Stresses that all Member States, in order to ensure their rights and benefits resulting from membership, should fulfil in good faith the obligations assumed by them in accordance with the provisions of the Charter of the United Nations;

9. Emphasizes the responsibilities, including personal ones, arising from persistent violations and grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Recommends that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect, in accordance with common article 1, and requests the Secretary-General to present a report on the matter within three months;

11. Calls for the reinjection of momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace, and calls upon the two sides to refrain from actions that impede the peace process by pre-empting permanent status negotiations;

12. Stresses the need for actions in accordance with the Charter, to continue to ensure respect for international law and relevant United Nations resolutions;

13. Decides to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

RECORDED VOTE ON RESOLUTION ES-10/3:

In favour Albania, Algeria, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe

Against: Israel, Micronesia, United States.

Abstain: Andorra, Australia, Costa Rica, Croatia, Germany, Latvia, Lithuania, Marshall Islands, Nicaragua, Romania, Russian Federation, Rwanda, Slovakia, Uzbekistan.

Introducing the draft on behalf of the 23 sponsors, Indonesia said it was balanced and reasonable and the product of extensive consultations with Member States; its adoption would go a long way towards mitigating the current volatile situation and would be fully consistent with the aim of reviving the stalled peace process.

In Israel's opinion, supporting the resolution was inconsistent with support for the only process that brought any real benefit to the region, namely, negotiations between Israel and the Palestinians. The approach to resolving the toughest issues—Jerusalem, settlements, borders and other permanent status issues—would not be calls for economic measures that undermined the principle of building economic ties as a key element in advancing the peace process, nor would it be the politicization of instruments of humanitarian law and the organizations which implemented them, and certainly it would not be the endless ritual of reports presenting a one-sided picture and providing a platform for any conceivable allegation against Israel. Israel's quest for peace was strong enough to keep it at the negotiating table, waiting for its counterparts to return to complete arrangements for safe passage, a port and an airport and to begin to tackle permanent status issues.

In the United States view, the text was partisan, aimed not at building confidence or dialogue but confrontation. Its specifics would not serve the cause of peace and detracted from the peace process to the extent that they were designed to inject the United Nations and other bodies into deliberations between the parties. The United States strongly objected to several of the resolution's elements: the economic measures envisioned amounted to a demand for a partial economic boycott of Israel; there should be no language

threatening the participation of any Member in the Assembly; and a conference of the High Contracting Parties to the Fourth Geneva Convention was not the proper forum to address the situation. The United States was also troubled by the ostensible goal of that conference, i.e., "to enforce the Convention", with the Secretary-General to report on the matter, which seemed merely a device to perpetuate the counter-productive cycle of special Assembly sessions. In sum, the resolution would further aggravate prospects for renewed progress in the peace process, which was a goal shared by most Assembly Members, and certainly by the Palestinians and Israelis themselves.

The Russian Federation felt that, although amendments to the text made it a bit more balanced, it could benefit from further work to make it more realistic. No measures, including sanctions, were excluded and further refinement was required with regard to paragraph 10—concerning the convening of a conference for the Fourth Geneva Convention—which lacked clarity. Russia had been prepared for further constructive cooperation with the sponsors; there was a haste to vote, however, and Russia, as a sponsor of the peace process, had no choice but to abstain.

Norway deeply regretted that Israel had still not heeded the calls from the partners in peace and from the international community to halt its settlement activities. It would vote for the resolution despite reservations on a number of elements and reservations regarding the holding of the emergency special session, which it did not consider to be conducive to progress in the peace process. Canada explained that it would vote in favour because the text reflected in broad measure its concerns about the serious situation of the peace process and the particular importance of the construction of a new settlement in Jebel Abu Ghneim/Har Homa. It regretted that some paragraphs of the resolution contained elements that were imprecise or impractical or had unclear implications for the United Nations and for Member States. With regard to paragraphs 9 and 10, Canada's policy was that the Fourth Geneva Convention applied to the Israeli-occupied territories, including East Jerusalem. As a High Contracting Party to the Convention, its decision about the merits of convening the conference called for in paragraph 10 would be made after full examination of the utility and consequences of doing so, as well as of the cost implications and consultations with the other High Contracting Parties. Though supporting the main thrust of the resolution, Turkey felt that certain paragraphs were impractical and could have been

formulated in a more constructive manner. Liberia expressed reservations on paragraphs that seemed to suggest interference with Israel's membership in the United Nations. Uruguay explained that it would vote in favour as the building of the new settlements continued, despite the international community's opinion as expressed in UN resolutions.

Rwanda, in the absence of a resolution conducive to inspiring both parties to resume direct talks leading to a final settlement of the plight of the Palestinians, had no choice but to abstain. Although casting a positive vote, Japan placed on record its view that the statement contained in the oral revision made by Indonesia—adding "as these activities contravene international law" at the end of paragraph 6—might contain some imprecision and lead to some ambiguities strictly from the juridical point of view.

The Syrian Arab Republic noted that paragraph 11 did not refer to the principles and terms of reference of the Middle East peace process, which enjoyed the entire international community's full support and which was founded on the principles of Security Council resolutions 242(1967) [YUN 1967, p. 257], 338(1973) [YUN 1973, p. 213] and 425(1978) [YUN 1978, p. 312] and on the principle of land for peace. Nor did it demand that Israel fulfil agreed obligations and commitments, which was essential for injecting momentum in the stalled peace process, an impasse for which Israel was responsible.

Communications (18 July-26 September). The Permanent Observer of Palestine, by identical letters [A/52/258-S/1997/560, A/ES-10/13] of 18 July to the Secretary-General and the Security Council President, expressed increased concern in the face of Israel's reaction to **resolution ES-10/3**, as it reflected intransigence, arrogance and even contempt for the will of the international community. Israel's outrageous response to the Secretary-General's report, submitted pursuant to **resolution ES-10/2**, made unacceptable challenges to the integrity of UN work and ignored the facts on the ground, as well as the established positions of the international community and the provisions of international law. Such response, in addition to the continued illegal settlement activities at Jebel Abu Ghneim, clearly indicated that Israel did not understand the messages sent by the international community, which increased the need for serious follow-up to the two resolutions and probably for further actions by the international community to ensure Israel's compliance.

By a letter of 31 July, transmitted to the Secretary-General on 1 August [A/52/265-S/1997/604], Israel reported that in two terrorist attacks

on 30 July in West Jerusalem, 13 Israelis had been killed and more than 150 injured, more than 10 of them being in critical condition. Those attacks came, Israel said, as it was continuing to implement measures to ease the economic conditions of the Palestinians and had reconvened the bilateral committees charged with addressing the most pressing issues on the Palestinian agenda in a genuine effort to restore trust and confidence between the two sides. The PA, on the other hand, had consistently failed to fulfil its obligations to combat violence and terror, refrain from incitement to hatred, and cooperate with Israel in the security sphere; instead, known terrorists were released early from detention, the official Palestinian media continued to disseminate hateful slogans and call for continued armed struggle against Israel, and senior officials of the PA participated in anti-Israeli demonstrations and Israeli flag-burning ceremonies, actions which were clearly perceived by the population as official approval of continued violence and terror. If the peace process was to be salvaged, Israel stated, the PA had to take immediate, effective steps to address the security issue. The international community could play a more effective role in that regard by sending an unequivocal message to the PA and PLO Chairman Yasser Arafat that the terrorist infrastructure had to be uprooted, the security coordination with Israel unconditionally renewed and the terrorist scourge effectively removed.

On 4 August [S/1997/609], the Permanent Observer of Palestine brought to the Security Council President's attention that Israel had imposed a land and sea blockade on Palestinian territory, blocking its borders with Israel, Egypt and Jordan and preventing the use of the sea of Gaza by Palestinian boats; further, it had imposed a siege on Palestinian cities and villages in the West Bank, isolating them from each other, confining the movement of persons and preventing the transport of goods. Israel had also blocked the transfer of important amounts of funds belonging to the PA and even issued an arrest warrant against the head of the Palestinian police force. Those actions, supposedly taken in response to the bombings of 30 July in West Jerusalem, had caused food and medical supply shortages and total economic destruction, the Observer charged. In addition to Israel's continued illegal settler colonialism, its recent action represented unprecedented collective punishment and did not serve the purpose of fighting violence and extremism, but was politically motivated, as the Israeli Government was trying to pre-empt any possible progress in the peace process and perhaps destroy that process altogether. Israel's measures re-

quired action by the international community, specifically the Security Council, with the aim of bringing them to an immediate end and reversing their destructive and dangerous impact, the Observer concluded.

On 20 August [A/ES-10/14], the Observer Mission of Palestine brought to the Secretary-General's attention that the situation in the occupied Palestinian territory, including Jerusalem, continued to deteriorate seriously as a result of Israel's collective punitive measures and actions against the Palestinians and the Palestinian National Authority, which included the closure of the occupied territory and the continued siege of Bethlehem and Jerusalem for the past three weeks. Further, Israel continued to build the new settlement at Jebel Abu Ghneim, confiscate land, expand existing settlements and demolish Palestinian homes, as well as to impose additional measures aimed at changing the character, demographic composition and legal status of Jerusalem, in flagrant violation of the resolutions adopted by the Assembly at its emergency special session and other relevant UN resolutions. Private contributions continued to support illegal settlement activities, the representative of Palestine charged. In accordance with the resolutions of the emergency special session and with international law, Member States had a responsibility to prevent any such support, including from the private sector.

Informing the Secretary-General of a triple bombing in Jerusalem, Israel, by a 4 September letter [A/52/321-S/1997/689], alleged that the latest attack was supported by a broad infrastructure of terrorism in the territories under the PA's control. The Authority had to be held accountable as it had consistently failed to fulfil its security obligations, Israel charged; instead, the infrastructure of the Hamas organization, which had taken credit for the 4 September attack, and of the Islamic Jihad had grown, as the Authority had released hundreds of terrorists from prison and was holding back security cooperation with Israel as a political card in the negotiations. Finally, the public embrace of Hamas leaders by PLO Chairman Arafat sent a message to the Palestinian public legitimizing Hamas actions. Israel reserved the right to do what was necessary to defend its people and expected the international community to send a clear message to the PA to live up to its commitments to fight terrorism; there could be no progress in the peace process without eradication of the terrorist infrastructure and close cooperation between the PA and Israel in security matters.

The Permanent Observer of Palestine responded on 12 September [A/52/346-S/1997/710]

that the PA had unequivocally condemned the 4 September bombing and other similar acts; there were, however, increasing indications that Israel was using those acts as an excuse to bury both the 1993 Declaration of Principles [YUN 1993, p. 521] and the 1995 Interim Agreement [YUN 1995, p. 626]. Since its first day in office, the Government of Prime Minister Benjamin Netanyahu had shown clear hostility towards those agreements and had adopted official guidelines contradicting their letter and spirit. The real underlying causes for Palestinian extremism and violence were Israel's severe measures, such as the simultaneous closure of Palestinian territory and siege over Palestinian cities, in spite of which the Palestinian side would continue to take its responsibilities seriously, including taking action against anyone who might be involved in illegal activities. The road to establishing a comprehensive peace was clear, the Observer concluded: the parties had to reaffirm their commitment to the basis of the Middle East peace process, including the principle of land for peace and their commitment to the implementation of the agreements and to mutual recognition and respect.

By identical letters to the Secretary-General and the Security Council President [A/52/371-S/1997/727, A/ES-10/15] dated 19 September, the Permanent Observer reported that Israel was continuing with its drive to colonize occupied Arab East Jerusalem, having allowed illegal settlers to occupy a house in Ras al-Amud, a crowded Arab neighbourhood. According to Israeli media, several government ministers had known in advance of the settlers' intention, as had the Prime Minister himself, who had asked for postponement of the action until after the departure of the United States Secretary of State from the region. The Observer stressed that it was the duty of the international community, especially the Security Council, to take immediate action to bring an end to the repeated violations of the Fourth Geneva Convention by Israel.

On 26 September [A/52/396-S/1997/749], the Permanent Observer informed the Secretary-General that the Israeli Prime Minister had declared on 24 September that his Government would build 300 new housing units in a settlement called "Efrat" in the occupied territory; that decision, in addition to being illegal, came at a time when the peace process was facing an increasingly endangered future, with many parties, including the United States, trying to revive the process, and it was hard to believe that it had not been made in order to pre-empt those efforts. Further to that decision, the Observer said, the use by the Prime Minister of outrageous and dangerous expressions—such as "The land of Israel is

constantly being built up before my eyes, and also before your eyes and you can see it" and "We are building in Judea and Samaria and we are building in Efrat"—was tantamount to negating any commitment to the peace process as well as the mutual recognition of the parties. Phrases like "land of Israel" and "Judea and Samaria" were irreconcilable with that process, the agreements reached between the parties and the agreed aim of the peace process, namely, implementation of Security Council resolutions 242(1967) and 338(1973).

Report of Secretary-General (October/November). The Secretary-General presented an October report [A/ES-10/16-S/1997/798] concerning the recommendation contained in **resolution ES-10/3** that a conference be convened by the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure respect for the Convention. In a 31 July note verbale, the Secretary-General had requested Switzerland, in its capacity as depositary of the Convention, to provide him with the necessary information. On 7 October, Switzerland replied that it had sought the views of the 188 States parties to the Convention; of those, 53 had responded and 29 of them were in favour of convening a conference, while one was against, saying that "such a conference would have seriously harmful effects on humanitarian protection and on the peace process". Among the other States that responded, some had no objection or no objection with reservations, while others felt that more careful study was required. Various other views were put forward, as were alternative suggestions for dealing with the issue.

Support for the convening of a conference was expressed by the Movement of Non-Aligned Countries and LAS. The EU suggested that a meeting of experts examine the political and legal context before a conference was convened.

In a 10 November addendum [A/ES-10/16/Add.1-S/1997/798/Add.1], the Secretary-General reported that on 5 November Switzerland had informed him that it had received 20 additional replies, five of them declaring their support for the convening of the conference and a sixth saying it would participate in the conference. Other States indicated no major objection or approved of holding a conference, but with reservations or indications that further preparations were required.

One State did not believe that a conference would be useful or necessary at the current time or that it would foster the atmosphere of confidence required for progress in the negotiations between the parties to the peace process. Another

State saw no urgent need to convene a conference, saying that it would be better to follow closely the progress of the negotiations.

In addition, the depositary received a spontaneous communication from the general delegation of Palestine in Switzerland, in which the PLO and the Palestinian National Authority affirmed the need to convene a conference of the High Contracting Parties as soon as possible, so as to take measures to ensure respect for the provisions of the Fourth Geneva Convention in the occupied territory, including East Jerusalem, and to confirm the necessity of respecting them in accordance with common article 1 of the four Geneva Conventions of 1949.

Resumed session (November). In accordance with a 24 October request by Yemen on behalf of the LAS [A/ES-10/17], which was supported by Indonesia, as Chairman of the Islamic Group of OIC in New York [A/ES-10/18], and Colombia, in its capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries [A/ES-10/19], the tenth emergency special session was resumed on 13 November. At the start of the debate, Palestine said that collective measures should be escalated until Israel complied with the Assembly's clear demands contained in the two substantive resolutions adopted at the emergency special session by an overwhelming majority. Israel's only reaction to those resolutions had been to scorn the will of the international community and to continue to carry out its illegal measures. The responses as summarized in the Secretary-General's report indicated that the overwhelming majority agreed on the need to convene a conference in one form or another. Palestine hoped that the Assembly would adopt a provision to that effect and that Switzerland, as the Fourth Geneva Convention's depositary, would begin the preparatory measures. In that regard, Palestine welcomed any meetings to prepare for the conference, including a meeting of experts, to be held no later than within three months. Palestine's participation in the conference and in any preparatory meeting was necessary. There was international consensus on the Convention's applicability to the occupied territories, including Jerusalem, as affirmed by the Security Council in 25 resolutions, and Israel alone rejected its applicability, having continuously violated the Convention for 30 years.

Action by the Assembly was even more important and urgent due to the severe deterioration of the Middle East peace process as a result of Israel's policies and practices. The current Israeli Government not only had not implemented any of the provisions of the agreements reached—many of them overdue—with the exception of the

redeployment from Al-Khalil/Hebron, it had also resumed its colonial settlement campaign, including the "Judaization" of Arab East Jerusalem, had undertaken to strangle the Palestinian economy and flagrantly exploit the Palestinian market by imposing sieges and closures and restricting the freedom of movement, and had increased direct oppressive measures such as demolition of homes, kidnappings and collective administrative detentions, even killings and assassinations.

While acknowledging the deep negative impact of and forcefully condemning the bombings and other violent and terrorist actions carried out by enemies of peace on the Palestinian side, the Observer stressed that Israeli policies were not the result of those actions, but were partially responsible for them and for the state of frustration among the Palestinians, as well as for the tension in the region and the decline of hope among its peoples. Success in confronting violence and terrorism was linked to the political and economic reality and the Observer called on all the concerned parties fully to shoulder their responsibilities in that regard. The Palestinians remained committed to their strategic option to become engaged in the peace process and to the agreements reached. It remained their right and duty to achieve maximum UN involvement in the question of Palestine, which was the permanent responsibility of the Organization, and in the situation in the Middle East. Israel, however, together with some of its friends, seemed to want to get rid of the framework of the agreements reached; until that was accomplished, it also intended to get rid of the framework of international legality, aiming at abolishing the Palestinians' existence as a people, abrogating their rights and placing them in cantons under Israeli hegemony.

Israel termed the resumed session a masquerade that claimed to be concerned with advancing the prospects for peace and with increasing humanitarian protection, while in fact only serving to undermine those prospects and the instruments for such protection and ultimately, undermining the United Nations itself. While Israeli and Palestinian negotiators resumed intensive efforts to bridge the gap between them, the Palestine Observer Mission to the United Nations was occupied with preparing a draft resolution that referred to the stalled peace process; at the very moment when Israel was asked, despite the heinous acts of terror that continued to cost innocent civilians their lives, to take risks for peace on vital security issues—to provide safe passage through the heart of Israel, allow a full-scale airport to begin operating in the Gaza Strip, invest millions to

create jobs for Palestinians—the Assembly would broadcast its resonant vote of no confidence in the peace process. The perpetrators of the recent brutal bombings in the heart of Jerusalem came from the area under the control of the PA, which had failed to comply with its commitment to combat terrorist organizations and structures. Although the bombing of innocent Israelis eroded the core of the Oslo process, Israel declared it was determined to make the peace process work.

In the Declaration of Principles, Israel continued, both sides had agreed that there would be no restriction on settlement activity during the interim period and that the settlements would be one of the subjects of the permanent status talks. On the date set for the start of those talks, Israel turned up but the Palestinians never came; while Israel called repeatedly for its Palestinian counterparts to join it in expedited talks, which would also deal with settlements, the Palestinians preferred to reject practical negotiations and opted instead for the fool's gold of political resolutions in international forums.

Despite many cases of actual occupation, Israel explained, it was the only State that had actually implemented in practice the provisions of the Fourth Geneva Convention relating to occupied territory. Even though the Convention was not, strictly speaking, applicable to territories that were formerly occupied and not under a legitimate sovereign, Israel had implemented the Convention in practice.

GENERAL ASSEMBLY ACTION

After hearing the 29 speakers who participated in the debate, the General Assembly on 13 November [meeting 7] adopted **resolution ES-10/4** [draft: A/ES-10/L.3 & Add.1, orally revised] **by recorded vote** (139-3-13) [agenda item 5].

Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory

The General Assembly,

Having received the report of the Secretary-General submitted in accordance with paragraph 10 of its resolution ES-10/3 of 15 July 1997,

Having received at an earlier date the report of the Secretary-General submitted in accordance with paragraph 9 of its resolution ES-10/2 of 25 April 1997,

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Reiterating the demands made in resolutions ES-10/2 and ES-10/3, namely:

(a) The immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli

settlement activities, as well as of all illegal measures and actions in Jerusalem;

(b) That Israel accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations;

(c) That Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites;

(d) That Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the occupied Palestinian territory, including Jerusalem,

Aware that Israel, the occupying Power, has not heeded any of the above-mentioned demands and that it continues with its illegal actions in occupied East Jerusalem and the rest of the occupied Palestinian territory,

Having been informed in the report of the Secretary-General of the responses of the High Contracting Parties to the Geneva Convention and of the collective responses transmitted through letters from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries, the Secretary-General of the League of Arab States and the Presidency of the Council of the European Union, to the note sent by the Government of Switzerland in its capacity as the depositary of the Convention,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

Having received a letter dated 20 August 1997 from the Permanent Observer Mission of Palestine to the United Nations, informing about specific cases of assistance by individuals for illegal settlement activities,

Gravely concerned at the continuing deterioration of the Middle East peace process and the lack of implementation of the agreements reached,

Reaffirming that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activities, and the practical results thereof, cannot be recognized irrespective of the passage of time,

Recalling its rejection of terrorism in all its forms and manifestations in accordance with all relevant resolutions and declarations of the United Nations,

1. Condemns the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2 and ES-10/3, in particular the continuation of the building of a new settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem;

2. Reiterates its call for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities;

3. Reiterates its recommendation to the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to take measures on a national or regional level, in fulfilment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention, as well as its recommendation to Member

States to actively discourage activities that directly contribute to any construction or development of Israeli settlements in the occupied Palestinian territory, including Jerusalem, as these activities contravene international law;

4. Reiterates also its recommendation that the High Contracting Parties to the Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

5. Recommends to the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake the necessary steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation, as soon as possible and with a target date not later than the end of February 1998;

6. Requests the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and any preparatory steps for that conference;

7. Calls for reinjecting momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace;

8. Decides that, in case of continuous lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2 and ES-10/3, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations in accordance with its resolution 377 A (V) of 3 November 1950;

9. Decides to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

RECORDED VOTE ON RESOLUTION ES-10/4:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Canada, Cape Verde, Chad, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, Micronesia, United States.

Abstain: Australia, Bulgaria, Burundi, Cameroon, Costa Rica, Georgia, Marshall Islands, Nicaragua, Romania, Rwanda, Swaziland, Uzbekistan, Zambia.

In Israel's view, the most dangerous aspect of the text's proposal to convene a conference was that it would constitute a dangerous mix of polit-

ical and humanitarian spheres; the politicization of instruments of international humanitarian law would only undermine their effectiveness and have far-reaching consequences, not merely in the region but across the world, and would be a blow to the defence of human rights. The resolution called for reinjecting momentum into the peace process. In order to do that, the international community had to send the Palestinians back to the negotiating table.

Speaking after the vote, Israel said the resolution would not bring the parties together, but would rather continue to provide an excuse for those who wished to see the issue dealt with by fiat in international forums rather than by direct bilateral talks. The recommendation concerning the High Contracting Parties would set a dangerous precedent which would undermine the Fourth Geneva Convention and the effort to implement it.

The United States did not believe that the resolution would serve the cause of Middle East peace; neither the United Nations nor any other body should interfere in discussions of issues that Palestinians and Israelis had decided to address bilaterally. To the extent that the resolution relied on condemnatory formulations, it only poisoned the atmosphere for further talks and would not accomplish the goal it ostensibly sought to achieve.

Explaining its abstention, Australia stated that it continued to support the principles underlying the text, but did not consider it to be helpful in the process of frank, direct and wide-ranging talks between the parties themselves. Swaziland called on the two parties to continue convening conferences at agreed venues, in conformity with Article 33 of the Charter.

Canada said that, with regard to paragraphs 3 to 5 of the resolution, the Fourth Geneva Convention did apply to the occupied territories; as a High Contracting Party, Canada's decision about the merits of convening a conference would be made after full examination of the necessity, possible outcome and impact on the peace process, as well as of the cost implications. Japan was concerned that such a conference would have a negative impact on the peace process. Although it had reservations on a number of the resolution's elements, Norway remained deeply concerned about Israel's continued settlement activities which were clearly not in the spirit of the agreements reached.

The Syrian Arab Republic had hoped that the resolution's sponsors would include in the ninth preambular paragraph an expression of great concern about the continued deterioration of the peace process and that the paragraph would be in

line with the prevailing situation, indicating that the peace process was stalled because Israel was abandoning both it and the land-for-peace formula. The text should also have expressed the international community's deep concern about Israel's reneging on its obligations and commitments on all tracks and should have included reference to all the Arab territories occupied since 1967. Syria considered that the eleventh preambular paragraph was not in line with the resolution's content and purpose.

The Republic of Korea believed that the resolution contained a clear message that momentum for the peace process would be irrevocably lost if appropriate steps were not taken soon.

Special Committee on Israeli Practices. In its twenty-ninth annual report [A/52/131/Add.2], the Special Committee on Israeli Practices stated that Israel's settlement policy constituted the principal reason for the current deadlock in the peace process and had given rise to extensive human rights violations in the occupied territories during the period under review (21 September 1996-29 August 1997). In August 1996, Israel had cancelled the previous Government's restrictions on the construction of settlements and, in October, the new Israeli Prime Minister had pledged to push the development of settlements forward. More than \$300 million was allocated for settlement development in 1997, and in December 1996 subsidies were given to existing settlements and incentives were offered to settlers. An unprecedented 84 settlements were added to the existing 39 classified as "national priority areas A and B". The estimated 194 settlements in the West Bank and Gaza Strip were inhabited by over 150,000 settlers, in addition to an estimated 36 to 40 Israeli settlements in the occupied Syrian Arab Golan.

What halted the peace process, said the Committee, was Israel's decision to build the Har Homa/Jebel Abu Ghneim settlement, the first completely new settlement to be built since the lifting of the construction freeze; if completed, it would constitute the final link of a chain of settlements encircling Arab-populated East Jerusalem, which would be cut off from the rest of the West Bank, damaging an already devastated Palestinian economy and significantly advancing the forced alteration of the religious and ethnic composition of East Jerusalem. The building of a number of other settlements was reportedly foreseen between Jerusalem and nearby Ramallah, and Israel had accelerated the building of an extensive network of bypass roads and tunnels, including the construction of highways around Jerusalem, which Palestinians were not allowed to use.

A number of new quarries were also being built, the Committee reported, many of which were located in parts of the occupied territories near the border with Israel in order to serve its construction needs and avoid environmental degradation on its soil. All those activities required the confiscation of Arab land on a massive scale, most of it prime agricultural land; approximately 74 per cent of the West Bank and 40 per cent of the Gaza Strip had been confiscated since 1967. Israel's customary scenario for land expropriation, alleged the Committee, was that the area was first declared a closed military zone, thus rendering it inaccessible to its Palestinian owners; allocation for settlements, quarries or bypass roads followed. Alternatively, a "green area" might be proclaimed, as was often the case in East Jerusalem. It was reported that by May 1997 30,000 dunums had been expropriated in the West Bank for settlement expansion.

The number of clashes and violent incidents between Palestinians and Israeli settlers had increased during the reporting period, the Committee stated, the most frequent and most violent ones being in Hebron.

Reiterating its condemnation of terrorism in all its forms, the Committee considered that the resort to extreme measures, especially in the wake of the Israeli decision to build the Har Homa settlement, was indicative of the degree of desperation of the Palestinian population of the occupied territories.

The Special Committee appealed to Israel to act in conformity with the spirit animating the peace process by recognizing that its current settlement policy represented the most formidable obstacle to peace and security in the region. Accordingly, Israel should halt the establishment of new settlements and the expansion of existing ones; end the policy of land confiscation and the building of bypass roads; and stop exerting pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community. The Committee further appealed to Israel to refrain from destroying property, demolishing houses and uprooting trees, as well as from discriminatory measures concerning the use of water resources. It recommended that Israel immediately eliminate the practice of forced evictions, adopt protection measures against such practice, and provide restitution or compensation, as stipulated by the Commission on Human Rights in a 1993 resolution [YUN 1993, p. 895].

In a later report [A/53/136], the Special Committee provided updated information on the situation in the occupied territories for the period from 30 August to 31 December 1997. On 1 September, it was reported, the Director-General

of the Israeli Prime Minister's Office accused Arabs of robbing 2.8 million dunums of "State-owned land" in the Negev, the Galilee, along the "Green Line"—the border between predominantly Arab East and Jewish West Jerusalem—and in area C; according to a government plan, legal steps would be taken against individuals charged with "illegal" construction, and the possibility of declaring some land "fire practice areas" in order to bar access to them would be examined. The Ministerial Committee on Settlement Affairs would be reinstated and settlement agencies would help Jews to set up large agricultural farms on "State-owned land". On 2 September, the Ministerial Committee for Economic Affairs approved a new map of national priority areas, which classified almost all settlements, including those in the Golan Heights, areas of top national priority. On 5 September, the Security Cabinet, meeting after a suicide bombing attack in Jerusalem on the previous day, announced that no more territory would be handed over to the PA unless it eradicated the "terror" infrastructure in the areas under its control. The Prime Minister also disclosed that IDF and the security forces had been given instructions to minimize their dependence on cooperation with the PA.

Following the 4 September triple suicide bombing, 35 members of the Islamic Resistance Movement—all said to be members of the military wing of Hamas—were arrested by the PA in the cities of Nablus, Ramallah, Bethlehem, Tulkarm and Kalkiliya, and an estimated 400 Palestinians were arrested by Israel in zones B and C. On 16 September, it was reported that 250 Palestinians had been arrested on charges of belonging to "terrorist" organizations.

On 9 September, the Israeli Government published a list of Palestinian security commitments that were to be given to the United States Secretary of State, Madeleine Albright, during her visit to Israel the following day, including: agreement by the Palestinians to full and unconditional security cooperation; detention, arrest and imprisonment of all "terrorists" previously released by the PA, according to lists submitted by Israel; dismissal of PA personnel involved in terrorism or violent acts against Israel; PA implementation of the security commitments specified in the Hebron Protocol; collection and confiscation of illegal arms; no further incitement against Israel by PA officials; PA compliance with the 33 extradition requests submitted to it; reduction of the Palestinian Police Force from 35,500 to the agreed 24,000; and submission for approval of a complete list of PA recruits.

In response, the Palestinians, on 10 September, presented their own demands: immediate trans-

fer by Israel to the PA of the \$ 100 million in Palestinian tax payments withheld; lifting of the internal closure of the West Bank; permission for the import of raw materials into the Gaza Strip and the West Bank and the export of agricultural products; permission for a fixed number of labourers with permits to work in Israel, even during periods of hermetic closures; and resumption of the work of the eight committees aimed at implementing important articles of the 1995 Interim Agreement, including the release of Palestinian prisoners, the opening of an airport, the construction of a sea port and safe passage between the Gaza Strip and the West Bank. In addition, the Palestinians demanded that the following practices be stopped: settlement construction and expansion; the invalidation of identity cards of Palestinian residents of Jerusalem; the demolition of homes in the West Bank built without permit; and the evacuation of Bedouins throughout the West Bank and their transfer to areas B and A.

On 14 September, senior United States officials revealed that Secretary Albright had been disappointed by Prime Minister Netanyahu's refusal to commit himself to limiting settlement construction, even if the PA were to win the battle against terrorism. Military sources revealed on 15 September, that IDF was preparing for possible skirmishes with PA fighters in case of further deterioration of the situation. On 26 September, the Prime Minister rejected a renewed United States call for imposing a freeze on settlement expansion in the West Bank. According to reports of 28 September, IDF troops had mounted a series of military exercises near Jenin aimed at reconquering Palestinian-controlled areas and battling PLO fighters attacking Jewish settlements. On 7 October, Sheikh Ahmad Yassin, the founder of Hamas, who had just returned to Gaza after some nine years in an Israeli prison, told reporters that Hamas would stop targeting Israeli civilians if Israel stopped killing Palestinians, confiscating land, demolishing houses and building settlements. On 10 October, it was reported that the Israeli Government would allow the construction of 300 new housing units in the Efrat settlement south of Bethlehem and near the Arroub refugee camp. On 12 October, the Council of Jewish Settlers in the West Bank and the Gaza Strip, alleging that Arab housing construction was on the rise in a dozen of villages surrounding Jerusalem, warned that the trend could threaten the city's status and establish facts on the ground in advance of final status negotiations. On 31 October, it was reported that the Israeli Military Commission for Complaints had postponed hearings on land confiscation in the eastern outskirts of

Jerusalem, which were to have provided Palestinian landowners with the opportunity to submit proof of their title deeds to land Israel planned to confiscate in order to expand the Maaleh Adumim settlement.

On 13 November, PA President Arafat announced that the Authority would declare statehood in 1999, at the end of the five-year interim autonomy period, if need be unilaterally. Mr. Arafat accused Prime Minister Netanyahu of dragging his feet in negotiations, warning that his policies would bring disaster not just for Israelis and Palestinians but also for the people of the entire region. Commenting on Mr. Arafat's declaration about a Palestinian State, the Prime Minister's communications advisor stated that a unilateral declaration would violate earlier agreements because it would prejudice negotiations on a final status settlement. The Prime Minister, on 1 December, warned that if the PA President were to declare a Palestinian State unilaterally, he would announce the annexation of the Jordan Valley and "other territories", in response to which Mr. Arafat stated that a Palestinian State already existed.

On 19 November, Israel presented the United States with maps outlining its security and settlement concerns in a final status agreement with the Palestinians; Israel stressed that it had to retain several security zones in the territories in any final status settlement, among them the Jordan River Valley and east-west roads cutting through the territories, as well as water sources. On 22 November, the Prime Minister's spokesman stated that the Prime Minister had not promised anyone a settlement freeze, denying a report that a pledge to that effect had been made to the United States President. Following a visit to the Old City of Jerusalem, the Prime Minister on 23 November declared that his Government was committed to increasing the presence of settlers in Arab Jerusalem and Hebron. He ordered a fourth Israeli police station to be set up inside the Old City, following the killing of a settler two days earlier in the Muslim Quarter. On 24 November, he vowed that Israel would never abandon the Gush Etzion settlement, but pledged to continue developing and fortifying it.

On 25 November, it was reported that the new Government proposed transferring an additional 6 to 8 per cent of area C of the West Bank to the PA; under the plan, IDF troop redeployment would take place within five months and be contingent on the Authority's agreeing to suspend a third redeployment until the conclusion of the final status talks. Upon completion of the redeployment, the PA would control 35 to 37 per cent of the West Bank, its jurisdiction covering all of

areas A and B and 6 to 8 per cent of area C. Israel's proposal for limited redeployment in area C was immediately rejected by Palestinian officials.

On 27 November, Prime Minister Netanyahu drew a new map of Israel and the adjacent Palestinian "entity", which kept the Jordan Valley, Gush Etzion and other "security zones" under Israeli sovereignty. Under the plan, Israel would also control the coastline of the Gaza Strip to maintain a line of defence along its western flank. In addition to retaining Jerusalem within its enlarged municipal boundaries and the Etzion bloc of settlements, the Prime Minister also advocated a narrow "security zone" east of the Green Line, pointing out that most of the so-called security zones contained few Arab inhabitants. He again expressed opposition to the creation of a Palestinian State, warning that Israel would take swift countermeasures should the PA declare an independent and fully sovereign State.

On 28 November, it was reported that the PA had demanded from Israel the return of 9 dunums of land seized a week earlier in the Mawasi area by settlers from Neve Dekalim, the largest settlement in the Gaza Strip; according to the Palestinians, Israel had committed 320 violations of the Oslo accords in the Mawasi area since their signing. On the same date, it was reported that Israel had built a wall around Rachel's Tomb in Bethlehem, which took up half of the Jerusalem-Bethlehem highway. The measure was said to be aimed at redrawing Jerusalem's municipal boundaries. On 30 November, Israel announced its willingness to order an IDF troop withdrawal from unspecified areas of the West Bank until a permanent arrangement with the Palestinians went into effect; a special team headed by the Prime Minister was authorized to draw up the requisite maps and timetables. That decision also contained an unequivocal expression of support for West Bank settlements, including a pledge to take all necessary measures to ensure their existence and strengthening. The Cabinet Secretary stressed that the troop redeployment was conditional on the PA fulfilling the commitments contained in the Hebron Protocol, including disarming Hamas, extraditing "murderers" to Israel and concluding the revision of the Palestinian National Charter.

Details of Israel's annexation and settlements policy were provided in the report, as was an overview of the administration of justice and the treatment of civilians and detainees, and information on the occupied Syrian Arab Golan (see below). The report also listed Palestinians killed by troops or Israeli civilians and those killed as a

result of the occupation. It also detailed other incidents that had occurred during the latter part of the year, such as protests and demonstrations, clashes between Palestinians and Israeli forces, and arrests.

On 8 December, the human rights organization B'tselem released a report on Israeli human rights violations against the Palestinians since the beginning of the intifadah. The report claimed that 1,346 Palestinians, 276 of them children under 17 and 70 under 13, had been killed by IDF or security forces since the beginning of the uprising on 9 December 1987 up to 30 November 1997. Another 133 Palestinians had been killed by settlers during the same period, while 256 Israeli citizens, 18 of them children, and 127 IDF and security forces had been killed by Palestinians. The report claimed that in most fatal shooting incidents the security forces had not faced life-threatening situations. However, those responsible had stood trial in only 55 cases. The report noted that the number of Palestinians killed by IDF gunfire had dramatically declined following IDF troop withdrawal from most of the Gaza Strip and towns in the West Bank as part of the implementation of the Oslo accords. No such decrease had occurred with regard to children, however, who represented 27 per cent of those killed in 1997. The report accused the security forces of making few attempts to prevent settler violence or to arrest the offenders and charged that numerous violent acts had not been investigated at all. In most of the trials that had been held, lenient punishments had been meted out, in marked contrast to the law enforcement and punishment policy in cases of Palestinian attacks on Israelis. According to the report, 447 Palestinian houses had been demolished and 294 sealed off as punishment for violent offences committed by a suspected or convicted family member. Some 106 houses had been demolished by artillery fire because fugitives were suspected of hiding inside, and another 1,800 had been demolished on the grounds that they were built without a permit.

Committee on Palestinian Rights. In its annual report [A/52/35], the Committee on Palestinian Rights expressed great concern and anguish that the peace process appeared to be increasingly in jeopardy, leading to an alarming exacerbation of tension and violence, which resulted in loss of life on both sides. The Committee called for reinjection of momentum into the stalled peace process and for implementation of the agreements reached. Noting with appreciation the increased efforts to bring about a resumption of bilateral negotiations by the co-sponsors of the process, as well as the EU and a number of world leaders, the Committee reiterated that UN in-

volvement in the peace process was essential for its successful outcome.

Deploing Israel's decision to approve the construction of a new Jewish settlement at Jebel Abu Ghneim and to proceed with its construction in spite of the unanimous expression of opposition by the international community, the Committee fully supported the General Assembly's recommendations contained in **resolutions ES-10/2** and **ES-10/3**, in particular for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention.

GENERAL ASSEMBLY ACTION (10 December)

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/52/617], adopted resolution 52/66 by recorded vote (149-2-7) [agenda item 87].

Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 446(1979) of 22 March 1979, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan,

Aware of the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

Expressing grave concern about the decision of the Government of Israel to resume settlement activities, including the construction of the new settlement in Jebel Abu Ghneim, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Taking note of the report of the Secretary-General,^a

1. Reaffirms that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. Calls upon Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of

Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. Demands complete cessation of the construction of the new settlement in Jebel Abu Ghneim and of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Stresses the need for full implementation of Security Council resolution 904(1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

RECORDED VOTE ON RESOLUTION 52/66:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Bulgaria, Liberia, Marshall Islands, Micronesia, Nicaragua, Swaziland, Uruguay.

Earlier, on 9 December, in **resolution 52/52** on the peaceful settlement of the question of Palestine (see below), the Assembly expressed full support for the ongoing peace process and voiced the hope that the process would lead to the establishment of a comprehensive, just and lasting Middle East peace.

Introducing the Special Committee's report in the Assembly's Fourth Committee, the Special Committee Chairman said the biggest threat to the peace process was the continued confiscation of Palestinian-owned land and the building and expansion of Israeli settlements. If the peace process was to continue, Palestinians and Israelis had to extricate themselves from a situation that had been described as "zero-trust level". The single act that might be described as having brought the peace process to a halt was the beginning of the Har Homa settlement. Plans were also being made to expand the largest settlement in the

occupied territories, Maaleh Adumim, which would cover more land than Tel Aviv; in addition, there had been a number of demolitions of Palestinian-owned houses. The situation of the Palestinian Jerusalemites, who were threatened by discriminatory measures, gave rise to particular concern. If it degenerated further, the Chairman warned, it would lead to more violence and despair as the hopes that the Oslo accords would lead to harmony, dignity and mutual respect among the peoples of the region had all but vanished. Both sides should respect and comply with the principle of land for peace, which was the underlying premise for peace, and refrain from actions that would undermine the permanent status negotiations. The international community had to assume an even more active and positive role in safeguarding and giving further impetus to the peace process.

Speaking after the vote on **resolution 52/66**, Australia said it fully supported the principles set forth therein, but had reservations about the reference in the second preambular paragraph to the resolutions of the emergency special session, on which it had abstained. Speaking on behalf of the EU, Luxembourg said the Union reaffirmed that it was still deeply committed to the peace process, which was the only means of establishing lasting peace and security in the region. Swaziland had abstained as it felt that the time for adopting resolutions condemning the actions of the parties had passed.

Communication (24 December). In a 24 December letter [A/52/754-S/1997/1011] to the Secretary-General, the Permanent Observer of Palestine reported that the Israeli Prime Minister had made an extremely dangerous and illegal claim that destroyed the peace process and mutual recognition, by stating on 19 December that the occupied West Bank was "part of Israel proper"; further statements made by aides to the Prime Minister in an attempt to back-pedal from that position did not succeed in quelling the impact of his original statement. On 23 December, the Prime Minister, while on tour in the occupied territories, declared that Israel would "never return to the former situation", which, according to the Observer, referred to a return to the armistice lines that marked the territories occupied by Israel since 1967 and was another gross violation of the terms of the peace process, the aim of which was implementation of Security Council resolution 242(1967)[YUN1967,p.257]. Such statements, the Observer said, required the most serious and concerted response by the international community in order to save the peace process. For the UN family, such declarations provided additional justification for the serious concerns

expressed by the Arab Group during the 1997 General Assembly session with regard to Israel's credentials and made it more imperative to take action to ensure that Israel's participation in the Assembly's work was consistent with international law, provisions of the UN Charter and relevant UN resolutions.

Jerusalem

The issue of Jerusalem, to be resolved in final status negotiations within the framework of the Middle East peace process, continued to be a focal point of UN concern in 1997, particularly in the context of the construction of the Jebel Abu Ghneim/Har Homa settlement to the south of East Jerusalem (see above).

Special Committee on Israeli Practices. East Jerusalem, where most of the city's Arab inhabitants lived, constituted one of the most sensitive issues in the permanent status negotiations and was pivotal to the peace process, the Special Committee on Israeli Practices said in its annual report [A/52/131/Add.2]. The city and its Palestinian population had been subjected to human rights violations resulting from concerted and accelerated Israeli efforts to create facts on the ground, affecting the demographic and geographic balance. Since Jerusalem's occupation in 1967, the city's Arab population was never allowed to amount to more than 28 per cent and the number of Israeli settlers in East Jerusalem already outnumbered the Palestinian inhabitants (an estimated 180,000 Arabs and 200,000 Jews). Over one third of East Jerusalem's territory had been confiscated since 1967 and more than 40,000 housing units had been built there exclusively for Jews, while an estimated 21,000 Palestinian families were in urgent need of adequate housing. Only 2 per cent of the Jerusalem municipality's budget was spent on areas inhabited by Palestinians, for whom the housing density was double that of the Jewish population. On 26 January, an additional 130 million new Israeli shekels were reportedly earmarked for the municipal budget as part of a plan to strengthen Israel's sovereignty in East Jerusalem.

A number of discriminatory measures were applied to the city's Arab inhabitants, and it was reported that no construction permits had been issued to Palestinians in the West Bank since the current Government took office. Requests for family reunification in Jerusalem had been refused more frequently since 1993 and even persons granted the right to reunification in 1996 were not issued identity cards. The most disquieting measure to reduce further the number of Palestinians in Jerusalem was, according to the Committee, the stepping up since 1994 of the ap-

plication of the 1952 Law of Entry into Israel, amended in 1974, under which the city's Arab residents were considered resident aliens or foreign immigrants. Palestinian inhabitants risked losing their identity cards if they lived outside Jerusalem for seven consecutive years, said to have been reduced even further to three years, and as of November 1995 they had to document to Israeli authorities, through among other things tax receipts, school enrolment certificates, etc., that the city was their "centre of life". By March 1997, the Ministry of the Interior was allegedly confiscating two or three identity cards of Palestinians per day. The endemic housing shortage, declining standard of living and lack of sufficient Palestinian educational institutions within city limits forced numerous parents to send their children to schools outside Jerusalem. The lack of permits also forced Palestinians to build houses outside official city boundaries. An estimated 60,000 to 80,000 Palestinian Jerusalemites, including those living and studying abroad, risked withdrawal of their identity cards, although the criteria applied were said not even to be known to lawyers, the Committee noted. In May, it was reported that the Israeli Ministry of the Interior recognized officially for the first time that 385 identity cards had been withdrawn from Palestinians in 1996, while 689 had been withdrawn and the persons forced to leave the city by mid-1997; the real figure was believed to be much higher. The identity card policy, endorsed by the Israeli High Court of Justice, was compounded further by regulations governing child registration, which affected some 10,000 children. The combined effects of land confiscation, housing shortages, lack of building permits, house demolitions, lack of job opportunities and other effects of the closure of the occupied territories, cutting off the city, when coupled with the threat of the withdrawal of identity cards and encouragement to adopt Israeli citizenship, were described as having led the Palestinian inhabitants to live in a pervasive state of fear as to whether they would be allowed to remain in the city. Witnesses who had testified before the Special Committee described those policies as amounting to slow deportation and ethnic cleansing.

Committee on Palestinian Rights. In its annual report [A/52/35], the Committee on Palestinian Rights considered especially worrisome Israel's actions to strengthen its control over East Jerusalem, such as the opening of a new entrance to the tunnel near Al Aqsa Mosque, the withdrawal of Jerusalem identity cards, the destruction of buildings and the intensified efforts to establish Jewish settlements in the Old City.

Transfer of diplomatic missions

Report of Secretary-General. On 15 October, the Secretary-General reported [A/52/467] that six Member States had replied to his request for information on steps taken or envisaged to implement General Assembly resolution 51/27 [YUN 1996, p. 385], which addressed the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) [YUN 1980, p. 426] and called on them to abide by the relevant UN resolutions.

Special Committee on Israeli Practices. In its annual report [A/52/131/Add.2], the Special Committee on Israeli Practices noted that violent clashes had taken place in the occupied territories during several days in June, following the decision of the United States Congress to recognize Jerusalem as Israel's capital and to allocate \$100 million for the transfer of the United States Embassy from Tel Aviv.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted resolution 52/53 [draft: A/52/L.54 & Add.1] by recorded vote (148-1-9) [agenda item 37].

Jerusalem

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995 and 51/27 of 4 December 1996, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling also Security Council resolution 478(1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. Determines that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) and their refusal to comply with the provisions of that resolution;

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/53:

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel.

Abstain: Costa Rica, Fiji, Marshall Islands, Micronesia, Papua New Guinea, Samoa, Swaziland, United States, Zambia.

Explaining its abstention, the United States stressed that Jerusalem's future should be decided through permanent status negotiations and the Assembly should not interject itself into that most complex and emotional issue. Iran expressed reservations on any part of the text that might imply recognition of Israel.

Economic and social situation

ESCWA. report. The Secretary-General transmitted on 22 July a report [A/52/172-E/1997/71 & Corr.1] on the economic and social repercussions of the Israeli settlements on the Palestinians in the occupied territory, including Jerusalem, and on the Arab population of the Syrian Golan. The report, prepared by the Economic and Social Commission for Western Asia (ESCWA) in accordance with a request in Economic and Social Council resolution 1996/40 [YUN 1996, p. 397], reiterated by the General Assembly in resolution 51/190 [Ibid.], covered the period from March 1996 to May 1997. It reviewed Israel's settlements policy and noted that a number of settlements had been established and existing ones expanded. Settlement activities had intensified in the Golan Heights.

Among Palestinians in the occupied territories, there had been an increase in unemployment and a significant decrease in real wages. It was reported that unemployment in Gaza was estimated at 50 to 60 per cent, with the highest unemployment rate in the refugee camps. In the

West Bank, the rate was 24 per cent and a further 10 to 12 per cent were severely underemployed. Palestinian incomes had dropped sharply since the 1993 Oslo Agreement, from \$1,800 to \$950 a year in the West Bank, and from \$1,200 to \$600 a year in the Gaza Strip. An increasing number of Palestinians were being forced to live in slums, where miserable social, living and health conditions prevailed.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council, by **decision 1997/309**, took note of the ESCWA report. On the same date, the Council adopted **resolution 1997/67** [draft: E/1997/L.52, orally revised] by roll-call vote (43-1-2) [agenda item 11].

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan

The Economic and Social Council,

Recalling General Assembly resolution 51/190 of 16 December 1996,

Recalling also its resolution 1996/40 of 26 July 1996,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Stressing the importance of the revival of the Middle East peace process on the basis of Security Council resolutions 242(1967), 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the principle of land for peace, as well as the full and timely implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their natural resources,

Convinced that the Israeli occupation impedes efforts to achieve sustainable development and a sound economic environment in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan,

Gravely concerned about the deterioration of the economic and living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan, and the exploitation by Israel, the occupying Power, of their natural resources,

Aware of the important work being done by the United Nations and the specialized agencies in support

of the economic and social development of the Palestinian people,

Conscious of the urgent need for the development of the economic and social infrastructure of the occupied Palestinian territory, including Jerusalem, and for the improvement of the living conditions of the Palestinian people as a key element of a lasting peace and stability,

1. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world;

2. Also stresses the vital importance of the operation and construction of the Gaza airport, the seaport in Gaza and safe passage to the economic and social development of the Palestinian people;

3. Calls upon Israel, the occupying Power, to cease its measures against the Palestinian people, in particular the closure of the occupied Palestinian territory, the enforced isolation of Palestinian towns, the destruction of homes and the isolation of Jerusalem;

4. Reaffirms the inalienable right of the Palestinian people and the Arab population of the occupied Syrian Golan to all their natural and economic resources, and calls upon Israel, the occupying Power, not to exploit, endanger, or cause loss or depletion of these resources;

5. Reaffirms that Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan are illegal and an obstacle to economic and social development;

6. Stresses the importance of the work of the organizations and agencies of the United Nations and of the United Nations Special Coordinator in the Occupied Territories under the auspices of the Secretary-General;

7. Urges Member States to encourage private foreign investment in the occupied Palestinian territory, including Jerusalem, in infrastructure, job-creation projects and social development, in order to alleviate the hardship of the Palestinian people and improve their living conditions;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-third session, through the Economic and Social Council, a report on the implementation of the present resolution and to continue to include, in the report of the Special Coordinator, an update on the living conditions of the Palestinian people, in collaboration with relevant organizations and agencies of the United Nations;

9. Decides to include the item henceforth to be entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan" in the agenda of its substantive session of 1998.

ROLL-CALL VOTE ON RESOLUTION 1997/67:

In favour. Argentina, Bangladesh, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Czech Republic, Djibouti, El Salvador, Finland, France, Germany, Iceland, India, Jamaica, Japan, Jordan, Latvia, Lebanon, Luxembourg, Malaysia, Mexico, Mozambique, Netherlands, Nicaragua, Philippines, Poland, Republic of Korea, Russian Federation, South Africa, Spain,

Sri Lanka, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Kingdom.

Against: United States.

Abstain: Australia, Romania.

The United States, speaking before the vote, which it had requested, said it would continue to oppose all resolutions that stated or implied Arab or Palestinian sovereignty over Jerusalem and territories that were the subject of direct negotiations. The Observer of Israel stated that the draft made countless demands of Israel but none of the Palestinians. The text, from which it would appear that the whole of Jerusalem was occupied Palestinian territory, was a regrettable sign of the Council's increasing politicization and another element in the recently stepped up political warfare against Israel.

The Russian Federation, although voting in favour, also felt that the matter was clearly outside the purview of the Council and would only serve to politicize its deliberations; the issues raised by the resolution clearly had to be resolved in the context of the peace process.

Canada said that its positive vote reflected the importance it attached to the Palestinians' social and economic development needs; it was pleased to note that the resolution had been firmly placed in the context of the peace process.

The Observer of Palestine stated that the respect due to international law and Security Council resolutions was in no way incompatible with an inquiry into the lot of the occupied Palestinian territories and a concern for ensuring better life conditions for their people. Whenever Israel tried to alter the territories' status, its efforts had to be considered a violation of international law; that should also be the attitude towards its latest decision authorizing the construction of new homes for Israelis in the heart of Jerusalem's Arab quarter.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/632], adopted **resolution 52/207** by recorded vote (137-2-14) [agenda item 101].

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 51/190 of 16 December 1996 and Economic and Social Council resolution 1997/67 of 25 July 1997,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967, 465(1980) of 1 March 1980 and 497(1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Expressing its concern at the difficulties facing the Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242(1967), 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the principle of land for peace, as well as concern over the lack of implementation of the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C., on 13 September 1993, and the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995,

1. Takes note of the report transmitted by the Secretary-General;

2. Reaffirms the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

3. Calls upon Israel, the occupying Power, not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

5. Requests the Secretary-General to report to it at its fifty-third session on the implementation of the present resolution, and decides to include in the agenda of its fifty-third session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

RECORDED VOTE ON RESOLUTION 52/207:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo,* Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein,

Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Bahamas, Barbados, Belarus, Bulgaria, Croatia, Georgia, Grenada, Marshall Islands, Micronesia, Paraguay, Saint Kitts and Nevis, Swaziland, Uruguay, Uzbekistan.

*Later advised the Secretariat it had intended to abstain.

Speaking before the vote, Israel said that the current situation of Palestinian resources resulted from the lack of Palestinian and Arab investment in the territories, the never-ending cycle of Palestinian terror and extremism, and the lack of political will on the part of the PA to impose its control over the extremist elements within its jurisdiction. The subject should have no place in the Second Committee as the text was political, designed to serve the interests of an observer delegation and to prejudge the outcome of negotiations to the detriment of Israel.

The United States expressed firm opposition to the text which, it felt, brought the Assembly into the direct negotiations between the parties and prejudged their outcome. It also rejected the resolution's one-sided language, in particular the term "sovereignty", and it would continue to oppose the use of the phrase "the occupied Palestinian territory, including Jerusalem".

Japan endorsed the idea expressed in paragraph 4 that the issue of sovereignty had to be dealt with in the framework of the final status negotiations; its positive vote, it added, in no way altered its position as to the outcome of those negotiations. Japan also felt that the Second Committee was not the appropriate forum for discussing issues that were purely political in nature. The Russian Federation explained that it had voted for the text although it felt that the reference made to resolution 425(1978) [YUN 1978, p. 312] was inappropriate; that did not mean, however, that its position on that resolution had changed.

Luxembourg, on behalf of the EU, said its members believed that the natural resources of a territory seized by force of arms should not be used improperly or illegally by the occupying Power; the Fourth Geneva Convention was applicable, *de facto* and *de jure*, to the occupied territories and any infringement of the rights of the Palestinians recognized by the Convention was illegal. However, the resolution should not prejudge the outcome of the final status negotiations.

Iran and the Libyan Arab Jamahiriya stressed that their vote for the resolution did not imply recognition of Israel. The Syrian Arab Republic would have liked the resolution to make it clear that Israel was responsible for the difficulties facing the peace process, as it had gone back on a number of commitments made earlier.

The Observer of Palestine said that Israel's statement distorted the facts, articulated an absurd logic and defied the international community by falsifying the history of Jerusalem and claiming that its annexation had been an act of self-defence and that Israel would withdraw from the territory once it was no longer under threat, while Israel in fact was stepping up its settlement activity and the Prime Minister had recently threatened to annex the West Bank.

Other aspects

Special Committee on Israeli Practices. The three-member Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established in 1968 [YUN 1968, p. 556], reported for the twenty-ninth time to the General Assembly on events in the territories it considered to be occupied—the Golan Heights, the West Bank, including Jerusalem, and the Gaza Strip.

In addition to the annual report [A/52/131/Add.2], the Special Committee submitted two periodic reports in 1997, at the request of the Assembly, one in May [A/52/131] and the other in July [A/52/131/Add.1]. The three reports, which covered developments between 21 September 1996 and 29 August 1997, contained information obtained from the Arab and Israeli press; testimony given at hearings held in Amman, Jordan, Cairo, Egypt, Damascus, Syrian Arab Republic, and Geneva between 28 May and 8 June; Israeli Government policy statements; and other communications and reports from Governments, organizations and individuals. The Committee had benefited from the cooperation of Egypt, Jordan and Syria, Palestinian representatives and numerous human rights organizations. As in the past, Israel had not responded to the Committee's requests for cooperation.

The Special Committee's report, its Chairman stated, attempted to present a composite picture of the realities in the territories as they affected the human rights of the civilian population. The signing of the 1995 Interim Agreement [YUN 1995, p. 626] and, more recently, of the Hebron Protocol in January 1997 (see above) had generated great expectations and hope among both the population of the territories and the international community that a lasting peace would be established

in the region. That was the spirit in which the Special Committee approached its mandate.

The information contained in the Committee's twenty-ninth report, however, showed that the human rights situation in the territories had deteriorated further during the period under review, the Chairman said. The most disturbing aspect of that situation was Israel's settlement policy, the most serious development in that connection being the beginning of construction of the so-called Har Homa settlement on the hill called Jebel Abu Ghneim, which brought the peace process to a standstill. The gravity of the situation in East Jerusalem was compounded further by the recent withdrawal on a massive scale of identity cards of Palestinian residents of Jerusalem and other discriminatory measures (see above).

The situation in the territories continued to be characterized by closures, including internal closures of Palestinian towns and their agglomerations. An unprecedented internal and total closure, which extended to the border crossings between the occupied territories and Egypt and Jordan, was implemented following two suicide bombings in an open market in Jerusalem on 30 July. The closures prevented the majority of Palestinians who held jobs in Israel from reaching their places of work and practically strangled Palestinian agriculture and industry, with devastating economic and social effects on the inhabitants of the occupied territories, whose standard of living was estimated to have declined by 30 per cent since the signing of the peace agreements. The Gaza Strip inhabitants were the most seriously affected.

The closures continued to seriously affect the health of the population, with more persons dying, as patients suffering from life-threatening diseases and in serious condition were denied access to medical institutions in Israel or in other parts of the territories for lack of permit. The restrictions on movement also had repercussions for freedom to worship of the Muslim and Christian population. A first-time restriction affected numerous Palestinians living abroad who were not given entry permits to visit their families in the territories on the pretext of security; the lack of funds they brought back each year dealt an additional blow to the Palestinian economy.

The closures had a particularly devastating effect on the 1 million Palestinian children—over 50 per cent of the population—who were growing up in an environment of conflict, the Special Committee stated. An increasing number of families had to borrow money to buy food for their children, and numerous children between the age of 10 and 16 were taken out of school in

order to work and supplement their families' income. The lack of freedom of movement had a negative effect on children's immunization, and access to schools was reduced for both students and teachers. Given the poor quality of sanitation in Gaza, up to 80 or 90 per cent of children there were thought to suffer from water-borne diseases. Palestinian children had been killed by settlers and were often injured in clashes with the Israeli army.

Housing demolitions continued in Jerusalem and other parts of the territories, with Israel mostly invoking the lack of building permits. It was reported in May that 860 Palestinian homes in the territories were slated for demolition and some 2,600 buildings in East Jerusalem were vulnerable. That was in sharp contrast to the 5,000 housing units under construction in the territories for Israeli settlers, who made up 6 per cent of the population there. Homes of Palestinians suspected of perpetrating or having a connection to security offences continued to be demolished. Such collective punishment was intensified after the 30 July suicide bombings in Jerusalem, with some four to six houses being demolished daily, leaving 125 persons homeless. The massive demolition in August was particularly intensive in Jerusalem, Hebron and Bethlehem, which was subjected to an internal closure for 28 days. In addition, the number of trees uprooted by Israeli authorities as a retaliatory measure increased, especially in the West Bank and particularly around Hebron, where numerous vineyards were also destroyed.

The Special Committee continued to monitor closely the situation of Palestinian prisoners held in detention facilities inside Israel, in contravention of international humanitarian law. Some 2,750 Palestinians were imprisoned in Israel at the time of the Committee's visit to the area, in addition to 261 administrative detainees, 63 per cent of whom had allegedly had their detention renewed. Following the suicide bombings in Jerusalem on 30 July, the number of administrative detainees, including children, had reportedly risen to 500. Conditions of detention were said to have deteriorated further and protests by prisoners were violently repressed by the prison authorities. Owing to the closure of the territories, few prisoners had been able to receive family visits or consult with their lawyers. The Special Committee's attention was drawn to the situation of child prisoners and children in administrative detention, in contravention of the 1989 Convention on the Rights of the Child contained in Assembly resolution 44/25 [YUN 1989, p. 560], ratified by Israel in 1991; and children placed on trial before Israeli military courts, who were said to be

subjected to psychological pressure and intimidation during interrogation, were denied adequate medical care and even placed in solitary confinement.

Palestinian detainees were reported to have continued to be subjected to measures amounting to torture or ill-treatment, especially during interrogation. The Special Committee was concerned by Israeli High Court decisions of January and November 1996 to lift interim injunctions prohibiting the members of the General Security Service from using violent interrogation methods against detainees. The Special Committee noted the conclusions and recommendations of the Committee against Torture in pursuance of the special report submitted to it by Israel before its April/May 1997 session (see PART TWO, Chapter I), indicating that the use of "moderate physical pressure" during interrogation of persons suspected to be in possession of information of imminent attacks against Israel constituted breaches of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the Assembly in resolution 39/46 [YUN 1984, p. 813], which entered into force in 1987 [YUN 1987, p. 755].

The Special Committee also visited Syria, and reported on the Israeli occupied Syrian Golan Heights (for details see below, under "Peacekeeping operations"). Syria's report to the Special Committee during its visit to the country was transmitted to the Secretary-General on 20 June [A/52/202].

The Special Committee had endeavoured, the Chairman said, within the constraints imposed on it to provide in its three 1997 reports a clear picture of the human rights situation in the occupied territories. It reiterated its view that occupation itself constituted a human rights violation; in spite of the peace agreements signed, the status of occupation continued and Israel should, therefore, abide by its obligations under the Fourth Geneva Convention and other relevant international instruments. The Special Committee believed that the prevailing climate of strife and bitterness could be replaced by the beginning of a new era of peaceful coexistence in the whole region and expected that its findings would be taken into account when concrete measures were drawn up to revive the peace process.

In the meantime, the Special Committee recommended once more the implementation of measures to safeguard the basic human rights of the Palestinians and other Arabs in the territories, which should include the following: full application by Israel of the relevant provisions of the Fourth Geneva Convention; full compliance with all UN resolutions pertinent to the occupied

territories; full cooperation by Israel with UNRWA and respect for its privileges and immunities; full cooperation by Israel with the International Committee of the Red Cross (ICRC) in order to protect detainees; full support by Member States of UNRWA and ICRC activities to enable both organizations to improve their assistance; full Israeli cooperation with the UN Special Coordinator in the Occupied Territories; renewed efforts by Member States to convince Israel of the need for increased human rights protection through international monitoring by the Special Committee and other bodies, allowing the Committee access to the territories; and full Israeli cooperation with the Office of the United Nations High Commissioner for Human Rights with regard to implementation of the advisory assistance programmes in areas falling under the interim self-government arrangements.

The Special Committee appealed to Israel to act in conformity with the spirit animating the peace process by recognizing that current settlement policy represented the most formidable obstacle to peace and security in the region, and by halting the establishment and expansion of settlements, and ending land confiscation, the building of bypass roads and the exertion of pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community. It also appealed to Israel to refrain from destroying property, demolishing houses, uprooting trees, discriminatory measures concerning the use of water resources, imposing closures and curfews, and interrogation practices amounting to torture and ill-treatment; and review the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expedite their release. The Special Committee called on Israel to establish for its security forces clear rules of engagement that fully respected human rights standards; apply open-fire regulations strictly in conformity with the principles of necessity and proportionality; exercise utmost restraint in responding to outbreaks of violence and fully investigate all incidents of shooting; and immediately end the activities of undercover units and extrajudicial and summary executions perpetrated by such units. It appealed to Israel to exercise strict control over abuses perpetrated by settlers, prevent acts of violence by settlers, investigate such acts and bring those responsible to justice. It further appealed to Israel to enforce the law equitably by ensuring all legal safeguards and impartial administration of justice for the Arab population; and to allow those who had been deported or expelled from the territories to return and have their properties restituted.

In a later report [A/53/136], the Committee presented updated information on the human rights situation in the occupied territories during the period from 30 August to 31 December 1997, providing details on Palestinians killed as a result of the occupation; the administration of justice, including the right to a fair trial; the treatment of civilians; and the treatment of detainees. Also included was information on the occupied Syrian Golan (see below, under "Peacekeeping operations").

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], following consideration of the Special Committee's annual and periodic reports and four reports of the Secretary-General on specific aspects of the situation in the occupied territories (see below), the General Assembly, on the recommendation of the Fourth Committee [A/52/617], adopted **resolution 52/67** by recorded vote (151-2-7) [agenda item 87].

Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which are resolutions 904(1994) of 18 March 1994 and 1073(1996) of 28 September 1996,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the reports of the Secretary-General,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho Area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Noting also the redeployment of the Israeli army from six cities in the West Bank,

Concerned about the continuing violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements and the continuing actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory, including Jerusalem,

Expressing its deep concern in particular about the closure by the Israeli authorities of the occupied Palestinian territory, including Jerusalem, which prevents the freedom of movement of persons and goods and is the cause of great economic and social hardship, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the agreements reached between the two sides,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory on the safety and protection of the Palestinian people,

Expressing its appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolutions 904(1994) and 1073(1996),

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity and that such measures should cease immediately;

2. Demands that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people;

3. Stresses the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the occupied territory;

6. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/67:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Demo-

cratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Democratic Republic of the Congo, Liberia, Marshall Islands, Micronesia, Nicaragua, Swaziland, Zambia.

Work of Special Committee

Report of Secretary-General. In a 30 October report [A/52/553], the Secretary-General stated that all necessary facilities had been provided to the Special Committee on Israeli Practices, as requested in General Assembly resolution 51/131 [YUN 1996, p. 389]. Arrangements had been made for it to meet in February, May/June and August 1997, and a field mission was carried out to Egypt, Jordan and the Syrian Arab Republic in May/June. Two periodic reports [A/52/131 & Add.1] and the twenty-ninth annual report of the Special Committee [A/52/131/Add.2] had been circulated to Member States. The UN Department of Public Information continued to provide press coverage of Special Committee meetings and to disseminate information materials on its activities (see below).

GENERAL ASSEMBLY ACTION

On the recommendation of the Fourth Committee [A/52/617], the General Assembly, on 10 December [meeting 69], adopted **resolution 52/64** by recorded vote (83-2-72) [agenda item 87].

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,
Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as well as international standards of human rights, in particular the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its relevant resolutions, including resolution 2443(XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the lasting impact of the uprising (intifada) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human

Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Expressing the hope that, with the progress of the peace process, the Israeli occupation will be brought to an end and therefore violation of the human rights of the Palestinian people will cease,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;

4. Expresses concern about the recent deterioration of the situation in the occupied Palestinian territory, including Jerusalem, as a result of Israeli practices and measures and the impasse facing the Middle East peace process;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Office of Communications and Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-third session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its fifty-third session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

RECORDED VOTE ON RESOLUTION 52/64:

In favour Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Eritrea, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Bolivia, Bulgaria, Burundi, Cameroon, Canada, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Zambia.

Speaking on behalf of the EU, Luxembourg said its members abstained on the text, while supporting the other resolutions on the agenda item; they believed that the problems dealt with by the Special Committee would be better considered in other forums more in keeping with the spirit of compromise and understanding, without which genuine peace could not be achieved.

In the view of the Observer of Palestine, the further deterioration of the situation clearly testified to the need for the Special Committee's continued existence; its work would continue to be of great importance until Israeli occupation came to an end.

Fourth Geneva Convention

At its tenth emergency special session (see above), the General Assembly, in **resolutions ES-10/3** and **ES-10/4**, recommended that a conference be convened by the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure respect for the Convention.

On 30 October [A/52/551], the Secretary-General informed the Assembly that Israel had not replied to his June request for information on steps taken or envisaged to implement Assembly resolution 51/132 [YUN 1996, p. 391] demanding that Israel accept the *de jure* applicability of the Fourth Geneva Convention in the occupied Palestinian territory, including Jerusalem, and comply scrupulously with its provisions. Also in June, the Secretary-General noted, he had drawn the attention of all States parties to paragraph 3 of resolution 51/132 calling on them to exert all efforts to ensure respect by Israel for the Convention provisions.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/617], adopted **resolution 52/65** by recorded vote (156-2-3) [agenda item 87].

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the relevant reports of the Secretary-General,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/65:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Marshall Islands, Micronesia, Swaziland.

Palestinian women

Report of Secretary-General. In a February report [E/CN.6/1997/2] to the Commission on the Status of Women, the Secretary-General, in response to Economic and Social Council resolution 1996/5 [YUN 1996, p. 393], reviewed the situation of Palestinian women and described assistance provided by UN organizations in 1996. He stated that the conditions of Palestinian women living in the Palestinian self-rule areas and in the occupied territories remained of particular concern as the deteriorating economic situation in the West Bank and the Gaza Strip exacerbated the hardship of many families, in particular households with low incomes or those headed by females. Women were affected more severely than men due to their economic and legal status. An estimated 40 to 42 per cent of the Arab residents of Jerusalem, for example, lived below the poverty line, and women and children were particularly exposed to poverty. High unemployment rates among men caused women and children to start looking for work in order to maintain family living levels; in 1996, the number of women in the paid labour force increased by 8.5 per cent, whereas the male labour force grew by only 5.1 per cent. The highest concentration of female labour (35 per cent) was in agriculture, where women worked for low wages and under unfavourable conditions. However, there was also a high concentration of female workers (32.5 per cent) in relatively well-paid professional, technical and clerical positions. It was possible, the report said, that women's increased participation in the formal labour market would become a new trend in Palestinian economic and social development that needed to be taken into account.

Measures linked to occupation—the imposition of curfews, collective punishment, the closing or sealing off of certain areas and other restrictions—affected all population groups, but some targeted women in particular, the report noted. The many Palestinian women working in the agricultural sector were especially affected by land seizures, loss of water utilization and other economic and social repercussions of Israeli settlement policy.

The loss of identity cards of Palestinian residents of Jerusalem who lived abroad for more than seven consecutive years also affected their wives. Palestinian women had reportedly been humiliated and harassed during raids on their homes and, contrary to Israeli-Palestinian agreements, not all women detainees in Israeli prisons had been released.

Female illiteracy stood at 24 per cent, compared to 16 per cent for all residents of the West Bank and Gaza Strip over 15 years of age, according to a February 1996 survey. Women and girls also were particularly affected by other measures impairing education, such as the frequent closures of the self-rule areas, aggravated by overcrowding of schools and lack of teaching materials. Inadequate health conditions and health services also had an impact on the overall and reproductive health of Palestinian women. As fertility rates remained high, low age at marriage, short birth intervals and lack of education were factors responsible for women's poor health, especially refugee women, many of whom were anaemic.

The report noted that Palestinian women maintained a high level of participation in non-governmental organizations (NGOs) and women's committees. Progress was reported on the establishment of national machinery for the advancement of women in the West Bank and Gaza Strip, where the PA had set up an intergovernmental committee under the Gender Development and Planning Directorate of the Ministry of Planning and International Cooperation and an NGO committee had been formed under the General Union of Palestinian Women.

Assistance to Palestinian women was provided by the UN system in close cooperation with the PA and NGOs. With the help of bilateral donors, a number of projects for Palestinian women were initiated and carried out during 1995-1996. Activities focused mainly on health and family planning, relief and social services, education and training, collection of statistics disaggregated by sex, and support for the national machinery for the advancement for women, including training in legal literacy and the enhancement of women's role in public life. UNRWA placed special

emphasis on maternal and child-health care as an integral part of its regular programme (see below). It offered family planning services in 120 health care centres in the Gaza Strip in 1996, up from 49 in 1992.

Some 49.5 per cent of the total school population and half of the 12,000 teaching staff were female, making UNRWA schools among the first in the Middle East to achieve gender equality. Of a total of 4,624 training places in UNRWA's eight vocational and technical training centres, 1,273 were held by women. Vocational training for women was provided in clothing production, hairdressing and beauty care; UNRWA was also seeking to raise the proportion of women trainees in nursing, computer science, business and office practice. Of 943 scholarships granted to refugee pupils, 437 were awarded to women.

The UNRWA programme for women in development sought to involve Palestinian refugee women in remunerative economic activity. Some 11,000 women received training in the production of goods or management of services, together with basic business skills. A solidarity group-lending programme provided credit ranging from \$330 to \$8,000 to 1,089 refugee women in microenterprises or working as street vendors. Under UNRWA's small-scale enterprise programme, which offered loans ranging from \$1,000 to \$75,000 for capital investment to new and expanding enterprises and working capital to established ones, 10 per cent of the credits were given to women. Through its special hardship programme, UNRWA provided material and financial aid to refugee families without a male adult medically able to earn an income and without other financial support sufficient to cover basic needs.

Other organizations within the UN system that provided assistance to Palestinian women included the Food Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization, the United Nations Children's Fund, the United Nations Development Programme, through its Programme of Assistance to the Palestinian People, the United Nations Development Fund for Women, the World Food Programme, the United Nations Population Fund, the World Bank and ESCWA.

The report recommended that UN organizations and bodies continue to incorporate a gender perspective in their assistance activities and to integrate such a perspective into monitoring possible violations of women's rights, notably that carried out by the Special Committee on Israeli Practices and the Special Rapporteur on the

Palestinian Territories occupied since 1967 of the Commission on Human Rights (see PART TWO, Chapter III). The report considered it desirable that the Special Committee achieve a better perspective on the violations of women's human rights and their needs and concerns by inviting more women to give oral testimony.

While the international community had made a commitment to empower Palestinian women and enhance their role in society, including in public life, in leadership positions and through income-generating projects and vocational training, their needs were not fully addressed in programmes for macroeconomic development and market economy, the report stated. Women's increasing role in the labour market had to be taken into account on a more consistent basis.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1997/27], adopted **resolution 1997/16** by roll-call vote (44-1) [agenda item 7 (c)].

Palestinian women

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General concerning the situation of and assistance to Palestinian women,

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action adopted by the Fourth World Conference on Women,

Recalling also its resolution 1996/5 of 22 July 1996 and other relevant United Nations resolutions,

Recalling further the Declaration on the Elimination of Violence against Women as it concerns the protection of civilian populations,

Aware of the signing by the Palestine Liberation Organization and the Government of Israel, in Washington, D.C., of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 and of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip on 28 September 1995, within the framework of the Middle East peace process,

Concerned about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous Israeli illegal settlement activities, as well as the harsh economic conditions and other consequences for the situation of Palestinian women and their families resulting from the frequent closure and isolation of the occupied territory,

1. Stresses its support for the Middle East peace process and the need for full implementation of the agreements already reached between the parties;

2. Reaffirms that the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, the Regulations annexed to the Hague Convention IV of 18 October 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugee and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with the relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Platform for Action of the Fourth World Conference on Women;

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means, and to submit to the Commission on the Status of Women at its forty-second session a report on the progress made in the implementation of the present resolution.

ROLL-CALL VOTE ON RESOLUTION 1997/16:

In favour: Argentina, Australia, Bangladesh, Belarus, Brazil, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Czech Republic, Djibouti, El Salvador, Finland, France, Gabon, Germany, Iceland, India, Japan, Jordan, Latvia, Lebanon, Luxembourg, Malaysia, Mexico, Mozambique, Netherlands, Philippines, Poland, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Kingdom.

Against: United States.

withdrawal from the Palestinian territory occupied since 1967 and for resolving the problem of the Palestine refugees. Under the same agenda item, the Assembly also considered a draft resolution on the participation of Palestine in the work of the United Nations, which was not put to a vote (see below).

In commemoration of the International Day of Solidarity with the Palestinian People, celebrated annually on 29 November in accordance with Assembly resolution 32/40 B [YUN 1977, p. 304], the Committee, on 1 December, held a solemn meeting and other activities. Under the Committee's auspices, an exhibit entitled "At home in Palestine" was presented by the Permanent Observer Mission of Palestine to the United Nations.

On 9 June, the Committee convened a special meeting to commemorate the thirtieth anniversary of the occupation by Israel of the Palestinian territory, including Jerusalem, and other Arab territories. The Secretary-General, the Security Council President and a Vice-President of the General Assembly took part in the special meeting and made statements. Statements by the President of the Palestinian Authority (PA), the Chairmen of the Movement of Non-Aligned Countries, the Organization of the Islamic Conference (OIC) and the Organization of African Unity (OAU), the Secretary-General of the League of Arab States (LAS) and the North American Coordinating Committee of Non-Governmental Organizations on the Question of Palestine were also read out.

The Committee adopted a statement on the occasion, expressing its belief that the current situation in the occupied territory called for reaffirmation of the international community's commitments to the objective of achieving a comprehensive, just and lasting settlement to the Palestine question, in accordance with international legitimacy and UN resolutions.

Report of Secretary-General. In a November report on the question of Palestine [A/52/581-S/1997/866], the Secretary-General made observations on the Middle East peace process (see under "Peace process" above).

By a 9 September note verbale, the Secretary-General had sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization (PLO), regarding steps taken by them to implement the relevant provisions of resolution 51/26 [YUN 1996, p. 399]. As at 23 October, only the PLO and Egypt had responded. The PLO stated that since the adoption of the resolution the peace process had deteriorated critically, owing to Israel's policies and actions;

Issues related to Palestine

General aspects

During 1997, the General Assembly continued to grapple with the question of Palestine. Following consideration of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights) [A/52/35], the Assembly in December adopted four resolutions, reaffirming, among other things, the necessity of achieving a peaceful settlement of the question—the core of the Arab-Israeli conflict—in all its aspects, and stressing the need for immediate and scrupulous implementation of the agreements reached between the parties, as well as for the realization of the inalienable rights of the Palestinians, primarily the right to self-determination, for Israeli

the transitional agreement had not been implemented, with the exception of the part relating to Al-Khalil (Hebron); the negotiations on the final settlement had not started; and the economic and living conditions of the Palestinians had dramatically deteriorated. Several bombing attacks in West Jerusalem had contributed to the exacerbation of the situation.

The Palestinian side welcomed the progress made concerning the United Nations playing an expanded role in the peace process and in implementing the 1993 Declaration of Principles [YUN 1993, p. 521], especially in providing economic, social and other assistance to the Palestinians. It hoped that the Organization would be involved in bringing the peace process back on track, keeping it alive and achieving progress. Security Council involvement would be a very important factor, and the Council had indeed contributed to salvaging the peace process; in 1997, it had unfortunately been prevented twice from playing the same positive role due to United States vetoes on 7 and 21 March, which had led to the convening of the Assembly's tenth emergency special session, an indication of the UN Members' determination to remain engaged in and protect the Middle East peace process.

For a peaceful settlement of the Palestine question to be achieved within the framework of the current peace process, it was necessary, the Palestinians believed, to respect the basis on which that process was initiated—the principle of the return of land for peace and implementation of Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]. They considered it equally important for the parties to comply with the agreements reached and implement them in good faith without delay. All actions violating those agreements, international law and relevant Council resolutions had to cease immediately; the international community, especially the co-sponsors of the peace process, had great responsibility in that regard, the PLO stressed.

Egypt made similar points in its reply.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted **resolution 52/52** [draft: A/52/L.52 & Corr.1 & Add.1] by recorded vote (155-2-3) [agenda item 36].

Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including resolutions adopted at the tenth emergency special session,

Recalling also the relevant Security Council resolutions, including resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973,

Aware that 1997 marks fifty years since the adoption of resolution 181(II) of 29 November 1947 and thirty years since the occupation of Palestinian territory, including Jerusalem,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 51/26 of 4 December 1996,

Convinced that achieving a final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive and lasting peace in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles of the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Affirming also the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and the signing by the two parties of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995,

Recalling also the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area in 1995 in accordance with the agreements reached by the parties, and the initiation of the Palestinian Authority in those areas, as well as the beginning of the re-deployment of the Israeli army in the rest of the West Bank in 1996,

Noting with satisfaction the successful holding of the first Palestinian general elections,

Noting with appreciation the work of the Office of the United Nations Special Coordinator in the Occupied Territories and its positive contribution,

Welcoming the convening of the Conference to Support Middle East Peace in Washington, D.C., on 1 October 1993, as well as all follow-up meetings and the international mechanisms established to provide assistance to the Palestinian people,

Concerned about the serious difficulties facing the Middle East peace process, including the lack of implementation of the agreements reached and the deterioration of the socio-economic conditions of the Palestinian people as a result of the Israeli positions and measures,

1. Reaffirms the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects;

2. Expresses its full support for the ongoing peace process which began in Madrid and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995, and expresses the hope that the process will lead

to the establishment of a comprehensive, just and lasting peace in the Middle East;

3. Stresses the necessity for commitment to the principle of land for peace and the implementation of Security Council resolutions 242(1967) and 338(1973), which form the basis of the Middle East peace process, and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of the Israeli forces from the West Bank and the commencement of the negotiations on the final settlement;

4. Calls upon the concerned parties, the co-sponsors of the peace process and other interested parties, as well as the entire international community to exert all the necessary efforts and initiatives to bring the peace process back on track and to ensure its continuity and success;

5. Stresses the need for:

(a) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination;

(b) The withdrawal of Israel from the Palestinian territory occupied since 1967;

6. Also stresses the need for resolving the problem of the Palestine refugees in conformity with its resolution 194(III) of 11 December 1948;

7. Urges Member States to expedite the provision of economic and technical assistance to the Palestinian people during this critical period;

8. Emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles;

9. Requests the Secretary-General to continue his efforts with the parties concerned and, in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.

RECORDED VOTE ON RESOLUTION 52/52:

In favour Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Bulgaria, Marshall Islands, Micronesia.

Speaking before the vote, the United States said the text injected the Assembly into questions that were the subject of direct negotiation. The United States wanted to support that process

rather than focus on issues that divided or polarized.

Although in favour of the text, Turkey felt that it did not reflect all the obstacles on the road to lasting Middle East peace and stability. It believed that terrorism was a fundamental threat to the peace process and emphasized the urgent need for countries that lent support to terrorism to desist from such illegal and destructive practice and refrain from using terrorism as foreign-policy leverage.

The Syrian Arab Republic explained that its vote in favour did not mean that it either supported or opposed the 1993 Declaration of Principles referred to in the text. Syria stressed that complete Israeli withdrawal from all occupied Arab territories and the establishment of a just and comprehensive peace, in accordance with the principles and mandate of the Madrid Conference and the principle of land for peace, was the only way to enable the people of the region to live in peace within secure and internationally recognized boundaries.

Indonesia, introducing the draft resolution on behalf of the sponsors, noted that 1997 marked 50 years since the adoption of resolution 181(II) [YUN 1947-48, p. 247] on the future Government of Palestine and 30 years since the occupation of Palestinian territory, including Jerusalem.

Participation of Palestine in UN work

On 9 December [meeting 68], under the agenda item on the "Question of Palestine", Indonesia introduced before the General Assembly plenary a draft resolution entitled "Full participation of Palestine in the work of the United Nations" [A/52/L.53/Rev.1] on behalf of 22 sponsors. The preambular part of the text recalled, among others, resolution 43/177 [YUN 1988, p. 208], by which the Assembly acknowledged the proclamation of the State of Palestine by the Palestine National Council and decided that the designation "Palestine" should be used in place of "Palestine Liberation Organization" in the UN system. The preamble also recalled that the Security Council in 1977 had decided that the PLO should be invited to participate in the debate on the situation in the Middle East and that that invitation would confer on it the same rights of participation as those conferred on a Member State under rule 37 of the Council's provisional rules of procedure. Since February 1994, Palestine had been invited to participate in the discussion without the right to vote, in accordance with the provisional rules of procedure and established practice. In the text's operative part, the Assembly would decide to confer on Palestine, in its capacity as observer, similar rights and privileges of participation as

those conferred on Member States, with the exception of voting and candidature, in the sessions and work of the Assembly and international conferences convened under the auspices of the Assembly or other UN organs as well as in UN conferences. The UN Secretariat would be authorized to implement the resolution and the Secretary-General would be requested to proceed expeditiously in that regard.

The United States expressed strong opposition to the text on the ground that it would grant the Palestinians more rights than Observer States; if adopted, it would set a provocative precedent that would not be easy to walk away from and would affect the conduct of UN business for years to come. The Palestinians were not a State, the United States stressed, and should not have rights nearly equal to those of States; that was especially true since the ultimate disposition of the West Bank and Gaza was a permanent status issue that the Palestinians themselves had agreed to resolve in direct negotiations in the 1993 Declaration of Principles [YUN 1993, p. 521]. The United States was also concerned that the proposal could have negative consequences for diplomatic efforts to inject new momentum into the peace process, which were extremely sensitive. If successful, the United States warned, the move would likely encourage other groups involved in regional disputes to attempt similar status upgrades, with chaotic political consequences.

Introducing the draft resolution, Indonesia stressed that the text did not seek full UN membership or balloting, but additional rights and privileges of participation for Palestine as an observer. The sponsors hoped that adoption of the draft would contribute to achieving the inalienable rights of the Palestinians, thus bringing about a just and comprehensive Middle East peace.

On behalf of the European Union (EU), Luxembourg introduced an amendment [A/52/L.59] replacing the operative paragraphs with a text by which the Assembly would reaffirm the right of Palestine to participate as an observer in the Assembly's session and work and in international conferences convened under the auspices of the Assembly or other UN organs. The Assembly would also decide to review whether the rights currently enjoyed by Palestine were adequate to ensure its proper participation in its work and that of its Main Committees and international conferences; and would request the Secretary-General to report on the issue as soon as possible, before the end of the Assembly's fifty-second session.

In presenting the amendment, Luxembourg stated that the draft resolution went well beyond a practical improvement in the participation of the Observer of Palestine in the work of the Assembly and other UN organs and had implications not only for the precise status of Palestine in the United Nations, but also for the relationship between States Members and Observers. The EU was prepared to participate in such a discussion which, however, had to be properly prepared so that a well-considered decision could be taken in full awareness of all the facts and after an in-depth exchange of views.

Yemen, on behalf of the sponsors of the original text, moved that the EU amendment be considered a new proposal, rather than an amendment, as it sought to delete the important body of the draft and insert paragraphs with a completely different meaning. Yemen's motion was rejected by a recorded vote of 65 against to 57 in favour, with 32 abstentions.

After consultations among the original draft's sponsors, it was decided to request that the text not be put to the vote and that further consultations would take place.

Committee on Palestinian Rights

As mandated by General Assembly resolution 51/23 [YUN 1996, p. 402], the Committee on Palestinian Rights, established in 1975 by Assembly resolution 3376(XXX) [YUN 1975, p. 248], kept under review the situation relating to the Palestine question, reported on it and made suggestions to the Assembly or the Security Council. The Committee continued to promote a comprehensive, just and lasting settlement to the question in accordance with international legitimacy, and participated actively in meetings of the Council, the Assembly and other international forums convened for that purpose. The Committee also monitored the situation in the occupied Palestinian territory, including Jerusalem, and developments in the peace process, through the media and UN reports, as well as information provided by non-governmental organizations (NGOs), individual experts and participants in meetings held under Committee auspices.

In accordance with decisions taken in 1996 to streamline its programme, the Committee held the following meetings in 1997: the annual meeting of consultations with representatives of coordinating committees of NGOs (New York, 3-4 February); a seminar on assistance to the Palestinians (Amman, Jordan, 20-22 May) (see below); the annual North American Symposium of NGOs (New York, 9-11 June); and the annual International Meeting of NGOs, combined with the European Symposium of NGOs (Geneva, 25-28 August). An

Asian seminar and NGO symposium on the question of Palestine was held in Jakarta, Indonesia (4-7 May). The Committee decided not to convene the remaining meetings programmed for the 1996-1997 biennium, and requested the Secretariat to ensure that the resulting savings be used to finance new activities and the further development of the computer-based UN Information System on the Question of Palestine (UN-ISPAL).

The Committee continued to follow the activities relating to the Palestine question of intergovernmental bodies, such as OAU and the Movement of Non-Aligned Countries, and through its Chairman, participated in relevant meetings. Through its Bureau, the Committee made efforts to involve additional Member States in its work, in particular the members of the EU, and held consultations with LAS and OIC with a view to organizing a joint event in early 1998.

In its annual report to the Assembly [A/52/35], covering the period from 15 November 1996 to 5 November 1997, the Committee welcomed the signing by the parties in January 1997 of the Protocol concerning the Redeployment in Hebron and the Note for the Record (see above, under "Peace Process"). Following that agreement, over 80 per cent of the city was successfully transferred to the PA. On 20 January, the Bureau of the Committee had expressed the hope that the Protocol would lead to full implementation of the agreements reached, in particular the commencement of substantive negotiations on matters pertaining to a permanent settlement.

The Committee welcomed the establishment, at the beginning of February, of eight bilateral Israeli-Palestinian subcommittees to tackle the outstanding issues during the transitional period, including operation of the Gaza seaport and airport, safe passage corridors from the West Bank and the Gaza Strip, and the release of Palestinian prisoners. It further welcomed the contribution to the peace process by the various international parties and noted the increased involvement of the co-sponsors of the peace process, as well as the EU, in efforts to bring about a resumption of the bilateral negotiations.

The Committee noted with extreme concern, however, that the negotiations faced serious setbacks during the year as a direct result of Israel's position on various elements of the peace process; it noted that in the course of the year numerous Israeli statements and actions had a negative effect with regard to sensitive issues to be discussed during permanent status negotiations and had created a situation in which the peace process could not successfully move forward. Especially worrisome were continued Israeli state-

ments of intent regarding the expansion of Israeli settlements and the construction of new ones, as well as the building of roads to connect those settlements.

In the year under review, the issue of Jewish settlements remained at the forefront of the Committee's attention. The Committee deplored Israel's decisions to start constructing a new Jewish settlement at Jebel Abu Ghneim and to continue with construction in spite of the international community's overwhelming expression of opposition. On the day of the start of construction, the Bureau of the Committee voiced concern at its negative implications for the future of the peace process. It also called for an end to military occupation, land confiscation and settlement policies, and for the resumption of bilateral negotiations. In September, the Committee expressed grave concern at efforts by militant settlers to establish a permanent presence in the Ras al-Amud district in occupied East Jerusalem.

Especially worrisome in the Committee's opinion were actions taken by Israel to strengthen its control over East Jerusalem, such as the opening of a new entrance to the tunnel near Al Aqsa Mosque, the withdrawal of Jerusalem identity cards, the destruction of buildings and intensified efforts to establish Jewish settlements in the Old City. The Committee was of the view that Israel's policy on Palestinian residency rights in Jerusalem and the confiscation of identity documents of the city's Palestinian residents was aimed at creating a demographic reality that would pre-empt any just solution to the question of Jerusalem and produce an eventual imbalance in favour of Israel in the permanent status negotiations.

The Committee affirmed its strong opposition to the repeated closures and blockade of the occupied territories, which, it said, suffocated the fledgling Palestinian economy, interfered with the implementation of assistance projects and the disbursement of international aid, brought hardship and suffering to Palestinians and exacerbated tension. It reiterated its position that the practice of closures was in direct contravention of the Fourth Geneva Convention.

The Committee expressed great appreciation for the international community's continued efforts to provide assistance to the Palestinians through the PA, despite growing difficulties on the ground. The Committee was of the view that such assistance remained vital to the successful transition to national sovereignty and statehood. It welcomed the appointment in February of Chinmaya R. Gharekhan as the Special Coordinator in the Occupied Territories, to serve as a focal point for the UN family of organizations and

to maintain ongoing contact with the donor community, NGOs and others.

Noting the dedicated efforts of the United Nations relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which continued to provide its much-needed services to refugees and their families despite its difficult financial situation (see below), the Committee called for intensified international support for UNRWA's activities.

In making its recommendations, the Committee noted that 1997 marked the fiftieth anniversary of General Assembly resolution 181(II) [YUN 1947-48, p. 247], by which the Assembly decided on the partitioning of Palestine and called for the establishment of independent Jewish and Arab States and a special international regime for Jerusalem; the thirtieth anniversary of the occupation of Palestinian territory, including Jerusalem, and other Arab territories by Israel; and the tenth anniversary of the beginning of the intifadah, the Palestinian uprising which, according to the Committee, helped create the conditions for the peace process.

The signing of the Declaration of Principles in September 1993 [YUN 1993, p. 521] was a dramatic turning point in the search for peace, the Committee said, leading to the emergence of a new reality on the ground, enabling the Palestinians to take their first steps towards independence and opening new possibilities for cooperation among the peoples of the region. The Committee considered it essential that the international community intensify its efforts in support of the historic process of reconciliation between the two sides, the effective implementation of the agreements reached and the resumption of all aspects of the negotiations on the agreed basis.

The Committee expressed greatest concern and anguish that the hopes ushered in by initial positive developments were not carried through in the year under review and that the peace process appeared increasingly in jeopardy, leading to an alarming exacerbation of tension and violence, which resulted in loss of life on both sides. The Committee believed that the harsh economic measures against the occupied territory, including the prolonged blockade, were a form of collective punishment in contravention of the Fourth Geneva Convention and the agreements reached, and called for their end in the interests of restoring mutual confidence and promoting peace.

The Committee, noting that 30 Palestinian women prisoners had been released by the Israeli authorities in February, emphasized that the release of prisoners should have become an impor-

tant confidence-building step, but that Israel was still holding more than 3,600 Palestinian prisoners. Instances of excessive force were recorded by the PA and various human rights organizations. The Committee reaffirmed that the holding of prisoners in the territory of the occupying Power violated the Fourth Geneva Convention and called on Israel to respect its obligations under that Convention and to release the prisoners pursuant to the bilateral agreements.

The Committee fully supported the General Assembly's recommendations in **resolutions ES-10/2** and **ES-10/3**, in particular for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention (see above). The Committee would remain engaged in the follow-up to those recommendations and continue to promote the necessary action.

The Committee reiterated that the involvement of the United Nations in the peace process, both as the guardian of international legitimacy and in mobilizing and providing international assistance, was essential for the successful outcome of that process. As the organ of the General Assembly established to deal with the question, the Committee believed that its role continued to be useful and necessary during the transitional period and until a satisfactory final settlement was achieved.

The Committee reaffirmed that such a settlement had to be based on Security Council resolutions 242(1967) [YUN 1967, p. 257] and 338(1973) [YUN 1973, p. 213]; Israeli withdrawal from the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967; the principle of exchange of land for peace; and the exercise by the Palestinians of their inalienable rights, in particular the right to self-determination. The Committee also insisted that, during the interim period, Israel had to recognize and respect its obligations as the occupying Power under the Fourth Geneva Convention.

While remaining firm on those positions of principle, the Committee continued to make adjustments in its approach and programme of work in order to make a concrete contribution to promoting implementation of the agreements reached and to mobilize international assistance to the Palestinians.

The Committee expressed great appreciation to those States that had supported its work and facilitated the organization of events held under its auspices. It considered that a broadening of its membership to include countries that supported its objectives but had not hitherto participated in its work would greatly enhance the Assembly's contribution to promoting peace at the current, important stage.

The Committee considered that its programme of seminars in the various regions played a useful role in informing and mobilizing public opinion, promoting the exchange of experience and expertise among participants from the various regions and Palestinians and Israelis, and promoting increased involvement by Governments in the search for a just and comprehensive solution. The annual convening of a seminar devoted to the economic and social challenges facing the Palestinians during the transitional period had proved very useful in the Committee's opinion and it intended to continue the practice in order to give the international donor community, including UN bodies and agencies, the opportunity to exchange views with representatives of the PA and internationally renowned experts.

In view of the current situation in the occupied territories, including Jerusalem, the Committee intended to encourage intensified efforts by NGOs to organize sustained campaigns to inform public opinion and promote national and international action in support of UN resolutions and the Committee's objectives. It also planned to continue its meetings of NGOs in the various regions, for a periodic analysis of political developments and as a forum for an exchange of views and experience, as well as for coordinating specific activities.

The Committee concluded that it would continue to strive for maximum effectiveness in implementing its mandate and to adjust its work programme in the light of developments in order to contribute further to the realization of the common UN objective of achieving a just and lasting solution to the Palestine question.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted **resolution 52/49** [draft: A/52/L.49 & Add.1] by recorded vote (115-2-45) [agenda item 36].

Committee on the Exercise of the Inalienable Rights of the Palestinian People

The General Assembly,

Recalling its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3236(XXIX) of 22 November 1974, 3375(XXX) and 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A of 2 December 1977, 33/28 A and B of 7 December 1978, 34/65 A of 29 November 1979 and 34/65 C of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 A and C of 15 December 1980, 36/120 A and C of 10 December 1981, ES-7/4 of 28 April 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/96 A of 12 December 1985, 41/43 A of 2 December 1986, 42/66 A of 2 December 1987, 43/175 A of 15 December 1988, 44/41 A of 6 December 1989, 45/67 A of 6 December 1990, 46/74 A of 11 December

1991, 47/64 A of 11 December 1992, 48/158 A of 20 December 1993, 49/62 A of 14 December 1994, 50/84 A of 15 December 1995 and 51/23 of 4 December 1996,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Recalling the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, as well as the subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Reaffirming that the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Considers that the Committee can continue to make a valuable and positive contribution to international efforts to promote the effective implementation of the Declaration of Principles on Interim Self-Government Arrangements and to mobilize international support for and assistance to the Palestinian people during the transitional period;

3. Endorses the recommendations of the Committee contained in chapter VII of its report;

4. Requests the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

5. Authorizes the Committee to continue to exert all efforts to promote the exercise of the inalienable rights of the Palestinian people, to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments, to give special emphasis to the need to mobilize support and assistance for the Palestinian people and to report thereon to the General Assembly at its fifty-third session and thereafter;

6. Requests the Committee to continue to extend its cooperation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and promoting support and assistance to meet the needs of the Palestinian people and to take the necessary steps to involve additional non-governmental organizations in its work;

7. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III), and other United Nations bodies associated with the question of Palestine to continue to cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

8. Requests the Secretary-General to circulate the report of the Committee to all the competent bodies of

the United Nations, and urges them to take the necessary action, as appropriate;

9. Also requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

RECORDED VOTE ON RESOLUTION 52/49:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom.

The United States said the draft resolution, and those on the Division for Palestinian Rights and the special information programme on the Palestine question (see below), promoted institutions whose activities and approaches to Middle East peace were unbalanced and outdated and did nothing to support the process of negotiations under way, scarcely taking note of the considerable achievements of the negotiating partners to date. Instead, they drained away millions of dollars each year that could better serve economic development in the West Bank and the Gaza Strip.

Speaking on behalf of the EU, Luxembourg expressed regret that the Committee's mandate did not take better account of the spirit of the peace process; however, the EU welcomed the dialogue established in recent months with the Bureau of the Committee and intended to continue that exchange, particularly with a view to adapting the Committee's activities and mandate to the new situation in the Middle East so that it could make a constructive contribution to UN action in support of the peace efforts.

Division for Palestinian Rights

With the guidance of the Committee on Palestinian Rights, the Division for Palestinian Rights of the UN Secretariat continued to function as a centre for research, monitoring, preparation of studies, and collection and dissemination of information on all issues related to the Palestine

question. The Division continued to respond to requests for information and to prepare and disseminate the following publications: a monthly bulletin covering action by the Committee and other UN bodies and agencies, as well as inter-governmental organizations and NGOs on the Palestine question; a periodic bulletin entitled "Developments related to the Middle East peace process"; a monthly chronology of events relating to the question, based on media reports and other sources; reports of meetings organized under Committee auspices; a special bulletin on the commemoration of the International Day of Solidarity with the Palestinian People (29 November); and an annual compilation of relevant General Assembly and Security Council resolutions, decisions and statements.

The Committee, in its annual report [A/52/35], noted with appreciation that the Division had completed a study on the status of Jerusalem, to be published in the near future, and was working on a draft study on Israeli settlements. It also noted that the Division, in cooperation with relevant technical services of the Secretariat, had made substantial progress in developing UN-ISPAL, as mandated by Assembly resolution 46/74 B [YUN 1991, p. 228]; that a public replica of the system had been established and made available to external users for the second year; and that the Division was making progress in placing some of its documentation on the Internet. While pleased by those developments, particularly the conversion of some 5,000 pages into electronic format through an outside vendor, the Committee expressed the wish that the database be made more comprehensive and useful.

The Committee requested the Division to continue its publications programme, in consultation with the Committee, to pay particular attention to finalizing the proposed study on settlements during the coming year, and to continue its successful project for the training of staff of the PA in the workings of the UN system.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted **resolution 52/50** [draft: A/52/L.50 & Add.1] by recorded vote (113-2-47) [agenda item 36].

Division for Palestinian Rights of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the relevant information contained in chapter V.B of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981, 37/86 B of 10 December 1982, 38/58 B

of 13 December 1983, 39/49 B of 11 December 1984, 40/96 B of 12 December 1985, 41/43 B of 2 December 1986, 42/66 B of 2 December 1987, 43/175 B of 15 December 1988, 44/41 B of 6 December 1989, 45/67 B of 6 December 1990, 46/74 B of 11 December 1991, 47/64 B of 11 December 1992, 48/158 B of 20 December 1993, 49/62 B of 14 December 1994, 50/84 B of 15 December 1995 and 51/24 of 4 December 1996,

1. Notes with appreciation the action taken by the Secretary-General in compliance with its resolution 51/24;

2. Considers that the Division for Palestinian Rights of the Secretariat continues to make a useful and constructive contribution through the organization of seminars and meetings of non-governmental organizations, as well as through its research and monitoring activities, the preparation of studies and publications and the collection and dissemination of information in printed and electronic form on all issues pertaining to the question of Palestine;

3. Requests the Secretary-General to continue to provide the Division with the necessary resources, including for the further development of the United Nations Information System on the Question of Palestine, and to ensure that it continues to discharge the tasks detailed in paragraph 1 of resolution 32/40 B, paragraph 2 (b) of resolution 34/65 D, paragraph 3 of resolution 36/120 B, paragraph 3 of resolution 38/58 B, paragraph 3 of resolution 40/96 B, paragraph 2 of resolution 42/66 B, paragraph 2 of resolution 44/41 B, paragraph 2 of resolution 46/74 B, paragraph 2 of resolution 48/158 B, paragraph 3 of resolution 49/62 B, paragraph 3 of resolution 50/84 B and paragraph 3 of resolution 51/24, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

4. Also requests the Secretary-General to ensure the continued cooperation of the Office of Communications and Public Information and other units of the Secretariat in enabling the Division to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to lend their cooperation to the Committee and the Division in the performance of their tasks;

6. Notes with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People, requests them to continue to give the widest possible publicity to the observance, and requests the Committee to continue to organize, as part of the observance of the Day of Solidarity, an annual exhibit on Palestinian rights in cooperation with the Permanent Observer Mission of Palestine to the United Nations.

RECORDED VOTE ON RESOLUTION 52/50:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singa-

pore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom.

Special information programme

As requested by General Assembly resolution 51/25 [YUN 1996, p. 405], the UN Department of Public Information (DPI) continued in 1997, in full cooperation and coordination with the Committee on Palestinian Rights, its special information programme on the Palestine question.

The Department's Public Inquiries Unit responded to requests for information on Middle East issues, and the Group Programme Unit organized briefings on the Palestine question and the Middle East for students and other groups. The subject was included in the presentation to visitors taking guided tours. The Dissemination Unit responded to information requests and disseminated material by electronic mail. Information material and video programmes were distributed to the NGO community in New York, Geneva and Vienna. The UN Dag Hammarskjöld Library and the depository libraries disseminated material, documents and press releases on the Committee's activities.

The quarterly UN Chronicle continued its comprehensive coverage of the Palestine question, including General Assembly and Security Council action, special meetings, symposia and seminars. The publications *The United Nations and the Question of Palestine* and *For the Rights of the Palestinians: The Work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People* continued to be comprehensive sources of historical information; those publications and the poster entitled "Self-determination: an inalienable right of the Palestinian people" were made available in all UN languages.

The Radio and Central News Service covered extensively all aspects of the Palestine question and related issues in daily news bulletins, weekly current affairs magazines and feature programmes in official and non-official languages for dissemination throughout the world.

Following a video-taping mission to the Palestinian territories, the Media Division completed a programme on: Palestinian television, with special emphasis on broadcasters trained by DPI; a rehabilitation project of youth centres in Gaza sponsored by the United Nations Development Programme and training and income-generating

programmes for women, sponsored by UNRWA. Videos were being produced for "UN in Action", "CNN World Report" and "1997 Year in Review". As requested by the Committee, video footage on the Palestine question since 1945 had been researched and compiled and a small section in the video library devoted to the question was being established.

DPI, in cooperation with Greece, organized an international seminar with the theme "The peace process: the challenges ahead" (Athens, 26-27 May), which discussed the status of the peace process, implementation of the peace agreements, final status negotiations and the region's economic situation. The seminar brought together Palestinian and Israeli media representatives, as well as academics and political and economic development experts, officials of the PA, and senior journalists representing prominent media organizations from the United States, Africa, Asia, Europe and Latin America. After the seminar, a fact-finding news mission of eight international journalists visited Cairo, Egypt and Amman, Jordan, where they met with high-ranking government officials and the local press corps.

DPI, in cooperation with the Division for Palestinian Rights, promoted the International Day of Solidarity with the Palestinian People (29 November), providing assistance in organizing a special exhibit on that occasion, entitled "At home in Palestine". Print and electronic media coverage of the event in many countries was extensive, and panel discussions and forums, with the participation of UN and government officials, delegations of Palestine and NGOs, were among several activities organized by UN information centres. Also, throughout the year, many centres dealt with the Palestine question in their periodic newsletters and bulletins, organized media activities and special events, issued information materials in local languages and disseminated documents.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted **resolution 52/51** [draft: A/52/L.51 & Add.1] by recorded vote (158-2-4) [agenda item 36].

Special information programme on the question of Palestine

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Taking note in particular of the information contained in chapter VI of that report,

Recalling its resolution 51/25 of 4 December 1996,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions re-

main of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Aware of the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of the State of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and of the subsequent implementation agreements, in particular the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington, D.C., on 28 September 1995, and their positive implications,

1. Notes with appreciation the action taken by the Office of Communications and Public Information of the Secretariat in compliance with resolution 51/25;

2. Considers that the special information programme on the question of Palestine of the Office is very useful in raising the awareness of the international community concerning the complexities of the question of Palestine and the situation in the Middle East in general, including the achievements of the peace process, and that the programme is contributing effectively to an atmosphere conducive to dialogue and supportive of the peace process;

3. Requests the Office, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 1998-1999, with particular emphasis on public opinion in Europe and North America and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations organizations;

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard and, in particular, the prospects for peace;

(c) To expand its collection of audiovisual material on the question of Palestine and to continue the production of such material;

(d) To organize and promote fact-finding news missions for journalists to the area, including the territories under the jurisdiction of the Palestinian Authority and the occupied territories;

(e) To organize international, regional and national seminars or encounters for journalists;

(f) To continue to provide assistance to the Palestinian people in the field of media development, in particular to strengthen the training programme for Palestinian broadcasters and journalists initiated in 1995.

RECORDED VOTE ON RESOLUTION 52/51:

In favour. Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar,

Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Bulgaria, Marshall Islands, Micronesia, Rwanda.

Assistance to Palestinians

UN involvement

Report of Secretary-General. In a July report [A/52/159-E/1997/69], the Secretary-General described UN assistance to the Palestinian people between June 1996 and May 1997. He also provided an assessment of assistance actually received and of needs still unmet and specific proposals for responding effectively to them.

Chinmaya R. Gharekhan succeeded Terje Rød-Larsen as Special Coordinator in the Occupied Territories in February 1997. Concurrently, Mr. Gharekhan continued to serve as the Secretary-General's Representative to the multilateral peace talks on the Middle East, a position he had held since January 1993.

Throughout the reporting period, the Special Coordinator focused his efforts on coordinating and targeting donor-funded projects to alleviate unemployment and related socio-economic hardship and to encourage employment generation; working with partners in the development effort to provide budgetary support to the PA and to address the budget deficit; strengthening institution-building and targeted technical assistance, so that greater progress could be made towards sustainable socio-economic development; encouraging greater private-sector involvement to stimulate growth, economic development and employment generation; and expediting donor disbursements so that the PA's Public Investment Programme, supported by the international community, could be implemented.

Since its inception in 1994, the report stated, the Office of the Special Coordinator in the Occupied Territories had been instrumental in establishing donor coordination mechanisms that brought together the PA, donors, the World Bank and the United Nations. The UN presence in the West Bank and Gaza Strip increased from three organizations in 1993 to 15 in 1997. Combined UN funds dispersed through regular budgets and funds for specific projects totalled approximately \$254 million in 1996. With the exception

of UNRWA, UN organizations worked for the most part through the PA or local executing agencies.

UN organizations developed their 1997 programmes in response to the needs identified by the PA in the areas of education, health, employment generation, infrastructure and housing, institution-building and the private sector. The Special Coordinator presented the proposed programme of UN assistance for 1997 to the donor community at the Consultative Group meeting in November 1996, which was preceded by an intense round of consultations involving the PA, donors, the United Nations, the World Bank and the International Monetary Fund; the process resulted in a comprehensive public investment programme for 1997 of \$865 million, which included 48 UN projects totalling \$113 million. At the November meeting, attended by representatives of 35 donor countries and 14 development agencies, \$888 million was pledged.

Preparation of the Palestinian Development Plan for 1998-2000 commenced in early 1997. The aim of the improved preparatory process, which drew upon the expertise of PA ministries and agencies and the sector working groups of the Local Aid Coordination Committee, was to better target donor funding to Palestinian development needs. To increase the efficiency and usefulness of the sector working groups, set up in 1995 to facilitate communication and coordination between donors and the PA, a series of evaluative workshops was held in early 1997, leading in some cases to the creation of more focused subgroups. Under the guidance of a steering committee, chaired by the Ministry of Planning and International Cooperation, the working groups would also assist the PA in formulating the Palestinian Public Investment Programme.

By **decision 1997/294** of 23 July, the Economic and Social Council took note of the Secretary-General's report on assistance to the Palestinians.

Education

Education, the largest public-service sector within the PA's area of responsibility, employed almost 22,000 people and catered to the needs of approximately 1.2 million children. Immediate priorities for the PA upon assuming responsibility were upgrading inadequate physical infrastructure and revitalizing human resources. Efforts to relieve overcrowding, the insufficient number of schools and deteriorating premises remained a high priority owing to the demands of a rapidly growing population. An estimated 40 new schools per year were required simply to keep up with the natural increase; in addition,

there was a need for textbooks and equipment in the almost 1,500 existing schools.

Capacity development at the classroom level was urgently needed to revitalize the educational process, which had suffered from low teacher morale and lack of institutional support. The framework for such efforts had to be, said the report, a comprehensive institutional development process targeting the education system overall, its policy-making and implementation procedures at every level. The sectoral priority was to support the PA's implementation of its National Plan of Action for Children, in which formal, non-formal and early childhood education were targeted for improvement in quality, access and management.

Employment

The average number of Palestinians working legally inside Israel had fallen to 22,000 in 1996 from 116,000 in 1992. With an estimated 16,000 joining the labour force each year, it seemed unlikely, the report said, that the Palestinian economy would be able to absorb many of the currently unemployed or to accommodate the anticipated increases of roughly 4 per cent annually. A two-track approach was required to address the immediate needs through the provision of short-term job opportunities, while at the same time formulating long-term strategies. In order to address long-term employment needs, changes in the preparation of the labour force were required; university graduates experienced high unemployment due to the concentration on humanities and social science rather than science and technology-related fields. Private enterprise and investment had to be encouraged in such important sectors as agriculture, and there was a need to develop a transparent, streamlined legal and regulatory framework.

Health

The PA had identified the fragmentation of health services between different providers, the lack of standardization in skills and services and the neglected state of physical infrastructure and equipment as the health sector's priority needs. As was also the case with other sectors, the health sector in general had suffered from the lack of Palestinian participation in planning and decision-making during the occupation years. In addition, the human and technical resources for gathering comprehensive data for the whole of the West Bank and Gaza Strip were unavailable, and health providers were consequently unable to ascertain fully the scale and priority of health problems. There was no comprehensive health

safety net, the report noted, and many families could not afford insurance coverage; that created particular problems in specialist health care, which was currently unavailable in the West Bank and Gaza Strip, necessitating patient referrals to Israeli hospitals. In addition, curative rather than preventive and primary health care was overemphasized, which greatly increased costs both system-wide and at the household level. Currently, almost one quarter of all patients' first contacts with health-care services were initiated as emergencies, which placed higher financial and manpower costs on the system. The 1996 health budget was \$96 million, up from \$76 million the previous year.

Overall health indicators for the West Bank and Gaza Strip were comparable with those of other Arab countries of the region and of countries with similar socio-economic characteristics. Major causes of child mortality were acute respiratory infections and diarrhoeal diseases. Child and maternal nutrition deficiencies were evident in the high rates of anaemia, diarrhoeal disease and related problems. There was a need for widespread health education—aimed at both the public and health professionals—in order to lessen the severity of those and other pressing health problems. On the whole, however, the West Bank and Gaza were characterized by pockets of need rather than the urgent health sector demands evident in some developing countries. Sectoral priorities remained centred around the strengthening of institutional and human capacity in the context of developing a locally relevant, locally managed comprehensive health-care system.

Infrastructure

Neglected infrastructure remained one of the most pressing challenges facing the PA, the report stated, as consistent underfunding had resulted in decaying and inadequate systems that were overwhelmed by demand. Priority areas were modern roads planned with the need of local communities in mind, adequate and environmentally sound water and sanitation systems, and efficient electricity and telecommunications capable of facilitating development and commercial expansion. Housing was characterized by a large gap between supply and demand and a lack of government investment and remained subject to zoning restrictions, planning and building permits.

As the population grew and residential and industrial use expanded, demand for electricity continued to rise; however, over 130 villages in the West Bank either had no electricity at all or were supplied for only a few hours a day. Only 29 per cent of the West Bank and Gaza Strip population

was connected to a public sewage system, and raw sewage, which continued to be diverted into cess-pits, posed an environmental hazard to the underground aquifers that were the main water resource. Insufficient facilities for solid waste disposal or irregular collection in many areas compounded the problem. In 1995, the Palestinian Water Authority had assumed responsibility for coordinating activities related to water and waste-water management; long-term planning had begun and sewage treatment plants were being overhauled, but rehabilitating the entire system was a lengthy process and, owing to the absence of any previous substantive development in the sector, much remained to be done.

According to the report, over 40 per cent of the existing road network required urgent repairs, and the entire road system needed to be reworked to facilitate development. Fully functioning airports and seaports were necessary if trade, commerce and tourism were to grow to their full potential. Telecommunications were improving, although the number of telephones per person stood at 1:46—compared with 1:15 in Jordan—presenting a constraint on commercial enterprises. The PA had plans to expand to 250,000 telephone lines by the year 2000, compared with the current figure of 90,000.

Institution-building

Three years after the PA assumed responsibility, major progress had been made in institution-building in the area of public administration at both central and local levels, the report noted. Much of the donor initiative had focused on support for the start-up phase, capital expenditures and recurrent costs, and on technical assistance for the development process to ministries and other institutions responsible for the delivery of public and social services. The challenge continued to be to assist the PA in the assumption of its central responsibilities. Ensuring financial accountability and operational transparency of ministries, councils and organizations was key to continued international participation in the process.

Increasing attention was being devoted to strengthening the legal system, developing institutional capacity for the administration of justice and protection of human rights, and establishing a regulatory framework in both the public and private sectors. Other priorities included encouraging private investment and fostering donor confidence by enhancing the legal environment surrounding private-sector investment, specifically land registration, building and property ownership, and planning and zoning regulations. The public-sector regulatory framework

also needed to be developed, the report stated, with respect to taxation and banking laws, labour laws and workers' rights, and environmental protection.

Private-sector development

The report considered the expansion and encouragement of the private sector to be central to the achievement of long-term structural employment, but stated that investment was currently inhibited by fears of potential economic losses owing to closures of the West Bank and Gaza Strip and the resultant lack of access to markets and materials. In addition, there was an ongoing need to develop a comprehensive legal and regulatory framework conducive to private-sector investment. Also required was continued support to the banking sector, to ensure the availability of dependable financial services needed for business investment and expansion.

Housing construction accounted for some 85 per cent of private-sector investment. Agriculture—largely centred around small, family-based farms—was another important economic activity, generating roughly one third of gross domestic product and one quarter of exports. Owing to the effects of border closures, lack of access to markets, the threat of ever decreasing access to water resources and dependence on, as well as inappropriate use of, chemical fertilizers and pesticides, the sector had been unable to develop its full economic potential. There was a need for further development of rain-fed crops and multi-cropping, and institutional support in the form of credit facilities, uniform legislation, research and testing stations for crop-testing and trying out new methodologies.

The PA had also highlighted the tourism sector for development, as the approaching turn of the millennium was expected to attract a huge influx of visitors to the region. While major efforts were under way, particularly in Bethlehem, the sector required additional physical infrastructure and improved services.

Seminar on assistance to Palestinian people. By a 9 June letter [A/52/179-E/1997/76], the Chairman of the Committee on Palestinian Rights transmitted to the Secretary-General the report of the 1997 Seminar on Assistance to the Palestinian People (Amman, Jordan, 20-22 May), which had as its theme "Palestinian Human Development Needs". The Seminar's round-table meetings discussed sustainable human development as the basis for nation-building; promoting poverty eradication and sustainable development; and promoting gender equality and the full participation of women in society. Representatives of 32 Governments, 3 intergovernmental organiza-

tions, 11 UN bodies and agencies and 17 NGOs participated in the seminar, at which 16 experts from various regions, including Palestinians and one Israeli, presented papers.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/170** [draft: A/52/L.57/Rev.1 & Add.1] without vote [agenda item 20 (d)].

Assistance to the Palestinian people

The General Assembly,

Recalling its resolution 51/150 of 13 December 1996,

Recalling also previous resolutions on the question,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements of 1993 between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the signing of the subsequent implementation agreements, including the Interim Agreement on the West Bank and the Gaza Strip of 1995,

Gravely concerned about the difficult economic and employment conditions facing the Palestinian people throughout the occupied territory,

Conscious of the urgent need for improvement in the economic and social infrastructure of the occupied territory and the living conditions of the Palestinian people,

Aware that development is difficult under occupation and best promoted in circumstances of peace and stability,

Noting, in the light of recent developments in the peace process, the great economic and social challenges facing the Palestinian people and their leadership,

Conscious of the urgent necessity for international assistance to the Palestinian people, taking into account the Palestinian priorities,

Noting the convening of the United Nations Seminar on Assistance to the Palestinian People, "Palestinian Human Development Needs", held at Amman from 20 to 22 May 1997,

Stressing the need for the full engagement of the United Nations in the process of building Palestinian institutions and in providing broad assistance to the Palestinian people, including assistance in the fields of elections, police training and public administration,

Noting the appointment by the Secretary-General in June 1994 of the United Nations Special Coordinator in the Occupied Territories,

Welcoming the results of the Conference to Support Middle East Peace, convened in Washington, D.C., on 1 October 1993, and the establishment of the Ad Hoc Liaison Committee and the work being done by the World Bank as its secretariat, as well as the establishment of the consultative group,

Welcoming also the establishment by the Ad Hoc Liaison Committee of the Joint Liaison Committee, which provides a forum in which economic policy and practical matters related to donor assistance are discussed with the Palestinian Authority,

Welcoming further the meeting of the consultative group in Paris on 19 and 20 November 1996, at which

the proposed programme of United Nations assistance for 1997 was presented to the donor community,

Having considered the report of the Secretary-General,

1. Takes note of the report of the Secretary-General;

2. Expresses its appreciation to the Secretary-General for his rapid response and efforts regarding assistance to the Palestinian people;

3. Also expresses its appreciation to the Member States, United Nations bodies and intergovernmental and non-governmental organizations that have provided and continue to provide assistance to the Palestinian people;

4. Stresses the importance of the work done by the United Nations Special Coordinator in the Occupied Territories and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories;

5. Urges Member States, international financial institutions of the United Nations system, intergovernmental and non-governmental organizations and regional and interregional organizations to extend, as rapidly and as generously as possible, economic and social assistance to the Palestinian people in order to assist in the development of the West Bank and Gaza, and to do so in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions;

6. Calls upon relevant organizations and agencies of the United Nations system to intensify their assistance in response to the urgent needs of the Palestinian people in accordance with the Palestinian priorities set forth by the Palestinian Authority, with emphasis on national execution and capacity-building;

7. Urges Member States to open their markets to exports from the West Bank and Gaza and on the most favourable terms, consistent with appropriate trading rules;

8. Calls upon the international donor community to expedite the delivery of pledged assistance to the Palestinian people to meet their urgent needs;

9. Suggests the convening in 1998 of a United Nations-sponsored seminar on the Palestinian economy;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session, through the Economic and Social Council, on the implementation of the present resolution, containing:

(a) An assessment of the assistance actually received by the Palestinian people;

(b) An assessment of the needs still unmet and specific proposals for responding effectively to them;

11. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", the sub-item entitled "Assistance to the Palestinian people".

The UN and Palestine refugees

The year 1997 was one of uncertainty for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and for the refugee community with whom the Agency

had been working since 1950. The virtual suspension of ongoing negotiations within the framework of the Middle East peace process, and the closures on security grounds affecting the West Bank and Gaza Strip, led to a deterioration in the political, social and economic environment in which the refugees lived and the Agency operated. At the same time, UNRWA faced a financial crisis that threatened to undermine the level and standard of the humanitarian services it was mandated by the international community to provide until the Palestine refugee problem was resolved. During the year, finding a solution to the financial crisis became a major preoccupation of the UNRWA Commissioner-General and his staff, who intensified efforts to work with the Agency's major donors, the host authorities and the international community at large to secure the Agency's financial footing.

By mid-1997, 3.42 million Palestine refugees were registered with UNRWA, an increase of 3.6 per cent over the 1996 figure of 3.31 million. The largest refugee population was registered in Jordan (1.3 million, or 41.4 per cent, of the Agency-wide total), followed by the Gaza Strip (717,000, or 21.8 per cent), the West Bank (532,000, 15.9 per cent), Lebanon (352,000, 10.5 per cent) and the Syrian Arab Republic (347,000, 10.4 per cent).

Work of UNRWA

In his annual report [A/52/13] on the work of the Agency (1 July 1996-30 June 1997), the UNRWA Commissioner-General said that the Agency's humanitarian work was being overshadowed by concern about its financial situation. The steady increase in the refugee population due to natural growth, combined with inflation and the fact that UNRWA's public-sector-like services were made available to all those eligible for them, meant that the cost of providing services at a given level over time rose inexorably. Also, in view of the worsening economic conditions in the West Bank and Gaza Strip, the Agency was facing mounting demands from the refugees to do more to improve the quality of services and living conditions inside and outside the camps.

The perpetual financial crisis was pushing the Agency towards a situation in which cost implications would become the exclusive concern in decisions on humanitarian assistance, the Commissioner-General warned. Such a situation was not at all conducive to the effective functioning of an agency chiefly responsible for providing basic public sector services to a vulnerable, marginalized and impoverished population of over 3 million, particularly given the sensitive and contentious political issues surrounding the

refugee issue and UNRWA's own work. Under its regular programmes of assistance, UNRWA provided essential education, health and relief and social services through a network of 643 schools, eight training centres and 121 out-patient health facilities. Environmental health services included sewage and refuse disposal, waste-water management and provision of clean drinking water to more than 1.1 million refugees living in 59 camps. A special hardship programme served 185,000 of the neediest refugees with food rations, medical subsidies, shelter rehabilitation and other benefits. A range of social services was provided to over 32,000 refugees through 126 Agency-sponsored women's programme, community rehabilitation and youth activity centres. By the end of 1997, an income-generation programme had provided loans valued at more than \$22 million to 10,538 refugee-owned business enterprises, achieving repayment rates of more than 95 per cent.

Peace Implementation Programme

In its fourth year of operation, UNRWA's Peace Implementation Programme (PIP) remained the main channel for extrabudgetary project funding of Agency education, health and relief and social service programmes and income-generation activities. Launched in October 1993 [YUN 1993, p. 569] after the signing of the Declaration of Principles between the PLO and Israel, PIP aimed to demonstrate the tangible benefits of the peace process through a comprehensive initiative to develop infrastructure, improve living conditions and create employment opportunities in refugee communities.

From mid-1996 to mid-1997, PIP funding enabled UNRWA to complete construction of 13 schools, 6 additional classrooms, 11 specialized rooms, 4 health centres or health points, 3 community rehabilitation centres, and a vocational training centre workshop, a distribution centre, a women's programme centre, a kindergarten/nursery and a secondary school built for the PA. The Agency rehabilitated 567 shelters for special hardship families and performed comprehensive maintenance on 20 schools. Facilities of three vocational and technical training centres, two health centres and three women's programme centres were upgraded, and a youth activities centre was renovated. Completed projects that improved camp infrastructure and services included an internal sewerage project in one camp in the West Bank, the paving of pathways and drains in three camps in Jordan, improvements to water supply systems in three camps in Syria and one in Lebanon, construction of a pumping station in one camp in Gaza, installation of a new

electricity network in another in the West Bank, and upgrading of solid waste disposal facilities in a number of camps in Syria and Gaza. Other environmental health projects, including a major project for eight Lebanon camps and construction of new premises for the Gaza Rehabilitation Centre for the Visually Impaired, were ongoing.

Other PIP-funded activities included after-school recreation and emergency job-creation programmes in the Gaza Strip; repatriation to Gaza of residents of a camp in the Sinai peninsula; a slow-learners' programme and provision of computers for the tenth grade in Jordan; a poverty alleviation programme in the West Bank; and a vocational training course, a slow-learners' programme, pre-school classes, special care for destitute persons, provision of prosthetic devices and nursing training in Lebanon. PIP also helped to sustain regular Agency programmes by providing additional hospitalization assistance and medical supplies in Lebanon, additional teacher posts in the West Bank, funding university scholarships for refugee students, and support for the income-generation programme. PIP cash expenditures totalled \$74 million in the 1996-1997 biennium—not including expenditures for the European Gaza Hospital project, contributions for which were recorded as PIP income. Pledges and contributions for PIP during the period totalled \$69.5 million, raising the aggregate received over the life of the programme to \$219.5 million by the end of 1997. All in all, 310 projects had been funded since PIP's inception.

In view of the marked decrease in pledges and contributions compared to previous reporting periods, as well as financial constraints experienced by major donors and the establishment of new channels of implementation, UNRWA assumed that funding for PIP had peaked. Consequently the focus of the programme would shift towards completion of funded projects and development of a more targeted fund-raising approach reflecting Agency-wide priorities and continuity in service provision.

Major service areas

Education

During the 1996/97 school year, the 643 UNRWA schools accommodated 436,169 pupils, mainly in the elementary and preparatory cycles but also including 333 students at the single Agency secondary school in Lebanon. Total enrolment increased by 3.4 per cent, or 14,315 pupils, over the 1995/96 school year. However, growth in enrolment was unevenly distributed, with an increase of 8.6 per cent in the Gaza Strip (11,179 new pupils) and a decrease of 1.6 per cent

in Jordan (2,371 fewer pupils), with the other three fields (Lebanon, Syria, West Bank) maintaining growth rates between 3.1 and 4.6 per cent. While natural growth in the refugee population was the principal cause of the overall increase, other sometimes countervailing tendencies were also at work, including movement of Palestinian families within the area of operations (particularly from Jordan and to the Gaza Strip and West Bank); movement into the area of operations (Gaza Strip); the transfer of refugee pupils from Agency to government schools (Jordan) and vice versa (Syria); and the transfer of refugee pupils from tuition-based private schools to Agency schools (Lebanon). Female pupils represented 49.8 per cent of total enrolment.

The education programme, which was run in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), remained UNRWA's single largest area of activity. The 13,766 education staff represented two thirds of all Agency personnel, while the education budget of \$167.1 million for 1997 accounted for half of the total UNRWA budget.

The Agency's basic education programme consisted of an elementary cycle of six years and a preparatory cycle of three or four years, depending on local norms; a three-year secondary cycle was also offered at the UNRWA secondary school in Lebanon. The programme adhered to the curricula, study plans, textbooks and education structures of the host authorities; thus changes in host authority education programmes had implications for the Agency. The most significant issue in that regard was the extension of the basic education cycle by the PA from 9 years to 10. The Authority, which had previously requested UNRWA to introduce the tenth grade in its West Bank schools, broadened that request to include the Gaza Strip. However, a lack of funds prevented the Agency from introducing the new grade in either field—for a fourth consecutive year in the case of the West Bank. The Agency was seeking special funding of \$7.8 million for the West Bank and \$17.7 million for the Gaza Strip to cover the hiring and training of staff, construction of new facilities, purchase of required textbooks and other expenditures to implement the measure in phases over a four-year period.

In the 1996/97 school year, UNRWA elementary and preparatory schools in the West Bank and Gaza Strip used study plans and textbooks prescribed by the PA, with textbooks procured for the first time in Gaza. The Agency coordinated with the Authority on issues such as school calendars and infrastructure mapping, and on accommodating in UNRWA schools children of refugee

families newly arrived in the self-rule areas. Agency staff continued to participate in designing and developing a unified Palestinian curriculum through the PA's curriculum development centre. UNRWA cooperated with the Authority in offering vocational training courses for released prisoners in the West Bank, and constructed a secondary school building for it in Gaza using project funds received for that purpose. The university-level degrees awarded by the Educational Sciences Faculty (ESF) in the West Bank received recognition by the Authority.

The shortcomings of UNRWA's education infrastructure continued to hamper the basic education programme. Lacking sufficient school buildings, the Agency was in most cases obliged to house two separate schools in one building, working in morning and afternoon shifts, a practice that shortened the school day, led to overuse of facilities and deprived pupils of extra-curricular activities. Many Agency schools were accommodated in dilapidated structures built in the 1950s or 1960s, some of which were becoming unsafe or were beyond repair. Where no UNRWA-built school was available, the Agency was obliged to accommodate pupils in rented buildings not originally designed as schools. Overcrowding within the UNRWA education system continued, due to a lack of funds to hire more teachers or construct schools and classrooms. Occupancy rates in the elementary and preparatory cycles averaged 43.2 pupils per classroom in the 1996/97 school year Agency-wide, up from 42.7 in the 1995/96 year.

The eight UNRWA vocational and technical training centres in the five fields offered 4,666 training places in the 1996/97 academic year, 42 more than in 1995/96. However, actual enrolment remained below capacity, at 4,444 trainees, largely owing to the inability of trainees from Gaza enrolled at Agency training centres in the West Bank to obtain travel permits from the Israeli authorities. At the post-preparatory level, 22 two-year vocational courses were offered to male trainees in the building, electrical, electronic, mechanical and metalworking trades, in addition to special courses for women. At the post-secondary level, 26 two-year technical/semi-professional courses were offered to male and female trainees in a variety of technical, paramedical and commercial skills. Agency training centres also offered short-term courses of 12 to 40 weeks' duration in Jordan, Lebanon and the West Bank, in which 133 trainees were enrolled. The placement and career guidance office at the Agency's Amman headquarters assisted in finding employment for more than 300 graduates of Agency training centres, with

nearly 73 per cent of 1995 graduates reportedly employed.

The three branches of ESF in Jordan and the West Bank continued to provide pre-service and in-service teacher training leading to a first-level university degree. ESF was established in 1993 in response to education reforms introduced by Jordan, later adopted by the PA in the West Bank, requiring teachers in the basic education cycle to possess four-year diplomas. The four-year pre-service programme, which granted degrees in classroom teaching or in the specialized topics of Arabic, mathematics, science and vocational education, was offered to 737 secondary school graduates, including 509 women, at three centres. The three-year in-service programme was offered at the Amman ESF to 619 teachers holding two-year teacher training diplomas, including 164 women, to upgrade their qualifications to the first university degree level. During the reporting period, 227 pre-service trainees and 169 in-service trainees graduated from ESF programmes, becoming the first group of students ever awarded a university-level degree by UNRWA. The ESF in-service programme in Jordan would henceforth produce about 200 graduates a year, enabling the Agency to upgrade all underqualified teachers in the field within 10 years. The pre-service programme in Jordan and the West Bank was also expected to produce about 200 graduates a year, from whom the Agency could recruit. During the 1996/97 school year, UNRWA awarded university scholarships to 1,088 Palestine refugee students, including 507 women, for study at 45 universities in 10 countries of the region. The increase of 145 scholarships over the 1995/96 year resulted from additional contributions to fund the programme.

Health

UNRWA's health-care programme remained focused on comprehensive primary health care, including a full range of maternal and child health care (MCH) and family planning services, school health services, health education and promotion, out-patient medical care, prevention and control of communicable diseases and of non-communicable ones such as diabetes mellitus and hypertension, and specialist care with an emphasis on gynaecology and obstetrics, paediatrics and cardiology. Those services were provided through a network of 121 primary health-care facilities—including 88 health centres, 23 health points offering a wide range of health-care services on a part-time basis, and 10 mother-and-child health centres offering comprehensive family health services—backed up by basic support services such as X-ray and laboratory facilities.

Between 1 July 1996 and 30 June 1997, Agency out-patient facilities handled 5.3 million medical and 500,000 dental visits, as well as 1.4 million visits for nursing services such as dressings and injections. The health programme had an operating budget of \$61.3 million for 1997. Owing to funding shortfalls, allocations had to be reduced through a series of austerity measures, leaving average budgeted expenditure per refugee on health services at little more than \$18 a year. Approximately 62 per cent of cash allocations to the health programme were devoted to the costs of 3,412 locally recruited health staff, who implemented all core programme activities. Even with such a large share of expenditure on staff costs, available human resources fell short of ever-increasing demands. The sanitation labour force in camps remained 26 per cent below UNRWA standard norms owing to a recruitment freeze, while the ratio of Agency health staff per 10,000 population was 0.87 for doctors and 2.5 for nurses, as against comparable national figures of 5.5 doctors and 50 nurses in Jordan, and 10.8 doctors and 28.3 nurses in Syria. As a result, workloads in UNRWA health facilities remained high, with each doctor handling an average of 100 patient visits a day Agency-wide, reaching as high as 118 in the Gaza Strip. The World Health Organization (WHO) provided UNRWA with two senior health staff on a non-reimbursable loan basis, including the Director of Health, and covered the cost of the five division chief posts.

Family health continued to be emphasized as an integral part of the Agency's regular health programme. The progress attained in recent years towards developing a comprehensive maternal health and family planning programme was reinforced through additional contributions from the EU, as well as by a special contribution from the United Nations Population Fund (UNFPA) towards the cost of contraceptive supplies for Agency clinics. Those additional allocations enabled UNRWA to recruit more gynaecologists/obstetricians, medical officers and trained midwives and ensure the full integration of family planning services within the Agency's MCH programme. During the reporting period, UNRWA MCH clinics and centres cared for some 205,000 children below the age of three, representing approximately 6 per cent of the registered refugee population, and some 70,000 pregnant women, who accounted for approximately two thirds of expected pregnancies. Nearly 23,000 family planning acceptors were registered during the reporting period, bringing the total number of women using the Agency's family planning services to 51,000.

UNRWA's health programme also addressed the prevention and control of communicable diseases through immunization, such as poliomyelitis and tetanus; vector-borne diseases transmitted through environmental channels, such as brucellosis and intestinal parasites; newly emerging infectious diseases, such as HIV/AIDS; re-emerging infectious diseases, such as tuberculosis; and non-communicable diseases associated with lifestyles, such as diabetes mellitus, hypertension, heart diseases and cancer.

The Agency maintained optimal immunization coverage against the major childhood diseases. In early 1997 it took part in national immunization days for eradication of poliomyelitis. A total of 205,000 refugee children under the age of five were immunized, using vaccines donated by the United Nations Children's Fund (UNICEF). Special care comprising close monitoring and management of diabetes mellitus and hypertension was provided through all Agency health centres, benefiting 63,000 patients during the reporting period. Cancer prevention programmes included the introduction of a simple technique for self-examination and early detection of breast cancer, and a youth-centred programme for the prevention of tobacco use among schoolchildren. Special attention continued to be paid to early detection and management of micronutrient disorders, especially iron-deficiency anaemia, which was still highly prevalent among preschoolchildren and women of reproductive age.

Palestine refugees received secondary care assistance through partial reimbursement of costs incurred for treatment at governmental or non-governmental hospitals, or through contractual agreements with non-governmental or private hospitals, depending on the field of operation. Hospitalization accounted for 18 per cent of cash allocations under UNRWA's health programme in 1996, the second-largest component of the health budget after staff costs. While the Agency managed to maintain its primary health-care services within the limited financial and human resources available, it could not continue to meet the continuous increase in the cost of hospital services. In Lebanon, hospital services were maintained at current levels only by securing extrabudgetary resources.

More than 1.1 million Palestine refugees in 59 camps benefited from environmental health services provided by UNRWA in cooperation with local municipalities, including sewage disposal, management of storm water run-off, provision of safe drinking water, collection and disposal of refuse, and control of insect and rodent infestation. The Agency continued to play an active role, particularly in the Gaza Strip, in planning and

implementing large-scale projects to install sewerage, drainage and water networks in camps and expand solid-waste collection and disposal capacity. UNRWA completed or continued to implement sewerage and drainage projects in four camps in the West Bank and two camps in the Gaza Strip; completed detailed technical designs for such projects in eight camps in Lebanon and one in Syria; and provided technical assistance to two of those projects in the Gaza Strip. Under the self-help programme for environmental health, the Agency contributed building materials for projects such as paving of pathways and construction of surface drains, with labour being provided on a volunteer basis by camp committees.

UNRWA placed high priority on coordinating and streamlining health policies and service standards with the PA. Cooperation included implementation of a three-year maternal health and family planning project; participation in a newly established committee for the control of iodine deficiency disorders; procurement of emergency medical supplies for the PA; maintenance of the arrangement for the treatment of members of the Palestinian Police Force and their families at Agency clinics in Jericho; and harmonization of UNRWA's immunization schedule with that of the Authority, which provided the Agency's vaccine requirements. A close dialogue was also maintained on the commissioning and future operation of the European Gaza Hospital, which was built by UNRWA with EU and bilateral funding. Other cooperative projects included the construction of a central health laboratory in Ramallah; upgrading of the UNRWA hospital at Qalqilia; and improving the environmental health infrastructure in the Gaza Strip. However, the stalled peace process and limited international assistance presented major obstacles to completing institutional capacity-building, upgrading health infrastructure and developing new health policies and plans of action in the self-rule areas.

Relief and social services

Of the 3.42 million Palestine refugees registered with UNRWA as at 30 June 1997, 37.5 per cent were age 15 or under, 53.5 per cent were between 16 and 59 years of age, and 9 per cent were age 60 or older. Fewer than one third were registered in the 59 refugee camps in UNRWA's area of operations, most being intermingled with the local population in towns and villages. The rate of increase of the refugee population was significantly lower than in previous reporting periods and closer to the rate of natural population growth, suggesting that families had largely updated records to include previously unregistered

persons. That could be attributed to two causes: the perception that there might be a link between Agency records and a future negotiated settlement of the Palestine refugee question, and the relocation of many refugee families from outside the area of operations in the early 1990s, both particularly relevant in Jordan.

UNRWA continued work on developing a unified registration system (URS) to integrate three sets of records: a basic refugee registration database, an archive of refugee family files and a database of socio-economic data on special hardship families. While seeking funding, the Agency conducted a pilot project in early 1997 to identify appropriate technology and establish standards for the electronic scanning of the estimated 700,000 hard-copy family files, the major task of the URS project. With the electronic storage of the family files and linkage of the three sets of records, URS would improve programme planning and management, ensure the security of vital data and preserve an important historical resource. Meanwhile, improvements to existing Agency records continued.

UNRWA continued to assist refugee families unable to meet basic needs for food, shelter and other life essentials through its special hardship programme. The number of refugees in households meeting the stringent eligibility criteria—no male adult medically fit to earn an income, and no other identifiable means of financial support above a defined threshold—increased by 3.4 per cent, from 179,178 in June 1996 to 185,259 a year later. The close correlation between growth in special hardship enrolment and in the registered population suggested that demand had stabilized. The percentage of refugees enrolled in the programme continued to be highest in Lebanon (10.2 per cent) and the Gaza Strip (8.4 per cent) and lowest in Jordan (2.5 per cent).

Assistance to special hardship families included food support, hospitalization subsidies, emergency cash grants, shelter rehabilitation and poverty alleviation initiatives and preferential access to UNRWA training centres. It was decided to modify the form of food support starting in January 1997: while the basic commodities most valued by refugees (flour, rice, sugar, cooking oil and milk powder) were retained, a cash subsidy, equivalent to \$40 per person a year, was substituted for other items in order to give refugees flexibility in the choice and timing of food purchases.

Some 11,880 special hardship families, representing 25 per cent of the total and comprising 46,315 persons, still lived in housing that did not meet minimum standards. Progress in meeting the urgent housing needs of those families

slowed by 1997 owing to a decrease in special funding for that purpose. In contrast to the 4,559 shelters rehabilitated in 1994/95 and 2,556 in 1995/96, UNRWA rehabilitated only 600 shelters in 1996/97, representing just 5 per cent of total estimated need. Pockets of dire need also remained, particularly in Lebanon, where displaced refugee families were squatting in miserable conditions. Shelter rehabilitation was carried out either on a self-help basis, with the Agency providing financial and technical assistance and beneficiary families arranging volunteer labour, or by small camp-based contractors, helping create jobs within the refugee community.

Under its poverty alleviation programme, UNRWA assisted disadvantaged refugees, especially women, to raise their economic status through skills training, participation in production units, group savings and loan schemes, and credit provision. During the reporting period, 55 grants and 88 loans were awarded to special hardship and other impoverished families to help them establish small enterprises. The programme's emphasis shifted towards loans repayable either to the Agency or to a community group, allowing capital to be recovered and reinvested. UNRWA staff provided training in credit provision and served as trainers in courses organized by other UN organizations. Group savings and loan schemes benefited 666 people; women participants were especially interested in using the schemes for home improvements and for purchasing equipment to enable them to earn an income. Participation in the poverty alleviation programme increased slightly, from 1,803 participants at mid-1996 to 1,848 at mid-1997.

Community-based programmes

Participation in UNRWA's community-based social development programmes for women, youth and persons with disabilities increased by 22 per cent, from 26,458 at mid-1996 to 32,407 at mid-1997. The focal point for the programmes was the network of 126 Agency-sponsored community centres, comprising 71 women's programme centres, 30 community rehabilitation centres and, in the West Bank and Gaza Strip, 25 youth activities centres. Activities at the women's programme centres emphasized projects and training to help participants earn an income; lectures and workshops on issues of concern to women and the community; courses to enhance the social development of women; and support services for women, such as kindergartens and legal advice bureaux. The community rehabilitation centres worked to raise community awareness of the needs and rights of the disabled; integrate per-

sons with disabilities into mainstream activities, such as schools; help disabled persons and their families cope with disability; assist disabled adults to obtain training and employment; and provide referrals to specialist services and equipment, such as hearing aids and prosthetic devices. The youth activities centres offered sports and recreational and cultural activities, which were increasingly open to young women; organized community service activities such as clean-up campaigns; and held lectures and public meetings on issues of community concern. By 30 June 1997, 52 of the 71 women's programme centres were managed by local committees, up from 42 the previous year, as were all community rehabilitation centres and youth activities centres.

Income generation

UNRWA's income-generation programme continued to provide working capital loans at commercial interest rates to small-scale businesses and micro-enterprises through field-based revolving loan funds, with the aim of creating employment, generating income and supporting sustainable business enterprises within the refugee community. In the Gaza Strip, where income-generation efforts were concentrated, the Agency targeted small businesses and micro-enterprises in the formal and informal sectors of the economy whose lack of collateral prevented them from obtaining credit through the formal banking system. Despite reduced donor contributions to the programme's capital base during the reporting period, the Gaza income-generation programme tripled the number of loans over the previous period. A total of 4,452 loans valued at \$5.4 million were awarded, 66 per cent of them to women borrowers. Despite increasing growth in operating expenses over the preceding three years, the programme was able to continue to increase sustainability at an annual rate of 10 per cent, achieving 89 per cent coverage of operating costs by the end of 1996.

The income-generation programme in the West Bank resumed operations at full capacity after undergoing substantial restructuring in the previous reporting period. It issued \$1.3 million in loans to 106 small-scale enterprises, including a construction firm, medical clinic, handicraft workshop, bakery, furniture manufacturer and children's nursery. Additional project funding in the amount of \$400,000 was received, increasing the programme's capital base to \$2.4 million. The West Bank programme was preparing to launch a micro-enterprise credit programme similar to that in Gaza later in 1997, initially focusing on the Nablus area but subsequently extending to other areas of the West Bank.

UNRWA also operated revolving loan funds for small-scale enterprises in Jordan and Lebanon, though on a smaller scale than in the West Bank and Gaza Strip. The Agency awarded 26 loans valued at \$181,000 in Jordan, and 36 loans valued at \$196,000 in Lebanon, achieving overall repayment rates of 96 per cent and 97 per cent, respectively. No new contributions were received to expand the capital base of those programmes, which at mid-1997 stood at \$494,000 in Jordan and \$325,000 in Lebanon.

Refugees in the Libyan Arab Jamahiriya

In coordination with the Office of the United Nations High Commissioner for Refugees and an international NGO, UNRWA had been monitoring the situation of a group of as many as 250 Palestinians required to leave the Libyan Arab Jamahiriya who had been encamped at the Salloum crossing point on the Libyan-Egyptian border. The Libyan authorities relocated the group into the country and dismantled the camp in April 1997.

General Assembly resolutions related to Palestine refugees

On 10 December, the General Assembly adopted seven resolutions relating to Palestine refugees: assistance to Palestine refugees (52/57); financing of UNRWA (52/58); displaced persons (52/59); scholarships for higher education and vocational training (52/60); operations of UNRWA (52/61); Palestine refugees' properties and their revenues (52/62); and the proposed University of Jerusalem "Al-Quds" for Palestine refugees (52/63).

In the Fourth (Special Political and Decolonization) Committee debate on the UNRWA item, speakers concentrated on the Agency's financial crisis. Virtually all of them noted the negative impact on the lives of the refugees of reductions in UNRWA services, particularly in the context of the stalled peace process.

Introducing his report in the Fourth Committee, the UNRWA Commissioner-General said the Agency was responsible for 3.4 million refugees—75 per cent of the Gaza Strip population, 34 per cent of the population of the West Bank and 31 per cent of the population of Jordan; any factor affecting the Agency, such as its continuing financial crisis, had a negative impact on them.

According to the Observer of Palestine, UNRWA had since its establishment played a crucial role in preventing the worsening of the Palestine refugees' human catastrophe; its work had to continue in all fields of operation until a definitive solution was found to the refugee problem.

The grave deterioration of the peace process had resulted in a worsening of the refugees' daily life, and there was no doubt that the reduction in services due to UNRWA's serious financial crisis had had a negative impact.

Israel stated that Arab leaders had blocked attempts to improve the living conditions of the Palestine refugees and had used them as a political asset and weapon in their warfare and diplomatic campaign against Israel. In the West Bank and Gaza, Israel stated, UNRWA did not operate "disconnected and isolated" from the reality of terrorist attacks against innocent Israeli citizens. Requesting a vote on the draft resolutions in the Fourth Committee, Israel stressed that the Committee was dealing with a humanitarian problem which at the same time was a political issue. Its objections to the resolutions arose from the reference in them to the right of Palestine refugees to return to Israel, a matter to be considered in negotiations on a final settlement; also, the influx of Arab refugees into Israel would be a demographic time bomb.

General Aspects

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/616], adopted **resolution 52/57** by recorded vote (159-1-2) [agenda item 86].

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 51/124 of 13 December 1996 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 1996 to 30 June 1997,

Welcoming the signature in Washington, D.C., on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the people of Palestine, of the Declaration of Principles on Interim Self-Government Arrangements and the subsequent implementation agreements, and also the signature of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip in Washington, D.C., on 28 September 1995,

Encouraging the Multilateral Working Group on Refugees of the Middle East peace process to continue its important work,

Welcoming the completion of the transfer of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to Gaza, to its area of operations,

1. Notes with regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of its resolution 194(III), has not yet been effected and that, therefore, the situation of the refugees continues to be a matter of concern;

2. Expresses its thanks to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialized agencies and to private organizations for their valuable work in assisting refugees;

3. Notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of resolution 194(III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1998;

4. Notes the significant success of the Peace Implementation Programme of the Agency since the signing of the Declaration of Principles on Interim Self-Government Arrangements, and stresses the importance that contributions to this Programme are not at the expense of the General Fund;

5. Welcomes strengthened cooperation between the Agency and the World Bank and other specialized agencies, and calls upon the Agency to make a decisive contribution towards giving a fresh impetus to the economic and social stability of the occupied territories;

6. Urges all Member States to extend and expedite aid and assistance with a view to the economic and social development of the Palestinian people and the occupied territories;

7. Reiterates its deep concern regarding the persisting critical financial situation of the Agency, as outlined in the report of the Commissioner-General;

8. Commends the efforts of the Commissioner-General to move towards budgetary transparency and internal efficiency, and hopes that such moves will continue;

9. Notes with profound concern that the structural deficit problem confronting the Agency portends an almost certain decline in the living conditions of the Palestine refugees and that it, therefore, has possible consequences for the peace process;

10. Calls upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, urges non-contributing Governments to contribute regularly and encourages contributing Governments to consider increasing their regular contributions.

RECORDED VOTE ON RESOLUTION 52/57:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South

Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel.

Abstain: Micronesia, United States.

The Assembly, on the same date [meeting 69] and also on the Fourth Committee's recommendation [A/52/616], adopted **resolution 52/61** by recorded vote (158-2-3) [agenda item 86].

Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 212(III) of 19 November 1948, 302(IV) of 8 December 1949 and all subsequent related resolutions,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1996 to 30 June 1997,

Taking note of the letter dated 14 October 1997 from the Chairman of the Advisory Commission of the Agency addressed to the Commissioner-General, contained in the report of the Commissioner-General,

Having considered the reports of the Secretary-General submitted in pursuance of its resolutions 48/40 E, 48/40 H and 48/40 J of 10 December 1993 and 49/35 C of 9 December 1994,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied since 1967, including Jerusalem,

Aware of the fact that Palestine refugees have, for five decades, lost their homes, lands and means of livelihood,

Also aware of the continuing needs of Palestine refugees throughout the occupied Palestinian territory and in the other fields of operation, namely, in Lebanon, Jordan and the Syrian Arab Republic,

Further aware of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Deeply concerned about the critical financial situation of the Agency and its effect on the continuity of provision of necessary Agency services to the Palestine refugees, including the emergency-related programmes,

Aware of the work of the new Peace Implementation Programme of the Agency,

Recalling the signing in Washington, D.C., on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization, and the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C., on 28 September 1995,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,

Aware of the establishment of a working relationship between the Advisory Commission of the Agency and the Palestine Liberation Organization in accordance with General Assembly decision 48/417 of 10 December 1993,

1. Expresses its appreciation to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all the staff of the Agency, for their tireless efforts and valuable work;

2. Also expresses its appreciation to the Advisory Commission of the Agency, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of decision 48/417;

3. Welcomes the completion of the transfer of the headquarters of the Agency to Gaza and the signing of the Headquarters Agreement between the Agency and the Palestinian Authority;

4. Acknowledges the support of the host Government and the Palestine Liberation Organization for the Agency in the discharge of its duties;

5. Calls upon Israel, the occupying Power, to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to abide scrupulously by its provisions;

6. Also calls upon Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations with regard to the safety of the personnel of the Agency and the protection of its institutions and the safeguarding of the security of the facilities of the Agency in the occupied Palestinian territory, including Jerusalem;

7. Calls once again upon the Government of Israel to compensate the Agency for damages to its property and facilities resulting from actions by the Israeli side;

8. Requests the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the occupied Palestinian territory;

9. Notes that the new context created by the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of the State of Israel and the Palestine Liberation Organization and subsequent implementation agreements has had major consequences for the activities of the Agency, which is henceforth called upon, in close cooperation with the United Nations Special Coordinator in the Occupied Territories, the specialized agencies and the World Bank, to continue to contribute towards the development of economic and social stability in the occupied territory;

10. Notes also that the functioning of the Agency remains essential in all fields of operation;

11. Notes further the significant success of the Peace Implementation Programme of the Agency;

12. Expresses concern over those remaining austerity measures due to the financial crisis which have affected the quality and level of some of the services of the Agency;

13. Requests the Commissioner-General to consider the possibility of modernizing the archives of the Agency;

14. Urges all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease current financial constraints and to support the Agency in maintaining the provision of the most basic and effective assistance to the Palestine refugees.

RECORDED VOTE ON RESOLUTION 52/61:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Marshall Islands, Micronesia, Zambia.

Displaced persons

In an October report [A/52/423] on compliance with General Assembly resolution 51/126 [YUN 1996, p. 421], which called for the accelerated return of all persons displaced as a result of the June 1967 and subsequent hostilities to their homes or former places of residence in the territories occupied by Israel since 1967, the Secretary-General said that since UNRWA was not involved in arrangements for either refugees or displaced persons not registered as refugees, Agency information was based on requests by returning registered refugees for the transfer of their service entitlements to their areas of return. Displaced refugees known by the Agency to have returned to the West Bank and Gaza Strip since June 1967 numbered about 16,400. Its records indicated that, between 1 July 1996 and 30 June 1997, 841 refugees had returned to the West Bank and 352 to the Gaza Strip. Some of the refugees might not have been displaced in 1967, but might be family members of a displaced registered refugee whom they either had accompanied on return or joined later.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the Fourth Committee's recommen-

dation [A/52/616], adopted **resolution 52/59** by recorded vote (159-2-1) [agenda item 86].

Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252(ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237(1967) of 14 June 1967 and 259(1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 51/126 of 13 December 1996,

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1996 to 30 June 1997,

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C., on 13 September 1993 by the Government of the State of Israel and the Palestine Liberation Organization, with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. Reaffirms the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. Expresses the hope for an accelerated return of displaced persons through the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements;

3. Endorses, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. Strongly appeals to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above purposes;

5. Requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-third session on the progress made with regard to the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/59:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mal-

dives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Micronesia.

Education, training and scholarships

In an October report [A/52/415], the Secretary-General transmitted responses received to the General Assembly's 1996 appeal contained in resolution 51/127 [YUN 1996, p. 422] for States, specialized agencies and other organizations to augment special allocations for scholarships and grants to Palestine refugees, for which UNRWA acted as recipient and trustee.

In the 1996/97 academic year, Japan awarded 10 vocational fellowships, of which 3 were to Palestine refugees in UNRWA's employ, 1 in vocational training administration and 6 in community health. Under Japanese grants of \$400,000 made annually between 1992 and 1994, \$500,000 in 1995 and \$600,000 in 1996, 423 Palestinian students were participating in the UNRWA university scholarship programme in 1996/97, while 19 scholars graduated in 1995 and 1996. Contributions from Switzerland totalling some \$240,000 in 1996 and \$338,000 in 1997 allowed some 300 Palestinians to pursue university studies. UNESCO granted 71 scholarships to Palestinian students during the 1996-1997 biennium. In addition, Japan offered three fellowships and Saudi Arabia five, while the inter-university Palestinian European Academic Cooperation in Education programme renewed six ongoing scholarships and added seven new ones. In 1996/97, WHO provided 32 fellowships/study tours for Palestinian candidates.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/616], adopted **resolution 52/60** by recorded vote (163-0-1) [agenda item 86].

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

The General Assembly,

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2

December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989, 45/73 D of 11 December 1990, 46/46 D of 9 December 1991, 47/69 D of 14 December 1992, 48/40 D of 10 December 1993, 49/35 D of 9 December 1994, 50/28 D of 6 December 1995 and 51/127 of 13 December 1996,

Cognizant of the fact that the Palestine refugees have, for the last five decades, lost their homes, lands and means of livelihood,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1996 to 30 June 1997,

1. Urges all States to respond to the appeal in its resolution 32/90 F of 13 December 1977 and reiterated in subsequent relevant resolutions in a manner commensurate with the needs of Palestine refugees for higher education, including vocational training;

2. Strongly appeals to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees, in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Expresses its appreciation to all Governments, specialized agencies and non-governmental organizations that responded favourably to its resolutions on this question;

4. Invites the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;

5. Appeals to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the Palestinian territory occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;

6. Appeals to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;

7. Requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships and to award them to qualified Palestine refugee candidates;

8. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/60:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria,

Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Israel.

Proposed University of Jerusalem "Al-Quds"

In response to General Assembly resolution 51/130 [YUN 1996, p. 423], the Secretary-General submitted an October report [A/52/503] on the proposal to establish a university for Palestine refugees in Jerusalem. First considered by the Assembly in 1980 [YUN 1980, p. 444, GA res. 35/13 B], the issue had been the subject of annual reports by the Secretary-General.

To assist in the preparation of the study and at the Secretary-General's request, the Rector of the United Nations University asked expert Mihaly Simai to visit the area and meet with competent Israeli officials. In response to the Secretary-General's note verbale of 5 September, requesting Israel to facilitate the expert's visit, Israel in a 10 October reply stated that it had consistently voted against the resolution on the proposed university and that its position remained unchanged. It charged that the resolution's sponsors sought to exploit higher education for political purposes extraneous to genuine academic pursuits. Accordingly, it felt that the proposed visit would serve no useful purpose. The Secretary-General reported that it had not been possible to complete the feasibility study as planned.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, acting on the Fourth Committee's recommendation [A/52/616], adopted **resolution 52/63** by recorded vote (158-2-3) [agenda item 86].

University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 D and K of 16 December 1985, 41/69 K of 3 December 1986, 42/69 K of 2 December 1987, 43/57 J of 6 December 1988, 44/47 J of 8 December 1989, 45/73 J of 11 December 1990, 46/46 J of 9 December 1991, 47/69 J of 14 December 1992, 48/40 J of 10 December 1993, 49/35 G of 9 December 1994, 50/28 G of 6 December 1995 and 51/130 of 13 December 1996,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works

Agency for Palestine Refugees in the Near East for the period from 1 July 1996 to 30 June 1997,

1. Emphasizes the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

3. Calls once more upon Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem "Al-Quds";

4. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the progress made in the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/63:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Liberia, Micronesia, Zambia.

Property rights

In response to General Assembly resolution 51/129 [YUN 1996, p. 423], the Secretary-General submitted a September 1997 report [A/52/372] on steps taken to protect and administer Arab property, assets and property rights in Israel and to establish a fund for income derived therefrom, on behalf of the rightful owners. He indicated that he had transmitted the resolution to Israel and to all other Member States, requesting information on action taken or envisaged with regard to its implementation.

In a 28 July reply, reproduced in the report, Israel stated that its position on the resolutions on Palestine refugees had been set forth in successive annual replies, the latest of which had been included in the Secretary-General's 1996 report

on the subject [YUN 1996, p. 423]. Israel regretted that the resolutions regarding UNRWA remained rife with political issues irrelevant to the Agency's work and detached from the new reality in the area. While Israel believed that UNRWA could play an important role in promoting the social and economic advancement foreseen in agreements between Israel and the PLO, and accordingly looked forward to continuing cooperation with UNRWA, Israel considered it essential that the Assembly consolidate the UNRWA resolutions into one directly related to the Agency's humanitarian tasks.

The Secretary-General also referred to a 30 June letter to him from the Chairman of the United Nations Conciliation Commission for Palestine relaying a 13 June Commission decision relating to paragraph 2 of resolution 51/129 by which the Assembly had requested the Secretary-General to take steps to preserve and modernize the existing records on Arab property, assets and property rights in Israel. The Commission noted that the UN Division for Palestinian Rights would be prepared to store such records electronically and suggested that the proposed operation be carried out within the Archives and Records Management Section of the UN Office of Conference and Support Services. The Under-Secretary-General for Political Affairs subsequently wrote to the Chairman of the Conciliation Commission requesting that the Division for Palestinian Rights be given access to the records in order to undertake a preliminary assessment of resources required for the project. In his 10 September reply, the Chairman authorized access to the land records kept at the UN Archives for a cost-estimate to be made of a project to modernize the records.

Report of Conciliation Commission. The United Nations Conciliation Commission for Palestine, in its fifty-first report covering the period from 1 September 1996 to 31 August 1997 [A/52/311], stated that it had nothing new to report since its 1996 report [YUN 1996, p. 423].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/616], adopted **resolution 52/62** by recorded vote (158-2-3) [agenda item 86].

Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194(III) of 11 December 1948, 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 51/129 of 13 December 1996,

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 1996 to 31 August 1997,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report, and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

Recalling that in the framework of the Middle East peace process the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993, to commence negotiations on permanent status issues, including the important issue of the refugees, and calling for the commencement of those negotiations,

1. Reaffirms that the Palestine Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity;

2. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel and to preserve and modernize the existing records;

3. Calls once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. Urges the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees properties and their revenues in the framework of the final status negotiations of the Middle East peace process;

6. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/62:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco,

Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Liberia, Marshall Islands, Micronesia.

UNRWA financing

UNRWA's financial situation remained critical in 1997, characterized by large funding shortfalls for the regular budget and project accounts, continued enforcement of austerity measures, and depleted working capital and cash reserves, said the Commissioner-General in his report to the General Assembly covering 1 July 1996 to 30 June 1997 [A/52/13]. The structural deficit—a consequence of stagnant or declining contributions combined with natural growth in the refugee population and inflation, which increased the cost of maintaining a constant level of services—showed no sign of easing.

The Agency had ended 1996 with a fourth consecutive annual deficit in the regular budget, and in 1997 the impact of two earlier rounds of austerity measures introduced in response to anticipated deficits—in February 1993 and June 1996—continued to be felt. After an extraordinary meeting of major donors and host Governments in September 1996 produced donor pledges of \$15 million, UNRWA was able to cover the core deficit and avoid insolvency.

UNRWA began 1997 with no indication of an increase in income, cumulative deficits in several extrabudgetary activities, depleted working capital and cash reserves, and a projected year-end deficit in the order of \$40 million. In response, the Commissioner-General introduced a new round of austerity measures in February, in the amount of \$18.7 million for the year. Those measures included eliminating a provision for salary increases; eliminating a contingency reserve for the cost of moving UNRWA headquarters from Vienna to Gaza and Amman; freezing certain vacancies; and significantly reducing allocations for temporary labour, vehicles, equipment, medical and other supplies, training, maintenance, hospitalization and travel. The Agency also embarked on new initiatives, with the assistance of donor countries, to broaden its resource base and ensure that the entire international community was involved in supporting UNRWA programmes. In February and March, the Commissioner-General visited Bahrain, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates; several opportunities for strengthening co-

operation were identified, and assurances were received that countries in the region would continue and in some cases seek to increase their support. The Commissioner-General also visited Brunei and Malaysia in May in an effort to engage South-East Asian countries which had not historically had a relationship with the Agency.

UNWRA also worked to develop a corporate outreach programme with a view to obtaining additional in-kind donations and established high-level contacts with an international NGO devoted to supporting sustainable development activities in the West Bank, the Gaza Strip and Lebanon, which subsequently formed a committee to support UNWRA. A special emergency appeal for assistance to Palestine refugees in Lebanon was also launched.

Despite those efforts, the Agency's financial situation remained bleak as at 30 June, with a projected deficit in the order of \$20 million for 1997 and an acute liquidity crisis forecast for November. The sustained imposition of austerity measures and repeated funding shortfalls since 1993 continued to exert an erosive effect on the quality of Agency services and UNWRA was again unable to expand services at a rate commensurate with natural growth in the refugee population, leading to higher workloads for staff and overuse of facilities.

At an informal meeting of major donor and host Governments in Amman in June, delegates reaffirmed that there could be no question of a premature phasing out of UNWRA's mandated responsibilities. It was agreed to combine additional revenue-raising with internal savings on current operations and better methods of service provision. To that end, regular consultations would be held among UNWRA, host authorities and donors. In the absence of major contributions in the short term that would substantially decrease the Agency's structural deficit, the donor community was urged to re-examine contribution levels, with a view to ensuring the continued provision of essential services to refugees at existing levels.

Working Group. The Working Group on the Financing of UNWRA held two meetings in 1997 (12 September and 14 October). In its report to the General Assembly [A/52/578], the Working Group noted that UNWRA ended the 1996 financial year with a shortfall of \$26.7 million. Since that estimate did not take into account the cumulative effects of two rounds of austerity measures (\$23.2 million) or the \$12.7 million provision for termination indemnities built into the Agency's 1995 budget, the total shortfall for 1996 was therefore projected at \$45.2 million.

Measures taken by UNWRA to get through 1996 meant that some activities provided for in the 1996-1997 budget would not be fully implemented. Moreover, the Agency's "working capital" reserves had been driven to a dangerously low level. UNWRA thus began 1997 with a shortfall projected to be roughly \$40 million in the regular budget by year's end, without firm prospects of any increase in income. That there remained outstanding at the end of 1996 some \$93.5 million in cash pledges to all UNWRA accounts, of which \$35.3 million was earmarked for the regular budget and \$58.2 million for projects, was also of concern. That, combined with outstanding payments of some \$13 million due as reimbursement for value-added tax and port and transit charges, had served to put the Agency's cash balances under severe strain.

The Working Group noted that the Commissioner-General had, in February, introduced another round of austerity measures amounting to some \$18.7 million annually (see above) and UNWRA had embarked on new initiatives to broaden its resource base. Although some opportunities for strengthened cooperation had been identified, more concrete results from those initiatives remained to be realized. In July, the Agency had launched a special appeal for Lebanon, for \$11 million, against which confirmed pledges of \$9 million had been made to assist Palestine refugees there.

For 1997, the cash portion of UNWRA's General Fund budget as approved by the General Assembly was \$312 million, the Working Group reported. By June, the Agency was forecasting cash income in 1997 of some \$235 million; UNWRA therefore faced a cash shortfall for the year of some \$77 million. To confront that situation, the Commissioner-General had ordered the continuation of the austerity measures previously introduced and the continued freeze on the provision for termination indemnities. He also carried out a number of additional administrative cost-cutting measures. In August, with no solution to the crisis in sight, the Commissioner-General reluctantly announced a series of measures, including an immediate freeze on the recruitment of 250 new teachers needed to cope with rising school enrolments; a 15 per cent reduction in international staff posts; the cancellation for the last two months of the year of reimbursements for non-emergency hospitalization; and the discontinuation of Agency funding for university scholarships, shelter rehabilitation and emergency cash assistance. In addition, UNWRA began reviewing charges levied by host authorities for basic education services with a view to adopting similar ones, which elicited a decidedly negative

reaction, including protests and urgent pleas to the international community to resolve UNRWA's financial difficulties. Major donors met again in Amman in September and pledged more than \$20 million in additional funding for the Agency's regular programmes in 1997, enabling the Commissioner-General to defer some of the proposed measures, including the cancellation of hospitalization payments and the imposition of school fees.

Briefing the Working Group in September the Commissioner-General emphasized: (a) while the measures taken had enabled the Agency to scrape through the past two years, it could face the same situation again in 1998, by which time the cumulative effects of austerity measures would have taken an even greater toll; (b) the biennial budgets agreed to by the Assembly represented a commitment on the part of the international community to assist Palestine refugees at a certain level, and in order for that commitment to be met funds had to be provided at commensurate levels; (c) although UNRWA's budgets and the amount of contributions went up annually in absolute terms, those increases took no account of inflation or exchange rate fluctuations or, above all, of the steady growth of the refugee population, felt principally in the rising number of children enrolling in Agency schools; (d) the amounts spent by UNRWA per refugee—for education services, health care, and relief and social programmes—had been declining annually for the past five years and, while the results of those programmes in terms of the well-being of the refugees was something that the Agency could be proud of, UNRWA was spending considerably less per capita on the beneficiaries of its services than was the case for the host country populations served by their own Governments.

The Working Group, deeply concerned at that assessment, expressed the hope that joint efforts would be undertaken, including the provision of necessary resources by the international community at large, to ensure that UNRWA would be able to maintain acceptable levels of services.

The Group urged Governments to continue contributing generously and to consider additional contributions to finance deficit amounts so that UNRWA services could continue uninterrupted and, if possible, so that services cut for austerity reasons could be restored, and to ensure support of emergency-related and special programmes or capital projects without diverting contributions to the Agency's regular programmes.

Pledging Conference. At a meeting of the Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to

UNRWA, 23 countries pledged \$126 million for UNRWA's 1998 programmes, 40 per cent less than the Agency needed to maintain its regular services. The largest pledges were made by the United States (\$70 million), Sweden (\$19 million), Norway (\$14.2 million) and the Netherlands and Switzerland (\$5.5 million). The Commissioner said that for decades the international community had financed services to refugees at a certain level; it was important to maintain that level, so that the Palestine refugees, who had maintained their identity and educated their children and instilled in them a sense of survival and enterprise, would be able to continue to do so until the problem was resolved.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the Fourth Committee's recommendation [A/52/616], adopted **resolution 52/58** without vote [agenda item 86].

Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 2656(XXV) of 7 December 1970, 2728(XXV) of 15 December 1970, 2791(XXVI) of 6 December 1971, 51/125 of 13 December 1996 and the previous resolutions on this question,

Recalling also its decision 36/462 of 16 March 1982, by which it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Having considered the report of the Working Group,

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 1996 to 30 June 1997,

Deeply concerned about the persisting critical financial situation of the Agency, which has affected and affects the continuation of the provision of the necessary Agency services to Palestine refugees, including the emergency-related programmes,

Emphasizing the continuing need for extraordinary efforts in order to maintain, at least at the current minimum level, the activities of the Agency, as well as to enable the Agency to carry out essential construction,

1. Commends the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the financial security of the Agency;

2. Takes note with approval of the report of the Working Group;

3. Requests the Working Group to continue its efforts, in cooperation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;

4. Requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

Peacekeeping operations

The first and oldest UN peacekeeping operation—the United Nations Truce Supervision Organization (UNTSO), established in 1948 to monitor the ceasefire called for by the Security Council in newly partitioned Palestine—continued its work in 1997. UNTSO's unarmed military observers fulfilled changing mandates—from supervising the original four armistice agreements between Israel and its Arab neighbours (Egypt, Jordan, Lebanon and the Syrian Arab Republic) to observing and monitoring other ceasefires, as well as performing a number of additional tasks.

During the year, UNTSO personnel worked with the two remaining UN peacekeeping forces in the Middle East—the Observer Group Golan with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights, and the Observer Group Lebanon with the United Nations Interim Force in Lebanon (UNIFIL). In January, Estonia was added to the list of Member States providing military observers to UNTSO.

Lebanon

The tense and volatile situation in southern Lebanon gave cause for serious concern in 1997, which witnessed a rising level of hostilities and an increase in the number of civilian casualties, especially in the second half of the year. In letters of 17 January [S/1997/41] and 10 July [S/1997/534] to the Secretary-General, requesting further extensions of UNIFIL, Lebanon reported that the monitoring group that had emanated from the April 1996 understanding between Israel and Lebanon [YUN 1996, p. 428] reached in the wake of intensified Israeli bombardment of many Lebanese towns and villages had helped to reduce the intensity of the shelling. However, Lebanon stressed, the group's objective was of a temporary nature and in no way an alternative to full implementation of Security Council resolution 425(1978) [YUN 1978, p. 312], which called on Israel to cease military action against Lebanon and withdraw its forces from all Lebanese territory. In view of Israel's continued aggression, said Lebanon, implementation of that resolution remained the only way to stop the violence and enable the Lebanese Government to extend its sovereign authority throughout the area under occupation and to re-establish law and order. Its comprehensive national recovery remained hampered by Israel's continued occupation of southern Lebanon and Israeli aggression against its territory and citizens, Lebanon charged. Particu-

larly, Israel refused to release hundreds of innocent Lebanese detainees held for years in Israeli jails and the notorious detention camps in Al-Khiam and Marjayoun in southern Lebanon, manned by the Israeli-controlled militia, in violation of the 1949 Geneva Convention relative to the Protection of Civilians in Time of War (Fourth Geneva Convention). Many of the detainees were suffering from serious diseases, according to Lebanon, as a result of harsh living conditions, ill-treatment, torture and denial of medical care; others had died in the camps or shortly after their release.

Nevertheless, Lebanon reported that national reconstruction and rehabilitation was moving ahead, including rebuilding the commercial centre in downtown Beirut and modernizing the national infrastructure; priority was given to basic services such as electricity, telecommunications, transportation, water works, schools and hospitals.

Israel, on its side, alleged, as in a 2 January letter [A/51/769-S/1997/6], that it was Lebanon's inability or lack of will to prevent terrorists attacks that allowed armed elements of Hezbollah (Hizbollah) and other terrorist organizations to roam southern Lebanon freely, equipped with a variety of weapons and missiles, the majority of which came from Iran. According to Israel, those organizations were permitted to operate with impunity from Lebanese soil and carry out attacks against Israel with the tacit acquiescence of the Lebanese Government, as well as with the support of other countries known to practise terrorism.

Refuting Israel's allegations on 23 January [A/52/63-S/1997/70], Lebanon said the actions Israel referred to as terrorism were in fact acts of resistance to occupation, directed against military elements of the occupying forces; they were a legitimate expression of the right to self-defence enshrined in the UN Charter and aimed to liberate national territory from foreign occupation. Lebanon had repeatedly voiced its readiness to ensure security and the rule of law in southern Lebanon immediately upon Israeli withdrawal in accordance with resolution 425(1978). Israel's occupation was the basic reason for the existing tension, Lebanon insisted; Israel's security policy had demonstrably failed to achieve stability in the area and on both sides of the border.

Israel, on 3 February [A/52/70-S/1997/108], stressed that its responses to acts by terrorist organizations operating in Lebanon had been taken solely in self-defence. Israel would welcome a change, but Lebanon could not export terrorism and expect peace in return. Lebanon's claim of a so-called "right of resistance" was com-

pletely spurious and without basis in international law, Israel added, and any attempt to use General Assembly resolutions as a source of such claim was a deliberate misinterpretation. Assembly resolution 51/210 [YUN 1996, p. 1208] on measures to eliminate international terrorism clearly established that there was no justification for acts of terror. Lebanon's position and policies were the primary obstacle in the way of fulfilment of the role of UNIFIL, as they allowed the infiltration of armed terrorists throughout its area of operations, thereby placing on the Force the impossible task of dealing with a situation for which it was not created and for which it had no mandate. Lebanon's refusal to return to the conference table to discuss a peace treaty was at odds with its claim to be committed to the Middle East peace process, said Israel; if Lebanon truly wished to achieve a peaceful settlement, it had to control its heavily armed, semi-independent militias and resume direct negotiations with Israel in accordance with the agreed terms of reference of the peace process. Israel's position was reiterated in a 30 July letter to the Secretary-General [S/1997/603].

In a 3 March letter [A/52/87-S/1997/187], Lebanon responded that it had time and again expressed readiness to ensure security and the rule of law in southern Lebanon immediately on the withdrawal of the Israeli occupying forces, in implementation of resolution 425(1978). It had always cooperated with the United Nations and UNIFIL, having been commended on the constancy of such cooperation in reports of the Secretary-General and in Security Council resolutions and statements, the most recent of them made on 28 January 1997 [S/PRST/1997/1] (see below, under "UNIFIL"). Israel, on the other hand, had not hesitated to proclaim its lack of trust in the Organization and to confront UNIFIL, frequently shelling the latter's positions and inflicting casualties on it. Lebanon had affirmed its commitment to the goals of the 1991 Madrid Peace Conference [YUN 1991, p. 221] and the achievement of a just, lasting and comprehensive peace in the region, and considered that the implementation of resolution 425(1978) remained the basic condition for peace.

On 7 July [A/51/940-S/1997/527], Lebanon transmitted a letter from its Minister for Foreign Affairs containing lists of Lebanese detainees held in Israeli prisons and detention camps without legal charges and under inhuman conditions, and calling on the Secretary-General to exert his utmost efforts to bring their ordeal to an end.

By a letter of 11 August [A/52/276-S/1997/630], Lebanon again stated that the situation in the southern part of the country resulted from Is-

raeli occupation. Lebanon had repeatedly called for implementation of resolution 425(1978) and had expressed support for the resumption of negotiations in accordance with the principle of land for peace as part of a comprehensive and just solution to the Arab-Israeli conflict and with the participation of all parties. However, the harsh policy pursued by the current Israeli Prime Minister had led to a freeze in the negotiations and impeded further advancement of the peace process.

In a series of monthly communications [A/51/800-S/1997/142, A/51/821-S/1997/203, A/51/868-S/1997/295, A/51/898-S/1997/368, A/51/919-S/1997/447, A/51/941-S/1997/528, A/51/960-S/1997/615, A/51/974-S/1997/702, A/52/442-S/1997/780, A/52/668-S/1997/876, A/52/738-S/1997/988 & Corr.1, A/52/763-S/1998/20], **Lebanon detailed Israeli attacks on southern Lebanon and the Western Bekaa and its practices against the civilian inhabitants of those areas during the year.**

According to the Secretary-General's report on developments in the UNIFIL area of operation from 17 July 1997 to 15 January 1998 [S/1998/53], the level of hostilities rose during the second half of the year and there was a significant increase in civilian casualties. A number of serious incidents involving civilians also took place outside the area, and armed elements carried out several hostile acts against UN personnel.

UNIFIL

The Security Council twice extended the mandate of the United Nations Interim Force in Lebanon in 1997, in January and June, each time for a six-month period.

Established by Council resolution 425(1978) [YUN 1978, p. 312] following Israel's invasion of Lebanon [ibid., p. 296], UNIFIL was originally entrusted with confirming the withdrawal of Israeli forces, restoring international peace and security, and assisting the Lebanese Government in ensuring the return of its effective authority in southern Lebanon. After a second Israeli invasion in 1982 [YUN 1982, p. 428], the Council, in resolution 511(1982) [ibid., p. 450], authorized the Force to carry out, in addition to its original mandate, the interim tasks of providing protection and humanitarian assistance to the local population, while maintaining its positions in its area of deployment.

The Force headquarters, based predominantly in Naqura, provided command and control, as well as liaison with Lebanon and Israel, UNDOF, UNTSO and a number of non-governmental organizations.

Composition and deployment

As at 31 December, UNIFIL troops totalled 4,468 from nine countries—Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway and Poland. They were assisted by 55 UNTSO observers. In addition, the Force employed 455–122 internationally and 333 locally recruited—civilian staff. Major-General Jioje Konouse Konrote of Fiji took over the UNIFIL command from Major-General Stanislaw F. Wozniak on 1 October. The Secretary-General, on 19 August [S/1997/660], had informed the Security Council President of his intention to appoint Major-General Konrote. The President conveyed the Council's agreement with that proposal on 25 August [S/1997/661].

UNIFIL's military component comprised a force headquarters, six infantry battalions and a mobile reserve company, together with supporting logistic and administrative units. The battalions were deployed throughout the south of Lebanon in a network of 140 positions, staffed 24 hours a day and consisting of: checkpoints, for the control of movement on the principal roads in UNIFIL's area of operations; observations posts, for observing movement on and off the roads in the area; and checkpoints/observations posts that combined the functions of control and observation. The battalions were supported in their task by a Force Mobile Reserve used to reinforce positions during rotation and deployed during serious incidents. UNTSO observers assisting UNIFIL manned a number of observation posts along the Israel-Lebanon armistice demarcation line, operating mobile patrols in the area of operations controlled by Israel. A helicopter wing was maintained with the primary function of patrol and reconnaissance flights over the mission area; it also undertook coastal patrols, medical evacuation and search and rescue operations.

Activities

Report of Secretary-General (January). In a report [S/1997/42] on developments from 21 July 1996 to 17 January 1997 in the UNIFIL area of operation, the Secretary-General stated that hostilities continued between the Israel Defence Forces (IDF) and its local Lebanese auxiliary, the *de facto* forces (DFF), on the one hand, and armed elements who had proclaimed their resistance to Israeli occupation on the other. Following the Lebanese parliamentary elections in September, armed activity increased and in recent weeks the level of hostilities rose further, especially north of the Litani River, causing a number of casualties.

During the reporting period, UNIFIL observed 92 operations by armed elements against IDF/DFF and reported more than 160 clashes between

the two sides north of the Litani River. The vast majority of the attacks were carried out by the Islamic Resistance, the military wing of the Shiite Muslim Hizbullah organization; the Shiite movement Amal was responsible for a few and one was believed to have been carried out by a Palestinian group. The armed elements fired more than 900 mortar rounds, rockets and anti-tank missiles and also used small arms, mortars, rocket-propelled grenades and road-side bombs. IDF/DFF, in response to attacks or in operations they initiated, employed artillery, mortars, tanks, helicopter gunships and fixed-wing aircraft. On numerous occasions, they conducted pre-emptive artillery bombardments, usually to cover troop movements or rotation convoys. UNIFIL recorded over 9,000 artillery, mortar and tank rounds fired by IDF/DFF, significantly fewer than during the previous reporting period. In recent weeks, however, IDF air raids—mostly north of the Litani River, except one in the Nepalese battalion sector on 5 January—had increased markedly, the Secretary-General noted, as Israel began using combat aircraft to respond to attacks on its forces. As before, the Israeli navy patrolled Lebanese territorial waters in the south, but restrictions imposed by it on local fishermen appeared less severe than in the past.

Firing into populated areas also decreased markedly. At least one rocket was fired into northern Israel on 7 January but no casualties were reported and no organization claimed responsibility, although the Lebanese authorities arrested two persons suspected of having been involved in the incident.

UNIFIL continued its efforts to limit the conflict and protect the inhabitants from the fighting and did its best to prevent its area of deployment from being used for hostile activities and to defuse situations that could lead to escalation. It also provided a measure of protection to villages and to farmers working in the fields.

In July 1996 [YUN 1996, p. 434], UNIFIL had obtained a commitment from IDF that it would respect a safety zone around UNIFIL positions and received assurances from the Islamic Resistance that no operations would be conducted in their vicinity; although both sides showed more restraint during the reporting period, 78 firings—76 by IDF/DFF and 2 by armed elements—at or close to UNIFIL positions and personnel were recorded, which were promptly protested to the authorities concerned. The monitoring group set up in accordance with the understanding of 26 April 1996 held 11 meetings at UNIFIL headquarters to consider complaints by Israel and Lebanon.

Israel continued, within the Israeli-controlled area (ICA), to maintain a civil administration and security service. The infrastructure in ICA—road system, electricity, water supply, public buildings—was improved significantly, primarily owing to aid from the Lebanese Government. However, ICA remained economically dependent on Israel, where more than 2,000 of its inhabitants worked. IDF/DFF carried out sporadic search operations throughout ICA and made several arrests. UNIFIL recorded four cases of the families of defectors from DFF being expelled from ICA and forced to vacate their homes at short notice. Reports of forced recruitment to DFF increased. All movement between ICA and other parts of Lebanon remained under IDF/DFF control. A night curfew was still being imposed on the village of Rshaf, despite UNIFIL efforts to have it lifted.

The Force continued to extend assistance to the civilian population in the form of medical care, harvest patrols, clothes, blankets, food, engineering work and the distribution of educational material and equipment to poorer schools. In addition, resources made available by troop-contributing countries allowed UNIFIL to carry out water projects and provide equipment and services to schools, orphanages and the needy. UNIFIL medical centres and mobile teams cared for an average of 3,000 civilian patients per month, and a field dental programme treated approximately 100 cases per month. The Force co-operated closely on humanitarian matters with the Lebanese authorities, UN agencies, the International Committee of the Red Cross (ICRC) and other organizations operating in Lebanon. UNIFIL also continued to dispose of unexploded ordnance in its area of operation, carrying out 116 controlled explosions during the reporting period.

The Secretary-General observed that while the level of hostilities was somewhat lower than in the past, the situation in southern Lebanon continued to be tense and volatile, as Israel maintained its occupation of parts of the area and Lebanese groups continued their attacks against the occupying forces. The UNIFIL mandate, defined in resolution 425(1978) [YUN 1978, p. 312] and reaffirmed subsequently, thus remained unfulfilled. In accordance with the April 1996 understanding, the parties exercised certain restraint with regard to firing into populated areas; that positive development, however, should not obscure the fact, the Secretary-General emphasized, that the inherent instability of the situation and the ever-present possibility of renewed deterioration remained a cause for serious concern.

Although UNIFIL continued to be prevented from implementing its mandate, its contribution to stability and the protection it afforded the area's population remained important, the Secretary-General said; he therefore recommended that the Security Council accede to Lebanon's request of 17 January [S/1997/41] to extend the Force's mandate for another six months, until 31 July.

In making that recommendation, the Secretary-General drew attention to the serious shortfall in UNIFIL funding, with unpaid assessments amounting to some \$177 million (for details, see below). He appealed to all Member States to pay their assessments promptly and in full and to clear all arrears.

SECURITY COUNCIL ACTION (January)

Following consideration of the Secretary-General's report, the Security Council, on 28 January [meeting 3733], unanimously adopted **resolution 1095(1997)**. The draft text [S/1997/79] had been prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 20 January 1997 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 17 January 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 July 1997;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other

parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

After the adoption of the resolution, the President made a statement on behalf of the Council [S/PRST/1997/1]:

The Security Council has noted with appreciation the report of the Secretary-General of 20 January 1997 on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1068(1996) of 30 July 1996.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425(1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commends troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

Report of Secretary-General (July). In a report [S/1997/550 & Corr.1] on developments during the period from 18 January to 16 July 1997, the Secretary-General noted that hostilities continued between IDF/DFF and armed elements at a higher level than during the previous reporting period. UNIFIL recorded 154 operations by the latter against the former, the vast majority carried out by the Islamic Resistance, a few by Amal and three were attributed to Palestinian groups. There were also reports of more than 210 operations north of the Litani River. Armed elements more frequently employed long-range mortar fire in their attacks, firing over 1,400 mortar rounds, rockets and anti-tank missiles. IDF/DFF in turn conducted more frequent pre-emptive artillery bombardments and increased long-range

patrols beyond its forward positions. In a new development, IDF/DFF also used road-side bombs outside ICA. More than 12,000 artillery, mortar and tank rounds fired by IDF/DFF were recorded by UNIFIL; except for an attack in the Nepalese battalion sector on 9 February and one in the Ghanaian battalion sector on 1 June, all air raids were carried out north of the Litani River. Firing into populated areas was maintained at a relatively low level, although there were a number of serious incidents; in the UNIFIL area of operation, the most serious one occurred on 12 July when a civilian at Adshit Al Qusayr was killed by an anti-personnel flechette tank round fired by IDF/DFF. Other serious incidents were reported from north of the Litani River: IDF/DFF shelling killed one civilian and injured two others on 18 February and killed two civilians and wounded another on 14 July; on 6 July, three civilians were injured by artillery rounds fired by IDF/DFF; and on 15 July, a civilian was wounded by shrapnel from rockets fired by armed elements. On 25 April and 3, 6 and 15 July, mortar rounds and rockets fired by armed elements at IDF/DFF positions along Lebanon's border with Israel landed inside Israeli territory. The Israeli navy continued to patrol Lebanese territorial waters in the south and to impose restrictions on local fishermen.

Civilian casualties from road-side bombs increased. In the UNIFIL area, a civilian was killed by a bomb with Hebrew markings on 20 February. On 5 May, four civilians were injured by a bomb detonated by armed elements near El Qlaiaa. Other casualties were reported from north of the Litani, notably on 6 May, when two civilians were killed and two others wounded by IDF/DFF bombs near Nabatiyeh. There were also reports of two civilians having been killed by bomb explosions on 4 June in the southern Bekaa Valley and on 18 June near Jezzine.

UNIFIL continued its efforts to limit the conflict and protect the inhabitants from the fighting. Although both sides showed restraint in a safety zone around UNIFIL positions, 68 firings—40 by IDF/DFF, 15 by armed elements and 13 by unidentified elements—at or close to Force positions and personnel were recorded.

In accordance with an understanding reached several years earlier, IDF observed certain limitations on its activities in the Norwegian battalion sector. During the reporting period, there was some friction between IDF and UNIFIL over the former's access to the sector. On 27 April, IDF placed restrictions on UN traffic entering the sector, after the battalion had prevented IDF from conducting meetings with local villagers. Although UNIFIL protested the incident, IDF, on 24

and 25 May, again reacting to the battalion's denial of a request for meetings owing to inadequate notice time, closed the border crossings in Metullah and Rosh Haniqra, as well as an IDF/DFF checkpoint on the coastal road near Naqoura. UNIFIL strongly protested the restriction of its freedom of movement and the matter was resolved after negotiations.

Reacting to reports that IDF had acquired UN vehicles, elements of the Islamic Resistance, on three occasions on 28 and 29 May, stopped UNIFIL traffic and harassed Force personnel. UNIFIL vigorously protested the harassment and obtained an assurance that it would end. On investigation, it was found that a number of old vehicles had been sold to an Israeli buyer by UNDOF and transported to ICA with their UN markings still intact. After the incident, procedures for disposing of old vehicles were tightened.

The monitoring group set up in accordance with the April 1996 understanding held 11 meetings at UNIFIL headquarters to consider complaints by Israel and Lebanon.

Within ICA, Israel maintained a civil administration and security service. IDF/DFF carried out sporadic search operations throughout ICA and made several arrests. All movement between ICA and other parts of Lebanon remained under IDF/DFF control. Reports of forced recruitment to DFF decreased, however.

UNIFIL continued to assist the civilian population through its medical centres, mobile teams and field dental programme. It also assisted the Lebanese Government to transport and distribute supplies to villages in ICA when they faced economic difficulties owing to IDF/DFF-imposed restrictions. Cooperation with the Lebanese authorities, UN agencies, ICRC and other organizations on humanitarian matters also continued, as did the disposal of unexploded ordnance, with 147 explosions being carried out in UNIFIL's area of operation.

On 6 March, a Palestinian who had been accommodated at UNIFIL headquarters since April 1995, after being deported to Lebanon by the Israeli authorities, was allowed to leave for Jordan via Israel, as a result of continuous contacts between the Force and IDF.

The Secretary-General observed that the level of hostilities in southern Lebanon had risen somewhat during the previous six months and civilians were again targeted or put at risk. The situation remained volatile and continued to give cause for serious concern, he said. Although still prevented from implementing its mandate, UNIFIL's contribution to stability and the protection it was able to afford the population of the area remained important; therefore, the Secretary-

General recommended that the Force's mandate be extended for another six months, until 31 January 1998, as requested by Lebanon in a 10 July letter [S/1997/534]. Noting that there was a serious shortfall in UNIFIL funding, with unpaid assessments amounting to some \$176 million, the Secretary-General appealed to Member States to pay their assessments promptly and in full and to clear all arrears.

SECURITY COUNCIL ACTION (July)

On 29 July [meeting 3804], the Security Council adopted **resolution 1122(1997)** unanimously. The draft text [S/1997/575] had been prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General of 16 July 1997 on the United Nations Interim Force in Lebanon, and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 10 July 1997 from the Charge d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is, until 31 January 1998;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting, the President made the following statement on behalf of the Council [S/PRST/1997/40]:

The Security Council has noted with appreciation the report of the Secretary-General of 16 July 1997

on the United Nations Interim Force in Lebanon, submitted in conformity with resolution 1095(1997) of 28 January 1997.

The Council reaffirms its commitment to the full sovereignty, political independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, the Council asserts that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

As the Council extends the mandate of the Force for a further interim period on the basis of resolution 425(1978), the Council again stresses the urgent need for the implementation of that resolution in all its aspects. It reiterates its full support for the Taif Agreement of 22 October 1989 and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country, while successfully carrying out the reconstruction process. The Council commends the Lebanese Government for its successful effort to extend its authority in the south of the country in full coordination with the Force.

The Council expresses its concern over the continuing violence in southern Lebanon, regrets the loss of civilian life, and urges all parties to exercise restraint.

The Council takes this opportunity to express its appreciation for the continuing efforts of the Secretary-General and his staff in this regard. The Council notes with deep concern the high level of casualties the Force has suffered and pays a special tribute to all those who gave their life while serving in the Force. It commends the troops of the Force and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances.

Financing

Reports of Secretary-General and ACABQ (February and April). In a 3 February report [A/51/535/Add.1], the Secretary-General submitted the financial performance report of UNIFIL for the period from 1 February to 30 June 1996, for which resources of \$53,874,000 gross (\$52,448,000 net) were provided. Corresponding expenditures amounted to \$51,010,500 gross (\$49,768,300 net), resulting in an unencumbered balance of \$2,863,500 gross (\$2,679,700 net), which was primarily due to lower than estimated rotation costs of military personnel, a high vacancy rate for civilian staff and the transfer of vehicles, equipment and generators from other peacekeeping missions.

As requested in General Assembly resolution 50/89 B [YUN 1996, p. 437], the report presented a full evaluation of damages resulting from the 18 April 1996 incident at the headquarters of the Fiji battalion at Qana and surrounding positions [*Ibid.*, p. 429]. That incident, which occurred during Israeli retaliatory operations against the Islamic fundamentalist organization Hezbollah,

resulted in the deaths of over 100 Lebanese who had sought refuge in the area. Another 100 people were wounded, including several UN personnel.

UNIFIL identified the total costs attributable to the incident at \$893,319, comprising \$552,474 in damages to the Fiji battalion headquarters and \$340,845 in damages sustained in surrounding positions, but not including costs associated with the relocation of the battalion headquarters. From the resources provided to UNIFIL for the period under review, \$ 131,750 was used for immediate repairs to premises.

Subsequent to the Qana incident, it was determined, according to the Secretary-General, that it would no longer be operationally acceptable for a battalion headquarters to be located within a town that had since grown in population to encompass a headquarters position originally sited on the town's outskirts. It was therefore decided to relocate the Fijian battalion; the costs associated with such relocation were estimated at \$880,300.

In a 21 February report [A/51/535/Add.2], the Secretary-General presented the proposed budget for UNIFIL for the period from 1 July 1997 to 30 June 1998, in the amount of \$122,166,000 gross (\$118,031,000 net), reflecting a 0.5 per cent decrease in gross terms compared with the previous 12-month period. The decrease was mainly due, he said, to the lower cost of rotation of military contingents and the fact that there was no requirement for refurbishing armoured personnel carriers. The budget provided for maintaining the Force at a level of 4,513—3,518 infantry and 995 logistics—troops, supported by 487—143 international and 344 local level—civilians.

As to the status of contributions, the Secretary-General stated that \$2,645.2 million had been assessed on Member States for the period from the Force's inception to 31 January 1997. Contributions received as at 31 January for that time amounted to \$2,471 million. Outstanding assessments were reduced by \$9.9 million pursuant to General Assembly resolution 50/83 [YUN 1995, p. 406], to partially offset the waiver of South Africa's unpaid contributions to peacekeeping operations. The outstanding balance of \$174.2 million included an amount of \$19.6 million transferred to a special account in accordance with Assembly resolution 36/116 A [YUN 1981, p. 1299].

The Secretary-General projected an operating deficit of \$234.7 million for UNIFIL, mainly attributable to outstanding contributions. Until that high level was reduced, he recommended that the surplus balance of \$10,657,000, that otherwise would have to be surrendered as credits to Member States, be entered into the account es-

established pursuant to Assembly resolution 34/9 E [YUN 1979, p. 353] and held in suspense pending a further decision by the Assembly. As a result of the withholding of contributions or delays in payment by certain Member States, the Secretary-General said, the Force had been unable to meet its obligations on a current basis or in full, particularly those due to the troop-contributing countries. Full reimbursement in accordance with standard rates established by the Assembly for troop costs had been made to them through 31 March 1996. An estimated \$52 million was due for troop costs for the period ending on 31 January 1997.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in an April report [A/51/684/Add.1], recommended acceptance of the Secretary-General's proposal that the Assembly decide to credit Member States their respective share in the unencumbered balance of \$2,863,500 gross (\$2,679,700 net) for the period from 1 February to 30 June 1996. With regard to the proposed budget for the period from 1 July 1997 to 30 June 1998, ACABQ recommended a lower appropriation totalling \$122,035,000 gross (\$117,926,000 net). It also recommended acceptance of the Secretary-General's request regarding the surplus balance of \$10,657,000.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/725/Add.1], adopted **resolution 51/233** by recorded vote (127-2-1) [agenda item 123 (b)].

Financing of the United Nations Interim Force in Lebanon

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Interim Force in Lebanon and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 425(1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1095(1997) of 28 January 1997,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 50/89 B of 7 June 1996,

Reaffirming that the costs of the Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that ap-

plied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

Recalling its resolution 50/89 B, in which it requested the Secretary-General to include in his next report on the financing of the Force a full evaluation of damages resulting from the incident that occurred at the headquarters of the Force at Qana on 18 April 1996 and the costs thereof,

1. Takes note of the status of contributions to the United Nations Interim Force in Lebanon as at 30 April 1997, including the contributions outstanding in the amount of 176.8 million United States dollars, representing 6.6 per cent of the total assessed contributions from the inception of the Force to the period ending on 30 June 1997, notes that some 16 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Authorizes the Secretary-General to enter into commitments for the Force in the amount of 1,773,618 dollars to cover the costs resulting from the incident at the headquarters of the Force at Qana on 18 April 1996;

8. Decides that the total amount mentioned in paragraph 7 above, namely 1,773,618 dollars, shall be borne by Israel;

9. Decides also to appropriate to the Special Account for the United Nations Interim Force in Lebanon the amount of 124,969,700 dollars gross (120,860,700 dollars net) for the maintenance of the Force for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 4,708,300 dollars for the support account for peacekeeping operations, to be assessed on Member States at the monthly rate of 10,414,142 dollars gross (10,071,725 dollars net) in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 July 1997;

10. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 4,089,000 dollars approved for the period from 1 July 1997 to 30 June 1998;

11. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the estimated other income of 20,000 dollars for the period from 1 July 1997 to 30 June 1998;

12. Decides also that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 9 above, their respective share in the unencumbered balance of 2,863,500 dollars gross (2,679,700 dollars net) in respect of the period ending on 30 June 1996;

13. Decides further that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 2,863,500 dollars gross (2,679,700 dollars net) for the period ending on 30 June 1996 shall be set off against their outstanding obligations;

14. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

15. Decides to include in the provisional agenda of its fifty-second session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Interim Force in Lebanon".

RECORDED VOTE ON RESOLUTION 51/233:

In favour Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Russian Federation.

The Assembly and the Committee adopted paragraph 8 separately, by recorded votes of 66 to 2, with 59 abstentions, and 58 to 2, with 52 abstentions, respectively.

Introducing the draft in the Committee on behalf of the Group of 77 and China, the United Republic of Tanzania said that the sponsors had subtracted \$49,000 from the costs to cover the damages resulting from the Qana incident in the light of Israel's contribution of that amount.

Israel stated that its action in providing medical assistance to injured UNIFIL members in the wake of the Qana incident had been a purely humanitarian gesture and should under no circumstances be interpreted as an admission of any responsibility. Speaking before the Assembly vote, Israel stated that singling out one country to bear the costs of damages to a UN peacekeeping force attributable to a military incident was utterly unprecedented and contrary to the practice of reimbursing expenditures related to peacekeeping operations. Moreover, as clearly indicated in the Secretary-General's report, the sum of \$880,300 represented the estimated costs of relocating a battalion headquarters.

The tragic events that took place at Qana on 16 April 1996 were brought on by a series of violent Hezbollah attacks against northern Israel; in the absence of any Lebanese effort or action to prevent them, Israel was left with no option but a military one. Both UN and Israeli investigations confirmed separately the activity of terrorist elements close to the UNIFIL battalion headquarters at the time; it was that activity which elicited the artillery response that was blamed for the damage. The terrorists should be held accountable and Israel was bound by no legal or moral obligation to assume responsibility for reimbursing the amount stated in the resolution.

The United States believed that the paragraph, which apportioned a particular expense to one

Member State, had serious ramifications that would affect UN operations; the resolution politicized the funding of UNIFIL and so would weaken support for it in Israel, the United States and other countries.

The Russian Federation abstained because it was firmly committed to the consensus adoption of decisions on financial matters; departure from that principle would create problems for UN peacekeeping operations. Japan, which abstained in the Committee, stressed that the financing of peacekeeping operations was a matter of collective responsibility. Speaking for the European Union (EU), the Netherlands expressed a similar opinion. The EU had abstained on paragraph 8 as it considered the text to be inappropriate.

In Fiji's view, the issue was a sensitive one; since 1978 it had lost 30 of its nationals serving with UNIFIL. The UNIFIL budget should be appropriated in its entirety, as small troop-contributing countries could not rely on voluntary contributions and without collective responsibility, peacekeeping would be severely affected. Fiji requested full compensation for the soldiers injured at Qana.

By **decision 52/456** of 22 December, the Assembly decided that the Fifth Committee should continue consideration of UNIFIL's financing at the resumed fifty-second session in 1998.

Syrian Arab Republic

In 1997, the General Assembly again called for Israel's withdrawal from the Golan Heights, an area in the southern part of the Syrian Arab Republic near its borders with both Israel and Lebanon. Israel occupied the Golan Heights following the 1967 war, effectively annexing that area when it extended its laws, jurisdiction and administration to the territory towards the end of 1981 [YUN 1981, p. 309]. The annexation was confirmed by the Israeli Knesset on 11 November 1991.

Israeli policies and measures affecting the human rights of the population in the Golan Heights and other occupied territories were monitored by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Areas of the Occupied Territories (Committee on Israeli Practices) and were the subject of resolutions adopted by the Commission on Human Rights (see PART TWO, Chapter III) and the Assembly.

Committee on Israeli Practices. In its annual report [A/52/131/Add.2], the Committee on Israeli Practices, having visited the Syrian Arab Republic, observed that one of the most striking features of the Israeli occupation of the Syrian Arab Golan was the severance of family ties, owing to restrictions on visits to and from Syria. The Com-

mittee was informed that measures taken against citizens who expressed nationalistic sentiments towards Syria were repressed more harshly than before and that land in the occupied Golan continued to be confiscated for the expansion of Israeli settlements and the construction of bypass roads. Agricultural produce and cattle were also subjected to confiscation and the Israeli authorities continued to exercise tight control over the water resources available to the Golan inhabitants, including rainwater. Complaints were voiced about Israeli measures in the educational field, such as the dismissal of qualified teachers and attempts to alter curricula with regard to the area's political geography and the historical identities of the Golan's ethnic communities. Hebrew biblical names were imposed on Arab localities. Syrian diplomas were reportedly not recognized and unemployment was widespread. Witnesses also complained about difficulties faced by Golan inhabitants in obtaining proper medical care.

In January 1997, Israel announced the construction of an additional 200 housing units in Katzrin, the largest Israeli settlement in the occupied Golan. In May, it was reported that a study prepared in the United States showed that 28 per cent of the housing units in the Golan were uninhabited, while the Israeli Minister of Housing suggested that only 6 per cent were unoccupied.

According to The Jerusalem Post of 18 January, the Israeli Prime Minister had stated that the Golan's future was not negotiable and that the Golan Heights had to remain under Israeli control because of their strategic, historical and economic importance. On 23 July, the Knesset adopted a bill requiring any move by Israel to withdraw from the Golan to be approved by a two-thirds majority, i.e., 80 out of the 120 Knesset members; in addition, it would have to be approved by the Israeli population through a referendum.

The Special Committee recalled the position taken by the General Assembly and the Security Council that the annexation by Israel of the occupied Syrian Arab Golan was illegal and therefore null and void; it hoped that negotiations between Syria and Israel concerning the Golan would resume. It noted that the occupation—in itself a human rights violation—continued in spite of the signing of the peace agreements; consequently, Israel should abide by its obligations under the 1949 Geneva Conventions and comply fully with all universally accepted human rights standards.

Noting that the peace talks between Syria and Israel had halted, the Committee considered it vital that a constructive dialogue between the parties be maintained and that the peace process

continue. The Committee called on the international community to address urgently the current situation and take an active and positive role in safeguarding the peace process, giving it new impetus and ensuring its success.

Report of Secretary-General. By a 15 October report [A/52/467], the Secretary-General transmitted replies from six Member States received in response to his request for information on steps taken or envisaged with regard to implementation of General Assembly resolutions 51/28 [YUN 1996, p. 440], which dealt with Israeli policies in the Syrian territory occupied since 1967, and 51/27 [ibid., p. 385] on the transfer by some States of their diplomatic missions to Jerusalem (see above, under "Occupied territories").

GENERAL ASSEMBLY ACTION

On 9 December [meeting 68], the General Assembly adopted **resolution 52/54** [draft: A/52/L.55/ & Add.1] by recorded vote (92-2-65) [agenda item 37].

The situation in the Middle East: the Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Stressing the illegality of the Israeli settlement construction and activities in the occupied Syrian Golan since 1967,

Noting with satisfaction the convening at Madrid on 30 October 1991 of the Peace Conference on the Middle East, on the basis of Security Council resolutions 242(1967) of 22 November 1967, 338(1973) of 22 October 1973 and 425(1978) of 19 March 1978 and the formula of land for peace,

Expressing grave concern over the halt in the peace process on the Syrian and Lebanese tracks, and expressing the hope that peace talks will soon resume from the point they had reached,

1. Declares that Israel has failed so far to comply with Security Council resolution 497(1981);

2. Declares also that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497(1981), and calls upon Israel to rescind it;

3. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. Determines once more that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region;

5. Calls upon Israel to resume the talks on the Syrian and Lebanese tracks and to respect the commitments and undertakings reached during the previous talks;

6. Demands once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;

7. Calls upon all the parties concerned, the co-sponsors of the peace process and the entire community to exert all the necessary efforts to ensure the resumption of the peace process and its success;

8. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/54:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Andorra, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Uruguay, Venezuela, Zambia.

Speaking before the vote, the United States said that Syria and Israel had committed themselves to a negotiating process to resolve their differences and achieve a lasting peace agreement; the Assembly could only make that goal more elusive by injecting itself into issues that the parties had agreed would be decided in face-to-face negotiations.

Turkey stated that there were several reasons for the current impasse in the peace process and it was not fair to assign all responsibility to one of the elements or one of the countries involved. Turkey emphasized that terrorism was one of the most important obstacles to peace, calling on those countries that supported and encouraged

terrorism to cease using such inhuman and destructive policy as leverage to advance their foreign-policy interests.

On 10 December [meeting 69], the Assembly, under the agenda item on the report of the Committee on Israeli Practices and on the Fourth (Special Political and Decolonization) Committee's recommendation [A/52/617], adopted **resolution 52/68** by recorded vote (152-1-7) [agenda item 87].

The occupied Syrian Golan

The General Assembly,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 51/135 of 13 December 1996,

Having considered the report of the Secretary-General submitted in pursuance of resolution 51/135,

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237(1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on the Syrian and Lebanese tracks,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497(1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/68:

In favour Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel.

Abstain: Marshall Islands, Micronesia, Nicaragua, Swaziland, United States, Uruguay, Zambia.

Speaking after the Committee vote, Syria remarked that the result reflected support for the principles of legality, the UN Charter and relevant UN resolutions, and testified to the deep concern over the deadlock in the peace process. Following the Assembly vote, Syria stated that the overwhelming majority support of the resolution constituted a clear message to Israel and demonstrated support of human rights, the struggle for which was also a struggle against oppression and injustice.

In Israel's view, the adoption of extremist and one-sided resolutions—which did not help create the peaceful and constructive climate necessary for the conduct of negotiations—had no influence on the real state of affairs.

Pakistan, one of the text's sponsors, said it shared the concern about the suspension of the

peace process, especially in relation to the Syrian Golan and Lebanon. It found it regrettable that Security Council resolution 497(1981) [YUN 1981, p. 312], stating that Israel's decision to impose its laws, jurisdiction and administration on the Golan was null and void and demanding that Israel rescind its decision, had not been implemented and that Israel was persisting unimpeded in its efforts to change the area's physical nature, demographic composition, organizational structure and legal status, and in building settlements.

UNDOF

The United Nations Disengagement Observer Force, established by Security Council resolution 350(1974) [YUN 1974, p. 205], was charged with supervising the observance of the ceasefire between Israel and Syria in the Golan Heights area and ensuring the separation of their forces. Assisting UNDOF, as required, were observers from UNTSO.

UNDOF maintained an area of separation, which was some 80 kilometres long and varied in width between approximately 10 kilometres in the centre to less than 1 kilometre in the extreme south. The area of separation was inhabited and was policed by the Syrian authorities. No military forces other than UNDOF were permitted within it. The Force supervised the area of separation and intervened whenever any military personnel entered or tried to operate therein. Both the Austrian battalion deployed in the northern part of the area of separation and the Polish battalion in the south conducted mine-clearing operations.

The Force's mandate was renewed twice in 1997, in May and November, each time for a six-month period.

Composition and deployment

As at November 1997, UNDOF comprised 1,053 troops from Austria, Canada, Japan and Poland. It was assisted by 78 UNTSO military observers. Major-General David Stapleton (Ireland) was appointed Force Commander, taking over from Major-General Johannes C. Kusters (Netherlands), who completed his tour of duty on 31 May. The Secretary-General informed the Security Council on 9 May [S/1997/388] of his intention to appoint Major-General Stapleton; the Council's agreement was conveyed to him in a letter of 22 May [S/1997/389].

UNDOF was entirely deployed within, and close to, the area of separation with two base camps, 44 permanently manned positions and 11 observation posts. Its headquarters was located at Camp Faouar and an office maintained in Damascus, Syria. Damascus international airport served as

UNDOF's air head, along with Tel Aviv international airport. The ports of Latakia and Haifa were used for sea shipments.

The Canadian and Japanese logistics units, based in Camp Ziouani, with a detachment at Camp Faouar, performed second-line general transportation tasks, rotation transport, control and management of goods and maintenance of heavy equipment.

Activities

UNDOF continued in 1997 to supervise the area of separation between Israeli and Syrian troops in the Golan Heights, to ensure that no military forces of either party were deployed there, by means of fixed positions and patrols. The Force, accompanied by liaison officers from the party concerned, also carried out fortnightly inspections of armament and force levels in the areas of limitation. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on UNDOF's freedom of movement.

The Force Commander and his staff maintained close contact with the military liaison staff of Israel and Syria. Both sides cooperated with UNDOF in the execution of its tasks.

The Force also assisted ICRC with facilities for mail and the passage of persons through the area of separation and provided, within the means available and upon request, medical treatment to the local population.

Reports of Secretary-General (May and November). Before the expiration of the UNDOF mandate on 31 May, and again on 30 November, the Secretary-General reported to the Security Council on UNDOF activities that took place between 19 November 1996 and 16 May 1997 [S/1997/372] and between 17 May and 14 November 1997 [S/1997/884]. Both reports noted that UNDOF continued to perform its functions effectively, with the cooperation of the parties. In general, the ceasefire in the Israel-Syria sector was maintained without serious incident, and the UNDOF area of operation remained calm. On 30 May, two Austrian soldiers were shot and killed during a routine foot patrol east of position 14 near Hadar. Regrettably, the Secretary-General stated, the investigations carried out by the Syrian authorities and UNDOF, in cooperation with the Government of Austria and with technical assistance from Canada, had so far not shed any light on the perpetrators of the attack and its motives. The Syrian authorities had informed UNDOF that they were continuing their investigation.

The Secretary-General observed that, despite the quiet in the Israel-Syria sector, the situation in the Middle East continued to be potentially

dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. He hoped for determined efforts by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by Security Council resolution 338(1973) [YUN 1973, p. 213]. Stating that he considered the Force's continued presence in the area to be essential, the Secretary-General, with the agreement of both Syria and Israel, each time recommended that the UNDOF mandate be extended for a further six months, until 30 November 1997 in the first instance and 31 May 1998 in the second.

In making his recommendation, the Secretary-General drew attention to the serious shortfall in the funding of the Force, with unpaid assessments totalling \$48.2 million in May and \$50.9 million in November; those amounts, representing money owed to the troop-contributing countries, were far larger than the Force's current annual budget, he noted. He therefore appealed to all Member States to pay their assessments promptly and in full and to clear all remaining arrears.

SECURITY COUNCIL ACTION

On 28 May [meeting 3782], the Security Council adopted resolution 1109(1997) unanimously. The draft [S/1997/396] was prepared during consultations among Council members.

The Security Council,

Having considered the report of the Secretary-General of 16 May 1997 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1997;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338(1973).

On 21 November [meeting 3835], the Council, without debate, unanimously adopted resolution 1139(1997). The draft [S/1997/904] had been prepared during consultations.

The Security Council,

Having considered the report of the Secretary-General of 14 November 1997 on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1998;

(c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement resolution 338(1973).

After the adoption of each resolution, the President made the following statement [S/PRST/1997/30, S/PRST/1997/53] on behalf of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 13 [9 in the November report]: "Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached." That statement of the Secretary-General reflects the view of the Security Council.

Financing

Reports of Secretary-General and ACABQ (January/February and April). On 31 January, the Secretary-General presented a report [A/51/405/Add.1] on the financial performance of UNDOF, covering the period from 1 December 1995 to 30 June 1996, for which resources of \$18,753,000 gross (\$18,221,000 net) were provided. Expenditures amounted to \$17,623,700 gross (\$17,154,300 net), resulting in an unencumbered balance of \$1,129,300 gross (\$1,066,700 net), which was primarily due to more favourable rates for the hire of aircraft used for rotation of military personnel, filling of vacant posts with staff at lower levels, cancellation and deferment of construction projects, and reduced procurement of major equipment due to availability of some items at the UN Logistics Base in Brindisi, Italy.

The action required from the General Assembly was a decision to credit Member States their respective shares in the unencumbered balance.

On 21 February, the Secretary-General presented the proposed budget of UNDOF [A/51/405/Add.2] for the 12-month period from 1 July 1997 to 30 June 1998, totalling \$32,368,000 gross (\$31,466,000 net), which reflected a 2.8 per cent increase in gross terms compared with the resources for the preceding 12 months, which amounted to \$31,494,000 gross. The increased requirements related to reimbursement for contingent-owned equipment, replacement of vehicles, communications and data-processing equipment, and vehicle third-party liability insurance. The budget provided for maintaining the Force at a level of 1,036 troops (821 infantry and 215 logistics personnel), supported by 120 ci-

vilians (36 international and 84 local). The required Assembly action was approval of an appropriation of \$32,368,000 gross (\$31,466,000 net) and a decision to credit Member States with the surplus balance of \$2,358,000 for the period from 1 December 1993 to 30 November 1994.

The Secretary-General noted that assessments on Member States in respect of UNDOF and the United Nations Emergency Force (UNEF) for the period from inception to 31 May 1997 totalled \$1,126.5 million, while contributions received as at 31 January 1997 for the same period amounted to \$1,066.6 million. Outstanding assessments were reduced by \$4.2 million pursuant to Assembly resolution 50/83 [YUN 1995, p. 406]. The outstanding balance of \$59.9 million as at 31 January 1997 included an amount of \$36 million transferred to a special account in accordance with Assembly resolution 36/116 A [YUN 1981, p. 1299].

In an April report [A/51/684/Add.1], ACABQ recommended acceptance of the Secretary-General's proposal to credit Member States their respective shares in the unencumbered balance of \$1,129,300 gross (\$1,066,700 net) for the period from 1 December 1995 to 30 June 1996. As to the proposed programme budget for the period from 1 July 1997 to 30 June 1998, it recommended approval of the Secretary-General's proposal that the Assembly appropriate \$32,368,000 gross (\$31,466,000 net), subject to the extension of the Force's mandate by the Security Council. It further recommended that Member States be credited their respective shares in the surplus balance of \$2,358,000 for the period from 1 December 1993 to 30 November 1994.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/51/724/Add.1], adopted **resolution 51/232** without vote [agenda item 123 (a)].

Financing of the United Nations Disengagement Observer Force

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Disengagement Observer Force, and the related report of the Advisory Committee on Administrative and Budgetary Questions, and taking note of the report of the Office of Internal Oversight Services,

Bearing in mind Security Council resolution 350(1974) of 31 May 1974, by which the Council established the United Nations Disengagement Observer Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1081(1996) of 27 November 1996,

Recalling its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and the United Nations Disengagement

Observer Force and its subsequent resolutions thereon, the latest of which was resolution 50/20 B of 7 June 1996,

Reaffirming that the costs of the United Nations Disengagement Observer Force are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Force,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States,

Concerned also that the surplus balances in the Special Account for the United Nations Disengagement Observer Force have been used to meet expenses of the Force in order to compensate for the lack of income resulting from non-payment and late payment by Member States of their contributions,

1. Takes note of the status of contributions to the United Nations Disengagement Observer Force as at 15 May 1997, including the contributions outstanding in the amount of 47.9 million United States dollars, representing 4.2 per cent of the total assessed contributions from the inception of the Force to the period ending 31 May 1997, notes that some 24 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all other Member States to make every possible effort to ensure the payment of their assessed contributions to the Force in full and on time;

5. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

6. Requests the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

7. Decides to appropriate to the Special Account for the United Nations Disengagement Observer Force the amount of 33,616,400 dollars gross (32,714,400 dollars net) for the maintenance of the Force for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 1,248,400 dollars for the support account for peacekeeping operations, to be assessed on Member States at the monthly rate of 2,801,366 dollars gross (2,726,200 dollars net), in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995, and for the year 1998, subject to the decision of the Security Council to extend the mandate of the Force beyond 31 May 1997;

8. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 888,000 dollars approved for the period from 1 July 1997 to 30 June 1998;

9. Decides further that there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the estimated other income of 14,000 dollars for the period from 1 July 1997 to 30 June 1998;

10. Decides that, for Member States that have fulfilled their financial obligations to the Force, there

shall be set off against the assessment, as provided for in paragraph 7 above, their respective share in the unencumbered balance of 1,129,300 dollars gross (1,066,700 dollars net) for the period ending 30 June 1996;

11. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 1,129,300 dollars gross (1,066,700 dollars net) for the period ending 30 June 1996 shall be set off against their outstanding obligations;

12. Decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against the assessment, as provided for in paragraph 7 above, their respective share in the surplus balance of 2,358,000 dollars for the period from 1 December 1993 to 30 November 1994;

13. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their share of the surplus balance of 2,358,000 dollars for the period from 1 December 1993 to 30 November 1994 shall be set off against their outstanding obligations;

14. Invites voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

15. Decides to include in the provisional agenda of its fifty-second session, under the item entitled "Financing of the United Nations peacekeeping forces in the Middle East", the sub-item entitled "United Nations Disengagement Observer Force".

By **decision 52/456** of 22 December, the Assembly decided that the Fifth Committee would continue consideration of the item on the financing of UNDOF at the resumed fifty-second session in 1998.

Chapter VII

Disarmament

In 1997, the General Assembly reaffirmed the central role and primary responsibility of the United Nations in the field of disarmament, reiterating the highest priority accorded by the international community to nuclear disarmament. Major developments occurred during the year with regard to a number of important international instruments concerning both nuclear and conventional arms.

Stating its determination to end the suffering and casualties caused by anti-personnel mines that killed or maimed hundreds of innocent citizens, especially children, every week, the Assembly in 1997 invited all States to sign the 22-article Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, adopted in September in Oslo, Norway.

On 29 April, the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force, and its monitoring Organization was launched on 29 May in The Hague, Netherlands.

During the year, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization continued its work, concentrating on verification issues. By 29 October 1997, the historic Treaty, adopted in 1996, had been signed by 148 States and ratified by seven, but had not entered into force.

Under consideration in 1997 was a 23-article draft Protocol for the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. It dealt with issues of compliance, investigations, confidentiality, and scientific and technological issues, among others.

Preparations for a review conference in the year 2000 for the 1968 Treaty on the Non-Proliferation of Nuclear Weapons continued. Bilateral arms negotiations were again the subject of General Assembly resolutions in 1997. Under the 1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), the United States and the Russian Federation continued to dismantle and destroy nuclear warheads and deactivate delivery vehicles. On 21 March, the Presi-

dents of both countries agreed that once START II had entered into force, they would immediately launch negotiations for START III.

The General Assembly again asked the Conference on Disarmament to commence negotiations on a draft four-article Convention on the Prohibition of the Use of Nuclear Weapons. It also called for effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In addition to addressing issues related to nuclear and conventional weapons, nuclear-free zones and regional disarmament, the United Nations in 1997 also dealt with various aspects of disarmament verification, an arms race in outer space, small arms, observance of environmental norms in drafting disarmament agreements and dumping of radioactive wastes. The Assembly for the first time asked for the establishment of a nuclear-free zone in Central Asia. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone entered into force on 27 March.

Preparatory work for the fourth special session of the General Assembly devoted to disarmament continued in 1997, but no firm date for its convening was set.

Both the General Assembly's Disarmament Commission and the Geneva-based Conference on Disarmament held regular sessions during 1997, continuing work in a variety of areas to advance global and regional disarmament.

Expansion of the membership of the Conference on Disarmament—the single multilateral disarmament negotiating forum of the international community—was considered, with 14 outstanding applications. In 1996, the membership had been enlarged to 60, with the addition of 23 new members.

UN role in disarmament

UN machinery

Disarmament issues before the United Nations in 1997 were considered mainly through the General Assembly and its First (Disarmament and International Security) Committee, the Disarmament Commission (a deliberative body) and the

Conference on Disarmament (a multilateral negotiating forum in Geneva). In addition, disarmament issues were dealt with in other international frameworks established on the basis of multilateral, regional and bilateral agreements.

Reform programme

Report of Secretary-General. In a July report [A/51/950] on a programme for reform of the United Nations, the Secretary-General noted that, as far as disarmament and the regulation of armaments were concerned, the emergence of new dangers and actors had added new urgency to the tasks that the United Nations was called upon to undertake in that area. A managerial re-organization of the Secretariat's capacities would be effected so that a structure would be in place to respond effectively to the priorities of Member States. Thus a new department for disarmament and arms regulation would be established, replacing the Centre for Disarmament Affairs, headed by an under-secretary-general. The Secretary-General also recommended that the General Assembly carry out a review of the work of the Disarmament Commission and the First Committee with a view to updating, rationalizing and streamlining their work. While a majority of Member States welcomed his proposals for reform and supported the creation of the new department, some questions were raised concerning its priorities, as outlined in his programme. Subsequently, the Secretary-General addressed those questions in an addendum to his report [A/51/950/Add.3].

GENERAL ASSEMBLY ACTION

After consulting with Member States, the First Committee Chairman submitted a draft decision [A/C.1/52/L.51] on rationalization of the work and reform of the agenda of the First Committee, proposing that the General Assembly decide that, as from its fifty-third (1998) session, the Committee would conduct and conclude its substantive work during a period not to exceed five weeks, and would combine the existing phases in the work programme. There was no consensus on the draft and it was withdrawn.

Subsequently, informal consultations initiated by the European Union were carried out. Through consultation, agreement was reached to reconvene the Committee for one week in the first part of 1998. Accordingly, the General Assembly, by **decision 52/459** of 22 December, left open for further consideration the two items referring to the Disarmament Commission (item 73) and the Committee (item 83).

On 19 December, the Assembly decided in **resolution 52/12 B** that the Commission and the

Committee should carry out a review of their work, to be concluded before the end of the Assembly's fifty-second session in 1998, with a view to its revitalization, rationalization and streamlining.

Fourth special session devoted to disarmament

The General Assembly in 1996 had decided, by resolution 51/45 C [YUN 1996, p.447], to convene in 1999 the fourth special session devoted to disarmament, subject to the emergence of a consensus on its agenda and objectives.

In a note of 19 August 1997 [A/52/288], the Secretary-General reported that no consensus was reached by the Disarmament Commission in 1997 with regard to the convening of the fourth special session, including its objectives and agenda. Therefore, the Preparatory Committee for the special session would not hold any meeting in 1997.

In May, the Disarmament Commission [A/52/42] had agreed to include the item in the agenda of its 1998 substantive session.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 F** without vote [agenda item 71].

Convening of the fourth special session of the General Assembly devoted to disarmament: report of the Preparatory Committee for the Fourth Special Session of the General Assembly Devoted to Disarmament

The General Assembly,

Recalling its resolutions 49/75 I of 15 December 1994, 50/70 F of 12 December 1995 and 51/45 C of 10 December 1996,

Recalling also that, there being a consensus to do so in each case, three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

Bearing in mind the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, and the objective of general and complete disarmament under effective international control,

Welcoming the recent positive changes in the international landscape, characterized by the end of the cold war, the relaxation of tensions at the global level and the emergence of a new spirit governing relations among nations,

Taking note of paragraph 108 of the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, which supported the convening of the fourth special session of the General Assembly devoted to disarmament in 1997, which would offer an opportunity to review, from a perspective more in tune with the current international situation, the most critical aspects of the

process of disarmament and to mobilize the international community and public opinion in favour of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons,

Taking note also of the report of the 1997 substantive session of the Disarmament Commission on the item entitled "Fourth special session of the General Assembly devoted to disarmament",

Desiring to build upon the substantive exchange of views on the fourth special session of the General Assembly devoted to disarmament during the 1997 substantive session of the Disarmament Commission,

Reiterating its conviction that a special session of the General Assembly devoted to disarmament can set the future course of action in the field of disarmament, arms control and related international security matters,

Emphasizing the importance of multilateralism in the process of disarmament and arms control, peace and security,

Noting that, with the completion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and, in 1996, the adoption of the Comprehensive Nuclear-Test-Ban Treaty, as well as of amended Protocol II and new Protocol IV to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the following years would be opportune for the international community to start the process of reviewing the state of affairs in the entire field of disarmament and arms control in the post-cold-war era,

1. Decides, subject to the emergence of a consensus on its objectives and agenda, to convene the fourth special session of the General Assembly devoted to disarmament;

2. Endorses the recommendation of the Disarmament Commission at its 1997 substantive session that the item entitled "Fourth special session of the General Assembly devoted to disarmament" should be included in the agenda of the Commission at its 1998 session;

3. Decides to include in the provisional agenda of its fifty-third session the item entitled "Convening of the fourth special session of the General Assembly devoted to disarmament" and, subject to the outcome of the deliberations at the 1998 substantive session of the Disarmament Commission, to set an exact date for and to decide on organizational matters relating to the convening of the special session.

Disarmament Commission

The Disarmament Commission, comprising all United Nations Member States, held seven plenary meetings at its 1997 substantive session (New York, 21 April-13 May) [A/52/42]. It also held organizational meetings on 21 April and on 2 December.

The Commission agenda included items on: the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned; the

fourth special session of the General Assembly devoted to disarmament; and guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of Assembly resolution 51/45 N [YUN 1996, p. 490].

The Commission established three working groups to deal with the three agenda items. Working Group I, set up to deal with the establishment of nuclear-weapon-free zones (see below, under "Nuclear non-proliferation and disarmament") met between 24 April and 9 May, holding 10 meetings. Working Group II, dealing with the fourth special session on disarmament, met between 28 April and 9 May and held 12 meetings. Working Group III, dealing with guidelines on conventional arms control/limitation and disarmament (see below, under "Conventional weapons and related issues"), met between 23 April and 8 May and held 10 meetings.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/602], adopted **resolution 52/40 B** without vote [agenda item 73 (a)].

Report of the Disarmament Commission

The General Assembly,
Having considered the report of the Disarmament Commission,

Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993, 49/77 A of 15 December 1994, 50/72 D of 12 December 1995 and 51/47 B of 10 December 1996,

Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

1. Takes note of the report of the Disarmament Commission;

2. Reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;

3. Also reaffirms the role of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

4. Encourages the Disarmament Commission to continue to make every effort to enhance its working methods so as to enable it to give focused consideration to a limited number of priority issues in the field of disarmament, bearing in mind the decision it has taken to move its agenda towards a three-item phased approach;

5. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the

Tenth Special Session of the General Assembly, and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items of its agenda, taking into account the adopted "Ways and means to enhance the functioning of the Disarmament Commission";

6. Welcomes the fact that, pursuant to the adopted three-item phased approach, the Disarmament Commission, at its 1997 organizational session, adopted the following items for consideration at its 1998 substantive session:

(a) The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned;

(b) The fourth special session of the General Assembly devoted to disarmament;

(c) Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N of 10 December 1996;

7. Requests the Disarmament Commission to meet for a period not exceeding four weeks during 1998 and to submit a substantive report to the General Assembly at its fifty-third session;

8. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, together with all the official records of the fifty-second session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

9. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Report of the Disarmament Commission".

Conference on Disarmament

The Conference on Disarmament, a multilateral negotiating body based in Geneva, in 1997 held a three-part session in Geneva (20 January-27 March, 12 May-27 June and 28 July-10 September) [A/52/27].

During 28 formal plenary meetings and 31 informal meetings, the Conference considered: the cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war; prevention of an arms race in outer space; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; new types of weapons of mass destruction and new systems of such weapons; radiological weapons; a comprehensive programme of disarmament; and transparency in armaments.

Conference proceedings were influenced to a great degree by the continued divergence of views on disarmament priorities. Throughout

the session, successive Presidents conducted consultations with a view to reaching consensus on the work programme. However, it was not possible to establish negotiating mechanisms on any of the substantive items on the agenda, or to establish any other mechanisms, apart from the appointment of four Special Coordinators (see below). As no agreement was reached with regard to the work programme, substantive discussions on various agenda items took place only in plenary meetings.

On 26 June, the Conference appointed four Special Coordinators as follows: the representative of Australia, as Special Coordinator to conduct consultations on a possible mandate on anti-personnel landmines; the representative of Austria, on the expansion of the membership of the Conference on Disarmament; the representative of Egypt, on the improved and effective functioning of the Conference; and the representative of Hungary, on the review of the Conference agenda. In August, the Special Coordinators reported to the Conference on the results of their consultations, each citing a lack of adequate time to complete his task and suggesting further consultations the following year.

Regarding the expansion of Conference membership, while no delegation was opposed to expansion in principle, there were divergent views as to its appropriate timing and scope as well as the possible selection criteria for new members. Thus, no decision was made on the expansion in 1997.

Following the expansion of the membership to 60 in 1996 [YUN 1996, p. 449], there were still 14 outstanding applications (in order of receipt): Ireland, Tunisia, Ecuador, Greece, Croatia, Kuwait, Portugal, Slovenia, Czech Republic, Malaysia, Costa Rica, Denmark, the former Yugoslav Republic of Macedonia, Cyprus.

The Special Coordinator on improved and effective functioning reported that in his consultations he had found a reaffirmation of several rules of procedure of the Conference on Disarmament. Chile had suggested updating Conference rules of procedure [CD/1473]. Areas needing further consultations included the possibility of applying the rule of consensus to matters of substance only and of adopting the agenda and the programme of work on a biennial or pluri-annual basis. Some delegations had proposed including in the annual reports of the Conference a brief description of: main themes and proposals made in statements at plenary meetings, without value judgement; strengthening the authority and function of the presidency; and greater involvement of non-governmental organizations in its work.

The Special Coordinator on the review of the agenda reported that there were two schools of thought. Some delegations believed that the Conference should maintain its current agenda, which could be changed only by a new special session on disarmament of the General Assembly, and which should have nuclear disarmament as the priority. Others preferred to replace the current agenda with a new, updated one that would establish three broad items: "Nuclear disarmament", "Conventional disarmament" and "Other items" (mainly to deal with outer space issues). He concluded that consensus on the future agenda was not within reach.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/602], adopted **resolution 52/40 A** without vote [agenda item 73 (b)].

Report of the Conference on Disarmament

The General Assembly,

Having considered the report of the Conference on Disarmament,

Convinced that the Conference on Disarmament, as the single multilateral disarmament negotiating forum of the international community, has the primary role in substantive negotiations on priority questions of disarmament,

Considering, in this respect, that the present international climate should give additional impetus to multilateral negotiations with the aim of reaching concrete agreements,

Recognizing that the Conference on Disarmament has a number of urgent and important issues for negotiations,

1. Reaffirms the role of the Conference on Disarmament as the single multilateral disarmament negotiating forum of the international community;

2. Welcomes the determination of the Conference on Disarmament to fulfil that role in the light of the evolving international situation, with a view to making early substantive progress on priority items of its agenda;

3. Also welcomes the desire of the Conference on Disarmament to promote substantive progress during its 1998 session, and expresses the hope that appropriate consultations during the inter-sessional period could lead to the commencement of early work on various agenda items;

4. Encourages the Conference on Disarmament to continue the further review of its membership;

5. Also encourages the Conference on Disarmament to intensify further the ongoing review of its agenda and methods of work;

6. Requests the Secretary-General to continue to ensure the provision to the Conference on Disarmament of adequate administrative, substantive and conference support services;

7. Requests the Conference on Disarmament to submit a report on its work to the General Assembly at its fifty-third session;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Report of the Conference on Disarmament".

Also on 9 December [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/602], adopted **resolution 52/40 C** by recorded vote (111-41-12) [agenda item 73].

Role of the United Nations in disarmament

The General Assembly,

Reaffirming that the United Nations has a central role and primary responsibility in the field of disarmament,

Recalling in this regard the various resolutions and decisions adopted by the General Assembly, in particular the principles and priorities established by consensus in the Declaration and the Programme of Action contained in the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, which define the role of the United Nations and form the basis for the existing disarmament machinery, in the context of the implementation of the responsibilities of the Organization under the Charter of the United Nations,

Reaffirming the importance of the Conference on Disarmament as the single multilateral disarmament negotiating forum, in conformity with paragraph 120 of the Final Document of the Tenth Special Session of the General Assembly,

1. Affirms the vision of promoting international peace and security set out in the Charter of the United Nations and its provisions concerning the non-use of force and the threat of force;

2. Underlines the necessity of furthering the objectives of promoting disarmament and regulating armaments set out in the Charter, on the basis of negotiations reflecting the security interests of all States;

3. Reiterates that the adoption and implementation of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantage over others;

4. Affirms its support for the objectives of nuclear and conventional disarmament, as set out in the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament;

5. Reiterates that nuclear disarmament has the highest priority in efforts to advance disarmament on a universal basis;

6. Reaffirms its support for the United Nations machinery on disarmament, which is functioning pursuant to the decisions adopted at the tenth special session of the General Assembly;

7. Also reaffirms that the Conference on Disarmament is the sole multilateral negotiating body on disarmament;

8. Affirms that the implementation of international treaties dealing with disarmament should be carried out in accordance with the provisions of those treaties and that questions regarding compliance should be addressed in accordance with those provisions and the mechanisms established or envisaged in those provisions;

9. Also affirms that the Secretariat should support the realization of the objectives of disarmament, as set out in the Final Document of the Tenth Special Session of the General Assembly, which was adopted by consensus.

RECORDED VOTE ON RESOLUTION 52/40 C:

In favour Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom, United States.

Abstain: Argentina, Canada, Georgia, Japan, Kyrgyzstan, Malta, Marshall Islands, Republic of Korea, San Marino, Solomon Islands, Uruguay, Uzbekistan.

Multilateral disarmament agreements

Parties and signatories

As at 31 December 1997, the following States had become parties/deposited instruments of ratification to the multilateral agreements listed below (in chronological order, with the years in which they were initially signed or opened for signature):

(Geneva) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925): 131 parties

The Antarctic Treaty (1959): 43 parties

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963): 124 parties

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967): 94 parties

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) (1967): 38 parties

Treaty on the Non-Proliferation of Nuclear Weapons (1968): 186 parties

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (1971): 91 parties

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972): 140 parties

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977): 64 parties

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979): 9 parties

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (1981): 71 parties

South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) (1985): 16 parties

Treaty on Conventional Armed Forces in Europe (CFE Treaty) (1990): 30 parties

Treaty on Open Skies (1992): 22 ratifications

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993): 106 parties

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) (1995): 9 parties

African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (1996): 4 ratifications

Comprehensive Nuclear-Test-Ban Treaty (1996): 149 signatories and 8 ratifications

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (1997): 29 signatories

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention) (1997): 123 signatories and 3 ratifications

[United Nations Disarmament Yearbook, vol. 22: 1997, Sales No. E.98.IX.1.]

Nuclear non-proliferation and disarmament

Following the opening for signature in 1996 of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) [YUN 1996, p. 452], and its signing by a vast majority of States, including the five nuclear-weapon States (China, France, Russian Federation, United Kingdom, United States), the most important events in the multilateral nuclear field in 1997 were the work of the Preparatory Commission for the CTBT Organization and its subsidiary bodies to prepare for the Treaty's entry into force and to build the International Monitoring System, together with the ongoing review

process of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons.

Because of continuing strong differences of views among States concerning priorities and approaches, there was no progress on other nuclear issues, such as a cut-off convention on the production of fissile material, security assurances to non-nuclear-weapon States, and multilateral negotiations on the broad subject of nuclear disarmament in the Conference on Disarmament.

Non-Proliferation Treaty

In 1997, Oman acceded to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [GA res. 2373(XXII)], bringing the number of States parties to 186 at year's end.

Following NPT's entry into force on 5 March 1970, quinquennial review conferences were held in 1975 [YUN 1975, p. 27], 1980 [YUN 1980, p. 51], 1985 [YUN 1985, p. 56], 1990 [YUN 1990, p. 50] and 1995 [YUN 1995, p. 189], as called for under article VIII, paragraph 3, of the Treaty.

The Preparatory Committee for the 2000 NPT Review Conference (New York, 7-18 April) [NPT/CONF.2000/PC.I/32 & Corr.1] reviewed the operation of the Treaty, taking into account the decisions and the resolution adopted at the 1995 Review Conference. In doing so, it based itself on the allocation of items to the three Main Committees of the 1995 Conference, allowing for a balanced consideration of issues relating to the universality of the Treaty, non-proliferation and nuclear disarmament, security assurances to non-nuclear-weapon States, establishment of nuclear-weapon-free zones, safeguards of the International Atomic Energy Agency (IAEA), and peaceful uses of nuclear energy. During the deliberations, States parties put forward numerous proposals in which they reviewed developments since the 1995 Conference and outlined measures for further action. In discussing the possible result of the work of the Preparatory Committee, a large number of delegations favoured the elaboration of a document, either in the form of a chairman's report or of a "rolling text" [NPT/CONF.2000/PC.I/29 & Corr.1].

The issue of universality of the Treaty was addressed by almost all States parties. Those States not yet parties, particularly those operating unsafeguarded nuclear facilities, were urged to accede to the Treaty at the earliest possible date.

As to nuclear non-proliferation and disarmament, the importance of the conclusion of CTBT and its signature by an overwhelming majority of States was underlined, and hope for early ratification of the Treaty was expressed. A number of States parties considered that since CTBT had

been opened for signature, it was important to tackle the second objective of the programme of action on nuclear disarmament, as contained in the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament [YUN 1995, p. 189], i.e., negotiations on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Participants widely deplored that the Conference on Disarmament had thus far been unable to commence such negotiations.

In a joint statement of 8 April [NPT/CONF.2000/PC.I/2], the five nuclear-weapon States outlined their positions on nuclear non-proliferation and disarmament. They reiterated their strong support for the Treaty and their determination to continue to implement fully its provisions, and reaffirmed their determination to continue their pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and the pursuit by all States of general and complete disarmament under strict and effective international control.

The importance of the consolidation of existing nuclear-weapon-free zones was underlined and the establishment of new zones on the basis of arrangements freely arrived at among the States of the region concerned was encouraged. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan reaffirmed their commitment to establish a nuclear-weapon-free zone in Central Asia [NPT/CONF.2000/PC.I/14]. Belarus and Ukraine referred to their initiatives for a nuclear-weapon-free zone in Central and Eastern Europe [NPT/CONF.2000/PC.I/19]. Mongolia underlined the importance of single-State nuclear-weapon-free zones [NPT/CONF.2000/PC.I/12].

Regarding security assurances, Myanmar, Nigeria and the Sudan submitted a proposal for a draft protocol to NPT to assure non-nuclear-weapon States parties against the use or threat of use of nuclear weapons [NPT/CONF.2000/PC.I/16 & Corr.1].

In their joint statement of 8 April (see above), the five nuclear-weapon States expressed support for a strengthened and more efficient safeguards system and declared their intention to apply those measures provided for in the IAEA model protocol (see below, under "IAEA safeguards"). A number of States pointed out that nuclear material transferred from military uses to peaceful activities should be placed under IAEA safeguards. It was also stressed that full-scope safeguards were a necessary precondition for the transfer of special fissionable material or material designed or prepared for the processing, use and produc-

tion of special fissionable material to non-nuclear-weapon States.

Concerning peaceful uses of nuclear energy, mainly the issue of international standards for nuclear safety and security, some countries, particularly those of the South Pacific, expressed concern about the safety of marine transport of irradiated nuclear fuel, plutonium and radioactive waste [NPT/CONF.2000/PC.I/30]. Most States strongly supported the early conclusion of and widest possible adherence to relevant international legal instruments, such as the 1980 Convention on the Physical Protection of Nuclear Material [YUN 1980, p. 161], the 1994 Convention on Nuclear Safety [YUN 1994, p. 925], and the 1997 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (see below, under "Nuclear safety and radioactive waste"). In that regard, some States parties stressed that such applicable rules of international law should not impair navigational rights and freedoms [NPT/CONF.2000/PC.I/9].

On the issue of conversion of nuclear material to peaceful uses, some States parties, in particular the Central Asian States [NPT/CONF.2000/PC.I/18], the Marshall Islands [NPT/CONF.2000/PC.I/11] and Norway [NPT/CONF.2000/PC.I/28], underlined the need to pay increased attention to the problems of safety and contamination related to former operations associated with nuclear-weapon programmes. They also called for expertise and assistance in the clean-up and disposal of radioactive contaminants in affected areas.

A number of States parties also referred to the role of export control regimes, calling for more transparency, dialogue and objectivity in export controls. It was also felt that unilaterally enforced restrictive measures, beyond safeguards required under NPT, which prevented peaceful nuclear development should be removed.

Non-aligned States in particular expressed concern at the situation in the Middle East [NPT/CONF.2000/PC.I/10] and called for the implementation of the resolution on the Middle East adopted by the 1995 Review Conference [YUN 1995, p. 189]. They stated that the Preparatory Committee should recommend ways to get all parties directly concerned to undertake steps required to establish a nuclear-weapon-free zone in the Middle East. On 10 April [NPT/CONF.2000/PC.I/5], Egypt, on behalf of the members of the League of Arab States that were parties to NPT, stressed that there was an urgent need to assess the situation in the Middle East with a view to adopting recommendations made by the Committee pertaining to ways to ensure the imple-

mentation of the provisions of the 1995 resolution.

As a result of consultations with a small number of delegations, the Chairman presented a paper [NPT/CONF.2000/PC.I/32] that was intended to serve as the basis for further work on draft recommendations to the 2000 Review Conference. The paper consisted of two parts—one identifying points of general agreement on draft recommendations for the Conference, subject to review and updating at subsequent sessions and pending agreement on all draft recommendations at the last session; the other listing the specific proposals put forward by delegations on the understanding that they did not commit the Preparatory Committee and were without prejudice to the position of any delegation. The list was not exclusive and delegations were free to submit new proposals or modify or withdraw old ones at any further session of the Committee. Since there was concern regarding the status of the Chairman's paper and individual proposals by the delegations, the Committee finally agreed that the Chairman's working paper and the official documents and other proposals put forward by delegations on the sets of issues would be taken into account during further work of the Committee.

Based on proposals put forward to allocate time for consideration of specific issues at the Committee's second (1998) session, the Chairman suggested that the Committee should allocate time for subject areas dealing with security assurances for parties to NPT, the resolution on the Middle East; and the provision, in the Treaty's paragraph 4 (b) of the principles and objectives, on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices. One State (Mexico) considered that the principal objective of the new process to review NPT was nuclear disarmament and that that priority must be duly reflected in any consideration of substantive issues. It suggested therefore that nuclear disarmament should be the fourth issue to which additional time should be allocated. There was no consensus within the Committee on such an approach. As a compromise, the Chairman read out a statement, according to which the Committee would recommend that within the existing agenda and in accordance with the methods of work adopted at the first session, time should be allocated at its second session for the discussion on and the consideration of the subject areas suggested by him, without prejudice to the importance of other issues.

The second session was to take place from 27 April to 8 May 1998 in Geneva; the third session, from 12 to 23 April 1999 in New York; and the Review Conference, from 24 April to 19 May 2000, also in New York.

Fissile material cut-off

Although in 1997 the Conference on Disarmament did not agree to establish an ad hoc committee to negotiate a fissile material cut-off treaty, the issue was extensively addressed during the plenary and informal meetings of the Conference. Differences among States concerning fissile material were reflected as follows: one advocated a cut-off convention as a separate measure, and the other, a measure to be taken within a programme for nuclear disarmament. Also, there were differences regarding scope, i.e., whether the convention should deal only with future production of fissile material or encompass the existing stockpiles.

At the bilateral level, the Russian Federation and the United States signed a joint statement on material production, control and accounting during a meeting of their Joint Commission on Economic and Technological Cooperation (Gore-Chernomyrdin Commission) in February. On 23 September, the United States-Russian Plutonium Production Reactor Agreement was signed, which entered into force immediately. The Agreement marked the first time that the two States had placed limits on the materials for nuclear warheads rather than on their delivery vehicles, as was done in the START Treaties (see below) and the 1987 Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty) [YUN 1987, p. 47].

On 30 September, representatives of the Russian Federation, the United States and IAEA met in Vienna to review progress made during the year in the trilateral initiative (launched on 17 September 1996 by the Russian Minister of Atomic Energy, the United States Secretary of Energy and the IAEA Director General) to consider practical measures for the application of IAEA verification to weapons-origin fissile material. The joint group addressed the scope and purposes of IAEA verification, the location, types and amount of weapons-origin fissile material potentially subject to IAEA verification and other questions. During the year, Russian and United States experts exchanged visits and invited IAEA experts for a joint demonstration of verification and monitoring technologies.

Comprehensive Nuclear-Test-Ban Treaty

In accordance with General Assembly resolution 50/245 [YUN 1996, p. 454], the Secretary-General, as depositary of the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) [YUN 1996, p. 451], reported on the status of the Treaty [A/52/545]. As at 29 October 1997, the Treaty, which was opened for signature on 24 September 1996, had been signed by 148 States and ratified by seven. As at 31 December 1997, 149 States had signed the Treaty and eight had ratified it—Czech Republic, Fiji, Japan, Micronesia, Mongolia, Peru, Qatar, Uzbekistan. Japan and Peru were among the 44 States listed in article XIV of the Treaty as States that must sign and ratify it to effect its entry into force.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/593], adopted **decision 52/414** by recorded vote (154-0-4) [agenda item 64].

Comprehensive Nuclear-Test-Ban Treaty

At its 67th plenary meeting, on 9 December 1997, the General Assembly, on the recommendation of the First Committee, recalling its resolution 50/245 of 10 September 1996, decided to include in the provisional agenda of its fifty-third session the item entitled "Comprehensive Nuclear-Test-Ban Treaty".

RECORDED VOTE ON DECISION 52/414:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Bhutan, India, Libya, United Republic of Tanzania.

Preparatory Commission for CTBT Organization

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, which was established and held the first part of its first session in 1996 [YUN 1996, p. 452], reconvened the first session from 3 to 7 March 1997 in Geneva [CTBT/PC/I/22 and Corr.1]. The Commission decided to establish the Provisional Techni-

cal Secretariat (PTS) to assist it in preparing for the implementation of the Treaty's verification system; established two working groups, one on administrative and budgetary matters and the other on verification issues; elected its Executive Secretary; and adopted a programme of work and budget for the remainder of 1997. PTS officially started work in Vienna on 17 March. The Treaty had designated Vienna as the seat of CTBT, once it entered into force.

The Preparatory Commission held three more sessions in 1997, while its two working groups and a financial advisory group also met between sessions to prepare for plenary sessions. At its second session (Vienna, 12-16 May) [CTBT/PC/II/1 & Add.1-3], the Commission adopted the plans recommended by its verification working group for the commissioning of the International Data Centre, which was to receive, collect, process, analyse, report on and archive data from the International Monitoring System (IMS) facilities, and the specifications on the seismic, infrasound, radionuclide and hydroacoustic stations of IMS (a worldwide network of 321 monitoring stations). In addition, it entrusted PTS with implementing the steps to acquire the global communications infrastructure.

At the Commission's third session (Vienna, 15-19 September) [CTBT/PC/III/1/Rev.2 & Add.1,2 & Add.3/Rev.1 & Add.4/Rev.1], in reviewing its 1998 programme and budget, differences became pronounced over how quickly to establish the operational verification system. While some signatories called for establishing the system at the earliest possible date, others favoured a measured pace or felt such a pace to be unavoidable. Agreement was reached at the fourth session (Vienna, 15-18 December) [CTBT/PC/IV/1/Rev.1 & Add.1-3] to approve a programme of work and budget for 1998 in the amount of \$58.4 million. It decided to hold its fifth session from 6 to 9 April 1998 in Vienna.

Issues related to START and other bilateral agreements

The United States and the Russian Federation continued to implement the 1991 Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I) [YUN 1991, p. 34], which was signed by the Presidents of the former USSR and the United States and had entered into force on 5 December 1994 [YUN 1994, p. 145], by dismantling and destroying warheads at the rate of approximately 2,000 a year. By the end of 1997, both parties had reduced their nuclear-delivery vehicles below the limits set for December 2001, although the Russian Federation encountered some delays in dis-

mantling. In addition, the dismantling of missiles in Ukraine continued.

There were some positive developments concerning the 1993 START II [YUN 1993, p. 117], although the Russian Federation had not ratified the Treaty by the end of the year. In a joint statement on parameters on future reductions in nuclear forces [CD/1460], issued in Helsinki, Finland, on 21 March, Russian President Boris Yeltsin and United States President William J. Clinton agreed that once START II had entered into force the two States would immediately begin negotiations on a START III agreement, which would include, among other things, the establishment of lower aggregate levels of their strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of the warheads; placement in a deactivated status of all strategic nuclear-delivery vehicles that would be eliminated under START II; and postponement of the deadline for their elimination.

In another joint statement [CD/1460] on 21 March, the two Presidents recognized the fundamental significance of the Anti-Ballistic Missile (ABM) Treaty and the necessity for effective theatre missile defence (TMD), and reaffirmed the principles of their 1995 joint statement [YUN 1995, p. 198], which would serve as a basis for reaching agreement on demarcation between ABM systems and TMD systems.

In order to give concrete substance to their shared commitment to build a stable, peaceful and undivided Europe, members of the North Atlantic Treaty Organization (NATO) and the Russian Federation signed the Founding Act on Mutual Relations, Cooperation and Security [A/52/161-S/1997/413] in Paris on 27 May, establishing a NATO-Russia Permanent Joint Council to provide a forum for consultations, coordination and, to the maximum extent possible, where appropriate, joint decisions and joint action with respect to security issues of common concern in Europe.

Note by Secretary-General. In October [A/52/414], the Secretary-General noted the efforts by the nuclear-weapon States to further reduce nuclear weapons, building on the progress already achieved. He stated that the systematic and progressive reduction of nuclear weapons remained a priority task.

GENERAL ASSEMBLY ACTION

In 1997, the General Assembly adopted a series of resolutions on the elimination of nuclear weapons.

On 9 December [meeting 67], the Assembly, on the recommendation of the First Committee

[A/52/600], adopted **resolution 52/38 K** by recorded vote (156-0-10) [agenda item 71].

Nuclear disarmament with a view to the ultimate elimination of nuclear weapons

The General Assembly,

Recalling its resolutions 49/75 H of 15 December 1994, 50/70 C of 12 December 1995 and 51/45 G of 10 December 1996,

Recognizing that the end of the cold war has increased the possibility of freeing the world from the fear of nuclear war,

Appreciating the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, to which Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America are parties, and looking forward to the early entry into force of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms, which was ratified by the United States of America,

Welcoming the reductions in the nuclear arsenals of other nuclear-weapon States,

Welcoming the removal of all nuclear weapons of the former Union of Soviet Socialist Republics from the territories of Belarus, Kazakhstan and Ukraine,

Welcoming the joint statement issued by the Presidents of the Russian Federation and the United States of America at Helsinki on 21 March 1997, which set forth the common understanding that, once the Treaty on Further Reduction and Limitation of Strategic Offensive Arms enters into force, these two States will immediately begin negotiations on a START III agreement,

Welcoming the decision of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to extend the Treaty indefinitely, taken without a vote, as well as the decisions on strengthening the review process for the Treaty and on the principles and objectives for nuclear non-proliferation and disarmament,

Noting the reference in the decision on the principles and objectives for nuclear non-proliferation and disarmament to the importance of the following measures for the full realization and effective implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty no later than 1996, and utmost restraint that should be exercised by the nuclear-weapon States pending the entry into force of that treaty,

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile materials for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein,

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control,

Welcoming the adoption of the Comprehensive Nuclear-Test-Ban Treaty at the fiftieth session of the General Assembly and its opening for signature at the beginning of the fifty-first session, and noting the subsequent signing of that Treaty by over one hundred and forty Member States,

Welcoming also the smooth start of the strengthened review process of the Treaty on the Non-Proliferation of Nuclear Weapons with the successful conclusion in April 1997 of the first meeting of the Preparatory Committee for the next Review Conference, which will be held in the year 2000,

Recalling that nuclear non-proliferation and the promotion of nuclear disarmament are key elements in the maintenance of international peace and security, which is one of the most important purposes of the United Nations,

1. Urges States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it at the earliest possible date, recognizing the importance of universal adherence to the Treaty;

2. Calls for the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control, and invites them to keep States Members of the United Nations duly informed of the progress or efforts made;

3. Welcomes the ongoing efforts in the dismantlement of nuclear weapons, and notes the importance of the safe and effective management of the resultant fissile materials;

4. Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to make their best efforts for the success of the next Review Conference, which will be held in the year 2000;

5. Calls upon all States to implement fully their commitments in the field of disarmament and non-proliferation of weapons of mass destruction.

RECORDED VOTE ON RESOLUTION 52/38 K:

In favour Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malt, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Algeria, Cuba, Democratic People's Republic of Korea, India, Iran, Israel, Mauritius, Myanmar, Nigeria, Pakistan.

In the First Committee, paragraph 1 and the ninth preambular paragraph were adopted by separate recorded votes of 142 to 3, with 1 abstention, and 141 to 1, with 4 abstentions, respectively.

Also on 9 December [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 L** by recorded vote (109-39-18) [agenda item 71 (m)].

Nuclear disarmament

The General Assembly,

Recalling its resolution 49/75 E of 15 December 1994 on a step-by-step reduction of the nuclear threat, and its resolutions 50/70 P of 12 December 1995 and 51/45 O of 10 December 1996 on nuclear disarmament,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Bearing in mind that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction have already established legal regimes on the complete prohibition of biological and chemical weapons, respectively, and determined to achieve a nuclear weapons convention on the prohibition of the testing, development, production, stockpiling, loan, transfer, use and threat of use of nuclear weapons and on their destruction, and to conclude such an international convention at an early date,

Recognizing that there now exist favourable conditions for creating a world free of nuclear weapons,

Bearing in mind paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, calling for the urgent negotiation of agreements for the cessation of the qualitative improvement and development of nuclear-weapon systems, and for a comprehensive and phased programme with agreed timeframes, wherever feasible, for the progressive and balanced reduction of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time,

Reiterating the highest priority accorded to nuclear disarmament in the Final Document of the Tenth Special Session of the General Assembly and by the international community,

Recognizing that the Comprehensive Nuclear-Test-Ban Treaty and any proposed treaty on fissile material for nuclear weapons or other nuclear explosive devices must constitute disarmament measures, and not only non-proliferation measures, and that these measures, together with an international legal instrument on adequate security assurances for non-nuclear-weapon States and an international convention prohibiting the use of nuclear weapons, must be integral steps leading to the total elimination of nuclear weapons within a time-bound framework,

Welcoming the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, to which Belarus, Kazakhstan, the Russian Federation,

Ukraine and the United States of America are States parties,

Welcoming also the conclusion of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms by the Russian Federation and the United States of America and the ratification of that Treaty by the United States of America, and looking forward to the full implementation of the START I and START II Treaties by the States parties, and to further concrete steps for nuclear disarmament by all nuclear-weapon States,

Noting with appreciation the unilateral measures by the nuclear-weapon States for nuclear arms limitation, and encouraging them to undertake further such measures,

Recognizing the complementarity of bilateral and multilateral negotiations on nuclear disarmament, and that bilateral negotiations can never replace multilateral negotiations in this respect,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and the multilateral efforts in the Conference on Disarmament to reach agreement on such an international convention at an early date,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, and welcoming the unanimous reaffirmation by all Judges of the Court that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Mindful of paragraph 84 and other relevant recommendations in the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, calling upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee to commence negotiations early in 1996 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework; paragraph 58 of the final document of the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held at New Delhi on 7 and 8 April 1997; and paragraphs 40 to 42 of the communique of the Meeting of Ministers for Foreign Affairs and Heads of Delegations of the Movement of Non-Aligned Countries to the Fifty-second Session of the General Assembly, held in New York on 25 September 1997, which called for, as a first step, the conclusion of a universal and legally binding multilateral agreement committing all States to the total elimination of nuclear weapons,

Bearing in mind the proposal of twenty-eight delegations to the Conference on Disarmament that are members of the Group of 21 for a programme of action for the elimination of nuclear weapons, and expressing its conviction that this proposal will be an important input and will contribute to negotiations on this question in the Conference,

Commending the initiative by twenty-six delegations to the Conference on Disarmament that are members of the Group of 21, proposing a comprehensive mandate for an ad hoc committee on nuclear disarmament, which includes negotiations for, as a first step, a univer-

sal and legally binding multilateral agreement committing all States to the objective of the total elimination of nuclear weapons, an agreement on further steps required in a phased programme with time-frames leading to the total elimination of these weapons and a convention on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices taking into account the report of the Special Coordinator on that item and the views relating to the scope of the treaty,

1. Recognizes that, in view of recent political developments, the time is now opportune for all nuclear-weapon States to undertake effective disarmament measures with a view to the total elimination of these weapons within a time-bound framework;

2. Recognizes also that there is a genuine need to de-emphasize the role of nuclear weapons, and to review and revise nuclear doctrines accordingly;

3. Urges the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

4. Reiterates its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and a phased programme of progressive and balanced deep reductions of nuclear weapons, and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons within a time-bound framework;

5. Expresses its concern at the continuing opposition by some States to the establishment of an ad hoc committee on nuclear disarmament in the Conference on Disarmament, as called for in General Assembly resolution 51/45 O;

6. Reiterates its call upon the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations early in 1998 on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework through a nuclear weapons convention;

7. Urges the Conference on Disarmament to take into account in this regard the proposal of the twenty-eight delegations for a programme of action for the elimination of nuclear weapons, as well as the mandate for the ad hoc committee on nuclear disarmament, proposed by the twenty-six delegations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-third session the item entitled "Nuclear disarmament".

RECORDED VOTE ON RESOLUTION 52/38 L:

In favour Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trini-

dad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstain: Argentina, Armenia, Azerbaijan, Belarus, Chile, Cyprus, Georgia, Japan, Kazakhstan, Malta, Marshall Islands, New Zealand, Republic of Korea, Russian Federation, San Marino, South Africa, Tajikistan, Ukraine.

On the same date [meeting 67], the Assembly, also on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 M** by recorded vote (161-0-8) [agenda item 71].

Bilateral nuclear arms negotiations and nuclear disarmament

The General Assembly,

Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

Mindful that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security and, in this connection, to adopt and implement measures towards the attainment of general and complete disarmament under strict and effective international control,

Appreciating a number of positive developments in the field of nuclear disarmament, in particular the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, and the treaties on the reduction and limitation of strategic offensive arms,

Appreciating also the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, and acknowledging the importance of the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control,

Welcoming the steps that have already been taken by the Russian Federation and the United States of America to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on de-targeting strategic nuclear missiles,

Noting the new climate of relations between the States of the former Union of Soviet Socialist Republics and the United States of America, which permits them to intensify their cooperative efforts to ensure the safety, security, and environmentally sound destruction of nuclear weapons,

Recalling the Moscow Summit Declaration on Nuclear Safety and Security of April 1996,

Urging early action to complete the ratification of the Treaty on Further Reduction and Limitation of Strategic Offensive Arms and further intensification of efforts to accelerate the implementation of agreements

and unilateral decisions relating to nuclear arms reduction,

Appreciating the joint statement on future reductions in nuclear forces and the joint statement outlining the elements of an agreement for higher-velocity theatre missile defence systems, both issued on 21 March 1997 by the Russian Federation and the United States of America, as well as their joint statement of 10 May 1995 in connection with the Treaty on the Limitation of Anti-Ballistic Missile Systems,

Welcoming the significant reductions made by other nuclear-weapon States, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

1. Welcomes the entry into force of the Treaty on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991 by the Union of Soviet Socialist Republics and the United States of America, including the Protocol to that Treaty signed at Lisbon on 23 May 1992 by the parties thereto, and the exchange of documents of ratification between Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America on 5 December 1994 at Budapest;

2. Also welcomes the signing of the Treaty between the Russian Federation and the United States of America on Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force at the earliest possible date;

3. Further welcomes the joint statement issued at Helsinki on 21 March 1997, in which Presidents Yeltsin and Clinton reached an understanding that after the entry into force of START II their two countries would immediately commence negotiations on a START III agreement, which would include the establishment, by 31 December 2007, of lower aggregate levels of 2,000 to 2,500 strategic nuclear warheads, take measures relating to the transparency of strategic nuclear warhead inventories and destruction of strategic nuclear warheads, and carry out other actions to promote the irreversibility of these deep reductions;

4. Notes with satisfaction the Protocol to START II, the Joint Agreed Statement, and the Letters on Early Deactivation, signed by the Russian Federation and the United States of America in New York on 26 September 1997, which are intended to promote the further process of still deeper reductions and limitations of strategic offensive arms;

5. Welcomes the signing on 26 September 1997 by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America of a number of significant agreements that contribute to ensuring the viability of the Treaty on the Limitation of Anti-Ballistic Missile Systems;

6. Expresses its satisfaction at the entry into force and ongoing implementation of the 1991 Treaty as well as the advice and consent of the Senate of the United States of America to the 1993 Treaty, and expresses its hope that it will soon be possible for the Russian Federation to take corresponding steps for ratifying that Treaty;

7. Expresses further satisfaction at the continuing implementation of the Treaty between the Union of Soviet Socialist Republics and the United States of Amer-

ica on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;

8. Welcomes the removal of all nuclear weapons from the territory of Kazakhstan as of 1 June 1995, from the territory of Ukraine as of 1 June 1996 and from the territory of Belarus as of 30 November 1996;

9. Encourages Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America to continue their cooperative efforts aimed at eliminating nuclear weapons and strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

10. Welcomes the participation in the Treaty on the Non-Proliferation of Nuclear Weapons of Belarus, Kazakhstan and Ukraine as non-nuclear States, which thereby provided notable enhancement of the non-proliferation regime;

11. Urges the Russian Federation and the United States of America to commence negotiations on a START III agreement immediately after START II enters into force, thereby realizing the understandings they reached in the joint statement issued at Helsinki;

12. Encourages and supports the Russian Federation and the United States of America in their efforts to reduce their nuclear weapons and to continue to give those efforts the highest priority in order to contribute to the ultimate goal of eliminating those weapons;

13. Invites the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

RECORDED VOTE ON RESOLUTION 52/38 M:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Cuba, Democratic People's Republic of Korea, India, Iran, Lebanon, Libya, Syria, United Republic of Tanzania.

Nuclear explosive testing

Although CTBT had not entered into force by the end of the year, the signing of the Treaty by the five nuclear-weapon States strengthened

their unilateral moratoriums on testing, which had been declared at different times. The former USSR conducted its last nuclear test on 24 October 1990 [YUN 1991, p. 39] and the Russian Federation maintained the moratorium; the United Kingdom's last test was on 26 November 1991; the United States, on 23 September 1992. China conducted its last test explosion on 29 July 1996 and declared a moratorium on further testing effective the following day [YUN 1996, p. 455]. France conducted its last nuclear test explosion on 27 January 1996 and announced the end of its testing programme two days later [YUN 1996, p. 454]; France had not conducted nuclear tests from 15 June 1991 to 5 September 1995.

During the year, the United States conducted two subcritical experiments at its Nevada test site (on 2 July and on 18 September), stating that they were scientific experiments to obtain technical information in support of the Department of Energy programme to maintain the safety and reliability of the United States nuclear weapons stockpiles without nuclear testing. Although it was considered that those types of tests were not prohibited by CTBT, Indonesia on 18 July [CD/1469] expressed deep concern, stating that the conduct of the experiment was in principle inconsistent with the faith and spirit enshrined in the Treaty. It stated that other technologically advanced countries could be encouraged to follow suit and would undermine the objective and purpose of CTBT.

IAEA safeguards

The Committee on Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System met twice in 1997 (Vienna, 20-31 January and 2-4 April). It had been established by the IAEA Board of Governors in 1996 [YUN 1996, p. 462] to draw up a draft model protocol to supplement the existing safeguards inspection agreements between IAEA and non-nuclear-weapon States and to define the nature of additional information and additional access to nuclear-related locations that were to be inspected.

In 1997, the Committee completed its mandate and transmitted the draft Model Protocol Additional to Safeguards Agreements for approval by the Board of Governors, which did so on 15 May. The Protocol represented the first major change in the IAEA safeguards system in 25 years, and identified new technologies and new methods to strengthen safeguards and improve efficiency. That strengthened safeguards verification system was to focus on increased access to information regarding a State's nuclear activities;

broader access to nuclear sites and other locations within a State, involving no-notice inspections and greater freedom of movement for inspectors; and maximum use of new and available technologies to increase detection capacity and, in due course, to reduce the frequency of on-site inspections.

By the end of 1997, seven States had signed a Protocol Additional to their safeguards agreements.

Concerning the implementation of the agreement between the Agency and the Democratic People's Republic of Korea (DPRK) for the application of safeguards in connection with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, the IAEA Director General noted that, although there had been improvement in the means of communication between IAEA inspectors in the DPRK and IAEA headquarters and that the DPRK had also accepted the designation of additional inspectors, cooperation remained limited.

On 3 October, the IAEA General Conference adopted a resolution in which, among other things, it expressed concern over the continuing non-compliance of the DPRK with the IAEA-DPRK safeguards agreement, and called on the DPRK to comply fully with it and to cooperate fully with the Agency in implementing it. (See also PART ONE, Chapter IV.)

As to Iraq, the IAEA Nuclear Monitoring Group, assisted by and in coordination with the United Nations Special Commission on Iraqi disarmament (UNSCOM), continued to implement an ongoing plan for monitoring and verifying Iraq's compliance with relevant Security Council resolutions. The deterioration in relations between Iraq and UNSCOM, which generated a number of Council resolutions and presidential statements, also affected the work of the IAEA inspection teams.

The IAEA General Conference adopted, on 3 October, a resolution on the implementation of Council resolutions relating to Iraq, by which it stressed Iraq's obligation to hand over without delay currently undisclosed nuclear-weapon-related equipment, material and information and to allow IAEA inspectors unconditional and unrestricted rights of access, in accordance with Council resolution 707(1991) [YUN 1991, p. 188]. (See also PART ONE, Chapter IV.)

Middle East

Pursuant to General Assembly resolution 51/48 [YUN 1996, p. 457], the Secretary-General in October reported [A/52/454] on the risk of nuclear proliferation in the Middle East. He stated that, apart from the text of an IAEA resolution adopted

by its General Conference on 3 October, annexed to his report, he had received no additional information on the subject since the submission of his 1996 report [YUN 1996, p. 457].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/603], adopted **resolution 52/41** by recorded vote (147-2-14) [agenda item 74].

The risk of nuclear proliferation in the Middle East

The General Assembly,

Bearing in mind its relevant resolutions,

Taking note of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is resolution GC(41)/RES/25, adopted on 3 October 1997,

Cognizant that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

Mindful of the immediate need to place all nuclear facilities in the region of the Middle East under full-scope safeguards of the International Atomic Energy Agency,

Recalling the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty, and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope International Atomic Energy Agency safeguards,

Recalling also the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995, in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet party to the Treaty to accede to it at the earliest date, in particular those States which operate unsafeguarded nuclear facilities,

Noting that, since the adoption of General Assembly resolution 51/48 of 10 December 1996, Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons,

Concerned over the threats posed by the proliferation of nuclear weapons to the security and stability of the region of the Middle East,

Stressing the importance of undertaking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty and its signature by one hundred and

forty-nine States, including a number of States in the region,

1. Calls upon the only State in the region of the Middle East that is not party to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it without further delay, and not to develop, produce, test or otherwise acquire nuclear weapons and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

2. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution;

3. Decides to include in the provisional agenda of its fifty-third session the item entitled "The risk of nuclear proliferation in the Middle East".

RECORDED VOTE ON RESOLUTION 52/41:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda,* Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

- Against: Israel, United States.

Abstain: Canada, Côte d'Ivoire, Ethiopia, India, Kazakhstan, Kenya, Marshall Islands, Micronesia, Myanmar, Norway, Papua New Guinea, Singapore, Trinidad and Tobago, Uruguay.

*Later advised the Secretariat it had intended to abstain.

In the First Committee, the sixth preambular paragraph was adopted by a separate recorded vote of 137 to 2, with 3 abstentions.

Nuclear safety and radioactive waste

On 29 September, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was opened for signature at IAEA headquarters in Vienna. The Joint Convention applied to spent fuel and radioactive waste resulting from civilian nuclear reactors and applications and to spent fuel and radioactive waste from military or defence programmes, if and when such materials were transferred permanently to and managed within exclusively civilian programmes, or when declared as spent fuel or radioactive waste for the purpose of the Convention. As at 31 December 1997, 26 States had signed the Convention.

The International Advisory Committee on the Study of the Radiological Situation at the Atolls of Mururoa and Fangataufa, established in 1996 by IAEA at the request of France, was asked to: assess the radiological situation at the two atolls and involved areas from the point of view of radiological safety; ascertain whether there were any radiological hazards to people; and make recommendations on the form, scale and duration of any monitoring, remedial action or other follow-up action that might be required. The Committee set up a number of task groups and working groups. The final drafts of their technical reports were completed by the end of the year, and a meeting of the Committee was scheduled for February 1998 to approve the study. An international conference on the study was planned for mid-1998, at which the results were to be discussed by the scientific community and other interested parties. The Committee was composed of 10 prominent scientists from 10 IAEA member States as well as ex-officio representatives from the World Health Organization, the United Nations Scientific Committee on the Effects of Atomic Radiation, the South Pacific Forum and the European Commission.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 6] the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 I** without vote [agenda item 71 (i)].

Prohibition of the dumping of radioactive wastes

The General Assembly,

Bearing in mind resolutions CM/Res.1153(XLVIII) of 1988 and CM/Res.1225(L) of 1989, adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session,

Welcoming also resolution GC(XXXVIII)/RES/6, adopted on 23 September 1994 by the General Conference of the International Atomic Energy Agency at its thirty-eighth regular session, inviting the Board of Governors and the Director General of the Agency to commence preparations for a convention on the safety of radioactive waste management, and noting the progress that has been made in that regard,

Taking note of the commitment by the participants at the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, to ban the dumping at sea of radioactive wastes,

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider

effective methods of control against the use of radiological methods of warfare,

Recalling resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa,

Aware of the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, in particular for the security of developing countries,

Recalling all its resolutions on the matter since its forty-third session in 1988, including its resolution 51/45 J of 10 December 1996,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,

1. Takes note of the part of the report of the Conference on Disarmament relating to a future convention on the prohibition of radiological weapons;
2. Expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States;
3. Calls upon all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States;
4. Requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention;
5. Also requests the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its fifty-third session the progress recorded in the negotiations on this subject;
6. Takes note of resolution CM/Res.1356(LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity, on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa;
7. Expresses the hope that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes on their territories;
8. Welcomes the adoption at Vienna on 5 September 1997 of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, as recommended by the participants in the Moscow Summit on Nuclear Safety and Security, and the signing of the Joint Convention by a number of States beginning on 29 September 1997, and appeals to all States to sign and subsequently ratify, accept or approve the Convention, so that it may enter into force as soon as possible;
9. Decides to include in the provisional agenda of its fifty-third session the item entitled "Prohibition of the dumping of radioactive wastes".

Prohibition of use of nuclear weapons

During the year, the Conference on Disarmament was unable to undertake negotiations on a convention on the prohibition of the use of nuclear weapons, as requested in General Assembly resolution 51/46 D [YUN 1996, p. 458].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/601], adopted **resolution 52/39 C** by recorded vote (109-30-27) [agenda item 72 (c)].

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the use of nuclear weapons poses the most serious threat to the survival of mankind,

Bearing in mind the advisory opinion of the International Court of Justice of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons,

Convinced that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security,

Conscious that some steps taken by the Russian Federation and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of the complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653(XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Determined to achieve a universal nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Stressing that an international convention on the prohibition of the use of nuclear weapons would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

Noting with regret that the Conference on Disarmament, during its 1997 session, was unable to undertake negotiations on this subject as called for in General Assembly resolution 51/46 D of 10 December 1996,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, in order to reach agreement on an international convention prohibiting

the use or threat of use of nuclear weapons under any circumstances, taking as a possible basis the draft Convention on the Prohibition of the Use of Nuclear Weapons contained in the annex to the present resolution;

2. Requests the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to the present Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Desiring to achieve a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons,

Bearing in mind the advisory opinion of the International Court of Justice that there exists an obligation of all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Determined, therefore, to achieve a universal nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction,

Convinced that the present Convention would be an important step in a phased programme towards the complete elimination of nuclear weapons within a time-bound framework,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to the present Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

The present Convention shall be of unlimited duration.

Article 3

1. The present Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of the present article may accede to it at any time.

2. The present Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The present Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of the present article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature,

the date of deposit of each instrument of ratification or accession and the date of entry into force of the present Convention, as well as of the receipt of other notices.

6. The present Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article 4

The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at ____ on the ____ day of ____ one thousand nine hundred and ____.

RECORDED VOTE ON RESOLUTION 52/39 C:

In favour Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, United States,* Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom.

Abstain: Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Cyprus, Georgia, Ireland, Israel, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Malta, Marshall Islands, New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Sweden, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

*Later advised the Secretariat it had intended to vote against.

Security assurances

Although the issue of negative security assurances was discussed at the Preparatory Committee for the 2000 NPT Review Conference (see above), in the Conference on Disarmament and in the First Committee of the General Assembly, the positions of States remained virtually unchanged. In the Conference on Disarmament, the members of the Group of 21 non-aligned countries (Algeria, Bangladesh, Brazil, Cameroon, Colombia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, India, Indonesia, Iran, Iraq, Kenya, Mexico, Mongolia, Morocco, Myanmar, Nigeria, Pakistan, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Venezuela, Viet Nam, Zimbabwe), believing that, pending the total elimination of nuclear weapons, it was imperative to have in place effective international arrangements, and that the assurances thus far

given and reflected in Security Council resolution 984(1995)[YUN1995,p.192]fell short of the expectations of the non-nuclear-weapon States, advocated the re-establishment of an ad hoc committee on negative security assurances [CD/1462]. China shared that position, although it viewed the mandate [YUN1992,p.68] that was being proposed for such an ad hoc committee as outdated and weak. Towards the end of the session, South Africa, recalling a proposal it made at the Preparatory Committee, stated that the appropriate venue for discussion of security assurances was the strengthened review process of NPT. It therefore opposed the establishment of an ad hoc committee.

A number of Western delegations expressed some doubts and reservations with regard to the wording of the proposed mandate for an ad hoc committee on security assurances, and a large number of delegations suggested that the current mandate should be updated.

The Russian Federation, referring to the assurances that it and other nuclear States had given to the States parties to NPT, noted that, in addition, the regional arrangements set out in nuclear-weapon-free zone treaties had gone a long way towards providing the assurances that the non-nuclear States had been pursuing for many years.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/598], adopted **resolution 52/36** by recorded vote (116-0-51) [agenda item 69].

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined strictly to abide by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament¹ submitted to the General Assembly at its twelfth special session, the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, the third special session devoted to disarmament, as well as the report of the Conference on its 1992 session,

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, *inter alia*, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, with a view to reaching agreement on this item,

Taking note of the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, and also of the decision adopted by the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Twentieth Islamic Conference of Foreign Ministers, held at Istanbul from 4 to 8 August 1991, calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Taking note further of the unilateral declarations made by all nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Noting also the greater willingness to overcome the difficulties encountered in previous years,

Taking note of Security Council resolution 984(1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994, 50/68 of 12 December 1995 and 51/43 of 10 December 1996,

1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that, in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties;

5. Recommends also that the Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

1984.

RECORDED VOTE ON RESOLUTION 52/36:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru,

Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Advisory opinion of International Court of Justice

The International Court of Justice (ICJ) advisory opinion on the legality of the threat or use of nuclear weapons, issued on 8 July 1996 [YUN 1996, p. 461], was referred to in the 1997 debates in the Conference on Disarmament and the First Committee. A large number of States, especially non-aligned, referred to the opinion in support of their positions concerning nuclear disarmament and implementation of article VI of NPT. However, a number of countries, especially some nuclear-weapon States, considered that the draft resolution on the opinion either misinterpreted or quoted selectively from it. As a result, the resolution on the subject (see below) was adopted with a considerable number of States voting against it (including four nuclear-weapon States) or abstaining.

Communication. In a letter of 31 October 1997 addressed to the Secretary-General [A/C.1/52/71, Costa Rica, recalling General Assembly resolution 51/45 M on the ICJ advisory opinion [YUN 1996, p. 461], submitted a model nuclear-weapons convention setting forth what it said were the legal, technical and political issues that should be considered to obtain a nuclear-weapons convention.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 O** by recorded vote (116-26-24) [agenda item 71 (k)].

Advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994 and 51/45 M of 10 December 1996,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against

a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1997 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. Calls once again upon all States immediately to fulfil that obligation by commencing multilateral negotiations in 1998 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling,

transfer, threat or use of nuclear weapons and providing for their elimination;

3. Requests all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-third session;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".

RECORDED VOTE ON RESOLUTION 52/38 O:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstain: Armenia, Australia, Austria, Azerbaijan, Belarus, Benin, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Iceland, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Norway,* Republic of Korea, Republic of Moldova, Tajikistan, Turkmenistan.*

*Later advised the Secretariat it had intended to vote in favour.

In the First Committee, paragraphs 1 and 2 and the tenth preambular paragraph were adopted by separate recorded votes of 139 to 5, with 9 abstentions, 96 to 34, with 23 abstentions, and 99 to 34, with 17 abstentions, respectively.

The Assembly retained paragraphs 1 and 2 by separate recorded votes of 152 to 6, with 6 abstentions, and 106 to 34, with 24 abstentions, respectively. Chile withdrew its request for a separate vote on the tenth preambular paragraph.

Nuclear-weapon-free zones

In accordance with General Assembly resolution 51/47 B [YUN 1996, p. 448], the Disarmament Commission [A/52/42] in 1997 considered an agenda item entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned". The item was discussed and reported on by Working Group I, which focused on four broad areas: general overview and introduction, scope, principles and objectives, and recommendations. As had been the case in the First Committee, varying national security concerns

on the part of some States were evident, although the vast majority supported the concept of nuclear-weapon-free zones as contributing to the strengthening of the non-proliferation regime and regional and global security. Some progress was, nevertheless, achieved. It was decided that at the next session the Commission would consider, among other things, the scope of the discussion, as well as topics relating to nuclear-weapon-free zones as a means for enhancing peace, security and stability; the characteristics of the region concerned, including the geographical definition of the zone; the relationship between nuclear-weapon-free zones and existing treaties or agreements; the role of verification; and consultation and negotiating processes and elements conducive to the establishment of such zones.

Africa

The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) [YUN 1995, p. 203], which was opened for signature in 1996 [YUN 1996, p. 468], in 1997 had 49 signatories, one more than in 1996. Also, China ratified Protocols I and II thereto. France had ratified Protocols I, II and III in 1996 [YUN 1996, p. 468], and the Russian Federation, the United Kingdom and the United States had signed Protocols I and II.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/608], adopted **resolution 52/46** without vote [agenda item 79].

African Nuclear-Weapon-Free Zone Treaty

The General Assembly,

Recalling its resolution 51/53 of 10 December 1996 and all its other relevant resolutions, as well as those of the Organization of African Unity,

Recalling also the successful conclusion of the signing ceremony of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) that took place at Cairo on 11 April 1996,

Recalling further the Cairo Declaration adopted on that occasion, which emphasized that nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, enhance global and regional peace and security,

Noting the statement made by the President of the Security Council on behalf of the members of the Council on 12 April 1996, in which it was stated that the signature of the African Nuclear-Weapon-Free Zone Treaty constituted an important contribution by the African countries to the maintenance of international peace and security,

Considering that the establishment of nuclear-weapon-free zones, especially in the Middle East, would enhance the security of Africa and the viability of the African nuclear-weapon-free zone,

1. Calls upon African States that have not yet done so to sign and ratify the African Nuclear-Weapon-Free Zone Treaty as soon as possible so that it may enter into force without delay;

2. Expresses its appreciation to the nuclear-weapon States that have signed the Protocols that concern them, and calls upon those which have not yet ratified the Protocols concerning them to do so as soon as possible;

3. Calls upon the States contemplated in Protocol III to the Treaty that have not yet done so to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, *de jure* or *de facto*, internationally responsible and which lie within the limits of the geographical zone established in the Treaty;

4. Calls upon the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that have not yet concluded comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to the Treaty to do so, thereby satisfying the requirements of article 9 (b) of and annex II to the Treaty of Pelindaba when it enters into force;

5. Expresses its gratitude to the Secretary-General for the diligence with which he has rendered effective assistance to the signatories to the African Nuclear-Weapon-Free Zone Treaty in accordance with resolution 51/53;

6. Expresses its gratitude to the Secretary-General of the Organization of African Unity and the Director General of the International Atomic Energy Agency for the diligence with which they have rendered effective assistance to the signatories to the Treaty;

7. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

Asia

Central Asia

On 28 February, the Presidents of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan adopted in Almaty, Kazakhstan, the Almaty Declaration [A/52/112], in which they acknowledged the need to establish a nuclear-free zone in Central Asia. The Ministers for Foreign Affairs of those countries adopted a statement at the International Conference on Central Asia as a Nuclear-Weapon-Free Zone (Tashkent, Uzbekistan, 15-16 September), calling on the permanent members of the Security Council and all States to support the initiative for the establishment of a nuclear-weapon-free zone in Central Asia and to provide assistance to do so [A/52/390].

An initiative launched in 1996 [YUN 1996, p. 469] by Kyrgyzstan to establish a nuclear-free zone in the region was endorsed by the General Assembly in 1997 (see below).

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First

Committee [A/52/600], adopted **resolution 52/38 S** without vote [agenda item 71].

Establishment of a nuclear-weapon-free zone in Central Asia

The General Assembly,

Emphasizing the importance of internationally recognized agreements on the establishment of nuclear-weapon-free zones in various regions of the world,

Recalling paragraphs 60, 61, 62 and 64 of the Final Document of the Tenth Special Session of the General Assembly, the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 5 and 6 of the decision entitled "Principles and objectives for nuclear non-proliferation and disarmament" in the Final Document of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, concerning the establishment of nuclear-weapon-free zones,

Recalling also the Almaty Declaration of the heads of State of the Central Asian States of 28 February 1997 and the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the establishment of a nuclear-weapon-free zone in Central Asia,

Reaffirming the generally recognized role of the United Nations in promoting the establishment of nuclear-weapon-free zones,

Convinced that the establishment of nuclear-weapon-free zones in various regions of the world can contribute to the achievement of general and complete disarmament,

Believing that the establishment of nuclear-weapon-free zones in various regions, including Central Asia, will help to strengthen peace and stability at both the regional and the global levels and is in the interest of the security of the States in the Central Asian region,

Welcoming the offer of Kyrgyzstan to hold a consultative meeting of experts on the establishment of a nuclear-weapon-free zone in Central Asia at Bishkek in 1998,

1. Calls upon all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia;

2. Requests the Secretary-General, within existing resources, to provide assistance to the Central Asian countries in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia;

3. Decides to consider the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-third session under the agenda item entitled "General and complete disarmament".

South Asia

In a report of 28 August [A/52/306], the Secretary-General stated that, pursuant to General Assembly resolution 51/42 [YUN 1996, p. 470] asking him to ascertain the views of States on the establishment of a nuclear-weapon-free zone in South Asia, no States had responded to his request for information.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/597], adopted **resolution 52/35** by recorded vote (153-3-8) [agenda item 68],

Establishment of a nuclear-weapon-free zone in South Asia

The General Assembly,

Recalling its resolutions 3265 B (XXIX) of 9 December 1974, 3476 B (XXX) of 11 December 1975, 31/73 of 10 December 1976, 32/83 of 12 December 1977, 33/65 of 14 December 1978, 34/78 of 11 December 1979, 35/148 of 12 December 1980, 36/88 of 9 December 1981, 37/76 of 9 December 1982, 38/65 of 15 December 1983, 39/55 of 12 December 1984, 40/83 of 12 December 1985, 41/49 of 3 December 1986, 42/29 of 30 November 1987, 43/66 of 7 December 1988, 44/109 of 15 December 1989, 45/53 of 4 December 1990, 46/31 of 6 December 1991, 47/49 of 9 December 1992, 48/72 of 16 December 1993, 49/72 of 15 December 1994, 50/67 of 12 December 1995 and 51/42 of 10 December 1996 concerning the establishment of a nuclear-weapon-free zone in South Asia,

Reiterating its conviction that the establishment of nuclear-weapon-free zones in various regions of the world is one of the measures that can contribute effectively to the objectives of non-proliferation of nuclear weapons and general and complete disarmament,

Believing that the establishment of a nuclear-weapon-free zone in South Asia, as in other regions, will assist in the strengthening of the security of the States of the region against the use or threat of use of nuclear weapons,

Taking note with appreciation of the declarations issued at the highest level by the Governments of South Asian States that are developing their peaceful nuclear programmes, reaffirming their undertaking not to acquire or manufacture nuclear weapons and to devote their nuclear programmes exclusively to the economic and social advancement of their peoples,

Welcoming the proposal for the conclusion of a bilateral or regional nuclear-test-ban agreement in South Asia,

Noting the proposal to convene, under the auspices of the United Nations, a conference on nuclear non-proliferation in South Asia as soon as possible, with the participation of the regional and other concerned States,

Noting also the proposal to hold consultations among five nations with a view to ensuring nuclear non-proliferation in the region,

Considering that the eventual participation of other States, as appropriate, in this process could be useful,

Bearing in mind the provisions of paragraphs 60 to 63 of the Final Document of the Tenth Special Session of the General Assembly regarding the establishment of nuclear-weapon-free zones, including in the region of South Asia,

Taking note of the note by the Secretary-General,

1. Reaffirms its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia;

2. Urges once again the States of South Asia to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the meantime, from any action contrary to that objective;

3. Welcomes the support of all the five nuclear-weapon States for this proposal, and calls upon them to extend the necessary cooperation in the efforts to establish a nuclear-weapon-free zone in South Asia;

4. Requests the Secretary-General to communicate with the States of the region and other concerned States in order to ascertain their views on the issue and to promote consultations among them with a view to exploring the best possibilities of furthering the efforts for the establishment of a nuclear-weapon-free zone in South Asia;

5. Also requests the Secretary-General to report on the subject to the General Assembly at its fifty-third session;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Establishment of a nuclear-weapon-free zone in South Asia".

RECORDED VOTE ON RESOLUTION 52/35:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: Bhutan, India, Mauritius.

Abstain: Afghanistan, Algeria, Cuba, Cyprus, Indonesia, Lao People's Democratic Republic, Myanmar, Viet Nam.

South-East Asia

The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), which opened for signature in 1995 [YUN 1995, p. 207], entered into force on 27 March 1997, following the deposit of the seventh instrument of ratification. As at 31 December, nine States had ratified the Treaty (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore, Thailand, Viet Nam). Consultations between the members of the Association of South-East Asian Nations (ASEAN) and various nuclear-weapon States continued during the year; however, differences between the two groups persisted and, as at year's end, none of the nuclear-weapon States had signed the Protocol to the Treaty. At an ASEAN meeting in December, ASEAN officials were encouraged to finalize the revision of the Protocol to enable all the original signatories to ratify the Treaty and the nuclear-weapon States to sign the Protocol.

Latin America and the Caribbean

On 14 February, States parties to the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, known as the Treaty of Tlatelolco [YUN 1967, p. 13], marked its thirtieth anniversary with a special session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. An international seminar was also held on "Nuclear-weapon-free zones in the next century" (Mexico City, 13-14 February). The countries of the region continued to take concrete steps during the year to consolidate the regime of military denuclearization established by the Treaty.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/607], adopted **resolution 52/45** without vote [agenda item 78].

Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

The General Assembly,

Recalling that in its resolution 1911 (XVIII) of 27 November 1963 it expressed the hope that the States of Latin America would take appropriate measures to conclude a treaty that would prohibit nuclear weapons in Latin America,

Recalling also that in the same resolution it voiced its confidence that, once such a treaty was concluded, all States, and in particular the nuclear-weapon States, would lend it their full cooperation for the effective realization of its peaceful aims,

Considering that in its resolution 2028(XX) of 19 November 1965 it established the principle of an acceptable balance of mutual responsibilities and obligations between nuclear-weapon States and those which do not possess such weapons,

Recalling that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature at Mexico City on 14 February 1967,

Welcoming the holding of the eleventh special session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean on 14 February 1997 in commemoration of the thirtieth anniversary of the opening for signature of the Treaty of Tlatelolco, as well as the holding of the international seminar on the topic "Nuclear-weapon-free zones in the next century" in Mexico City on 13 and 14 February 1997,

Recalling that in its preamble the Treaty of Tlatelolco states that military denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling also that in its resolution 2286(XXII) of 5 December 1967 it welcomed with special satisfaction the Treaty of Tlatelolco as an event of historic significance in the efforts to prevent the proliferation of nu-

clear weapons and to promote international peace and security,

Recalling further that in 1990, 1991 and 1992 the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean approved and opened for signature a set of amendments to the Treaty of Tlatelolco, with the aim of enabling the full entry into force of that instrument,

Recalling resolution C/E/RES.27 of the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, in which the Council called for the promotion of cooperation and consultations with other nuclear-weapon-free zones,

Noting with satisfaction that, with the full adherence on 14 February 1997 of Saint Kitts and Nevis, the Treaty of Tlatelolco is in force for thirty-two sovereign States of the region,

Also noting with satisfaction that on 22 October 1996 Paraguay and on 14 February 1997 Barbados and Venezuela deposited their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267(E-V) of 3 July 1990, 268(XII) of 10 May 1991 and 290(E-VII) of 26 August 1992, and that on 23 October 1997 Guatemala signed the amendment to the Treaty contained in resolution 268(XII),

Further noting with satisfaction that the amended Treaty of Tlatelolco is fully in force for Argentina, Barbados, Brazil, Chile, Guyana, Jamaica, Mexico, Paraguay, Peru, Suriname, Uruguay and Venezuela,

1. Welcomes the concrete steps taken by some countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);

2. Notes with satisfaction the full adherence of Saint Kitts and Nevis to the Treaty of Tlatelolco;

3. Urges the countries of the region that have not yet done so to deposit their instruments of ratification of the amendments to the Treaty of Tlatelolco approved by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in its resolutions 267(E-V), 268(XII) and 290(E-VII);

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

Middle East

Pursuant to General Assembly resolution 51/41 [YUN 1996, p. 472], the Secretary-General reported [A/52/271] in August on the establishment of a nuclear-weapon-free zone in the Middle East. He continued to carry out consultations to explore ways to promote the establishment of such a zone, but regretted that, since the submission of his 1996 report [YUN 1996, p. 471], no positive developments had occurred. He also presented the views of States on measures to move

towards the establishment of a nuclear-weapon-free zone in the Middle East as outlined in a 1990 Study [YUN 1990, p. 63].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/596], adopted **resolution 52/34** without vote [agenda item 67].

Establishment of a nuclear-weapon-free zone in the region of the Middle East

The General Assembly,

Recalling its resolutions 3263(XXIX) of 9 December 1974, 3474(XXX) of 11 December 1975, 31/71 of 10 December 1976, 32/82 of 12 December 1977, 33/64 of 14 December 1978, 34/77 of 11 December 1979, 35/147 of 12 December 1980, 36/87 A and B of 9 December 1981, 37/75 of 9 December 1982, 38/64 of 15 December 1983, 39/54 of 12 December 1984, 40/82 of 12 December 1985, 41/48 of 3 December 1986, 42/28 of 30 November 1987, 43/65 of 7 December 1988, 44/108 of 15 December 1989, 45/52 of 4 December 1990, 46/30 of 6 December 1991, 47/48 of 9 December 1992, 48/71 of 16 December 1993, 49/71 of 15 December 1994, 50/66 of 12 December 1995 and 51/41 of 10 December 1996 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly,

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly that they will refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, to agree to place their nuclear facilities under International Atomic Energy Agency safeguards and to declare their support for the establishment of the zone and to deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,

Emphasizing the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the Middle East,

Welcoming all initiatives leading to general and complete disarmament, including in the region of the Mid-

dle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Recognizing the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone,

Emphasizing the essential role of the United Nations in the establishment of a mutually verifiable nuclear-weapon-free zone,

Having examined the report of the Secretary-General on the implementation of General Assembly resolution 51/41,

1. Urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Takes note of resolution GC(41)/RES/25, adopted on 3 October 1997 by the General Conference of the International Atomic Energy Agency at its forty-first regular session, concerning the application of Agency safeguards in the Middle East;

4. Notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. Invites all countries of the region, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

6. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. Takes note of the report of the Secretary-General on the implementation of General Assembly resolution 51/41;

9. Invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. Requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to his report or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the Middle East;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-third session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

South Pacific

On 19 September, the United Kingdom ratified all three Protocols to the 1985 South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) [YUN 1985, p. 58]. France had ratified and the United States had signed them in 1996, while China and the former USSR had signed the two Protocols for which they were eligible in 1987 and 1986, respectively, and had ratified them in 1988.

Under Protocol 1, the States internationally responsible for territories situated within the zone would undertake to apply the relevant prohibitions of the Treaty to those territories; under Protocol 2, the five nuclear-weapon States would provide security assurances to parties or to territories within the zone; and under Protocol 3, the five would not carry out nuclear tests in the zone.

Southern hemisphere and adjacent areas

On 9 December [meeting 6] the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 N** by recorded vote (131-3-34) [agenda item 71 (d)].

The nuclear-weapon-free southern hemisphere and adjacent areas

The General Assembly,

Recalling its resolution 51/45 B of 10 December 1996,

Determined to continue to contribute to the prevention of the proliferation of nuclear weapons in all its aspects and to the process of general and complete disarmament under strict and effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security, in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the provisions on nuclear-weapon-free zones of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, as well as of the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension

Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, establishing nuclear-weapon-free zones, as well as the Antarctic Treaty, to, inter alia, the ultimate objective of achieving a world entirely free of nuclear weapons, and underlining also the value of enhancing cooperation among the nuclear-weapon-free zone treaty members by means of mechanisms such as joint meetings of States parties, signatories and observers to those treaties,

Recalling the applicable principles and rules of international law relating to rights of passage through maritime space, including under the United Nations Convention on the Law of the Sea,

1. Welcomes the contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;

2. Calls for the ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, and calls upon all concerned States to continue to work together in order to facilitate adherence to the protocols to nuclear-weapon-free zone treaties by all relevant States that have not yet done so;

3. Welcomes the steps taken to conclude further nuclear-weapon-free zone treaties on the basis of arrangements freely arrived at among the States of the region concerned, and calls upon all States to consider all relevant proposals, including those reflected in its resolutions on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;

4. Stresses the role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calls upon all States to support the process of nuclear disarmament, with the ultimate goal of eliminating all nuclear weapons;

5. Calls upon the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, in order to pursue the common goals envisaged in those treaties and to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas, to explore and implement further ways and means of cooperation among themselves and their treaty agencies;

6. Encourages the competent authorities of nuclear-weapon-free zone treaties to provide assistance to the States parties and signatories to such treaties so as to facilitate the accomplishment of these goals;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "The nuclear-weapon-free southern hemisphere and adjacent areas".

RECORDED VOTE ON RESOLUTION 52/38 N:

In favour Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Re-

public, Lebanon, Liberia, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, United Kingdom, United States.

Abstain: Andorra, Armenia, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Iceland, India, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mauritius, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Turkey.

In the First Committee, paragraph 3 was adopted by a separate recorded vote of 130 to 1, with 9 abstentions. Similarly, the Assembly retained the paragraph by a recorded vote of 159 to 1, with 4 abstentions.

Chemical and bacteriological (biological) weapons

Chemical weapons

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997, 180 days following receipt of its sixty-fifth instrument of ratification. The Convention, adopted in 1992 [YUN 1992, p. 65] by the Conference on Disarmament, was opened for signature in 1993 [YUN 1993, p. 111]. As at 31 December 1997, 165 States had signed it and 106 States had deposited their instruments of ratification or accession, among them the five nuclear-weapon States.

In 1997, the Convention was ratified by Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, China, Cuba, Equatorial Guinea, Ghana, Guinea, Guyana, Iceland, Iran, Kenya, Kuwait, the Lao People's Democratic Republic, Luxembourg, Mali, Malta, Nepal, the Niger, Pakistan, Qatar, the Republic of Korea, the Russian Federation, Saint Lucia, Singapore, Slovenia, Suriname, Togo, Tunisia, Turkey, the United States, Venezuela and Zimbabwe. Acceding to it were Jordan, the former Yugoslav Republic of Macedonia and Trinidad and Tobago. The first and second sessions of the Conference of States Parties to the Convention took place in May and December, respectively.

Organization for the Prohibition of Chemical Weapons

The Preparatory Commission for the Organization for the Prohibition of Chemical Weapons

(OPCW), set up in 1992 [YUN 1992, p. 65] to prepare for the Convention's implementation, held its sixteenth and final session at the seat of the Commission in The Hague, Netherlands, from 9 to 15 April 1997 [PC-XVI/37]. The Commission adopted its final report for submission to the first session of the Conference of the States Parties and to the first meeting of the OPCW Executive Council (see below).

GENERAL ASSEMBLY ACTION

On 22 May [meeting 100], the General Assembly adopted **resolution 51/230** without vote [draft: A/51/L.73 & Add.1] [agenda item 167].

Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons

The General Assembly,

Noting that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature at Paris on 13 January 1993, entered into force on 29 April 1997, whereby the Organization for the Prohibition of Chemical Weapons was established,

Recognizing the need to establish an appropriate relationship between the United Nations and the organization,

Considering it essential to the prompt and effective functioning of the organization that its inspectors be able to use the United Nations laissez-passers as an official travel document,

1. Invites the Secretary-General to take steps to conclude with the Director-General of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons an agreement between the United Nations and the organization to regulate the relationship between the two organizations, to be applied provisionally upon signature, pending the completion of procedures necessary for its entry into force, and to present the negotiated draft relationship agreement to the General Assembly for its approval;

2. Authorizes the Secretary-General, pending the conclusion of the relationship agreement, to enter with the Director-General of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, as a matter of urgency, into a temporary arrangement concerning the issuance of the United Nations laissez-passers to members of the organization's inspection teams, to be used as a valid travel document, where such use is recognized by States parties to the Convention.

On 15 September, the Assembly, by **decision 51/480**, decided to conclude consideration of the item on cooperation between the United Nations and OPCW.

Sessions of Conference of States Parties

The first session of the Conference of States Parties to the Convention was held in The Hague from 6 to 23 May. It was attended by 80 States parties, 3 States that had deposited their instruments

of ratification but for which it had not entered into force, and 33 signatory States.

The Conference approved OPCW's financial regulations and a headquarters agreement, and adopted decisions regarding verification. It appointed Jose Mauricio Bustani (Brazil) as the first Director-General of OPCW, and elected 41 initial members of the OPCW Executive Council and a 20-member Confidentiality Commission. It adopted a budget covering activities from 29 April to 31 December 1997. In debate, a need for greater universality was widely acknowledged, and the importance of ratification by the Russian Federation, States in "regions of tension", and States with significant chemical industries was emphasized. (The Russian Federation ratified the Convention on 5 November 1997.)

The second session of the Conference took place in The Hague from 1 to 5 December, with 82 States parties, 18 signatory States and two observer States participating. In his opening statement, the Director-General provided an overview of the activities of OPCW and the 115 initial inspections and visits that had been conducted on the territory of 21 States parties. Discussion in the general debate stressed recent ratifications by Iran, Nepal, Pakistan and the Russian Federation, and the accession by Jordan, as well as the need to ensure that all States parties complied with all provisions of the Convention in a timely manner. The Conference adopted the OPCW programme of work and budget for 1998. It also elected new members to the Executive Council for two-year terms, beginning on 12 May 1998.

Sessions of Executive Council

The Executive Council held seven sessions during the year (13-23 May, 23-27 June, 28 July-1 August, 1-5 September, 29 September-1 October, 28-31 October, 18-20 November). At its first session, the Council prepared an OPCW budget for 1997 for approval by the Conference, recommended the appointment of the Director-General, and adopted guidelines for transitional verification arrangements. Subsequently, it considered reports by the Director-General on the status of implementation of the Convention, including a review of the receipt of initial declarations and the current status of processing them, and expressed its concern that a significant number of States had not yet submitted national declarations and/or obligatory notifications. The Council was also informed by the OPCW secretariat of the number of inspections carried out. At its last session, the Council adopted the draft budget and programme of work for 1998.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 T** without vote [agenda item 71 (o)].

Status of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions on the subject of chemical and bacteriological (biological) weapons, in particular resolution 51/45 T of 10 December 1996, adopted without a vote,

Determined to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction,

1. Welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 with eighty-seven original States parties as well as the fact that seventeen States have subsequently become States parties to the Convention;

2. Notes with satisfaction that the First Conference of States Parties held at The Hague in the Kingdom of the Netherlands from 6 to 23 May 1997 successfully launched the Organization for the Prohibition of Chemical Weapons with Ambassador Jose M. Bustani of Brazil as the first Director-General;

3. Emphasizes the necessity of universal adherence to the Convention, and calls upon all States that have not yet done so to become States parties to the Convention without delay;

4. Stresses the vital importance of full and effective implementation of, and compliance with, all provisions of the Convention;

5. Notes with satisfaction that the Organization for the Prohibition of Chemical Weapons has quickly initiated verification activities, including the processing of declarations of States parties and the conducting of inspections of chemical weapons-related and other declared facilities as required by the Convention, and underlines the importance of the early initiation of activities under all relevant provisions of the Convention by the Organization for the Prohibition of Chemical Weapons;

6. Stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities, including previously declared possessor States, should be among the States parties to the Convention, and welcomes recent progress to that end;

7. Urges all States parties to the Convention to meet in full their obligations under the Convention and to support the Organization for the Prohibition of Chemical Weapons in its implementation activities;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction".

Bacteriological (biological) weapons

Efforts to strengthen the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC) [GA res. 2826(XXVI)] continued throughout the year within the Ad Hoc Group of the States Parties to BWC. In July, the Chairman of the Group submitted a rolling text of a protocol, without prejudice to the positions of delegations, although much of it remained in square brackets. Negotiations continued on the basis of the rolling text in the latter part of the year and, as of the Group's last session in 1997, considerable differences remained.

A formal consultative meeting of the States parties to the Convention (Geneva, 25-27 August) [BWC/CONS/1] met to consider allegations made by Cuba, conveyed to the Secretary-General on 28 April [A/52/128], that the appearance in its territory of the thrips palmi karay (a pest injurious to plants) plague was related to the dropping, in October 1996, of an unknown substance by an aircraft operated by the United States Department of State. On 26 June [A/52/213], Cuba presented some technical considerations related to the activities of the aircraft, alleging that they ran counter to and violated BWC provisions.

Following the consultations and the receipt of a number of written submissions by States parties, the Chairman reported in writing to all States parties on 15 December that "due, inter alia, to the technical complexity of the subject and to the passage of time, it has not proved possible to reach a definitive conclusion with regard to the concerns raised by the Government of Cuba".

Work of Ad Hoc Group

The Ad Hoc Group of the States Parties to BWC held its sixth (3-21 March) [BWC/AD HOC GROUP/34], seventh (14 July-1 August) [BWC/AD HOC GROUP/36] and eighth (15 September-3 October) [BWC/AD HOC GROUP/38] sessions, all in Geneva.

The Group considered definitions of terms and objective criteria; measures to promote compliance; investigations annex; measures related to article X; legal issues; confidentiality issues; and national implementation and assistance. The work was conducted in seven groups, each led by a Friend of the Chair who assisted the Chairman in consultations and negotiations on the areas listed above. In order to assist the Ad Hoc Group, the Chairman submitted, at the beginning of the seventh session, a document entitled "Rolling text of a Protocol to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction"

[BWC/AD HOC GROUP/35/Rev.1], which stated that the text was without prejudice to the positions of delegations and did not imply agreement on its scope or content. The results of discussions during the eighth session were incorporated into the rolling text in which brackets had been introduced to cover specific preliminary concerns of delegations, and it was recognized that further and detailed consideration of all elements would be required at the future sessions.

The rolling text resulting from the eighth session contained 23 articles, 8 annexes and 5 appendices. The main articles, additional to the standard ones on authentic text, entry into force and other matters, were as follows: I, General provisions; II, [Definitions]; III, Compliance measures; IV, Confidentiality provisions; V, Measures to redress a situation and to ensure compliance; VI, Assistance; VII, Scientific and technological exchange for peaceful purposes and technical cooperation; VIII, Confidence-building measures; IX, [The Organization] [and implementational arrangements]; X, National implementation measures; XI, Relationship of the Protocol to BWC and other international agreements; XII, Settlement of disputes; XIII, Review of the Protocol; XIV, Amendments; XV, Duration and withdrawal; and XVI, Status of the annexes [and appendices]. The eight provisional annexes were concerned with: Declarations; [[Non-challenge] [Random] visits]; [Measures to strengthen the implementation of article III]; Investigations; Confidentiality provisions; Scientific and technological exchange for peaceful purposes and technical cooperation; Confidence-building measures; and [The [Technical] Secretariat]. The five appendices were concerned with information to be provided in declarations. The number of square brackets in the articles indicated that considerable differences remained to be resolved and that nothing in the text was agreed to until it was all agreed upon.

At the end of the eighth session, it was decided that the work of the Group had to be intensified. The Group decided to hold in 1998 three sessions of three weeks duration (5-23 January; 22 June-10 July, 28 September-16 October) and one session of two weeks, the dates of which were not specified, to work further on those issues and text where differences of view persisted.

In addition to their efforts to elaborate a verification mechanism, States parties continued their confidence-building measures and information exchange as agreed to at the Second (1986) [YUN 1986, p. 64] and Third (1991) [YUN 1991, p. 52] Review Conferences. Among the measures decided upon under article V was the declaration by parties concerning legislation and other regulations

they had enacted both to implement the provisions of the Convention and to enable States parties to follow a standardized procedure in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and to implement international cooperation in the area of peaceful bacteriological activities. By the end of 1997, 46 States parties had submitted reports to the United Nations, including those concerning their export and import of certain biological weapons-related materials [CDA/BWC/1997/CBM & Add.1].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/609], adopted **resolution 52/47** without vote [agenda item 80].

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and forty States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, including all the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Recalling its resolution 46/35 A, adopted without a vote on 6 December 1991, in which it welcomed, *inter alia*, the establishment, proceeding from the recommendations of the Third Review Conference, of an ad hoc group of governmental experts open to all States parties to identify and examine potential verification measures from a scientific and technical standpoint,

Recalling also its resolution 48/65, adopted without a vote on 16 December 1993, in which it commended the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint, agreed to by consensus at the last meeting of the Ad Hoc Group at Geneva on 24 September 1993,

Recalling further its resolution 49/86, adopted without a vote on 15 December 1994, in which it welcomed the final report of the Special Conference of the States

Parties to the Convention, adopted by consensus on 30 September 1994, in which the States parties agreed to establish an ad hoc group, open to all States parties, whose objective should be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States parties,

Recalling the provisions of the Convention related to scientific and technological cooperation and the related provisions of the final report of the Ad Hoc Group of Governmental Experts, the final report of the Special Conference of the States Parties to the Convention, held from 19 to 30 September 1994, and the final documents of the Review Conferences,

1. Welcomes the information and data provided to date, and reiterates its call upon all States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention;

2. Also welcomes the progress made by the Ad Hoc Group towards fulfilling the mandate established by the Special Conference of the States Parties to the Convention on 30 September 1994, and urges the Ad Hoc Group to intensify its work with a view to completing it as soon as possible before the commencement of the Fifth Review Conference and to submit its report, which shall be adopted by consensus, to the States parties to be considered at a special conference;

3. Further welcomes in this context the steps taken by the Ad Hoc Group, as encouraged by the Fourth Review Conference, to review its methods of work and, in particular, the start of negotiations on a rolling text of a protocol to the Convention;

4. Requests the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, as well as the decisions contained in the final report of the Special Conference, including all necessary assistance to the Ad Hoc Group;

5. Calls upon all signatory States that have not yet ratified the Convention to do so without delay, and also calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

(For details of activities of the United Nations Special Commission (UNSCOM) regarding the inspection of Iraq's chemical and biological weapons programme, see PART ONE, Chapter IV.)

Conventional weapons and related issues

Landmines

Report of Secretary-General. In accordance with General Assembly resolution 51/45 S [YUN 1996, p. 482], the Secretary-General, in an August report with later addendum [A/52/268 & Add.1], presented information he had received from five Governments on measures they had taken to complete an international agreement to ban anti-personnel mines (APMs).

Communications. During the year, a number of States informed the Secretary-General of their positions or measures they had taken regarding APMs.

On 12 March [A/52/91], Austria transmitted its Federal Law on the Ban of Anti-personnel Mines, which entered into force on 1 January 1997 and was viewed by that country as a further effective step to ban totally the use, stockpiling, production and transfer of APMs. On 3 June [A/52/207], Panama expressed support for a total ban on APMs. Kazakhstan, on 11 August [A/52/335], stated that it adopted a decision on 6 August to ban the export of APMs, including the re-export and transit thereof. Cuba, on 31 October [A/C.1/52/6], stated that its policy was to use mines solely as a defence against an external threat or use of aggression. On 4 December [A/52/713], the Czech Republic stated that it had extended for an indefinite period its moratorium on exports of APMs.

Anti-personnel mines Convention

Following the adoption of the Ottawa Declaration in 1996 at the Ottawa International Strategy Conference [YUN 1996, p. 481], which, among other things, called for the conclusion of a legally binding international agreement to ban anti-personnel mines, the Minister for Foreign Affairs announced that Canada would host a signing ceremony for such a convention in December 1997.

Work proceeded quickly through a series of short negotiating sessions, a follow-up conference in June in Brussels, Belgium, and a diplomatic conference in September in Oslo, Norway. On 9 July, Belgium transmitted to the Conference on Disarmament the text of the final Declaration of the International Conference for a Comprehensive Ban on Anti-Personnel Mines (Brussels, 24-27 June) [CD/1467], which set out the essential elements of a complete ban. The 97 States which signed the Brussels Declaration wel-

comed the convening of a Diplomatic Conference in Oslo on 1 September to negotiate a legally binding international instrument banning APMs and affirmed their objective of concluding the negotiations and of signing an agreement before the end of 1997 in Ottawa. It was agreed that a draft text circulated by Austria in May would serve as the basis for the negotiations in Oslo.

The Diplomatic Conference (Oslo, 1-18 September) adopted the text of the Convention without a vote. At a signing Conference (Ottawa, 2-4 December), the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction [United Nations Disarmament Yearbook, vol. 22: 1997, Sales No. E.98.IX.1] was signed by 121 States. The Secretary-General was designated depositary of the Convention, which was to enter into force six months after the fortieth instrument of ratification had been deposited.

A central component of the Ottawa Conference was the Mine Action Forum, a series of round-table meetings of experts from Governments, non-governmental organizations, academia and the international development sector that were held to initiate the second part of the Ottawa process, which would aim at ensuring that the commitments entailed by the Convention would be met fully and as quickly as possible. Thus, the second part of the Ottawa process would focus on efforts to expand mine clearance and assistance to victims, to encourage all States to sign the Convention and to urge all signatories to ratify it without delay. The Forum issued an "Agenda for Mine Action" to serve as a guide for the second phase, to maintain the current momentum and to facilitate coordination of efforts in the aforementioned areas.

Conference on Disarmament. The United States formally proposed negotiations for a global ban on APMs at the opening meeting on 20 January of the 1997 session of the Conference on Disarmament [CD/1441].

In the first part of the Conference's 1997 session, two draft mandates for an ad hoc committee were submitted: one, affirming the ultimate objective of a global ban but providing for its achievement by a step-by-step approach, proposed by the United Kingdom in January [CD/1443]; another, to undertake work on the various aspects of a ban, simultaneously put forth by Japan and Hungary in May [CD/1455]. Neither was put to a decision.

Because of difficulties in establishing its programme of work, the Conference on Disarmament was able only on 26 June to appoint a special coordinator to conduct consultations on a possible mandate for an ad hoc committee

[CD/1466]. On 28 August, as the Conference neared the end of its session and on the eve of the convening of the Diplomatic Conference in Oslo, the Special Coordinator reported that a clear majority of delegations were in favour of—or at least not opposed to—commencing work in the Conference on landmines, many favouring a phased approach to elimination, beginning with work on exports, imports and transfers. However, it was commonly held that the Conference's role could not be precisely determined until early 1998, following the opening for signature of the Convention in Ottawa in December.

Convention provisions

Following the preamble, the main obligations of the States parties were elaborated in articles 1 to 9, while the remaining articles (10 to 22) contained traditional clauses pertaining to such treaty aspects as the settlement of disputes, meetings of States parties and entry into force.

Under article 1, each State party affirmed never, under any circumstances, to use APMs; to develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, APMs; and to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State party. In addition, every State party was responsible for destroying or ensuring the destruction of all stockpiled APMs it owned or possessed, or that were under its jurisdiction or control not later than four years after entry into force of the Convention (article 4), and for destroying mines in mined areas not later than 10 years after that date (article 5). In a case where a State party was unable to destroy all its APMs, it could submit a request for an extension of the deadline.

Article 2 set out the definition for "anti-personnel mine", which explicitly excluded from the prohibition mines designed to be detonated by the presence, proximity or contact of a vehicle, as opposed to a person, that were equipped with anti-handling devices.

The Convention made an exception (article 3) to the general obligations of article 1, whereby States were permitted to retain or transfer a number of APMs for the development of and training in mine detection, mine clearance or mine destruction techniques and to transfer APMs for destruction.

In an effort to facilitate implementation, States parties were responsible for participating in the fullest possible exchange of equipment, material and technological information; and, if in a position to do so, for providing assistance for the care, rehabilitation and social and economic reintegration of mine victims and for mine clearance and related activities (article 6).

As to transparency, States parties were responsible for a number of measures (article 7), including the submission of a report to the Secretary-General on their national implementation measures not later than 180 days after entry into force of the Convention, and updated annually thereafter (article 9); and for submitting data pertaining to their stockpiles, the location of all mined areas, and the types and quantity of all APMs retained or transferred, in accordance with article 3. They were also to report on the status of programmes for conversion of production facilities and for destruction of mines.

Instead of a verification regime involving on-site challenge inspections, States parties adopted a facilitation and clarification of compliance procedure (article 8). States parties agreed to consult and cooperate with each other regarding implementation of the Convention. If a State party wished to clarify a question relating to compliance, it might submit, through the Secretary-General, a request for clarification, and, if it did not receive a response within 28 days or deemed the response unsatisfactory, it could submit the matter to the next meeting of the States parties. If further clarification was needed, the meeting would authorize a fact-finding mission, the members of which were to be appointed by the Secretary-General. The mission was to report back its findings to the meeting, which might ask the requested State party to take measures to address the compliance issue within a specified period of time. In connection with matters of compliance, each State party was responsible for taking all appropriate legal, administrative and other measures to prevent and suppress any activity prohibited under the Convention by persons or on territory under its jurisdiction or control (article 9).

The Convention also dealt with: settlement of disputes (article 10); regular and special meetings of the States parties (article 11); review conferences (12); amendments to the Convention (13); responsibility for costs of meetings of States parties, special meetings of States parties, the review conferences and the amendment conferences, as well as fact-finding missions (14); signature of the Convention (15); ratification, acceptance, approval or accession (16); entry into force (17); provisional application (18); reservations (19); unlimited duration of the Convention (20); the designation of the Secretary-General as depositary (21); and equal authenticity of the texts of the Convention in UN official languages (22).

Under the terms of the Convention, the Secretary-General and the United Nations were

required to play a role that exceeded the traditional role of depositary. The UN Mine Action Service, located within the Department of Peacekeeping Operations, was designated by the Secretary-General as the focal point for all mine-related activities within the UN system. In connection with the activities of collection, analysis and dissemination of mine-related information to be undertaken by the United Nations, Switzerland announced that it would establish an information management system. With respect to international cooperation and assistance, the United Nations maintained a database on mine-clearance experts and technologies, would elaborate national demining programmes upon request, would provide assistance for the care of mine victims and for mine-awareness programmes, and maintained the United Nations Voluntary Trust Fund for Mine Clearance, established in 1994 [YUN 1994, p. 172]. Regarding transparency measures, the Secretary-General received and circulated to States parties annual reports on the various categories of information mentioned above, and, for facilitation and clarification of compliance, he maintained lists of experts qualified to carry out fact-finding missions, appointed the members of such missions and circulated their reports. In addition, he convened the various meetings of States parties provided for in the Convention.

(For information on assistance in mine clearance, see PART THREE, Chapter III.)

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 A** by recorded vote (142-0-18) [agenda item 71].

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction

The General Assembly,

Determined to put an end to the suffering and casualties caused by anti-personnel mines that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do the utmost to contribute in an efficient and coordinated manner to facing the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do the utmost in assuring assistance for the care and rehabilitation, including the social and economic reintegration, of mine victims,

Recalling its resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban on anti-personnel mines, and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasizing the desirability of attracting the adherence of all States to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and determined to work strenuously towards the promotion of its universalization in all relevant forums including, inter alia, the United Nations, the Conference on Disarmament, regional organizations and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing itself on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Welcoming the conclusion of negotiations on 18 September 1997 at Oslo on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction,

1. Invites all States to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, which was open for signature at Ottawa on 3 and 4 December 1997 and at Headquarters in New York on 5 December 1997, and which shall remain open for signature thereafter at Headquarters until its entry into force;

2. Urges all States to ratify the Convention without delay subsequent to their signatures;

3. Calls upon all States to contribute towards the full realization and effective implementation of the Convention to advance the care and rehabilitation, and the social and economic reintegration of mine victims, and mine-awareness programmes, and the removal of anti-personnel mines placed throughout the world and the assurance of their destruction;

4. Requests the Secretary-General to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him by the Convention;

5. Decides to include in the provisional agenda of its fifty-third session an item entitled "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction".

RECORDED VOTE ON RESOLUTION 52/38 A:

In favour Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Azerbaijan, China, Cuba, Egypt, India, Iran, Israel, Kazakhstan, Mongolia, Morocco, Myanmar, Pakistan, Republic of Korea, Russian Federation, Syria, Tajikistan, Turkey, United States.

On the same date [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 H** by recorded vote (147-0-15) [agenda item 711.

Contributions towards banning anti-personnel landmines

The General Assembly,

Recalling its previous resolutions 48/75 K of 16 December 1993, 49/75 D of 15 December 1994, 50/70 O of 12 December 1995 and 51/45 S of 10 December 1996,

Taking into account the efforts to address the landmine issue, and underlining that the efforts made within different forums should be mutually reinforcing.

Taking note of the decisions taken by States to adopt bans, moratoriums or other restrictions on transfers of anti-personnel landmines, and other measures taken unilaterally,

Welcoming the ongoing national, regional and multi-lateral efforts in demining and victim rehabilitation,

Having considered the report of the Conference on Disarmament,

1. Urges all States and regional organizations to intensify their efforts to contribute to the objective of the elimination of anti-personnel landmines;

2. Welcomes, as interim measures, the various bans, moratoriums and other restrictions already declared by States on anti-personnel landmines, and calls upon States that have not yet done so to declare and implement such bans, moratoriums and other restrictions as soon as possible;

3. Invites the Conference on Disarmament to intensify its efforts on the issue of anti-personnel landmines;

4. Decides to include in the provisional agenda of its fifty-third session an item entitled "Contributions towards banning anti-personnel landmines".

RECORDED VOTE ON RESOLUTION 52/38 H:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen.

Against: None.

Abstain: Benin, Botswana, Cuba, Eritrea, Indonesia, Kenya, Malawi, Mexico, Mozambique, Namibia, Philippines, South Africa, Togo, Zambia, Zimbabwe.

Small arms

Panel of Governmental Experts

In accordance with General Assembly resolution 50/70 B [YUN 1995, p. 217], the Secretary-General submitted, in August, a report on small arms [A/52/298], prepared with the assistance of the Panel of Governmental Experts on Small Arms, appointed in 1996 [YUN 1996, p. 488]. The report focused on the types of small arms and light weapons used in conflicts dealt with by the United Nations; the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade; and the prevention and reduction of the excessive and destabilizing accumulation and transfer of small arms and light weapons.

The Panel held three sessions in New York (24-28 June 1996 [YUN 1996, p. 489], 20-31 January 1997 and 7-18 July) and also met in Tokyo (26-28 May) at the invitation of the Government of Japan. It also conducted three regional workshops, in Pretoria, South Africa (23-25 September 1996) [YUN 1996, p. 489], San Salvador, El Salvador (16-17 January 1997), and Kathmandu, Nepal (22-23 May).

In its assessment, the Panel related the phenomenon of the excessive accumulation and use of small arms and light weapons to the increasing incidence of internal conflicts and high levels of crime and violence, the handling of small arms by private and irregular groups, and the connection between the illicit trafficking in small arms and light weapons and drug-trading and criminal activities. The Panel made a series of recommendations to the United Nations and to States on

how to reduce the trend in specific regions of the world where such weapons had already accumulated, and on measures to prevent such accumulations and transfers from occurring in the future.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 J** by recorded vote (158-0-6) [agenda item 71 (b)].

Small arms

The General Assembly,

Recalling its resolution 50/70 B of 12 December 1995,

Recalling also its resolution 51/45 L of 10 December 1996, in which it welcomed the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the affected States of the Saharo-Sahelian subregion,

Convinced of the need for a comprehensive approach to promote, at the global and regional levels, the control and reduction of small arms and light weapons in a balanced and non-discriminatory manner as a contribution to international peace and security,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves,

Reaffirming also the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, *inter alia*, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming further the urgent need for practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons that are actually killing people in the hundreds of thousands,

Welcoming the submission of the report of the Secretary-General prepared with the assistance of the Panel of Governmental Experts on Small Arms, which contains measures to reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons in specific regions of the world and to prevent such accumulations and transfers from occurring in future,

Welcoming also the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, which were adopted by consensus by the Disarmament Commission in 1996, and taking note of the ongoing efforts of the Commission to consider guidelines for post-conflict situations, including demobilization of former combatants, disposal and destruction of weapons, as well as confidence- and security-building measures,

1. Endorses the recommendations contained in the report on small arms, which was approved unanimously by the Panel of Governmental Experts on Small Arms, bearing in mind the views of Member States on the recommendations;

2. Calls upon all Member States to implement the relevant recommendations to the extent possible and where necessary in cooperation with appropriate international and regional organizations and/or through international and regional cooperation among police, intelligence, customs and border control services;

3. Requests the Secretary-General to implement the relevant recommendations, in particular to initiate a study on the problems of ammunition and explosives in all their aspects, as early as possible, within available financial resources, and in cooperation with appropriate international and regional organizations where necessary;

4. Also requests the Secretary-General to seek the views of Member States on the report and on the steps that they have taken to implement its recommendations, and, in particular, to seek their views on the recommendation concerning the convening of an international conference on the illicit arms trade in all its aspects in time for consideration by the General Assembly at its fifty-third session;

5. Further requests the Secretary-General to prepare a report, with the assistance of a group of governmental experts to be nominated by him in 1998 on the basis of equitable geographical representation, (a) on the progress made in the implementation of the recommendations of the report on small arms and (b) on further actions recommended to be taken, to be submitted to the General Assembly at its fifty-fourth session;

6. Encourages Member States and the Secretary-General to carry out recommendations for post-conflict situations, including demobilization of former combatants and disposal and destruction of weapons;

7. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Small arms".

RECORDED VOTE ON RESOLUTION 52/38 J:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Bahrain, Israel, Oman, Russian Federation, Saudi Arabia, United Arab Emirates.

In the Committee, the fifth preambular paragraph was retained by a recorded vote of 120 to none, with 23 abstentions. Similarly, the Assembly adopted the paragraph by a recorded vote of 139 to none, with 21 abstentions.

Assistance to States

In response to General Assembly resolution 51/45 L [YUN 1996, p. 490], the Secretary-General, in a July report [A/52/264], discussed further developments concerning assistance to States for curbing the illicit traffic in small arms and collecting them. Since the adoption of that resolution, the Secretary-General said he had not received any specific request for UN assistance from States.

A senior UN official had been sent to Bamako, Mali, to represent the Secretary-General at official ceremonies commemorating the first anniversary of the "Flame of Peace" (Timbuktu, Mali, 27 March 1996), during which thousands of small arms handed over by ex-combatants of the armed movements of northern Mali were publicly destroyed. The Secretary-General looked forward to the implementation of a moratorium on the import, export and manufacture of light weapons, a proposal adopted in 1996 at an international conference on conflict prevention, disarmament and development in West Africa, organized by the UN Institute for Disarmament Research, the UN Department for Political Affairs and the United Nations Development Programme, in cooperation with the Government of Mali. In March 1997, ministerial-level consultations were held in Bamako among Algeria, Burkina Faso, Guinea, Liberia, Mali, Mauritania and Senegal, which resulted in the adoption of a document for the declaration of a moratorium, including the establishment of a mechanism called the Programme for Coordination and Assistance on Disarmament and Security.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 C** without vote [agenda item 71 (b)].

Assistance to States for curbing the illicit traffic in small arms and collecting them

The General Assembly,

Recalling its resolutions 46/36 H of 6 December 1991, 47/52 G and J of 9 December 1992, 48/75 H and J of 16 December 1993, 49/75 G of 15 December 1994, 50/70 H of 12 December 1995 and 51/45 L of 10 December 1996,

Considering that the illicit circulation of massive quantities of small arms throughout the world impedes development and is a source of increased insecurity,

Considering also that the illicit international transfer of small arms and their accumulation in many countries constitute a threat to their populations and to national and regional security and are a factor contributing to the destabilization of States,

Basing itself on the statement of the Secretary-General relating to the request of Mali for United Nations assistance for the collection of small arms,

Gravely concerned at the extent of the insecurity and banditry linked to the illicit circulation of small arms in Mali and the other affected States of the Saharo-Saharan subregion,

Taking note of the first conclusions of the United Nations advisory missions sent to the affected countries of the subregion by the Secretary-General to study the best way of curbing the illicit circulation of small arms and ensuring their collection,

Taking note also of the interest shown by the other States of the subregion in receiving a United Nations advisory mission,

Noting the actions taken and those recommended at the meetings of the States of the subregion held at Banjul, Algiers, Bamako, Yamoussoukro and Niamey to establish close regional cooperation with a view to strengthening security,

Basing itself on the report of the Secretary-General on the work of the Organization, in particular the section entitled "Preventive diplomacy, peaceful settlement of disputes and disarmament",

1. Welcomes the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the affected States of the Saharo-Saharan subregion;

2. Also welcomes the action taken by the Secretary-General in implementation of this initiative in the context of General Assembly resolution 40/151 H of 16 December 1985;

3. Thanks the Governments concerned in the subregion for the substantial support that they have given to the United Nations advisory missions, and welcomes the declared readiness of other States to receive the United Nations Advisory Mission;

4. Encourages the Secretary-General to continue his efforts, in the context of the implementation of resolution 49/75 G and of the recommendations of the United Nations advisory missions, to curb the illicit circulation of small arms and to collect such arms in the affected States that so request, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity;

5. Notes that, as part of its efforts to halt the flow of small arms into Mali and the Saharo-Saharan subregion, the Government of Mali oversaw the destruction, at the "Flame of Peace" ceremony held at Timbuktu, Mali, on 27 March 1996, of thousands of small arms handed over by ex-combatants of the armed movements of northern Mali;

6. Encourages the setting up in the countries of the Saharo-Saharan subregion of national commissions against the proliferation of small arms, and invites the international community to support as far as possible the smooth functioning of the national commissions where they have been set up;

7. Takes note of the conclusions of the ministerial consultation on the proposal for a moratorium on the importing, exporting and manufacture of light weapons in the region, held at Bamako on 26 March 1997, and encourages the States concerned to pursue their consultations on the matter;

8. Requests the Secretary-General to continue to examine the issue and to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its fifty-third session an item entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them".

Illicit arms manufacture and transfer

The General Assembly of the Organization of American States (OAS) (twenty-fourth special session, Washington, D.C., 13-14 November) adopted the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, which was subsequently signed by 29 States.

The 30-article Convention, among other things: covered legal and operational measures to prevent, combat and eradicate illegal arms trafficking; established a system for licensing the export, import and international transit of firearms and the maintenance of adequate records by manufacturers, importers and exporters of firearms; required appropriate markings on firearms; and committed States parties to adequate border controls and to pass legislation making it a crime to engage in the illicit manufacturing and trafficking of arms, ammunition and explosives.

In response to General Assembly resolution 51/45 F [YUN 1996, p. 489], the Secretary-General reported on national control measures on arms transfers with a view to preventing illicit ones; effective ways to collect weapons transferred illicitly; and measures to curb the illicit transfer and use of conventional arms [A/52/229].

Convention on excessively injurious conventional weapons and Protocols

As requested in General Assembly resolution 51/49 [YUN 1996, p. 485], the Secretary-General submitted a report [A/52/227 & Con.1,2] updating, as at 30 June, the status of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects [YUN 1980, p. 76] and its four Protocols (dealing with non-detectable fragments; mines, booby traps and other devices; incendiary weapons; and blinding laser weapons).

As at 31 December 1997, there were 71 States parties to the Convention. During the year, Cambodia, Cape Verde, the Holy See, Monaco, Panama, Peru, Portugal and Uzbekistan became parties to the Convention, which had entered into force in 1983 [YUN 1983, p. 66].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First

Committee [A/52/604], adopted **resolution 52/42** without vote [agenda item 75].

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 51/49 of 10 December 1996 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV), and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols, and welcoming the decision adopted by the Review Conference in its Final Declaration on 3 May 1996 to convene a Review Conference no later than the year 2001,

1. Welcomes the additional ratifications and acceptances of or accessions to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, as well as the ratifications and acceptances of or accessions to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II);

2. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and the Protocols thereto, and in particular to amended Protocol II, with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

3. Calls, in particular, upon the States parties to the Convention to express their consent to be bound by the

amended Protocol II with a view to its entry into force as soon as possible, and, pending its entry into force, to respect and ensure respect for its substantive provisions to the fullest extent possible;

4. Commends the Protocol on Blinding Laser Weapons (Protocol IV) to all States, with a view to achieving the widest possible adherence to this instrument at an early date and calls, in particular, upon the States parties to express their consent to be bound by the Protocol with a view to its entry into force as soon as possible;

5. Calls upon the Secretary-General, in his capacity as depositary of the Convention and the Protocols annexed thereto, to continue to inform it periodically of ratifications and acceptances of and accessions to the Convention and the Protocols, and decides to include in the provisional agenda of its fifty-third session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

Practical disarmament

Disarmament Commission action. The Disarmament Commission on 21 April approved the provisional agenda for its 1997 substantive session, and decided to allocate to Working Group III the agenda item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N" [A/52/42]. The Group held a general exchange of views, and several working papers were submitted. Subsequently, a non-paper prepared by the Chairman on the basis of the ideas and papers put before the Group served as a basis for further discussion. After a number of revisions, the suggested scope/framework for future guidelines comprised the following elements: introduction, general framework, principles, practical disarmament measures, and other conventional arms control/limitation and disarmament measures. While the text had support as a contribution to the elaboration of the guidelines, it was felt that some elements required further elaboration and refinement. Thus it was annexed, as the Chairman's paper, to the report of the Working Group without prejudice to the positions of delegations.

Report of Secretary-General. In response to General Assembly resolution 51/45 N [YUN 1996, p. 490], the Secretary-General in August reported on the consolidation of peace through practical disarmament measures [A/52/289]. He stated that to respond effectively to the priorities of Member States in the area of disarmament, he was undertaking a managerial reorganization of the Secretariat's capacities. He pointed to the establishment of a new Department for Disarmament Affairs and Arms Regulation. He outlined steps

leading to a more integrated approach to practical disarmament measures, especially in post-conflict situations.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 G** without vote [agenda item 71 (1)].

Consolidation of peace through practical disarmament measures

The General Assembly,

Recalling its resolution 51/45 N of 10 December 1996,

Convinced that a comprehensive and integrated approach towards certain practical disarmament measures, such as, inter alia, arms control, particularly with regard to small arms and light weapons, confidence-building measures, demobilization and reintegration of former combatants, demining and conversion, often is a prerequisite to maintaining and consolidating peace and security and thus provides a basis for effective rehabilitation and social and economic development in areas that have suffered from conflict,

Noting with satisfaction that, since the adoption of resolution 51/45 N, the importance of such practical disarmament measures has received growing attention from the international community in general, and from interested and affected Member States in particular, as well as from the Secretary-General,

Stressing that further efforts are needed in order to develop and effectively implement programmes of practical disarmament in affected areas,

Recalling the deliberations at the 1997 substantive session of the Disarmament Commission in Working Group III on agenda item 6, entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N", where the scope of resolution 51/45 N was a major focus,

Welcoming the adoption by the Disarmament Commission of the "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991",

Noting, with reference to its resolution 50/70 B of 12 December 1995, the report of the Panel of Governmental Experts on Small Arms and its relevance in the context of the present resolution and of the ongoing work in the Disarmament Commission,

1. Stresses the particular relevance of the deliberations at the 1997 substantive session of the Disarmament Commission in Working Group III on agenda item 6, entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N", for this topic, takes note of the Chairman's paper of 9 May 1997 and other views expressed, as a useful basis for further deliberations, and encourages the Disarmament Commission to continue its efforts aimed at the adoption of such guidelines;

2. Takes note of the report of the Secretary-General on the consolidation of peace through practical dis-

armament measures, submitted pursuant to resolution 51/45 N, and encourages Member States as well as regional arrangements and agencies to lend their support to the implementation of relevant recommendations contained therein;

3. Recognizes, with reference to paragraph 12 of section III of the report, that the readiness of the international community to assist affected States in their efforts to consolidate peace would greatly benefit the effective implementation of practical disarmament measures;

4. Invites interested States to establish a group in order to facilitate this process and to build upon the momentum generated, and requests the Secretary-General to lend his support to the efforts of such a group;

5. Decides to include in the provisional agenda of its fifty-third session the item entitled "Consolidation of peace through practical disarmament measures".

Transparency

Conference on Disarmament. In 1997, delegations addressed the issue of transparency in armaments during plenary and informal meetings of the Conference on Disarmament [A/52/27]. Their statements revealed, once again, a divergence of views on the scope of the item, the most appropriate way to deal with it and the mandate of a possible ad hoc committee. Proposals submitted to the Conference envisaged various approaches: one, by Iran, sought to establish an ad hoc committee to consider means of promoting transparency [CD/1450]; another, by Canada, to address transparency as a part of the broader issue of conventional disarmament [CD/1456]; and another, by the Group of 21, to appoint a special coordinator to seek views of the members of the Conference on Disarmament [CD/1462]. None of the proposals commanded consensus.

The Western and Eastern European countries wished the Conference to continue considering the subject of transparency in armaments as a means of ensuring a proper balance between the nuclear and conventional items on the agenda, and believed that it could contribute to the further improvement and strengthening of the United Nations Register of Conventional Arms. They thus called for the re-establishment of the appropriate ad hoc committee.

On the other hand, the non-aligned countries were dissatisfied with the mandate based on General Assembly resolution 46/36 L [YUN 1991, p. 57]. Some of them did not object, in principle, to the establishment of the ad hoc committee, provided that its mandate would be comprehensive, addressing transparency in terms of both conventional arms and weapons of mass destruction, and also encompassing stockpiles of armaments, national production, and transfers of high tech-

nology with military applications. Others reiterated that currently the concept of transparency was vague and imprecise, and that the former ad hoc committee on transparency in armaments had exhausted its mandate. Under the circumstances, the Group of 21, recognizing the sensitivity of the issue, was in favour of appointing a special coordinator to seek views of members of the Conference on the item.

UN Register of Conventional Arms

In accordance with General Assembly resolution 51/45 H [YUN 1996, p. 486], the Secretary-General submitted the fifth annual report on the United Nations Register of Conventional Arms [A/52/312 & Corr.1,2 & Add.1-4], established in 1992 [YUN 1992, p. 75] to promote enhanced levels of transparency regarding arms transfers.

The report contained data on imports and exports during the 1996 calendar year in the seven categories of conventional arms: battle tanks, armoured combat vehicles, large-calibre artillery systems, attack helicopters, combat aircraft, warships, and missiles and missile launchers. Information had been provided by 93 Governments; an index by State of the type of background information submitted by Governments was also included.

Group of Governmental Experts

As requested by the General Assembly in resolution 51/45 H [YUN 1996, p. 486], the Secretary-General, in August, reported on the continuing operation of the Register and its further development, with data from a Group of Governmental Experts. The Group, which had held three sessions between March and August (New York) [A/52/316 & Corr.2], reviewed the Register's first five years of operation and examined various proposals to develop it further, to make it more efficient and effective, and to encourage wider participation.

In its review of the Register's operation for the calendar years from 1992 to 1996, as well as data submitted up to and including 15 August 1997, the Group concluded that the Register showed a consistent level of participation, but there were wide variations in the levels of reporting among regions. The promotion of understanding of the Register should be maintained and, where possible, increased; Member States should designate an official point of contact for Governments relative to reporting to the Register; and a further comprehensive review of the operation of the Register would be needed. The Group was unable to agree on expanding the scope of the Register, the addition of new categories to the Regis-

ter, and technical adjustments to existing categories.

The Group made recommendations to Member States concerning: participation; nominating a national point of contact; changing the annual due date for reporting; amending the reporting format and explanatory notes; and providing additional information, such as types or models. It recommended that the General Assembly ask the Secretary-General to ensure resources to operate and maintain the Register, and that it decide at an early date on a time to conduct a full review of the continuing operation of the Register and its further development. Appended to the Group's report was a list of the categories of equipment covered under the Register and their definitions, and standardized forms for reporting international transfers of conventional arms, for both imports and exports.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 R** by recorded vote (155-0-11) [agenda item 71 (c)].

Transparency in armaments

The General Assembly,

Recalling its resolutions 46/36 L of 9 December 1991, 47/52 L of 15 December 1992, 48/75 E of 16 December 1993, 49/75 C of 15 December 1994, 50/70 D of 12 December 1995 and 51/45 H of 10 December 1996,

Continuing to take the view that an enhanced level of transparency in armaments contributes greatly to confidence-building and security among States and that the establishment of the United Nations Register of Conventional Arms constitutes an important step forward in the promotion of transparency in military matters,

Welcoming the consolidated report of the Secretary-General on the Register, which includes the returns of Member States for 1996,

Welcoming also the response of Member States to the request contained in paragraphs 9 and 10 of resolution 46/36 L to provide data on their imports and exports of arms, as well as available background information regarding their military holdings, procurement through national production and relevant policies,

Welcoming further the report of the Secretary-General on the continuing operation of the Register and its further development,

Stressing that the continuing operation of the Register and its further development should be reviewed in order to secure a Register that is capable of attracting the widest possible participation,

1. Reaffirms its determination to ensure the effective operation of the United Nations Register of Conventional Arms as provided for in paragraphs 7 to 10 of resolution 46/36 L;

2. Takes note of the report of the Secretary-General on the continuing operation of the Register and its further development, and endorses the recommendations contained therein;

3. Calls upon Member States, with a view to achieving universal participation, to provide the Secretary-General by 31 May annually with the requested data and information for the Register, including nil reports if appropriate, on the basis of resolutions 46/36 L and 47/52 L and the recommendations contained in paragraph 64 of the 1997 report of the Secretary-General on the continuing operation of the Register and its further development;

4. Invites Member States in a position to do so, pending further development of the Register, to provide additional information on procurement from national production and military holdings and to make use of the "Remarks" column in the standardized reporting form to provide additional information such as types or models;

5. Decides, with a view to further development of the Register, to keep the scope of and participation in the Register under review, and to that end:

(a) Requests Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction;

(b) Requests the Secretary-General, with the assistance of a group of governmental experts to be convened in the year 2000 on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account the work of the Conference on Disarmament, the views expressed by Member States and his reports on the continuing operation of the Register and its further development, with a view to a decision at its fifty-fifth session;

6. Requests the Secretary-General to implement the recommendations within his competence contained in his 1997 report on the continuing operation of the Register and its further development and to ensure that sufficient resources are made available for the Secretariat to operate and maintain the Register;

7. Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments;

8. Reiterates its call upon all Member States to cooperate at the regional and subregional levels, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments;

9. Requests the Secretary-General to report to the General Assembly at its fifty-third session on progress made in implementing the present resolution;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Transparency in armaments".

RECORDED VOTE ON RESOLUTION 52/38 R:

In favour Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar,

Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Algeria, Cuba, Democratic People's Republic of Korea, Egypt, Iran, Lebanon, Libya, Mexico, Myanmar, Saudi Arabia, Syria.

In the Committee, paragraphs 5 (b) and 7 were adopted by separate recorded votes of 127 to none, with 8 abstentions, and 123 to none, with 14 abstentions, respectively. The Assembly retained the paragraphs by recorded votes of 153 to none, with 9 abstentions, and 151 to none, with 15 abstentions.

On the same date [meeting 67], the Assembly, also on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 B** by recorded vote (98-45-13) [agenda item 71 (c)].

Transparency in armaments

The General Assembly,

Recalling its earlier resolutions on transparency in armaments,

Continuing to hold the view that an enhanced level of transparency in all types of armaments contributes greatly to confidence-building and security among States,

Taking duly into account the relationship between transparency and the security needs of all States at the regional and international levels,

Recognizing that, notwithstanding the fact that the United Nations Register of Conventional Arms in its current form deals with seven categories of conventional weapons, the principle of transparency should also apply to weapons of mass destruction and to transfers of equipment and technologies directly related to the development and manufacture of such weapons,

Convinced that an enhanced level of transparency in weapons of mass destruction and transfers of equipment and technologies directly related to the development and manufacture of such weapons could serve as a catalyst towards general and complete disarmament,

Stressing the need to achieve universality of the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as other instruments related to transfers of equipment and technologies directly related to the development and manufacture of such weapons, with a view to realizing the goal of the total elimination of all weapons of mass destruction,

1. Takes note of the reports of the Secretary-General on transparency in armaments;

2. Reaffirms its conviction of the interrelationship between transparency in the field of conventional weapons and transparency in the fields of weapons of mass destruction and transfers of equipment and technologies directly related to the development and manufacture of such weapons;

3. Requests the Secretary-General to seek the views of Member States on ways and means of enhancing transparency in the fields of weapons of mass destruction and transfers of equipment and technologies directly related to the development and manufacture of such weapons with a view to enhancing transparency in the field of conventional weapons and to include in his report to the General Assembly at its fifty-third session a special section on the implementation of the present resolution;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "Transparency in armaments".

RECORDED VOTE ON RESOLUTION 52/38 B:

In favour. Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uzbekistan.

Abstain: Argentina, Belarus, China, Cyprus, Georgia, India, Japan, Kazakhstan, Malta, Marshall Islands, Pakistan, Republic of Korea, Tajikistan.

In the Committee, paragraph 3 and the sixth preambular paragraph were adopted by separate recorded votes of 73 to 46, with 17 abstentions, and 80 to 34, with 25 abstentions, respectively. The same paragraphs were adopted by the Assembly by recorded votes of 95 to 46, with 15 abstentions, and 96 to 35, with 25 abstentions.

Other issues

Transparency of military expenditures

On 25 August, the Secretary-General provided information received from 27 Member States in standardized form regarding their military expenditures [A/52/310], as requested in General Assembly resolution 51/38 [YUN 1996, p. 487].

In a 27 August report [A/52/302], the Secretary-General presented the views of the Netherlands on behalf of the European Union and of the countries of Central and Eastern Europe associated with it (Bulgaria, Cyprus, Czech Republic,

Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia), as well as Iceland and Norway, in reply to a request in that resolution that he seek the views of Member States on changes to the content and structure of the system for the standardized reporting of military expenditures. Owing to the financial situation of the Organization in 1996, the Secretary-General noted, it was not possible to organize consultations to compare the reporting instruments used by other international bodies receiving similar data. He stated that he intended to resume consultations to ascertain the requirements for adjusting the current instrument to encourage wider participation.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/594], adopted **resolution 52/32** without vote [agenda item 65].

Objective information on military matters, including transparency of military expenditures

The General Assembly,

Recalling its resolution 51/38 of 10 December 1996 on objective information on military matters, including transparency of military expenditures,

Also recalling its resolution 35/142 B of 12 December 1980, which introduced the United Nations system for the standardized reporting of military expenditures, and its resolutions 48/62 of 16 December 1993 and 49/66 of 15 December 1994, calling upon all Member States to participate in it, and its resolution 47/54 B of 9 December 1992, endorsing the guidelines and recommendations for objective information on military matters and inviting Member States to provide relevant information to the Secretary-General regarding their implementation,

Noting that since then national reports on military expenditures and on the guidelines and recommendations for objective information on military matters have been submitted by a number of Member States belonging to different geographic regions,

Welcoming the report of the Secretary-General on ways and means to implement the guidelines and recommendations for objective information on military matters, including, in particular, how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures,

Expressing its appreciation to the Secretary-General for providing Member States with the reports on military expenditures in standardized form reported by States and on guidelines and recommendations for objective information on military matters,

Welcoming the decision of many Member States to exchange and to publish information annually on their military budgets and to implement the guidelines and recommendations for objective information on military matters, as appropriate,

Reaffirming its firm conviction that a better flow of objective information on military matters can help to relieve international tension and contribute to the build-

ing of confidence among States and to the conclusion of concrete disarmament agreements,

Convinced that the improvement of international relations forms a sound basis for promoting further openness and transparency in all military matters,

Recalling that the guidelines and recommendations for objective information on military matters recommended certain areas for further consideration, such as the improvement of the United Nations system for the standardized reporting of military expenditures,

1. Recommends the guidelines and recommendations for objective information on military matters to all Member States for implementation, fully taking into account specific political, military and other conditions prevailing in a region, on the basis of initiatives and with the agreement of the States of the region concerned;

2. Calls upon all Member States to report annually, by 30 April, to the Secretary-General their military expenditures for the latest fiscal year for which data are available, using, for the time being, the reporting instrument as recommended in its resolution 35/142 B;

3. Requests the Secretary-General to circulate annually the reports on military expenditures as received from Member States;

4. Endorses the intention of the Secretary-General, as stated in his report, to resume consultations with relevant international bodies, within existing resources, with a view to ascertaining the requirements for adjusting the present instrument to encourage wider participation;

5. Requests the Secretary-General to make recommendations, based on the outcome of the intended consultations and taking into account the views of Member States, on necessary changes to the content and structure of the United Nations system for the standardized reporting of military expenditures in order to strengthen and broaden participation, and to submit a report on the subject to the General Assembly at its fifty-third session;

6. Calls upon all Member States, in time for the deliberation by the General Assembly at its fifty-third session, to provide the Secretary-General with their views on ways and means to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures, including necessary changes to its content and structure;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "Objective information on military matters, including transparency of military expenditures".

Verification

As requested by General Assembly resolution 50/61 [YUN 1995, p. 233], the Secretary-General, in August, submitted a report [A/52/269] containing the views of two Member States (Canada and Ecuador) on the recommendations contained in the expert study on verification in all its aspects, including the UN role in verification [YUN 1995, p. 233].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/592], adopted **resolution 52/31** without vote [agenda item 63].

Verification in all its aspects, including the role of the United Nations in the field of verification

The General Assembly,

Noting the critical importance of, and the vital contribution that has been made by, effective verification measures in arms limitation and disarmament agreements and other similar obligations,

Reaffirming its support for the sixteen principles of verification drawn up by the Disarmament Commission,

Recalling its resolutions 40/152 O of 16 December 1985, 41/86 Q of 4 December 1986, 42/42 F of 30 November 1987, 43/81 B of 7 December 1988, 45/65 of 4 December 1990, 47/45 of 9 December 1992, 48/68 of 16 December 1993 and 50/61 of 12 December 1995,

Recalling also the reports of the Secretary-General of 11 July 1986, 28 August 1990, 16 September 1992, 26 July 1993, 22 September 1995 and 6 August 1997, and the addenda thereto,

1. Reaffirms the critical importance of, and the vital contribution that has been made by, effective verification measures in arms limitation and disarmament agreements and other similar obligations;

2. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on further views received from Member States pursuant to resolution 50/61;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Verification in all its aspects, including the role of the United Nations in the field of verification".

Regional and other approaches to disarmament

Africa

With Africa widely regarded as having one of the largest concentrations of anti-personnel mines in the world, individual African States and the Organization of African Unity (OAU) took an active part in worldwide efforts to ban those weapons. In May, 40 OAU member States, UN specialized agencies and a wide spectrum of representatives of the donor community and of non-governmental organizations (NGOs) attended the first Continental Conference of African Experts on Landmines (Kempton Park, South Africa, 19-21 May) [CD/1468]. The meeting adopted a plan of action covering the issues of African policies on anti-personnel landmines, including mine clearance, realization of an African landmine-free zone, landmine survivors assistance and in-

ternational cooperation and finance aimed at demining countries in the region.

In addition, African States, OAU, the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL), other NGOs and regional organizations organized conferences in support of a ban on anti-personnel mines. ICBL held its fourth international conference (Maputo, Mozambique, 25-28 February) and ICRC and OAU sponsored a meeting of the South African Development Community (Harare, Zimbabwe, 20-23 April). In December, 39 States in the region signed the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (see above, under "Landmines"). At the national level, Angola, Kenya, Somalia, Zambia and Zimbabwe launched landmine ban campaigns, while Mozambique and South Africa officially banned landmines from their countries. South Africa completed the destruction of its stockpiles on 30 October.

Under the Bangui Agreements [S/1997/561], signed on 25 January, an inter-African force was established to monitor their implementation and to disarm the former rebels, the militia and all other unlawfully armed individuals in the Central African Republic. Between the ceasefire of 2 July and year's end [S/1998/61], the disarmament provisions of the Agreements had been implemented almost fully with regard to heavy weapons and, with regard to light weapons, close to two thirds had been handed over to the regional peace force. (See also PART ONE, Chapter II.)

In West Africa, the successful completion of the disarmament and demobilization exercise in Liberia marked a significant turn of events (see PART ONE, Chapter II). The term of the Economic Community of West African States Monitoring Group, known as ECOMOG, was extended to help consolidate and strengthen security in the country and to assist with the restructuring and training of the armed forces as well as the police and security services. Following the withdrawal of the United Nations Observer Mission in Liberia, a representative of the Secretary-General was appointed to head a UN Peacebuilding Support Office there.

In an effort to curb small arms and light weapons, a ministerial consultation on the proposal for a moratorium on the import, export and manufacture of light weapons in the Saharo-Saharan subregion was held (Bamako, Mali, March). Consultations took place among representatives of Algeria, Burkina Faso, Guinea, Liberia, Mali, Mauritania and Senegal, and were observed by representatives of the United Na-

tions, OAU, the Central African Non-Aggression Pact, the Chairman of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the United States Arms Control and Disarmament Agency, the Norwegian Institute of International Affairs and the Canadian International Development Agency. The consultations resulted in the adoption of a document for the declaration of a moratorium on import, export and manufacture of light weapons, including the establishment of a mechanism called the Programme for Coordination and Assistance on Disarmament and Security.

The need to take effective steps for conflict prevention was discussed at the ninth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (Libreville, Gabon, 7-11 July) [A/52/283-S/1997/644]. In an August report covering the activities of that Committee [A/52/293], the Secretary-General presented highlights of the ninth ministerial meeting, stating that it called for eliminating sanctions against Burundi and setting up peace operations in the Central African Republic; establishing the early-warning mechanism for Central Africa agreed upon in 1996 [YUN 1996, p. 4921; and action against illicit arms transfers and circulation in Central Africa. The ministerial meeting appealed to all States members of the Committee to sign the Non-Aggression Pact [YUN 1996, p. 492], and to the international community to support the Committee's efforts to enhance stability in the subregion, particularly to establish in Libreville a subregional early-warning mechanism aimed at preventing future armed conflicts in Central Africa. At the meeting, France and the United States informed participants of a programme launched jointly with the United Kingdom to strengthen the capacity of African States to participate more effectively in peace operations of the region. The Committee agreed to carry out a number of programmes and activities for the remainder of 1997 and into early 1998, funded from voluntary contributions to a trust fund set up at the request of the General Assembly in resolution 50/71 B [YUN 1995, p. 216].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/601], adopted **resolution 52/39 B** without vote [agenda item 72 (b)].

Regional confidence-building measures

The General Assembly,

Recalling the purposes and principles of the United Nations and its primary responsibility for the maintenance

of international peace and security in accordance with the Charter of the United Nations,

Bearing in mind the guidelines for general and complete disarmament adopted at its tenth special session, the first special session devoted to disarmament,

Recalling its resolutions 43/78 H and 43/85 of 7 December 1988, 44/21 of 15 November 1989, 45/58 M of 4 December 1990, 46/37 B of 6 December 1991, 47/53 F of 15 December 1992, 48/76 A of 16 December 1993, 49/76 C of 15 December 1994, 50/71 B of 12 December 1995 and 51/46 C of 10 December 1996,

Considering the importance and effectiveness of confidence-building measures taken at the initiative and with the participation of all States concerned, and taking into account the specific characteristics of each region, since such measures can contribute to regional disarmament and to international security, in accordance with the principles of the Charter,

Convinced that the resources released by disarmament, including regional disarmament, can be devoted to economic and social development and to the protection of the environment for the benefit of all peoples, in particular those of the developing countries,

Convinced also that development can be achieved only in a climate of peace, security and mutual confidence both within and among States,

Bearing in mind the establishment by the Secretary-General on 28 May 1992 of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the purpose of which is to encourage arms limitation, disarmament, non-proliferation and development in the subregion,

Recalling the **Brazzaville Declaration on Cooperation for Peace and Security** in Central Africa,

1. Takes note of the report of the Secretary-General on regional confidence-building measures, which deals with the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa in the period since the adoption by the General Assembly of resolution 51/46 C;

2. Reaffirms its support for efforts aimed at promoting confidence-building measures at regional and sub-regional levels in order to ease tensions and conflicts in the subregion and to further disarmament, non-proliferation and the peaceful settlement of disputes in Central Africa;

3. Also reaffirms its support for the programme of work of the Standing Advisory Committee adopted at the organizational meeting of the Committee held at Yaounde in July 1992;

4. Invites the States members of the Standing Advisory Committee that have not yet signed the Non-Aggression Pact to do so, and encourages all member States to expedite ratification, being convinced that the entry into force of the Pact will effectively contribute to the prevention of conflicts in the Central African sub-region;

5. Welcomes with satisfaction the programmes and activities of the Standing Advisory Committee for the period 1997-1998, adopted by the member States during the ninth ministerial meeting held at Libreville from 7 to 11 July 1997, which are designed:

(a) To set up and render operational at the earliest opportunity and on the basis of voluntary contributions an early warning system for Central Africa;

(b) To launch programmes designed to retrain demobilized soldiers and prepare them for reintegration into civilian life;

(c) To combat the illegal circulation of weapons and drugs in the subregion;

(d) To organize training seminars so as to strengthen the capacity of the Central African States to participate more actively in peacekeeping operations organized under the auspices of the United Nations and the Organization of African Unity;

(e) To organize joint military exercises to simulate the conduct of standard peacekeeping operations;

(f) To organize, for members of the armed forces and security forces of the Central African States, seminars and awareness programmes relating to the conduct of public affairs, the rule of law and respect for human rights;

(g) To hold a subregional conference on the topic "Democratic institutions and peace in Central Africa";

(h) To revert to the holding of two annual meetings of the Standing Advisory Committee at the ministerial level in order to further consultations among the member States;

6. Expresses its conviction that the full implementation of those measures and activities will contribute to the promotion of confidence among the member States, the establishment of democracy and good governance and the consolidation of peace in the Central African subregion;

7. Welcomes the participation, at the invitation of the Government of Gabon, of representatives of the States permanent members of the Security Council in the ninth ministerial meeting of the Standing Advisory Committee, and invites the Secretary-General to facilitate the pursuit of this type of dialogue, which is likely to strengthen cooperation between the Council and the countries concerned with a view to contributing to the peaceful settlement of conflicts in Central Africa, whenever the States members of the Committee so request;

8. Thanks the Secretary-General for having established the Trust Fund for the United Nations Standing Advisory Committee on Security Questions in Central Africa;

9. Appeals to Member States and to governmental and non-governmental organizations to make additional voluntary contributions to the Trust Fund for the implementation of the programme of work of the Standing Advisory Committee, in particular the measures and objectives referred to in paragraph 5 above;

10. Requests the Secretary-General to continue to provide assistance to the States members of the Standing Advisory Committee to ensure that they are able to carry on with their efforts, being convinced that effective cooperation between the international community and the countries of the subregion can stimulate the search for peaceful solutions to the crises and conflicts that occur in the subregion;

11. Also requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its fifty-third session an item entitled "Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa".

Asia and the Pacific

In connection with the observance of its thirtieth anniversary, the thirtieth ministerial meeting of the Association of South-East Asian Nations (ASEAN) was held (Subang Jaya, Malaysia, 24-25 July). Two new members, the Lao People's Democratic Republic and Myanmar, were admitted into ASEAN, whose other members were Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam. The admission of Cambodia was postponed owing to the outbreak of internal strife in the country (see PART ONE, Chapter IV). ASEAN members expressed satisfaction with the level of political and security cooperation among ASEAN countries at regional and international forums, and welcomed proposals among the defence agencies to conduct seminars related to facilitating and enhancing confidence-building among ASEAN members.

The fourth ASEAN Regional Forum (ARF) (Subang Jaya, 27 July) generally agreed that ARF played a positive role in strengthening mutual understanding and promoting greater transparency in the region. In addition to considering regional matters, ARF members emphasized their support for international efforts in various areas of disarmament, including anti-personnel mines, particularly demining programmes and the rehabilitation of mine victims. Apart from the ASEAN States, ARF included Australia, Canada, China, India, Japan, New Zealand, the Republic of Korea, the Russian Federation, the United States and the European Union (EU).

The member States of the Conference on Interaction and Confidence-building Measures in Asia (Almaty, Kazakhstan, 3 December) [A/52/748-S/1997/1003] agreed that they would, without infringing on the rights of all States to conclude disarmament and arms control agreements as appropriate, discuss questions relating to disarmament and non-proliferation, with a view to helping achieve the ultimate goal of the complete elimination of weapons of mass destruction, arms control, security, confidence-building and the peaceful and equitable settlement of disputes.

As follow-up to their 1996 Agreement on Confidence-building in the Military Field in the Border Area [YUN 1996, p. 492], the five parties—China, Kazakhstan, Kyrgyzstan, Tajikistan, Russian Federation—in April signed an Agreement on Mutual Reduction of Military Forces in the Border Area. The Agreement provided for a significant reduction in forces and equipment and the exchange of information on military forces along the borders.

In the context of bilateral relations, China and India exchanged instruments of ratification of their 1996 Agreement on Confidence-building Measures in the Military Field along the Line of Actual Control in the China-India Border Areas, and the Agreement entered into force in August. Both countries began discussions on ways to implement it.

The United States and Japan announced on 23 September the revision of their 1978 defence co-operation guidelines. Under the new arrangement, they agreed to enhance the existing level of cooperation in the event of an emergency. More significantly, for the first time Japan would be able to engage in military activities in cooperation with the United States in the areas surrounding Japan.

Meanwhile, throughout most of 1997, the East Asia region remained the second largest arms market after the Middle East. Despite concerns expressed over the potential for an arms race, most States in the region continued with their respective weapons acquisition programmes.

Europe

Several developments in 1997 had an impact on European security, including plans to enlarge the North Atlantic Treaty Organization (NATO); negotiations on the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation; Vienna negotiations on the adaptation of the 1990 Treaty on Conventional Armed Forces in Europe (CFE) [YUN 1990, p. 79] to the newly created security environment in the region; and activities within the Organization for Security and Cooperation in Europe (OSCE).

The first CFE Treaty Review Conference in May 1996 [YUN 1996, p. 492] had launched a process of treaty adaptation aimed at improving the operation of the Treaty in a changing environment, enhancing its viability and effectiveness, and improving the security of each State party, irrespective of whether it belonged to a politico-military alliance, while providing for extra transparency and specific constraints. According to section VI of the Document agreed to at the Conference, the Document would enter into force upon approval by all States parties; if it did not enter into force by 15 December 1996, they would review it. As the condition was not fulfilled, the States parties agreed to extend the deadline until 15 May 1997. They then successfully initiated negotiations within the Treaty's Joint Consultative Group, based in Vienna, and the Document entered into force on 15 May.

On 23 July, the States parties adopted a "Decision concerning certain basic elements for Treaty

adaptation". The basic agreement provided for the replacement of the bloc-to-bloc structure of the Treaty with the system of national and territorial ceilings. No State party's national ceiling would exceed the level permitted by the current Treaty and aggregated levels would be significantly lower. The national ceilings would be codified as new, binding limits and reviewed every five years at scheduled review conferences. Territorial ceilings would replace the existing structure of zones, with the exception that the substance of the flank regime would be maintained, but reconciled with the Treaty's new adapted structure. Provisions were made for temporary deployments in excess of territorial ceilings. The Treaty was made open for accession by new States parties. Attached to the decision were a statement by the 16 NATO member States and a draft decision on modalities for conducting on-site visits to assess and account for treaty-limited equipment unaccounted for and uncontrolled within the Treaty.

Plans to enlarge NATO had a profound effect on disarmament and arms limitation efforts at both the bilateral level and in the broader European context. After a number of high-level meetings to address the Russian Federation's concerns, NATO members and the Russian Federation signed, on 27 May in Paris, the Founding Act on Mutual Relations, Cooperation and Security [A/52/161-S/1997/413]. The Founding Act stipulated the basic principles on which their relationship was to be based and focused on specific areas. For example, the parties agreed to strive to cooperate in the area of increasing transparency, predictability and mutual confidence regarding the size and roles of their conventional forces; in the negotiations on the adaptation of the CFE Treaty, they would seek to strengthen stability by further developing measures to prevent any potentially threatening build-up of conventional forces in agreed regions of Europe, including Central and Eastern Europe; and in carrying out its collective defence and other missions, NATO would rely on reinforcement rather than on additional permanent stationing of substantial combat forces, and the Russian Federation, for its part, would exercise similar restraint in its conventional force deployments in Europe. To carry out the activities and aims provided in the Act, they also agreed to create the NATO-Russia Permanent Joint Council, which would provide a mechanism for consultation, coordination and, where appropriate, joint decisions and action.

On 30 May, in Sintra, Portugal, members of NATO and participating countries in the Partnership for Peace, a NATO initiative aimed at enhancing stability and security in Europe, decided to

establish a Euro-Atlantic Partnership Council to provide the overarching framework for consultations among its members. On 8 July, in Madrid, Spain, NATO members issued the Madrid Declaration on Euro-Atlantic Security and Cooperation. The Declaration stressed the need to shape the new NATO for the twenty-first century, and invited the Czech Republic, Hungary and Poland to begin accession talks with NATO, so that their membership might become effective by the fiftieth anniversary of NATO, in April 1999. Subsequently, on 16 December, those three States signed the Protocols of Accession of the New Members to NATO in Brussels, Belgium, during a meeting of foreign ministers. Meanwhile, in Madrid, on 9 July, a Charter on a Distinctive Partnership between NATO and Ukraine was signed, providing principles for the development of NATO-Ukraine relations, consultation and co-operation for a more secure Europe.

In accordance with the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (the Dayton-Paris Peace Agreement) [YUN 1995, p. 544], and under the auspices of OSCE, the States parties to the Agreement on Subregional Arms Control, signed in Florence, Italy, on 14 June 1996 [YUN 1996, p. 493], continued to destroy surplus weapons, and several data exchanges took place during the year. That Agreement provided for limitations on five categories of weapons: battle tanks, armoured combat vehicles, artillery pieces of 75 millimetre calibre and above, combat aircraft and attack helicopters. In addition, OSCE inspectors carried out inspections in connection with the destruction of weapons in the region. In an October report [A/52/450], the Secretary-General stated that cooperation between the United Nations and OSCE was evident in consultations, field offices of the United Nations High Commissioner for Human Rights in the territory of the former Yugoslavia, humanitarian assistance in Albania and the political conflict in Tajikistan.

Increasingly concerned about the effects of the transfer and excessive and destabilizing accumulation of small arms and light weapons, the European Union, in June, adopted a programme for preventing and combating illicit trafficking in conventional arms. The programme involved a series of measures to promote cooperation and data exchange between the relevant authorities of member States and called on them to strengthen domestic legislation and administrative procedures and to provide assistance to third countries in post-conflict situations. The programme was aimed at trafficking in all types of conventional weapons, with an emphasis on portable weapons.

Latin America and the Caribbean

Significant achievements were recorded in the promotion of peace and security in the Americas in 1997. As part of ongoing regional efforts to combat the illicit trafficking of small arms, the Organization of American States (OAS), at its twenty-seventh General Assembly (Lima, Peru, 2-6 June), approved the draft of an Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. The final text of the Convention [A/53/78] was submitted to OAS member States, and then opened for signature in Washington, D.C., in November. The Convention, signed by 29 States, aimed to prevent, combat and eradicate illegal arms trafficking by strengthening export controls, sharing law enforcement information, requiring appropriate markings on firearms, improving security measures for confiscated weapons and establishing a licensing system for exports and imports, among other measures. It also established a legal framework to confront the problem of arms trafficking and created a consultative committee to address it. The Convention was scheduled to enter into force 30 days after it had been ratified by two countries.

A seminar on the subject of illicit traffic in small arms and sensitive technologies, organized by the United Nations Institute for Disarmament Research and the Government of Argentina, was held (Buenos Aires, 23-25 April) to address the circulation of a very large number of small arms in Central and South America. The Chairman of the UN Panel studying small arms (see above) discussed its work, and participants in the seminar identified characteristics of the illicit arms trade in South America, such as volume and type of weapons, routes and networks, vulnerability to transboundary smuggling, incidence of terrorism, and level of expertise of law-enforcement and intelligence officials, and formulated practical proposals for future action.

Regarding bilateral relations, Ecuador and Peru undertook to establish a binational commission on mutual confidence- and security-building measures, to embark on the drafting of a comprehensive agreement on border integration, and to complete preparations for the physical demarcation of a common land boundary in disputed areas.

In the latter part of the year, concerns were voiced about the possibility of an increase in arms imports into Latin America—despite a significant number of confidence-building mechanisms put in place between many Latin American States—after the United States decided on 1 August to lift a 20-year ban on the sale of ad-

vanced weaponry to the region. The ban, which had been imposed in connection with human rights policies, was to be lifted on 1 March 1998. United States officials stressed that as the Latin American democracies were becoming stronger and their economies growing, some Governments wished to modernize their militaries and that any orders from the region for advanced weapons would be judged on a case-by-case basis, taking into account the arms balance in the region.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 P** without vote [agenda item 71 (j)].

Regional disarmament

The General Assembly,

Recalling its resolutions 45/58 P of 4 December 1990, 46/36 I of 6 December 1991, 47/52 J of 9 December 1992, 48/75 I of 16 December 1993, 49/75 N of 15 December 1994, 50/70 K of 12 December 1995 and 51/45 K of 10 December 1996 on regional disarmament,

Believing that the efforts of the international community to move towards the ideal of general and complete disarmament are guided by the inherent human desire for genuine peace and security, the elimination of the danger of war and the release of economic, intellectual and other resources for peaceful pursuits,

Affirming the abiding commitment of all States to the purposes and principles enshrined in the Charter of the United Nations in the conduct of their international relations,

Noting that essential guidelines for progress towards general and complete disarmament were adopted at the tenth special session of the General Assembly,

Taking note of the guidelines and recommendations for regional approaches to disarmament within the context of global security adopted by the Disarmament Commission at its 1993 substantive session,

Welcoming the prospects of genuine progress in the field of disarmament engendered in recent years as a result of negotiations between the two super-Powers,

Taking note of the recent proposals for disarmament at the regional and subregional levels,

Recognizing the importance of confidence-building measures for regional and international peace and security,

Convinced that endeavours by countries to promote regional disarmament, taking into account the specific characteristics of each region and in accordance with the principle of undiminished security at the lowest level of armaments, would enhance the security of all States and would thus contribute to international peace and security by reducing the risk of regional conflicts,

1. Stresses that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. Affirms that global and regional approaches to disarmament complement each other and should

therefore be pursued simultaneously to promote regional and international peace and security;

3. Calls upon States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. Welcomes the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. Supports and encourages efforts aimed at promoting confidence-building measures at the regional and subregional levels in order to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Regional disarmament".

Also on 9 December [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 Q** by recorded vote (164-1-2) [agenda item 71 (n)].

Conventional arms control at the regional and subregional levels

The General Assembly,

Recalling its resolutions 48/75 J of 16 December 1993, 49/75 O of 15 December 1994, 50/70 L of 12 December 1995 and 51/45 Q of 10 December 1996,

Recognizing the crucial role of conventional arms control in promoting regional and international peace and security,

Convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the post-cold-war era arise mainly among States located in the same region or subregion,

Aware that the preservation of a balance in the defence capabilities of States at the lowest level of armaments would contribute to peace and stability and should be a prime objective of conventional arms control,

Desirous of promoting agreements to strengthen regional peace and security at the lowest possible level of armaments and military forces,

Noting with particular interest the initiatives taken in this regard in different regions of the world, in particular the commencement of consultations among a number of Latin American countries and the proposals for conventional arms control made in the context of South Asia, and recognizing, in the context of this subject, the relevance and value of the Treaty on Conventional Armed Forces in Europe, which is a cornerstone of European security,

Believing that militarily significant States and States with larger military capabilities have a special responsibility in promoting such agreements for regional security,

Believing also that an important objective of conventional arms control in regions of tension should be to prevent the possibility of military attack launched by surprise and to avoid aggression,

1. Decides to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels;

2. Requests the Conference on Disarmament, as a first step, to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control, and looks forward to a report of the Conference on this subject;

3. Decides to include in the provisional agenda of its fifty-third session the item entitled "Conventional arms control at the regional and subregional levels".

RECORDED VOTE ON RESOLUTION 52/38 Q:

In favour Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against: India.

Abstain: Cuba, Libya.

Other disarmament issues

In 1997, there were several issues that had, in most instances, been before the international community for some time, but that, for a variety of reasons, were not directly addressed to any great extent in the different disarmament forums. They were, however, the subject of resolutions in the General Assembly and covered outer space issues; the relationship between disarmament and development; the role of science and technology; and compliance, verification and observance of environmental norms in the drafting and implementation of arms regulation and disarmament agreements.

Prevention of an arms race in outer space

The Conference on Disarmament did not establish an ad hoc committee on the prevention of an arms race in outer space during its 1997 session. However, the subject was actively discussed during plenary and informal meetings.

The Special Coordinator on the review of the agenda reported that there was a clear trend in

favour of keeping the item; however, there were different views regarding the urgency of the problem. At least two delegations proposed reformulating the item to: "Legally binding document to prevent the weaponization of outer space", while others considered that the issue would best be addressed in the context of confidence-building measures.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/599], adopted **resolution 52/37** by recorded vote (128-0-39) [agenda item 70].

Prevention of an arms race in outer space

The General Assembly,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes and shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development,

Reaffirming also provisions of articles III and IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Recalling the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities,

Reaffirming paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly, in which it is stated that in order to prevent an arms race in outer space further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

Recalling its previous resolutions on this issue and taking note of the proposals submitted to the General Assembly at its tenth special session and at its regular sessions, and of the recommendations made to the competent organs of the United Nations and to the Conference on Disarmament,

Recognizing that prevention of an arms race in outer space would avert a grave danger for international peace and security,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space,

Considering that wide participation in the legal regime applicable to outer space could contribute to enhancing its effectiveness,

Noting that the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment in 1985 and seeking to enhance its functioning in qualitative terms, continued the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of

an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Noting also that there were no objections in principle in the Conference on Disarmament during its 1997 session to the re-establishment of the Ad Hoc Committee, subject to re-examination of the mandate contained in the decision of the Conference on Disarmament of 13 February 1992,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space, and hoping that concrete results will emerge from those efforts as soon as possible,

Convinced that further measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponization of outer space,

Stressing that the growing use of outer space increases the need for greater transparency and better information on the part of the international community,

Recalling in this context its previous resolutions, in particular resolutions 45/55 B of 4 December 1990, 47/51 of 9 December 1992 and 48/74 A of 16 December 1993, in which, *inter alia*, it reaffirmed the importance of confidence-building measures as means conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space,

Conscious of the benefits of confidence- and security-building measures in the military field,

Recognizing that negotiations for the conclusion of an international agreement or agreements to prevent an arms race in outer space remain a priority task of the Ad Hoc Committee and that the concrete proposals on confidence-building measures could form an integral part of such agreements,

1. Reaffirms the importance and urgency of preventing an arms race in outer space, and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

2. Reaffirms its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that this legal regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness, and that it is important strictly to comply with existing agreements, both bilateral and multilateral;

3. Emphasizes the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. Reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. Invites the Conference on Disarmament to re-examine the mandate contained in its decision of 13 February 1992, with a view to updating it as appropriate, thus providing for the re-establishment of the Ad Hoc Committee during the 1998 session of the Conference on Disarmament;

7. Recognizes, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. Urges States conducting activities in outer space, as well as States interested in conducting such activities, to keep the Conference on Disarmament informed of the progress of bilateral or multilateral negotiations on the matter, if any, so as to facilitate its work;

9. Decides to include in the provisional agenda of its fifty-third session the item entitled "Prevention of an arms race in outer space".

RECORDED VOTE ON RESOLUTION 52/37:

In favour Afghanistan, Algeria, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Albania, Andorra, Argentina, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Disarmament and development

In response to General Assembly resolution 51/45 D [YUN 1996, p. 498], the Secretary-General, in a July note [A/52/228], stated that he had received no information from Member States providing their views and proposals for the implementation of the action programme adopted at the 1987 International Conference on the Relationship between Disarmament and Development [YUN 1987, p. 83].

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Commit-

tee [A/52/600], adopted **resolution 52/38 D** without vote [agenda item 71 (f)].

Relationship between disarmament and development

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly concerning the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development,

Recalling further its resolutions 49/75 J of 15 December 1994, 50/70 G of 12 December 1995 and 51/45 D of 10 December 1996,

Bearing in mind the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995,

Stressing the growing importance of the symbiotic relationship between disarmament and development in current international relations,

1. Acknowledges the note by the Secretary-General and actions taken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;

2. Urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

3. Invites all Member States to communicate to the Secretary-General, by 15 April 1998, their views and proposals for the implementation of the action programme adopted at the International Conference on the Relationship between Disarmament and Development, as well as any other views and proposals with a view to achieving the goals of the action programme, within the framework of current international relations;

4. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference;

5. Also requests the Secretary-General to submit a report to the General Assembly at its fifty-third session;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "Relationship between disarmament and development".

Science and technology

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/595], adopted **resolution 52/33** by recorded vote (103-43-19) [agenda item 66].

The role of science and technology in the context of international security and disarmament

The General Assembly,

Recognizing that scientific and technological developments can have both civilian and military applications and that progress in science and technology for

civilian applications needs to be maintained and encouraged,

Concerned that military applications of scientific and technological developments can contribute significantly to the improvement and upgrading of weapons of mass destruction,

Aware of the need to follow closely the scientific and technological developments that may have a negative impact on international security and disarmament, and to channel scientific and technological developments for beneficial purposes,

Cognizant that the international transfers of dual-use as well as high-technology products, services and know-how for peaceful purposes are important for the economic and social development of States,

Cognizant also of the need to regulate such transfers of dual-use goods and technologies and high technology with military applications through multilaterally negotiated, universally acceptable, non-discriminatory guidelines,

Expressing concern over the growing proliferation of ad hoc and exclusive export control regimes and arrangements for dual-use goods and technologies,

Recalling that the Final Document of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, noted that restrictions being placed on access to technology through the imposition of non-transparent ad hoc export control regimes with exclusive membership tended to impede the economic and social development of developing countries,

Emphasizing that internationally negotiated guidelines for the transfer of high technology with military applications should take into account the legitimate defence requirements of all States and requirements for the maintenance of international peace and security, while ensuring that access to high-technology products and services and know-how for peaceful purposes is not denied,

1. Affirms that scientific and technological progress should be used for the benefit of all mankind to promote the sustainable economic and social development of all States and to safeguard international security, and that international cooperation in the use of science and technology through the transfer and exchange of technological know-how for peaceful purposes should be promoted;

2. Invites Member States to undertake additional efforts to apply science and technology for disarmament-related purposes and to make disarmament-related technologies available to interested States;

3. Urges Member States to undertake multilateral negotiations with the participation of all interested States in order to establish universally acceptable, non-discriminatory guidelines for international transfers of dual-use goods and technologies and high technology with military applications;

4. Recalls its resolution 51/39 of 10 December 1996 and its request to the Secretary-General to submit an updated report no later than at its fifty-third session;

5. Encourages United Nations bodies to contribute, within existing mandates, to promoting the application of science and technology for peaceful purposes;

6. Decides to include in the provisional agenda of its fifty-third session the item entitled "The role of science and technology in the context of international security and disarmament".

RECORDED VOTE ON RESOLUTION 52/33:

In favour Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstain: Argentina, Armenia, Azerbaijan, Belarus, Brazil, Canada, Equatorial Guinea, Georgia, Japan, Kazakhstan, Kyrgyzstan, Marshall Islands, Republic of Korea, Russian Federation, Samoa, South Africa, Tajikistan, Turkmenistan, Ukraine.

Arms limitation and disarmament agreements

In 1997, the General Assembly adopted two resolutions dealing with various aspects of arms limitation and disarmament agreements.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the Assembly, on the recommendation of the First Committee [A/52/591], adopted **resolution 52/30** without vote [agenda item 62].

Compliance with arms limitation and disarmament and non-proliferation agreements

The General Assembly,

Recalling its resolution 50/60 of 12 December 1995 and other relevant resolutions on the question,

Recognizing the abiding concern of all Member States for maintaining respect for rights and obligations arising from treaties and other sources of international law,

Convinced that observance of the Charter of the United Nations, relevant treaties and other sources of international law is essential for the strengthening of international security,

Mindful, in particular, of the fundamental importance of full implementation and strict observance of agreements and other agreed obligations on arms limitation and disarmament and non-proliferation by States parties if individual nations and the international community are to derive enhanced security from them,

Stressing that any violation of such agreements and other agreed obligations by States parties not only adversely affects the security of States parties but can also create security risks for other States relying on the con-

straints and commitments stipulated in those agreements and other agreed obligations,

Stressing also that any weakening of confidence in such agreements and other agreed obligations diminishes their contribution to global or regional stability and to further arms limitation and disarmament and non-proliferation efforts, and undermines the credibility and effectiveness of the international legal system,

Recognizing, in this context, that full compliance by States parties with all provisions of existing agreements and the resolving of compliance concerns effectively by means consistent with such agreements and international law can, inter alia, facilitate the conclusion of additional arms limitation and disarmament and non-proliferation agreements, and thereby contribute to better relations among States and the strengthening of world peace and security,

Believing that compliance with all provisions of arms limitation and disarmament and non-proliferation agreements by States parties is a matter of interest and concern to all members of the international community, and noting the role that the United Nations has played and should continue to play in that regard,

Welcoming the contribution to international peace and regional security that full compliance by States parties with verification provisions of arms limitation and disarmament and non-proliferation agreements provides,

Also welcoming the universal recognition of the critical importance of the question of compliance with and verification of arms limitation and disarmament and non-proliferation agreements, and other agreed obligations,

1. Urges all States parties to arms limitation and disarmament and non-proliferation agreements to implement and comply with the entirety of all provisions of such agreements;

2. Calls upon all Member States to give serious consideration to the implications that non-compliance by States parties with any provisions of arms limitation and disarmament and non-proliferation agreements has for international security and stability, as well as for the prospects for progress in the field of disarmament;

3. Also calls upon all Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and international law, with a view to encouraging strict observance by all States parties of the provisions of arms limitation and disarmament and non-proliferation agreements and maintaining or restoring the integrity of such agreements;

4. Welcomes the role that the United Nations has played and continues to play in restoring the integrity of, and fostering negotiations on, certain arms limitation and disarmament and non-proliferation agreements and in the removal of threats to peace;

5. Requests the Secretary-General to continue to provide assistance that may be necessary in restoring and protecting the integrity of arms limitation and disarmament and non-proliferation agreements;

6. Encourages efforts by all States parties to develop additional cooperative measures, as appropriate, that can increase confidence in compliance with existing arms limitation and disarmament and non-proliferation agreements and reduce the possibility of misinterpretation and misunderstanding;

7. Notes the contribution that verification experiments and research can make and already have made in confirming and improving verification procedures for arms limitation and disarmament and non-proliferation agreements under study or negotiation, thereby providing an opportunity, from the time that such agreements enter into force, for enhancing confidence in the effectiveness of verification procedures as a basis for determining compliance;

8. Decides to include in the provisional agenda of its fifty-fourth session an item entitled "Compliance with arms limitation and disarmament and non-proliferation agreements".

On the same date [meeting 67], the Assembly, also on the recommendation of the First Committee [A/52/600], adopted **resolution 52/38 E** by recorded vote (160-0-6) [agenda item 71 (g)].

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

The General Assembly,

Recalling its resolutions 50/70 M of 12 December 1995 and 51/45 E of 10 December 1996,

Emphasizing the importance of the observance of environmental norms in the preparation and implementation of disarmament and arms limitation agreements,

Recognizing that it is necessary to take duly into account the agreements adopted at the United Nations Conference on Environment and Development, as well as prior relevant agreements, in the drafting and implementation of agreements on disarmament and arms limitation,

Mindful of the detrimental environmental effects of the use of nuclear weapons,

1. Reaffirms that international disarmament forums take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament and arms limitation and that all States, through their actions, fully contribute to ensuring compliance with the aforementioned norms in the implementation of treaties and conventions to which they are parties;

2. Calls upon States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress in the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development;

3. Invites all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the present resolution, and requests the Secretary-General to submit a report containing this information to the General Assembly at its fifty-third session;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".

RECORDED VOTE ON RESOLUTION 52/38 E:

In favour. Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia,

Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: France, Israel, Japan, Monaco, United Kingdom, United States.

Studies, information and training

United Nations activities relating to information and training in the area of disarmament included expert studies on various topics, an information programme, fellowships, training and advisory services, publications and research. The Advisory Board on Disarmament Matters advised the Secretary-General, among other things, on the studies programme and implementation of the information programme, and served as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR).

Disarmament studies programme

Pursuant to General Assembly resolution 50/70 B [YUN 1995, p. 217], the Panel of Governmental Experts on Small Arms, appointed by the Secretary-General to prepare a report on the types of small arms and light weapons actually used in conflicts, the causes of their excessive and destabilizing accumulation and transfer, and the ways and means to prevent and reduce their transfer, completed and submitted its report [A/52/298] to the General Assembly in August (see above, under "Conventional weapons and related issues").

By **resolution 52/38 J**, the Assembly requested the Secretary-General to initiate a study on the problems of ammunition and explosives.

Disarmament Information Programme

As part of efforts throughout the UN system to serve the international community by keeping in step with the latest communications trends and technologies, the Centre for Disarmament Af-

fairs expanded its use of electronic means to disseminate information. It began to design its own home page on the Internet as a component of the UN Web site (<http://www.un.org>) and continued to make the composite table of the Register of Conventional Arms (see above) available electronically, which it had done for the first time in 1996. Owing to staffing constraints, the Centre's traditional publications programme was somewhat reduced in type of publication and frequency of issuance.

In addition to publishing information, staff of the Centre participated in panels, meetings and seminars organized by the diplomatic and academic communities on topics such as illicit trade, light weapons, building societal resistance to violence, disarmament education, conflict resolution and peace, and arms control and disarmament. The staff also held numerous briefing engagements for the benefit of visiting high school and university students and of United Nations Association members from various countries.

As an important part of its outreach programme, the Centre liaised with public and non-governmental organizations (NGOs), and the latter group, in collaboration with the Centre and the UN Department of Public Information, organized a number of events during Disarmament Week, which included a photo exhibit and public discussions on banning landmines and on nuclear disarmament.

Working with States parties, the Centre facilitated the participation of NGOs in the opening session of the Preparatory Committee for the 2000 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, implementing a Committee decision to make time available at each session for NGO representatives to address delegations. That action marked a significant change from the modalities governing the attendance of NGOs during the preparatory process for the 1995 Review Conference, when they had been allowed to attend only open meetings of the Committee.

The flow of contributions to the Voluntary Trust Fund for the Disarmament Information Programme remained low. The Centre drew upon the Fund to cover expenses in preparing and disseminating publications, to help finance the production of the guidebook "The United Nations and Nuclear Disarmament" and to pay for services related to public events during Disarmament Week.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Commit-

tee [A/52/601], adopted **resolution 52/39 D** without vote [agenda item 72].

United Nations Disarmament Information Programme

The General Assembly,

Recalling its decision taken in 1982 at its twelfth special session, the second special session devoted to disarmament, by which the World Disarmament Campaign was launched,

Recalling also its resolution 51/46 A of 10 December 1996,

Stressing the importance of informing, educating and generating public understanding of the importance of and support for multilateral action, including action by the United Nations and the Conference on Disarmament, in the field of arms limitation and disarmament, in a factual, balanced and objective manner,

Noting the delay in the publication of the 1996 edition of The United Nations Disarmament Yearbook,

1. Expresses its concern at the continuing decrease in contributions to the United Nations Disarmament Information Programme;

2. Invites the Secretary-General to continue to support the timely publication and distribution of The United Nations Disarmament Yearbook.

Advisory Board on Disarmament Matters

The Advisory Board on Disarmament Matters, which advised the Secretary-General on the disarmament studies programme and implementation of the Disarmament Information Programme and served as the Board of Trustees of UNIDIR, held its twenty-ninth session (New York, 10-13 June) [A/52/282].

In 1997, the Board made recommendations to reorganize the disarmament sector of the Secretariat, and considered new security and disarmament challenges for the twenty-first century and the role of the United Nations, conventional arms and weapons of mass destruction. For reasons of continuity, the Board recommended that it meet at least twice yearly, and suggested that, in order to meet the incoming UNIDIR Director as early as possible, the next session take place in December 1997 or January 1998.

By a November note [A/C.5/52/14], the Secretary-General transmitted to the General Assembly for approval the recommendation of the UNIDIR Board of Trustees for a subvention of \$213,000 for 1998 from the UN regular budget. In **resolution 52/222, section I**, of 22 December, the Assembly approved the subvention.

Disarmament fellowship, training and advisory services

In 1997, 24 fellows participated in the UN disarmament fellowship, training and advisory services programme, which began on 15 September in Geneva and ended on 1 November in New

York. It included a series of lectures; speaking, drafting and simulation exercises; research projects; and study visits to Austria, Germany, Japan and the Netherlands.

UN Institute for Disarmament Research

By an August note [A/52/272], the Secretary-General transmitted the UNIDIR Deputy Director's report covering activities from July 1996 to June 1997, as well as the report of the Board of Trustees on the 1998 work programme. The research programme of the Institute continued to focus on the areas of collective security, regional security and non-proliferation studies. Activities relating to a fourth special session of the General Assembly devoted to disarmament (see above, under "UN role in disarmament") were put on hold, pending clarification of its timing and modalities.

Regional centres for peace and disarmament

Asia and the Pacific

In response to General Assembly resolution 51/46 B [YUN 1996, p. 505], the Secretary-General submitted a report [A/52/309 & Corr.1] describing the activities of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific from August 1996 through July 1997. The Centre was inaugurated in Kathmandu, Nepal, in 1989 [YUN 1989, p. 88].

The Secretary-General noted that the Centre organized two major regional meetings, one dealing with nuclear disarmament in the post-Comprehensive Nuclear-Test-Ban Treaty era (Kathmandu, 24-26 February), and the second on the new agenda for disarmament and regional security (Sapporo, Japan, 22-25 July), which was organized by the Centre in cooperation with Hokkaido Prefecture and Sapporo City, as well as the Government of Japan. At the request of the United Nations Association of Japan, the Centre assisted in organizing a symposium (Kanazawa, Japan, 3-5 June) focusing on the subregion of north-east Asia. In addition, an informal exchange of views was held in July on the creation of a nuclear-weapon-free zone in Central Asia and the concept of a nuclear-weapon-free State.

Since the submission of the Secretary-General's previous report in October 1996 [YUN 1996, p. 504], the Centre received voluntary contributions amounting to \$197,168 as at July 1997.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Commit-

tee [A/52/601], adopted **resolution 52/39 A** without vote [agenda item 72 (a)].

United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific

The General Assembly,

Recalling its resolutions 42/39 D of 30 November 1987 and 44/117 F of 15 December 1989, by which it established the United Nations Regional Centre for Peace and Disarmament in Asia and renamed it the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, with headquarters at Kathmandu and with the mandate of providing, on request, substantive support for the initiatives and other activities mutually agreed upon by the Member States of the Asia-Pacific region for the implementation of measures for peace and disarmament, through appropriate utilization of available resources,

Welcoming the report of the Secretary-General, in which he expresses his belief that the mandate of the Regional Centre remains valid and that the Centre could be a useful instrument for fostering a climate of cooperation in the post-cold-war era,

Commending the useful activities carried out by the Regional Centre in encouraging regional and sub-regional dialogue for the enhancement of openness, transparency and confidence-building, as well as the promotion of disarmament and security through the organization of regional meetings, which has come to be widely known within the Asia-Pacific region as the "Kathmandu process",

Noting that trends in the post-cold-war era have emphasized the function of the Regional Centre in assisting Member States as they deal with new security concerns and disarmament issues emerging in the region,

Recognizing the need for the Regional Centre to pursue effectively its expanded function,

Expressing its appreciation to the Regional Centre for its organization of substantive regional meetings at Kathmandu and at Sapporo, Japan, in 1997,

Appreciating highly the important role Nepal has played as the host nation of the headquarters of the Regional Centre,

1. Reaffirms its resolution 50/71 D of 12 December 1995, in particular its strong support for the continued operation and further strengthening of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific as an essential promoter of the regional peace and disarmament dialogue in the Asia-Pacific region known as the "Kathmandu process";

2. Welcomes the fact that 1998 will mark the tenth anniversary of the Kathmandu process;

3. Expresses its appreciation for the continued political support and financial contribution received by the Regional Centre;

4. Appeals to Member States, in particular those within the Asia-Pacific region, as well as to international governmental and non-governmental organizations and foundations, to make voluntary contributions so as to strengthen the programme of activities of the Regional Centre and its implementation;

5. Requests the Secretary-General to provide all necessary support, within existing resources, to the Regional Centre in carrying out its programme of activities;

6. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific".

Financial situation

In its first report on the proposed programme budget for the 1998-1999 biennium [A/52/7/Rev.1], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) recommended that the Secretary-General's 1995 proposal [YUN 1995, p. 2301] to abolish the Regional Centres should be drawn to the attention of the First Committee. In addition, ACABQ stated that the Secretary-General should provide further information on the status of voluntary contributions and, concerning the Centre in Lomé, Togo, the status of discussions with the United Nations Development Programme (UNDP). The Committee noted that it had been informed that discussions were under way with UNDP for provision of some resources for consultancy purposes for the Centre in Lomé and, if the efforts were successful, then the question of abolishing a P-5 post at the Centre would be reconsidered.

Report of Secretary-General. In response to the recommendation made by ACABQ, the Secretary-General, in a December report [A/52/309/Add.1 & Corr.1], updated the financial situation of the Regional Centres and provided the status of discussions with UNDP regarding possible financial support for the Centre in Lomé.

Regarding the Regional Centre for Peace and Disarmament in Africa, established in Lomé in 1986 [YUN 1986, p. 85], the Secretary-General stated that a consultancy mission earlier in the year concluded that there was much support for continuing and strengthening the Centre, especially in cooperation with the Organization of African Unity (OAU) Mechanism on Conflict Prevention, Management and Resolution. The consultants recommended that the UN Department of Political Affairs (DPA) and UNDP ensure the sustainability of the Centre, and that DPA, UNDP, Mem-

ber States and, particularly, the host State help the Centre raise funds. They also recommended a more stable process of funding; the provision of a grant of \$ 150,000; appointing a Director of the Centre; and that the Director use the first six months of 1998 to develop, in consultation with the OAU secretariat, a five-year work programme for submission to potential donors. If agreement were reached on the recommendation that UNDP provide a grant of \$ 150,000, it would make it possible to continue operating the Centre beyond December 1997. In the absence of the grant or other contributions, Centre operations might have to be suspended as of 1 January 1998.

As to the Regional Centre for Peace and Disarmament in Asia and the Pacific, the Secretary-General stated that, in order to use the scarce available resources for substantive activities, it was impossible for the Centre to recruit any local support staff. For that reason, the Director continued to operate from Headquarters. Several States and other interested organizations had pledged contributions, and two Governments had indicated their willingness to host regional meetings in 1998. Centre activities were also expected to continue to receive funding from the UN Trust Fund for Public Awareness on Disarmament Issues and the UN Trust Fund for Global and Regional Disarmament Activities.

The Secretary-General recalled that the activities of the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, established in Lima, Peru, in 1987 [YUN 1987, p. 88], were suspended in July 1996 [YUN 1996, p. 504]. The Government of Peru, the host country, communicated to him its interest in reactivating the operation of the Centre, was examining the level of financial contribution it would make towards supporting the Centre and was studying options for a site in Lima. In addition, the Government of Chile communicated to him its interest in seeing the activities of the Centre reactivated and indicated its readiness to support it. Furthermore, a number of organizations and research institutes had indicated that, should the Centre be reactivated, there might be areas of common interest and activity.

Chapter VIII

Other political and security questions

The United Nations in 1997 considered a variety of issues with specific political and security aspects, including those related to international peace and security, regional aspects of such security, the eradication of colonialism, information, the peaceful uses of outer space and the effects of atomic radiation.

An important development lay in United Nations support for national efforts to promote and consolidate new and restored democracies. The Third International Conference of New or Restored Democracies on Democracy and Development was held in Bucharest, Romania, from 2 to 4 September. The Conference proposed to Governments guidelines for strengthening policies and principles and addressed recommendations to donor countries and the international community as well as to the UN system and international financial organizations. The General Assembly encouraged the Secretary-General to improve the capacity of the Organization to respond effectively to requests for support to achieve the goals of good governance and democratization.

The Assembly also acted on regional security issues concerning the South Atlantic and the Indian Ocean, based on reports of UN activities in those areas.

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1997 again reviewed progress on implementing the 1960 Declaration. The General Assembly stressed that the eradication of colonialism by the year 2000 required the full and constructive cooperation of all parties concerned, and noted the particular circumstances which prevailed in the Territories under UN review, encouraging their political evolution towards self-determination.

The Secretary-General, in the context of his reform of the United Nations, announced a sweeping revamp of UN information policies, based on the recommendations of a special Task Force of independent experts. UN policies were to be reoriented to provide communications and outreach services to the media, non-governmental organizations and other disseminators, utilizing the latest media technology and techniques. The Assembly adopted resolutions

on information in the service of humanity and on the public information policies and activities of the Organization. The Administrative Committee on Coordination issued a statement in which UN organizations committed themselves to assisting developing countries in redressing the information and technology gap and embraced the objective of establishing universal access to basic communications and information services.

The Committee on the Peaceful Uses of Outer Space—the main UN body dealing with space issues—and its Scientific and Technical and Legal Subcommittees discussed ways of maintaining outer space for peaceful purposes and spin-off benefits of space technology. The Assembly agreed that the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-III) should be convened in Vienna from 19 to 30 July 1999 as a special session of the Committee on Outer Space.

The UN Scientific Committee on the Effects of Atomic Radiation continued its studies on atomic and ionizing radiation, analysing their effects on mankind and the environment. The Assembly requested the Committee to continue its work, including its activities to increase knowledge of the levels, effects and risks of ionizing radiation.

General aspects of international security

Implementation of the 1970 Declaration

The General Assembly, pursuant to decision 51/415 [YUN1996,p.506], included the item on the implementation of the 1970 Declaration on the Strengthening of International Security [YUN 1970, p. 105, GA res. 2734(XXV)] in the agenda of its fifty-second (1997) session.

On 9 December, the Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/52/611], adopted **decision 52/415** by recorded vote (116-0-52) [agenda item 82].

Review of the implementation of the Declaration on the Strengthening of International Security

At its 67th plenary meeting, on 9 December 1997, the General Assembly, on the recommendation of the First Committee, decided to include in the provisional agenda of its fifty-fourth session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security".

RECORDED VOTE ON DECISION 52/415:

In favour. Afghanistan, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against None.

Abstain: Albania, Andorra, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States, Uzbekistan.

Support for democracies

On 9 September [A/52/334], Romania transmitted to the Secretary-General a document entitled "Progress Review and Recommendations", adopted at the Third International Conference of New or Restored Democracies on Democracy and Development (Bucharest, 2-4 September). The first Conference had been held in Manila, Philippines, in 1988, and the second in Managua, Nicaragua, in 1994 [YUN 1994, p. 250].

The Third Conference reaffirmed its commitment to the process of democratization of societies, acknowledging the interdependence and mutual reinforcement between democracy, development and good governance. It noted that as the new or restored democracies approached the twenty-first century, rapid political, economic and social changes continued to challenge their struggle for development and their institutions of governance. It declared that the three areas of governance—the State, the private sector and civil society—were faced with new emerging issues in a complex and uncertain new era of globalization and interdependence. Among issues of particular concern were ways to consolidate democracy, alleviate poverty, allocate more resources to the judiciary and absorb the social cost of structural

adjustment. Other issues included managing financial and natural resources more efficiently and effectively, and developing new institutional arrangements and mechanisms for sustainable human development, gender equality and citizens' participation in decision-making.

Most new or restored democracies were suffering from a widening gap between the reform of legal systems and the ability of Governments to apply laws effectively, the Conference asserted. They also had to grapple with the challenges of consolidating democracy through elections and the strengthening of political parties and the judiciary, State reform and institutional development. However, the real challenge was to strengthen democracy through the practices of efficient government, transparency and anti-corruption measures in order to promote sustainable human development and bring the State and the people closer together. New or restored democracies therefore needed to re-examine the role of the State, along with the structure of their political systems, to find ways to make government more efficient and effective.

The Conference proposed guidelines for strengthening policies and principles addressed to Governments of new or restored democracies and made recommendations specifically related to civil society and the private sector. It also addressed recommendations to donor countries and the international community, and to the UN system and international financial organizations.

It was suggested that a follow-up mechanism to the Conference be established to have issues treated systematically so that the progress made by each country could be shared, including the elaboration of indicators. The Conference noted the offer of Benin to host the Fourth International Conference, of Mongolia to host a future Conference, and the suggestion by the Philippines that a summit meeting be held in the year 2000 to consolidate the gains of the new or restored democracies and to underscore the interaction between peace, democracy and development for the next millennium.

On 16 September [A/52/437], the General Conference of the Inter-Parliamentary Union, at its ninety-eighth session (Cairo, Egypt, 11-16 September), adopted the Universal Declaration on Democracy and urged Governments and parliaments to be guided by its content.

Report of Secretary-General. In October [A/52/513], the Secretary-General, in response to General Assembly resolution 51/31 [YUN 1996, p. 510], reported on support by the UN system of the efforts of Governments to promote and consolidate new or restored democracies. The report examined recent international events on democ-

ratization and governance, including the Third International Conference (see above) and the International Conference on Governance for Sustainable Growth and Equity (New York, 28-30 July) organized by the United Nations Development Programme (UNDP). Seminars had also been organized in Imatra, Finland, and in Svetogorsk, Russian Federation, to address the problems and prospects of democratization in Russia and the Baltic States, and to foster an improved relationship between the United Nations and civil society.

Efforts to elaborate a new understanding of democratization and governance were recorded, as were UN approaches towards an agenda for democratization and governance, including the findings and recommendations of the Subgroup on Capacity Building for Governance of the Administrative Committee on Coordination (ACC). That body had identified principles emphasized by UN agencies in their definition of governance: an effective public sector; accountability/transparency of processes and institutions; effective participation of civil society/political empowerment; effective decentralization of power, access to knowledge, information and education; political pluralism/freedom of association and expression; rule of law/respect for human rights; legitimacy/consensus; attitudes and values fostering responsibility, solidarity and tolerance; equity/voice for the poor; and gender equality. Together with free and fair elections, those elements were essential for a solid framework for democratization assistance by the United Nations. It was stated that a joint agenda for democratization and governance also provided an opportunity to bridge the gap between the peace and development agendas of the United Nations, and that misunderstandings about the nature and scope of UN work in democratization should be avoided.

The UN system, in assisting and supporting Governments to promote and consolidate new or restored democracies and democratization in general, did not endorse or promote any specific form of government. Furthermore, the pace at which democratization could proceed depended on a variety of political, economic, social and cultural factors proper to the circumstances of a particular culture and society. The international community could move to a new phase and develop plans jointly with the United Nations to implement specific strategies in promoting democratization within a truly multidisciplinary inter-agency framework. Other issues discussed in the report were elections and democratization, the role of civil society and the private sector in

democratization, and gender participation and democratization.

In his conclusions and recommendations, the Secretary-General stated that, while attention should be paid to the administrative and organizational aspects of electoral assistance, resources should be devoted to reinforcing other institutions and processes essential to the consolidation of democracy. In addition, the focus of electoral observation should move from the international to the national level, with support being provided to domestic organizations in their roles as electoral observers and watchdogs of democracy. Funds could be dedicated to improving the capacity of domestic observers and developing new and creative programmes to support other democratic institutions. In the context of UN reform, a general review should be undertaken of the ways the Organization provided electoral assistance, and further steps, including wider consultation with Member States, were necessary.

The Secretary-General said he would inform the General Assembly of ideas to encourage representatives of civil society to hold a people's millennium assembly as a separate companion event to a special millennium session of the General Assembly in the year 2000. He added that peace-building and development, democratization and governance efforts of the Organization were distinct but mutually reinforcing, underlining that the UN system must improve its ability to cooperate and coordinate its actions. The ACC Subgroup on Capacity Building for Governance had pointed to a lack of coordination and cooperation among UN organizations in the area of assistance for democratization and peace-building, and urged elaboration of a common framework on governance to guide future country-level programming throughout the UN system. The Secretary-General hoped that the report of the Third International Conference would stimulate discussions on the programmatic aspects of UN operational activities related to development, governance and peace-building.

The Secretary-General concluded that the concept of democracy had more practical relevance to UN activities than ever before. As the international community dealt less with interstate wars and more with internal conflicts, democratization had gained an immediate relevance for millions who aspired to its implementation. The United Nations had an obligation to those people to devise a revitalized programme of work with greater unity of purpose and coherence of action, he stated.

GENERAL ASSEMBLY ACTION

On 21 November [meeting 51], the General Assembly adopted **resolution 52/18** without vote [draft: A/52/L.28 & Add.1] [agenda item 38].

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

The General Assembly,

Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundations of any democratic society,

Recalling the Manila Declaration adopted by the First International Conference of New or Restored Democracies in June 1988,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all and other important principles, such as respect for the equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recalling its resolution 49/30 of 7 December 1994 in which it recognized the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies in July 1994, as well as its resolutions 50/133 of 20 December 1995 and 51/31 of 6 December 1996,

Taking note of the Universal Declaration on Democracy, adopted by the Inter-Parliamentary Council at its session held at Cairo on 16 September 1997,

Also taking note of the International Conference on Governance for Sustainable Growth and Equity, held in New York from 28 to 30 June 1997,

Noting with satisfaction the holding of the Third International Conference of New or Restored Democracies on Democracy and Development at Bucharest from 2 to 4 September 1997, and the adoption of the document entitled "Progress Review and Recommendations" in which the progress towards democratization and consolidation of democratic institutions was assessed and guidelines, principles and recommendations were addressed to Governments, civil society, the private sector, donor countries and the international community,

Noting in particular the recommendations addressed to the United Nations system and the international financial organizations, contained in that document,

Welcoming the inclusion of a Civil Society Forum in the proceedings of the Bucharest Conference,

Noting the efforts of the United Nations Educational, Scientific and Cultural Organization to encourage education for democracy,

Taking note of the views of Member States expressed in the debate on this question at its forty-ninth, fiftieth, fifty-first and fifty-second sessions,

Bearing in mind that the activities of the United Nations carried out in support of the efforts of Governments to promote and consolidate democracy are undertaken in accordance with the Charter of the United Nations and only at the specific request of the Member States concerned,

Also bearing in mind that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and on their full participation in all aspects of their lives,

Noting that a considerable number of societies have recently undertaken significant efforts to achieve their social, political and economic goals through democratization and the reform of their economies, pursuits that are deserving of the support and recognition of the international community,

Having considered the report of the Secretary-General and its special focus on policies and principles and on the recent events shaping the emerging framework for intergovernmental action in the field of democratization,

1. Welcomes the report of the Secretary-General;
2. Expresses its appreciation for the observations and recommendations contained in the report with respect to electoral assistance, strengthening civil society, coordinating United Nations activities in democratization and governance and promoting democracy for the twenty-first century;
3. Takes note of the proposal of the Secretary-General that future conferences on democracy be open to all States Members of the United Nations that wish to participate;
4. Welcomes the decision of the Third International Conference of New or Restored Democracies to hold the next conference in an African country;
5. Also welcomes the offer of the Government of Benin to host at Cotonou the Fourth International Conference of New or Restored Democracies;
6. Commends the Secretary-General, and through him the United Nations system, for the activities undertaken at the request of Governments to support the efforts to consolidate democracy;
7. Recognizes that the Organization has an important role to play in providing timely, appropriate and coherent support to the efforts of Governments to achieve democratization within the context of their development efforts;
8. Stresses that activities undertaken by the Organization must be in accordance with the Charter of the United Nations;
9. Encourages the Secretary-General to continue to improve the capacity of the Organization to respond effectively to the requests of Member States through coherent, adequate support of their efforts to achieve the goals of good governance and democratization;
10. Encourages Member States to promote democratization and to make additional efforts to identify possible steps to support the efforts of Governments to promote and consolidate new or restored democracies;
11. Invites the Secretary-General, Member States, the relevant specialized agencies and bodies of the United Nations system, as well as other intergovernmental and non-governmental organizations, to contribute actively to the follow-up process of the Third International Conference of New or Restored Democracies on Democracy and Development;
12. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session on the implementation of the present resolution, in-

cluding innovative ways and means to enable the Organization to respond effectively and in an integrated manner to requests of Member States for assistance in the field of good governance and democratization;

13. Decides to include in the provisional agenda of its fifty-third session the item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies".

Regional aspects of international peace and security

South Atlantic

As requested in General Assembly resolution 51/19 [YUN 1996, p. 511], the Secretary-General submitted an October 1997 report [A/52/462] on the zone of peace and cooperation of the South Atlantic, established in 1986 [YUN 1986, p. 369] to promote cooperation among States of the region in political, economic, scientific, technical, cultural and other fields. The Secretary-General stated that four Governments and seven UN organizations and bodies had provided views on progress towards achieving those goals.

GENERAL ASSEMBLY ACTION

On 20 November [meeting 50], the General Assembly adopted **resolution 52/14** without vote [draft: A/52/L.24/Rev.1 & Add.1] [agenda item 32].

Zone of peace and cooperation of the South Atlantic

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region between Africa and South America, the "Zone of peace and cooperation of the South Atlantic",

Recalling also its subsequent resolutions on the matter, including resolution 45/36 of 27 November 1990, in which it reaffirmed the determination of the States of the zone to enhance and accelerate their cooperation in the political, economic, scientific, cultural and other spheres,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable and that cooperation for peace and development among States of the region will promote the objectives of the zone of peace and cooperation of the South Atlantic,

Aware of the importance that the States of the zone attach to the environment of the region, and recognizing the threat that pollution from any source poses to the marine and coastal environment, its ecological balance and its resources,

1. Reaffirms the importance of the purposes and objectives of the zone of peace and cooperation of the South Atlantic as a basis for the promotion of cooperation among the countries of the region;

2. Calls upon all States to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization, particularly action which may create or aggravate situations of tension and potential conflict in the region;

3. Takes note of the report of the Secretary-General, submitted in accordance with its resolution 51/19 of 14 November 1996;

4. Recalls the agreement reached at the third meeting of the States members of the zone, held at Brasilia in 1994, to encourage democracy and political pluralism and, in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, to promote and defend all human rights and fundamental freedoms and to cooperate towards the achievement of those goals;

5. Welcomes with satisfaction the holding of the fourth meeting of the States members of the zone at Somerset West, South Africa, on 1 and 2 April 1996, and takes note of the Final Declaration, the decision on drug trafficking, the decision on the protection of the marine environment and the decision on illegal fishing activities in the zone, adopted at the meeting;

6. Welcomes the progress towards the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), and the conclusion of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba);

7. Also welcomes the efforts of the Government of Angola to implement the Lusaka Protocol, expresses its deep concern at the delay in fully implementing the "Acordos de Paz" and the Lusaka Protocol, and calls upon the União Nacional para a Independência Total de Angola to fulfil immediately the tasks enumerated in the relevant Security Council resolutions, in particular resolutions 1118(1997) of 30 June 1997, 1127(1997) of 28 August 1997 and 1135(1997) of 29 October 1997;

8. Reaffirms its willingness to contribute by all means at its disposal to an effective and lasting peace in Angola;

9. Urges the international community and all relevant international and private organizations to fulfil expeditiously their pledges to provide assistance to facilitate the demobilization and social reintegration of ex-combatants, the demining process, the resettlement of displaced persons and the reconstruction of the Angolan economy in order to consolidate the gains in the peace process;

10. Welcomes with satisfaction the return of peace to Liberia following the successful conduct of the July elections and the installation of the democratically elected Government in that country, and in that regard expresses its appreciation to the Economic Community of West African States, its Monitoring Group, the United Nations and other members of the international community for their efforts in the peaceful resolution of the Liberian conflict, and calls upon them to support efforts to consolidate peace in Liberia, including a viable framework for the mobilization of resources for reconstruction and development;

11. Welcomes the steps taken by the newly elected Government of Liberia towards the implementation of programmes to achieve genuine reconciliation and na-

tional unity and the formation of a broad-based government, and its commitment to promoting the protection of human rights and respect for the rule of law;

12. Commends the efforts of Member States and humanitarian organizations in rendering humanitarian assistance to Angola and Liberia, and urges them to continue to provide and to increase such assistance;

13. Expresses concern at the situation in Sierra Leone, condemns the coup d'etat against the democratically elected Government by the military on 25 May 1997, and calls upon the military junta in Sierra Leone to fulfil its obligations under the peace plan agreed to at Conakry on 23 October 1997;

14. Commends the initiatives of the Economic Community of West African States and of the Security Council in trying to resolve the situation, and calls on the international community to lend its support to those initiatives by faithfully implementing the various measures adopted in order to accelerate the return to peace and stability in Sierra Leone;

15. Affirms the importance of the South Atlantic to global maritime and commercial transactions and its determination to preserve the region for all peaceful purposes and activities protected by international law, in particular the United Nations Convention on the Law of the Sea;

16. Welcomes the offer by Argentina to host the fifth meeting of the States members of the zone in 1998;

17. Requests the relevant organizations, organs and bodies of the United Nations system to render all appropriate assistance that States of the zone may seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic;

18. Requests the Secretary-General to keep the implementation of resolution 41/11 and subsequent resolutions on the matter under review and to submit a report to the General Assembly at its fifty-third session, taking into account, inter alia, the views expressed by Member States;

19. Decides to include in the provisional agenda of its fifty-third session the item entitled "Zone of peace and cooperation of the South Atlantic".

Indian Ocean

In 1997, the Ad Hoc Committee on the Indian Ocean met (New York, 30 June-1 July) [A/52/29] to continue consideration of approaches to achieving the goals contained in the 1971 Declaration of the Indian Ocean as a Zone of Peace [YUN 1971, p. 34, GA res. 2832(XXVI)]. In that connection, it noted a comprehensive statement by its Chairman, suggesting a possible course of action for the Committee.

The Chairman stated that propitious opportunities existed for renewed multilateral and regional efforts towards the realization of the goals of maintaining conditions of peace, security and stability by means other than military alliances in the Indian Ocean region. Conditions made it possible to have a fresh look at the alternative approaches adopted by the Committee in 1994 [YUN 1994, p. 155], which had set forth general guiding

principles to implement the goals of the 1971 Declaration and allowed a step-by-step approach so that the Committee could move forward. Those approaches could be grouped into four categories: possible cooperative strategies; techniques of preventive diplomacy; measures of arms control and disarmament arrangements; and non-military threats of security. The Chairman asked Committee members to identify priority concerns and ideas for in-depth study so as to progress towards negotiations on a consensus document or documents. First, the Committee could select specific proposals concerning confidence- and trust-building measures, and formulate, using existing UN documents, a set of principles and guidelines for confidence-building measures, preventive diplomacy and cooperation tailored to the needs and specific requirements of the region. Depending on progress made, other items could be selected by the Committee. The aim would be to formulate three or four consensus documents, to give expression to the international political climate and prevalent thinking, as well as the viewpoints of Member States.

To be successful, that approach required the participation of Member States and support and encouragement from the major Powers and the major maritime users, whose return to the Committee would have a positive influence on its discussions and ensure their viability. To bring the absent members back to the Committee, the Chairman suggested that the Committee demonstrate its further viability and ability to produce concrete results. States that had not participated actively in Committee work should show greater interest and encourage all other Member States and extend to them their cooperation.

Some delegations supported the approach proposed by the Chairman. However, since no consensus was reached, he was asked to continue informal consultations within the membership of the Committee and to report to the General Assembly at its current session. The report was deferred to the Assembly's fifty-fourth (1999) session.

GENERAL ASSEMBLY ACTION

On 9 December [meeting 67], the General Assembly, on the recommendation of the First Committee [A/52/606], adopted **resolution 52/44** by recorded vote (125-3-40) [agenda item 77].

Implementation of the Declaration of the Indian Ocean as a Zone of Peace

The General Assembly,

Recalling the Declaration of the Indian Ocean as a Zone of Peace, contained in its resolution 2832(XXVI) of 16 December 1971, and recalling also its resolution

51/51 of 10 December 1996 and other relevant resolutions,

Recalling also the report of the Meeting of the Littoral and Hinterland States of the Indian Ocean held in July 1979,

Recalling further paragraph 72 of the final document adopted by the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held at New Delhi on 7 and 8 April 1997, which underlined the importance of the Chairman of the Ad Hoc Committee on the Indian Ocean continuing his informal consultations on the future of the Indian Ocean as a zone of peace and the Committee's work,

Emphasizing the need to foster consensual approaches, in particular given the prevailing international climate, which is conducive to the pursuit of such endeavours,

Noting the initiatives taken by countries of the region to promote cooperation, in particular economic cooperation, in the Indian Ocean area and the possible contribution of such initiatives to overall objectives of a zone of peace,

Convinced that the participation of all the permanent members of the Security Council and the major maritime users of the Indian Ocean in the work of the Ad Hoc Committee is important and would assist the progress of mutually beneficial dialogue to develop conditions of peace, security and stability in the Indian Ocean region,

Considering that greater efforts and more time are required to develop a focused discussion on practical measures to ensure conditions of peace, security and stability in the Indian Ocean region,

Having considered the report of the Ad Hoc Committee on the Indian Ocean,

1. Takes note of the report of the Ad Hoc Committee on the Indian Ocean;

2. Reiterates its conviction that the participation of all the permanent members of the Security Council and the major maritime users of the Indian Ocean in the work of the Ad Hoc Committee is important and would greatly facilitate the development of a mutually beneficial dialogue to advance peace, security and stability in the Indian Ocean region;

3. Requests the Chairman of the Ad Hoc Committee to continue his dialogue on the work of the Ad Hoc Committee with all of its members, the permanent members of the Security Council and the major maritime users of the Indian Ocean and to report at an early date to the General Assembly, through the Ad Hoc Committee, on his consultations and on other relevant developments;

4. Requests the Secretary-General to continue to render all necessary assistance to the Ad Hoc Committee, including the provision of summary records;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Implementation of the Declaration of the Indian Ocean as a Zone of Peace".

RECORDED VOTE ON RESOLUTION 52/44:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Georgia, Ghana,

Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, United Kingdom, United States.

Abstain: Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Uzbekistan.

Decolonization

The General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) held its annual session in New York in two parts—on 16 January, 24 February and 30 April, for the first part, and from 30 May to 20 June and on 9 July and 16 September, for the second. The 22-member Special Committee, in line with Assembly resolution 51/146 [YUN 1996, p. 517], reported on its 1997 activities [A/52/23]. It considered various aspects of the implementation of the 1960 Declaration [YUN 1960, p. 49, GA res. 1514(XV)], including both general decolonization issues and the situations of individual Non-Self-Governing Territories (NSGTs). It decided to integrate its Subcommittee on Small Territories, Petitions, Information and Assistance into the Special Committee, and to abolish its Working Group and entrust its functions to the Bureau, which became open-ended.

The Special Committee and the Assembly in 1997 considered East Timor, the Falkland Islands (Malvinas), Gibraltar, New Caledonia and Western Sahara (see PART ONE, Chapter II), as well as the small island Territories in the Caribbean and Pacific regions.

Implementation of 1960 Declaration

Decolonization programme

The Secretary-General, within the context of his reform of the United Nations (see PART FIVE, Chapter I), suggested in the proposed programme budget for the 1998-1999 biennium

[A/52/303] that the subprogramme on decolonization be undertaken by the Department of General Assembly Affairs and Conference Services.

In an 18 September letter [A/52/379] to the Secretary-General, the Special Committee Chairman, in noting the Secretary-General's proposal, stated that no mention had been made of the Decolonization Branch, which, contrary to assurances given, had been downgraded. In view of the lack of a positive response to the position of the Special Committee, he had no alternative but to bring the matter to the attention of the General Assembly.

On 8 October, the Assembly's Fourth (Special Political and Decolonization) Committee had before it a draft resolution, introduced by Papua New Guinea, on the implementation of the 1960 Declaration, which was later named "Decolonization programme of the United Nations system" [A/C.4/52/L.4/Rev.1]. By that resolution, the Assembly would have reaffirmed the political nature and substance of the mandate of the Special Committee, and expressed concern that the proposed administrative changes could jeopardize, downgrade and undermine the UN decolonization programme. It would have urged the Secretary-General to avail the Decolonization Branch of adequate resources until the completion of the International Decade for the Eradication of Colonialism (1990-2000) [YUN 1988, p. 734, GA res. 43/47] and to maintain it and its functions pertaining to the Special Committee and the Fourth Committee in the Department of Political Affairs.

On 24 October [A/52/530], Papua New Guinea, on behalf of the draft's co-sponsors, sought confirmation from the Secretary-General, before the Committee acted on the text, that the Decolonization Unit with all its current functions would be located in the Department of Political Affairs, reporting directly to the Under-Secretary-General for Political Affairs. That understanding was confirmed by the Secretary-General on 27 October [A/52/531], when he reiterated his commitment to implementing the subprogramme on decolonization in the medium-term plan for 1998-2001. On the same day, Papua New Guinea announced in the Fourth Committee that the draft resolution had been withdrawn.

The Secretary-General, in a 24 October response [A/52/521] to the Special Committee Chairman, reiterated that he attached the highest priority to the decolonization programme and was committed to maintaining its importance and status in the Organization's work in the political arena. He said that the substantive responsibilities for the programme would be maintained in the Department of Political Affairs, which would

remain the focal point for matters relating to decolonization. The related substantive services to the Special Committee would be provided by a Decolonization Unit and secretariat servicing would be carried out by the Department of General Assembly Affairs and Conference Services.

On 28 October [A/52/533], the Special Committee Chairman informed the Secretary-General of the Committee's satisfaction with the arrangements and reassured him of its full support for his UN reforms. In addition, he noted the importance of the approval of staffing and budgetary resources for the decolonization programme as stipulated in the medium-term plan for 1998-2001 and of maintaining the Decolonization Unit in the Department of Political Affairs [A/52/542]. Such action would satisfy the interests of Member States, comply with the decision of the Secretary-General and allow the international community to live up to the goals of the International Decade for the Eradication of Colonialism, he stated.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly adopted **resolution 52/78** [draft: A/52/L.64 & Add.1] by recorded vote (139-2-23) [agenda item 18].

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, most recently resolution 51/146 of 13 December 1996, as well as the relevant resolutions of the Security Council,

Recognizing that the eradication of colonialism is one of the priorities of the Organization for the decade that began in 1990,

Deeply conscious of the need to take, speedily, measures to eliminate the last vestiges of colonialism by the year 2000, as called for in its resolution 43/47 of 22 November 1988,

Reiterating its conviction of the need for the elimination of colonialism, as well as of the need for the total eradication of racial discrimination and violations of basic human rights,

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee, as well as their continued readiness to receive United Nations visiting missions in the Territories under their administration,

Noting with concern the negative impact that the non-participation of certain administering Powers has had on the work of the Special Committee, depriving it of an important source of information on the Territories under their administration,

Aware of the pressing need of newly independent and emerging States for assistance from the United Nations and its system of organizations in the economic, social and other fields,

Aware also of the pressing need of the remaining Non-Self-Governing Territories, including in particular the small island Territories, for economic, social and other assistance from the United Nations and the organizations within its system,

Taking special note of the fact that the Special Committee held a Caribbean Regional Seminar to Review the Political, Economic and Social Conditions in the Small Island Non-Self-Governing Territories at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

1. Reaffirms its resolution 1514(XV) and all other resolutions on decolonization, including its resolution 43/47, in which it declared the decade that began in 1990 as the International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Territories concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. Affirms once again that the continuation of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms its determination to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. Affirms once again its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence;

5. Approves the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 1997, including the programme of work envisaged for 1998;

6. Calls upon all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

7. Calls upon the administering Powers to ensure that foreign economic activities in the Non-Self-Governing Territories under their administration are

directed to assist the peoples of those Territories in the exercise of their right to self-determination;

8. Takes note of the decision of some of the administering Powers to close or reduce some of the military bases in the Non-Self-Governing Territories;

9. Calls upon the administering Powers to eliminate the remaining military bases in the Non-Self-Governing Territories in compliance with the relevant resolutions of the General Assembly, and urges them not to involve those Territories in any offensive acts or interference against other States;

10. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of colonial Territories, and requests that the administering Powers, in consultation with the Governments of the Territories under their administration, take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

11. Requests the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out those actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its fifty-third session;

(b) To continue to examine the implementation by Member States of resolution 1514(XV) and other relevant resolutions on decolonization;

(c) To continue to pay special attention to the small Territories, in particular through the dispatch of regular visiting missions, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence;

(d) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

12. Calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to receive visiting missions to the Territories to secure first-hand information and to ascertain the wishes and aspirations of their inhabitants;

13. Also calls upon the administering Powers that have not participated in the work of the Special Committee to do so at its 1998 session;

14. Requests the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

15. Welcomes the decision of the Secretary-General of 27 October 1997:

(a) That the substantive responsibilities for the decolonization programme will be maintained in the Department of Political Affairs of the Secretariat;

(b) To establish a stand-alone decolonization unit with the necessary resources to provide substantive input for the work of the Special Committee;

(c) That the Department of General Assembly Affairs and Conference Services of the Secretariat will be responsible for the technical secretariat servicing relating to the decolonization programme, as outlined in his letter of 17 March 1997;

and his commitment to implement subprogramme 1.6 of the medium-term plan for the period 1998-2001;

16. Requests the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as of the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

RECORDED VOTE ON RESOLUTION 52/78:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United Kingdom, United States.

Abstain: Australia, Azerbaijan, Belarus, Belgium, Bulgaria, Finland, France, Georgia, Germany, Hungary, Iceland, Israel, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Netherlands, Republic of Moldova, Russian Federation, The former Yugoslav Republic of Macedonia, Turkey, Ukraine.

The United Kingdom, in explaining its negative vote, regretted that the resolution contained many egregious examples of language and assumptions that did not reflect the situation in NSGTs. It did not accept that the presence of military bases could in any way constitute an obstacle to the granting of independence or impede the inhabitants from expressing their views on self-determination. The text appeared to accuse the administering Powers of economic exploitation and even of the violation of human rights. The continued references to colonialism, colonial rule and colonial countries were out of step with the major improvements in other resolutions on decolonization issues. The United Kingdom would continue to fulfil its obligations with regard to its dependent Territories, but took a different view of the need for a decolonization programme on the current scale, which was disproportionate to the real remaining problems. The United Nations had more pressing goals affecting vastly greater numbers of the world's

population and more relevant to current needs. The activities and structure of the Organization should reflect the world's current and future priorities and not those of the past.

Implementation by international organizations

As requested in General Assembly resolution 51/141 [YUN 1996, p. 520], the Secretary-General reported in June [A/52/185] on implementation of the 1960 Declaration on decolonization by the specialized agencies and the international institutions associated with the United Nations. The Secretary-General had requested information from the executive heads of 25 such organizations on measures they had taken to implement the relevant resolutions.

In a June report [E/1997/81 & Add.1], the President of the Economic and Social Council stated that a number of specialized agencies and organizations continued to extend assistance to NSGTs. Several had extended or formulated assistance programmes within their own budgetary resources, in addition to contributing as executing agencies of projects funded by the United Nations Development Programme (UNDP), the primary provider of assistance. UNDP's assistance to Caribbean NSGTs under its fifth-cycle country programme focused principally on support for human resource development, capacity-building, institutional strengthening, and environment and natural resources management. For the sixth cycle, it was to continue to emphasize support for those areas, building on the results of its previous interventions. However, resource constraints had restricted severely UNDP's ability to respond more fully to the technical cooperation needs of the NSGTs in the Caribbean, forcing it to prioritize the allocation of assistance.

The International Civil Aviation Organization (ICAO) reported that the declining resources in technical cooperation made it increasingly difficult for ICAO to provide assistance to ensure the safe and efficient development of air transport as an important tool for economic development.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council adopted **resolution 1997/66** [draft: E/1997/L.48] by recorded vote (28-0-18) [agenda item 9].

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The Economic and Social Council,

Having examined the report of the Secretary-General and the report of the President of the Economic and Social Council on consultations held with the Chair-

man of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having heard the statement by the representative of the Special Committee,

Recalling General Assembly resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960, the resolutions of the Special Committee and other relevant resolutions and decisions, in particular Council resolution 1996/37 of 26 July 1996,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of assistance programmes to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the small island Non-Self-Governing Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea level rise, and recalling other relevant General Assembly resolutions,

Recalling General Assembly resolution 51/141 of 13 December 1996 on cooperation and coordination of the specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories,

1. Takes note of the report of the President of the Economic and Social Council on his consultations with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and endorses the observations and suggestions arising therefrom;

2. Abo takes note of the report of the Secretary-General;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV), and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Also reaffirms that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies, the international institutions associated with the United Nations and regional organizations to strengthen existing measures of support and formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation

of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

10. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations;

11. Welcomes the continued initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

12. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

13. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the agencies and organizations so that the Territories may benefit from the related activities of the specialized agencies and other organizations of the United Nations system;

14. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to accord priority to the question of providing assistance to the peoples of Non-Self-Governing Territories;

15. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution and to the discussion held on the subject at the substantive session of 1997 of the Economic and Social Council;

16. Requests the President of the Economic and Social Council to continue to maintain close contact on these matters with the Chairman of the Special Committee and to report thereon to the Council;

17. Requests the Secretary-General to follow the implementation of the present resolution, paying particular attention to cooperation and integration arrangements for maximizing the efficiency of the assistance activities undertaken by various organizations of the United Nations system, and to report thereon to the Council at its substantive session of 1998;

18. **Decides to keep these questions under continuous review.**

RECORDED VOTE ON RESOLUTION 1997/66:

In favour: Argentina, Bangladesh, Brazil, Chile, China, Colombia, Côte d'Ivoire, Cuba, Djibouti, El Salvador, India, Jamaica, Jordan, Lebanon, Malaysia, Mexico, Mozambique, Nicaragua, Philippines, Republic of Korea, South Africa, Sri Lanka, Sudan, Thailand, Togo, Tunisia, Turkey, Uganda.

Against: None.

Abstain: Australia, Canada, Czech Republic, Finland, France, Germany, Iceland, Japan, Latvia, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Spain, Sweden, United Kingdom, United States.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth

Committee [A/52/622], adopted **resolution 52/73** by recorded vote (117-0-50) [agenda items 92 & 12].

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

The General Assembly,

Having considered the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations",

Having also considered the report of the Secretary-General and the report of the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council,

Having examined the chapter of the report of the Special Committee relating to the item,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960, and resolutions of the Special Committee, as well as other relevant resolutions and decisions, including in particular Economic and Social Council resolution 1996/37 of 26 July 1996,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

Conscious of the need to facilitate the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514(XV),

Noting that the large majority of the remaining Non-Self-Governing Territories are small island Territories,

Welcoming the assistance extended to Non-Self-Governing Territories by certain specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Stressing that, because the development options of small island Non-Self-Governing Territories are limited, there are special challenges to planning for and implementing sustainable development and that those Territories will be constrained in meeting the challenges without the continued cooperation and assistance of the specialized agencies and other organizations of the United Nations system,

Stressing also the importance of securing the necessary resources for funding expanded assistance programmes for the peoples concerned and the need to enlist the support of all major funding institutions within the United Nations system in that regard,

Reaffirming the mandates of the specialized agencies and other organizations of the United Nations system to take all the appropriate measures, within their respective spheres of competence, to ensure the full implementation of General Assembly resolution 1514(XV) and other relevant resolutions,

Expressing its appreciation to the Organization of African Unity, the South Pacific Forum, the Caribbean Community and other regional organizations for the continued cooperation and assistance they have extended to the specialized agencies and other organizations of the United Nations system in this regard,

Expressing its conviction that closer contacts and consultations between and among the specialized agencies and other organizations of the United Nations system and regional organizations help to facilitate the effective formulation of programmes of assistance to the peoples concerned,

Mindful of the imperative need to keep under continuous review the activities of the specialized agencies and other organizations of the United Nations system in the implementation of the various United Nations decisions relating to decolonization,

Bearing in mind the extremely fragile economies of the Non-Self-Governing small island Territories and their vulnerability to natural disasters, such as hurricanes, cyclones and sea-level rise, and recalling its relevant resolutions,

Recalling its resolution 51/141 of 13 December 1996 on the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations,

1. Takes note of the report of the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on his consultations with the President of the Economic and Social Council, and endorses the observations and suggestions arising therefrom;

2. Also takes note of the report of the Secretary-General;

3. Recommends that all States intensify their efforts in the specialized agencies and other organizations of the United Nations system to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the United Nations;

4. Reaffirms that the specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute to the implementation of the Declaration and all other relevant General Assembly resolutions;

5. Reaffirms also that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of Non-Self-Governing Territories to exercise their right to self-determination entails, as a corollary, the extension of all appropriate assistance to those peoples;

6. Expresses its appreciation to those specialized agencies and other organizations of the United Nations system that have continued to cooperate with the United Nations and the regional and subregional organizations in the implementation of resolution 1514(XV) and other relevant resolutions of the United Nations, and requests all the specialized agencies and other organizations of the United Nations system to implement the relevant provisions of those resolutions;

7. Requests the specialized agencies and other organizations of the United Nations system and inter-

national and regional organizations to examine and review conditions in each Territory so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories;

8. Requests the specialized agencies and the other organizations and institutions of the United Nations system, as well as regional organizations, to strengthen existing measures of support and formulate appropriate programmes of assistance to the remaining Non-Self-Governing Territories, within the framework of their respective mandates, in order to accelerate progress in the economic and social sectors of those Territories;

9. Requests the specialized agencies and other organizations of the United Nations system concerned to provide information on:

(a) Environmental problems facing the Non-Self-Governing Territories;

(b) The impact of natural disasters, such as hurricanes and volcanoes, and other environmental problems, such as beach and coastal erosion and droughts, on those Territories;

(c) Ways and means to assist the Territories in fighting drug trafficking, money laundering and other illegal and criminal activities;

(d) The illegal exploitation of the marine resources of the Territories and the need to utilize those resources for the benefit of the peoples of the Territories;

10. Recommends that the executive heads of the specialized agencies and other organizations of the United Nations system formulate, with the active cooperation of the regional organizations concerned, concrete proposals for the full implementation of the relevant resolutions of the United Nations and submit the proposals to their governing and legislative organs;

11. Also recommends that the specialized agencies and other organizations of the United Nations system continue to review at the regular meetings of their governing bodies the implementation of General Assembly resolution 1514(XV) and other relevant resolutions of the United Nations;

12. Welcomes the continuing initiative exercised by the United Nations Development Programme in maintaining close liaison among the specialized agencies and other organizations of the United Nations system and in providing assistance to the peoples of Non-Self-Governing Territories;

13. Encourages Non-Self-Governing Territories to take steps to establish and/or strengthen disaster preparedness and management institutions and policies;

14. Requests the administering Powers concerned to facilitate the participation of appointed and elected representatives of Non-Self-Governing Territories in the relevant meetings and conferences of the specialized agencies and other organizations of the United Nations system so that the Territories may benefit from the related activities of those agencies and organizations;

15. Recommends that all Governments intensify their efforts in the specialized agencies and other organizations of the United Nations system of which they are members to accord priority to the question of providing assistance to the peoples of the Non-Self-Governing Territories;

16. Requests the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including the present resolution, since the circulation of his previous report;

17. Commends the Economic and Social Council for its debate and its resolution 1997/66 of 25 July 1997 on this question, and requests it to continue to consider, in consultation with the Special Committee, appropriate measures for coordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly;

18. Requests the specialized agencies to report periodically to the Secretary-General on the implementation of the present resolution;

19. Requests the Secretary-General to transmit the present resolution to the governing bodies of the appropriate specialized agencies and international institutions associated with the United Nations so that those bodies may take the necessary measures to implement the resolution, and also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution;

20. Requests the Special Committee to continue to examine the question and to report thereon to the General Assembly at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/73:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Military activities and arrangements in colonial countries

The Special Committee on decolonization considered military activities and arrangements by colonial Powers in Territories under their administration. For that purpose, it had before it working papers containing information on mili-

tary activities and arrangements in Bermuda, Guam and the United States Virgin Islands [A/AC.109/2075, 2076, 2086].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/621], adopted **decision 52/417** by recorded vote (108-51-3) [agenda items 91 & 18].

Military activities and arrangements by colonial Powers in Territories under their administration

At its 69th plenary meeting, on 10 December 1997, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text:

"1. The General Assembly, having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to an item on the agenda of the Special Committee entitled 'Military activities and arrangements by colonial Powers in Territories under their administration', and recalling its resolution 1514(XV) of 14 December 1960 and all other relevant resolutions and decisions of the United Nations relating to military activities in colonial and Non-Self-Governing Territories, reaffirms its strong conviction that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, and reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn.

"2. Aware of the presence of such bases and installations in some of those Territories, the General Assembly urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States.

"3. The General Assembly reiterates its concern that military activities and arrangements by colonial Powers in Territories under their administration might run counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Assembly once again calls upon the administering Powers concerned to terminate such activities and to eliminate such military bases in compliance with its relevant resolutions.

"4. The General Assembly reiterates that the colonial and Non-Self-Governing Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

"5. The General Assembly deplores the continued alienation of land in colonial and Non-Self-Governing Territories, particularly in the small island Territories of the Pacific and Caribbean regions, for military installations. The large-scale utilization of the local resources for this purpose

could adversely affect the economic development of the Territories concerned.

"6. The General Assembly takes note of the decision of some of the administering Powers to close or downsize some of those military bases in the Non-Self-Governing Territories.

"7. The General Assembly requests the Secretary-General to continue to inform world public opinion of those military activities and arrangements in colonial and Non-Self-Governing Territories which constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

"8. The General Assembly requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the Assembly at its fifty-third session."

RECORDED VOTE ON DECISION 52/417:

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Congo, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstain: Afghanistan, Kyrgyzstan, Republic of Korea.

Foreign interests impeding implementation of Declaration

In 1997, the Special Committee on decolonization, as in previous years, considered activities of foreign and other interests impeding implementation of the 1960 Declaration on decolonization. The Special Committee had before it working papers prepared by the Secretariat containing information on economic conditions, with particular reference to foreign economic activities, in the Territories of Anguilla, Bermuda, the Cayman Islands, Montserrat, the Turks and Caicos Islands and the United States Virgin Islands [A/AC.109/2075, 2076-2078, 2081, 2082, 2088].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth

Committee [A/52/621], adopted **resolution 52/72** by recorded vote (156-3-5) [agenda items 91 & 18].

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

The General Assembly,

Having considered the item entitled "Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination",

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item,

Recalling its resolution 1514(XV) of 14 December 1960, as well as all its other relevant resolutions, including, in particular, resolution 46/181 of 19 December 1991,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that any economic or other activity that has a negative impact on the interests of the peoples of the Non-Self-Governing Territories and on the exercise of their right to self-determination in conformity with the Charter of the United Nations and General Assembly resolution 1514(XV) is contrary to the purposes and principles of the Charter,

Reaffirming further that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Aware of the special circumstances of the geographical location, size and economic conditions of each Territory, and bearing in mind the need to promote the economic stability, diversification and strengthening of the economy of each Territory,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Conscious also that foreign economic investment, when done in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes, could make a valid contribution to the socio-economic development of the Territories and could also make a valid contribution to the exercise of their right to self-determination,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, the South Pacific Forum and the Caribbean Community,

1. Reaffirms the right of peoples of Non-Self-Governing Territories to self-determination in con-

formity with the Charter of the United Nations and with General Assembly resolution 1514(XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to enjoyment of their natural resources and their right to dispose of those resources in their best interest;

2. Affirms the value of foreign economic investment undertaken in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socio-economic development of the Territories;

3. Reaffirms the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;

4. Reaffirms its concern about any activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, as well as their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources;

5. Affirms the need to avoid any economic and other activities which adversely affect the interests of the peoples of the Non-Self-Governing Territories;

6. Calls once again upon all Governments that have not yet done so to take, in accordance with the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in the Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises;

7. Reiterates that the damaging exploitation and plundering of the marine and other natural resources of the Non-Self-Governing Territories, in violation of the relevant resolutions of the United Nations, is a threat to the integrity and prosperity of those Territories;

8. Invites all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self-Governing Territories over their natural resources is fully respected and safeguarded;

9. Urges the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self-Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

10. Calls upon the administering Powers concerned to ensure that no discriminatory working conditions prevail in the Territories under their administration and to promote in each Territory a fair system of wages applicable to all the inhabitants without any discrimination;

11. Requests the Secretary-General to continue, through all means at his disposal, to inform world public opinion of any activity that affects the exercise of the

right of the peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter and General Assembly resolution 1514(XV);

12. Appeals to the mass media, trade unions and non-governmental organizations, as well as individuals, to continue their efforts to promote the economic well-being of the peoples of the Non-Self-Governing Territories;

13. Decides to follow the situation in the Non-Self-Governing Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interest of their peoples, including the indigenous populations, and at promoting the economic and financial viability of those Territories;

14. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/72:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Marshall Islands, United States.

Abstain: Bulgaria, Equatorial Guinea, France, Micronesia, United Kingdom.

Dissemination of information

In 1997, the Special Committee again considered the question of dissemination of information on decolonization. The Committee held consultations with the UN Departments of Political Affairs and of Public Information. It reported on the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights (21-25 May), which had been observed annually since 1972. Speaking on the occasion of the Week, the Special Committee Chairman said that however important the success in decolonization, the task of the complete eradication of colonialism was still unfinished and required further concerted and determined action, particularly for those small island NSGTs in the Pacific and the Caribbean. He appealed for the strengthened and continued sup-

port of the administering Powers. According to the Chairman, the Special Committee counted on the support of the specialized agencies and organizations within the UN system in enhancing the standard of living of NSGTs and promoting their self-sufficiency, as well as that of regional and international organizations, which should explore new avenues to provide NSGTs with legal and political opportunities for participating in programmes that related to their environment and livelihood. The Committee believed that the combined effort would ensure the fulfilment of the promise of freedom, lasting peace, sustained growth and sustainable development for all peoples of the planet, in accordance with the purposes and principles of the United Nations.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Special Committee [A/52/23], adopted **resolution 52/79** by recorded vote (159-3-3) [agenda item 18].

Dissemination of information on decolonization

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decolonization and publicity for the work of the United Nations in the field of decolonization,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 51/147 of 13 December 1996,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 (e) of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. Takes note of the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decoloniza-

tion and publicity for the work of the United Nations in the field of decolonization;

2. Considers it important to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. Requests the Department of Political Affairs and the Office of Communications and Public Information of the Secretariat to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, *inter alia*:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. Requests all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. Requests the Special Committee to follow the implementation of the present resolution and to report thereon to the General Assembly at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/79:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United Kingdom, United States.

Abstain: France, Micronesia, Russian Federation.

The United Kingdom said it had voted against the resolution because it believed that, at a time

of ever more acute financial crisis in the United Nations, placing an obligation on the Department of Political Affairs and the Department of Public Information to publicize decolonization issues represented a waste of scarce resources.

Puerto Rico

On 20 June, the Special Committee on decolonization postponed until 1998, pending the outcome of other consultations and subsequent steps that were continuing to be taken at various levels by interested parties, consideration of its decision of 15 August 1991 [YUN 1991, p. 790], by which it had deplored the fact that the United States Congress had not adopted a legal framework for holding a referendum to enable the people of Puerto Rico to determine their political future. The Special Committee decided, on the basis of its usual practice, to give due consideration to requests for hearings. Subsequently, 26 representatives gave their views before the Committee.

Territories under review

East Timor

The Special Committee on decolonization in 1997 again considered the question of East Timor. It had before it a working paper [A/AC.109/2079 & Add.1] containing information on political developments, the human rights situation, and economic, social and educational conditions in the Territory. Since 1977, Portugal, as the administering Power, had annually informed the Secretary-General that, owing to conditions in the Territory, namely, the presence of armed forces of Indonesia, it had been prevented from transmitting any information concerning East Timor under Article 73 e of the Charter of the United Nations. In 1982 [YUN 1982, p. 1349], the General Assembly had requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring ways of achieving a comprehensive settlement of the problem, and since then the Secretary-General annually had kept the Assembly apprised of developments related to the exercise of his good offices.

The Special Committee was told that the Secretary-General had held the eighth round of discussions on the question of East Timor in London on 27 June 1996 with the Foreign Ministers of Indonesia and Portugal, and had discussed substantive issues related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution

to the question of East Timor. The Ministers considered the proposals from the All-inclusive Intra-East Timorese Dialogue held in March 1996 [YUN 1996, p. 529], and agreed to proceed with consultations on the establishment of an East Timorese cultural centre in Dili and on the development of human resources in East Timor. The Ministers also agreed to continue efforts, with the assistance of the Secretary-General, to find a just and comprehensive settlement and, to that end, agreed to schedule a ninth round of talks in December 1996.

The Secretary-General, on 3 February 1997, met with the Minister of the Presidency of the Council of Ministers of Portugal and the Foreign Minister of Indonesia with the aim of restarting the talks on East Timor; he stated that he favoured a sustained leading effort by the United Nations.

On 12 February, the Secretary-General appointed Jamsheed K. A. Marker (Pakistan) as his Personal Representative for East Timor in an effort to give new impetus to his good offices. Mr. Marker visited Portugal, Indonesia and East Timor in March and held talks with officials at the highest level regarding the continuation of the Secretary-General's good offices.

The Commission on Human Rights, in April [E/1997/23 (res. 1997/63)], expressed concern at the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention, and called on the Government of Indonesia to take measures to ensure full respect for the human rights and fundamental freedoms of the people of East Timor. It encouraged the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor, and, in that context, to encourage the All-inclusive Dialogue to continue. (See also PART TWO, Chapter III.)

Portugal, on 19 May [A/52/152], reported that it continued to be prevented de facto from exercising its responsibilities for the administration of East Timor due to the illegal occupation by a third country. However, reports from different sources confirmed that the situation in East Timor continued to be very serious, justifying the gravest concern.

The Secretary-General on 6 June [A/AC.109/2111] said that he had been following with concern the reports of violence in East Timor, which had resulted in the loss of life and considerable human suffering. He called on all parties concerned to exercise restraint.

The Special Committee also heard statements by petitioners. It decided to continue considera-

tion of the question at its next (1998) session, subject to any directives that the General Assembly might give at its fifty-second session.

The Secretary-General in September [A/52/349] reported that, due to matters not directly related to the issues impeding the holding of preparatory meetings, at his suggestion, the ninth round of ministerial talks had been postponed. However, he had met with the Foreign Ministers of Indonesia and Portugal on 19 and 20 June to consider a revised format for the All-inclusive Intra-East Timorese Dialogue. The Ministers agreed to the Secretary-General's proposal that the tripartite talks should continue at the working level, and that his Personal Representative should carry out consultations for the early convening of the All-inclusive Dialogue. Those working-level talks between officials of the two Foreign Ministries were held in New York from 4 to 7 August, with follow-up talks in October and November, under the chairmanship of the Personal Representative. The Secretary-General also reported on the initiative of South African President Nelson Mandela to support his good offices by discussing the issue with Indonesian President Soeharto and, with Indonesia's agreement, with the East Timorese pro-independence leader, Xanana Gusmao.

The third round of the Dialogue was held in Krumbach, Austria, from 20 to 23 October. At the conclusion of the meeting, participants adopted the Krumbach Declaration, by which they reaffirmed their confidence in and support for the dialogue between Indonesia and Portugal, under the auspices of the United Nations, and expressed interest in and availability for the All-Inclusive Intra-East Timorese Dialogue to continue the debate on concrete and practical ideas leading to the creation of confidence-building measures, with a view to contributing to a solution for the question of East Timor. They approved the name, objectives, structure and financing of the Centre for Culture and Development of Timor Lorosae (Centro de Cultura e Desenvolvimento Timor Lorosae). The participants expressed their concern at the escalation of violence in the Territory, and undertook to do everything in their power to contribute to the achievement of a lasting peace. They reaffirmed the urgent need to implement suitable measures for the promotion and protection of human rights in general, and in particular for the protection and promotion of women, children and young people.

In November, the Secretary-General held talks with the President of Portugal, Jorge Sampaio, and Prime Minister Antonio Guterres during the Ibero-American Summit in Venezuela. On 17 De-

cember, he met with the Indonesian Foreign Minister, Ali Alatas, in Kuala Lumpur, Malaysia, during the meeting of the Association of South-East Asian Nations, and discussed the latest developments on regional issues, including East Timor. In December, the Personal Representative of the Secretary-General visited East Timor and Jakarta. He met with the Indonesian Foreign Minister and other high-ranking civilian and military officials.

On a related matter, Portugal, on 5 September, transmitted a note verbale of 28 August [A/52/323-S/1997/691] protesting the signing of a treaty between Australia and Indonesia establishing an exclusive economic zone and certain seabed boundaries, in so far as such a treaty related to East Timor. Indonesia, on 8 September [A/52/333], responded to Portugal's communication of 19 May, offering information on the situation in East Timor.

Falkland Islands (Malvinas)

The Special Committee on decolonization in 1997 considered the question of the Falkland Islands (Malvinas). The United Kingdom, the administering Power, did not participate in the consideration of the subject. The Committee had before it a working paper covering developments in the Territory [A/AC.109/2083], including constitutional and political developments, and economic, social and educational conditions. The Committee adopted a resolution reiterating its view that the way to end the dispute between Argentina and the United Kingdom over sovereignty of the islands was through a peaceful and negotiated settlement. The Committee requested the two Governments to resume negotiations to find a quick and peaceful solution in accordance with General Assembly resolutions on the issue, and, to that end, it reiterated its support for the mission of good offices of the Secretary-General.

In the working paper, it was reported that in January 1997 the United Kingdom Secretary of State for Defence had visited the Territory. On 2 January, he stated that the Government was committed to defending the islands and maintaining their security; there was no caveat, exception or time limit to that commitment. During a press conference, he stated that the United Kingdom was not prepared to discuss sovereignty, let alone share it.

On 3 January, Argentina issued a press release in which it reaffirmed its right to sovereignty over the islands and the maritime spaces around them, but reiterated its intention to move forward in its dialogue with the United Kingdom with the aim of building a relationship of mutual

confidence and arriving at a new understanding in the south-western Atlantic. In a 10 June press release, Argentina reaffirmed its belief that the resumption of talks on the substance of the question, as well as the re-establishment of communication, would create a favourable framework for a peaceful and lasting resolution of the dispute.

At the thirteenth meeting of the South Atlantic Fisheries Commission (Buenos Aires, 24-25 November), the British and Argentine delegations expressed their commitment to the conservation of fish stocks in the South Atlantic and agreed to recommend to their Governments the continuation of cooperation to reach a greater level of scientific understanding of the most significant off-shore species. The Commission recommended that every effort be made to ensure a level of 40,000 metric tons of *Illex* (squid genus) spawning stock biomass at the end of the 1998 season, and that joint research on the southern blue whiting should be intensified with a joint research cruise taking place in the next austral spring.

The South-West Atlantic Hydrocarbons Commission held its third (Buenos Aires, 16 July) and fourth (London, 5 December) meetings in 1997. At the third meeting, the Commission recommended carrying out a survey on the condition of the marine environment in the Special Cooperation Area, and that priority be given to work on detailed terms and conditions under which licences would be issued in that area. At the fourth meeting, the Commission confirmed its subcommittee's recommendation on harmonization of licence terms and conditions and approved lists of items where harmonization between the two licensing regimes was necessary and where it was not.

By **decision 52/409** of 10 November, the General Assembly decided to defer consideration of the question of the Falkland Islands (Malvinas) and to include it in the agenda of its 1998 session.

Gibraltar

The Special Committee on decolonization in 1997 considered the question of Gibraltar, having before it a working paper describing developments concerning the Territory [A/AC.109/2084]. The Committee acceded to Spain's request to participate in its consideration of the question. It decided to continue its consideration of the question at its next session, subject to any directives that the General Assembly might give.

In the working paper, it was reported that one formal meeting (Madrid, Spain, 22 January) under the Anglo-Spanish negotiating process established in 1984 was held at the level of Foreign Minister. The discussions covered a wide range

of issues relevant to Gibraltar and to the relationship of Gibraltar with Spain and the United Kingdom, in the context of European Union membership.

The Commander of British Forces announced that the 500 previously planned reductions in manpower levels of the garrison stationed in Gibraltar would not go ahead. Subsequent developments and a decision to retain certain functions in-house meant that a greater number of locally employed civilian posts would be required: 1,000 by the turn of the century, instead of the 700 announced in July 1994.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/613], adopted **decision 52/419** without vote [agenda item 18].

Question of Gibraltar

At its 69th plenary meeting, on 10 December 1997, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text as representing the consensus of the members of the Assembly:

"The General Assembly, recalling its decision 51/430 of 13 December 1996, and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 stipulates, *inter alia*, the following:

"The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom hold annual meetings alternately in each capital, the most recent of which was held in London on 22 January 1997, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

New Caledonia

The Special Committee on decolonization in 1997 considered the question of New Caledonia. It had before it a working paper [A/AC.109/2074] describing developments in the Territory, particularly the implementation of the 1988 Ma-

tignon Accords [YUN 1988, p. 742], which provided for a 10-year period of economic and social development, leading to a self-determination referendum to be held in 1998. The signatories to the Accords were the Government of France and the two main Caledonian political groupings—the Rassemblement pour la Calédonie dans la République (RPCR) and the Front de libération nationale kanake socialiste (FLNKS). On 28 December 1996, the President of FLNKS said that the party believed that the local partners in the Matignon Accords should resume bilateral discussions on the country's institutional future before the whole range of political groups, social and professional categories and traditional institutions was associated with the approach advocated by FLNKS. That meant that the two sides were opting for negotiation instead of confrontation, leading to a negotiated solution for the future of the country. That negotiated solution would, once the referendum had taken place, allow for shared sovereignty with France and the eventual full exercise of its attributes of sovereignty on the basis of a timetable for relinquishment of authority to be determined. RPCR supported the statement by the President of FLNKS.

On 21 October, New Zealand transmitted to the Secretary-General the report [A/52/590] of a ministerial visit to New Caledonia from 11 to 14 August by the South Pacific Forum.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/613], adopted **resolution 52/76** without vote [agenda item 18].

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in

New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

3. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords;

4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

5. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

6. Notes the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

8. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue the examination of this question at its next session and to report thereon to the General Assembly at its fifty-third session.

Island Territories

In 1997, the General Assembly's Fourth Committee continued consideration of two draft resolutions submitted by the Special Committee in 1996 concerning the small island Territories: American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam,

Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands. They had been deferred by the Fourth Committee in 1996 as a result of its failure to resolve all the differences [YUN 1996, p. 535]. The General Assembly President in December 1996 deferred consideration of the drafts until March 1997, noting the assurance given by the administering Powers (United Kingdom and United States) to continue dialogue with the Special Committee under the chairmanship of the Fourth Committee.

In 1997, the Fourth Committee Chairman convened four meetings between the Special Committee Chairman and the administering Powers, and five meetings between the Special Committee and the administering Powers. As a result of those consultations, the United Kingdom and the United States withdrew their amendments [A/C.4/51/L.11] to the draft resolutions. Agreement was reached on amendments [A/C.4/51/8], which the Chairman submitted to the Fourth Committee.

GENERAL ASSEMBLY ACTION

On 27 March [meeting 94], the General Assembly, on the recommendation of the Fourth Committee [A/51/588/Add.1], adopted **resolutions 51/224 A and B** without vote [agenda item 19].

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands

A

General

The General Assembly,

Having considered the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fiftieth session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to

territorial size, geographical location, size of population or natural resources,

Recalling its resolution 1541(XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Expressing its concern that even three and a half decades after the adoption of the Declaration there still remains a number of Non-Self-Governing Territories,

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by the year 2000,

Taking note of the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also recognizing the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514(XV), 1541(XV) and other resolutions,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and welcoming the recent constitutional developments in Tokelau,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections, and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory,

Recognizing that all available options for self-determination are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514(XV), 1541(XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Taking note of the fact that the Special Committee held at Port Moresby, from 12 to 14 June 1996, a Pacific regional seminar to review the situation in the Non-Self-Governing Territories, particularly their political evolution towards self-determination by the year 2000,

Mindful that in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories, and to fulfil its mandate effectively, it is important for the Committee to be apprised by the administering Powers, and to receive information from other appropriate sources, concerning the wishes and aspirations of the peoples of the Territories,

Mindful also that in this connection the Special Committee regards the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, as a helpful means to fulfil its mandate, while recognizing the need for reviewing the role of these seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful further that some Territories have not had any United Nations visiting mission for a long period of time,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands, and takes note of the recommendations contained therein subject to the changes introduced by the present resolution;

2. Reaffirms the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and General Assembly resolution 1514(XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms also that it is ultimately for the peoples of the Territories themselves to determine freely their

future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with legitimate political status options, including those defined in resolution 1541 (XV);

4. Requests the administering Powers to transmit to the Secretary-General information called for under Article 73 e of the Charter and other information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter which indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

5. Stresses the importance for the Special Committee to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

6. Reaffirms that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Power are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

7. Reaffirms also the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

8. Requests the administering Powers in consultation with the peoples of the Territories to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. Calls upon the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

10. Stresses that eradication of colonialism by the year 2000 requires the full and constructive cooperation of all parties concerned;

11. Takes note of the particular circumstances which prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

12. Urges Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

13. Invites the specialized agencies and other organizations of the United Nations system to initiate or

to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

14. Requests the Special Committee to continue the examination of the question of the small Territories and to submit a report thereon to the General Assembly at its fifty-second session, including recommendations on appropriate ways to assist the peoples of the Territories to exercise their right to self-determination.

B

Individual territories

The General Assembly,

Referring to resolution A above,

I. American Samoa

Noting the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Noting also the non-participation of representatives of the people of American Samoa in the last two regional seminars,

Noting further that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting that the Territory, similar to isolated communities with limited funds, continues to experience lack of adequate medical facilities and other infrastructural requirements, especially the provision of safe drinking water to all villages in American Samoa,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

II. Anguilla

Noting that information considered by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was made available from published sources,

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as

well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power and all countries, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995 in Bermuda,

Conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting the measures taken by the Government to combat racism and the plan to set up a Commission for Unity and Racial Equality,

Noting also the report of the intended closure of the foreign military bases and installations in the Territory,

Taking into consideration the statement made in October 1995 by the Finance Minister on the transfer of those lands for development projects,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue its programmes of socio-economic development of the Territory;

3. Requests the administering Power to elaborate, in consultation with the territorial Government, programmes of development specifically intended to alleviate the economic, social and environmental consequences of the closure of certain military bases and installations in the Territory;

IV. British Virgin Islands

Noting the completion of the constitutional review in the British Virgin Islands and the coming into force of the amended Constitution, and noting also the results of the general elections held on 20 February 1995,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

V. Cayman Islands

Noting that information considered by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was made available from published sources,

Noting also the constitutional review of 1992-1993, according to which the population of the Cayman Islands expressed the sentiment that the existing relations with the United Kingdom of Great Britain and Northern Ireland should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to promote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities,

Noting the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. Requests the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

VI. Guam

Recalling that, in a referendum held in 1987, the people of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for internal self-government for Guam and recognition of the right of the people of Guam to self-determination for the Territory,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples is concerned, pending the expression of the will of the Chamorro people and taking into account their legitimate rights and interests,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Taking note of the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and taking note of the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,

1. Calls upon the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on this matter, and requests the administering Power to inform the Secretary-General of progress to this end;

2. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. Also requests the administering Power, in cooperation with the territorial Government, to continue the orderly transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

4. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the people of Guam, including the Chamorro people, and to take all neces-

sary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

5. Requests the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises by the people of Guam, including the Chamorro people;

6. Also requests the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture and other viable activities;

VII. Montserrat

Noting the non-receipt of up-to-date information on Montserrat from the administering Power and that the last visiting mission took place in 1982,

Noting also that information considered by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was made available from published sources,

Noting the functioning of a democratic process in Montserrat,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption, which led to the evacuation of a third of the Territory's population to safe areas of the island,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with deep concern that a substantial number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascer-

tained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Aware of the request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Noting the statement of 1995 by the administering Power that the Governor of the island would be ready to enter into debate on a constitutional review of St. Helena,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular in the sphere of food production,

1. Notes that the administering Power has noted various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss these further with the people of St. Helena, and also notes that the Commonwealth Parliamentary Association recently sent a delegation to study the Constitution and its application with the Legislative Council;

2. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. Requests the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory;

X. Turks and Caicos Islands

Noting the recent petition by the political leaders of the Turks and Caicos Islands addressed to the administering Power to recall the Governor and the decision by the administering Power to reject that petition,

Noting with interest the statement made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Deputy Chief Minister of the Territory to the Pacific regional seminar held at Port Moresby from 12 to 14 June 1996,

Taking note of the request by the Deputy Chief Minister of the Territory addressed to the Special Committee to visit the Territory and ascertain the wishes of the people of the Turks and Caicos Islands with regard to preparing themselves for self-government,

Noting the establishment in November 1995 of the Action Committee for Political Independence, formed by prominent political figures from different parties, and its stated goal of educating the population in the

disadvantages of the present colonial status and the benefits of independence,

Noting also the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Invites the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. Calls upon the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

4. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

XI. United States Virgin Islands

Noting that general elections were held in November 1994 in the United States Virgin Islands,

Noting also that 27.5 per cent of the electorate participated in the referendum on the political status of the Territory held on 11 October 1993, and that 80.4 per cent of those who voted supported the existing territorial status arrangements with the United States of America, and that the referendum left the status issue undecided,

Noting further the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community,

Noting the necessity of further diversifying the Territory's economy,

Noting also that the question of Water Island is still under discussion between the Government of the Territory and the administering Power,

Noting further the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction that the Territory joined the International Drug Enforcement Conference as a full member in 1995, which would strengthen its capability to combat illegal drug trafficking,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspira-

tions of the people regarding their future political status;

2. Also requests the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. Further requests the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States and the Caribbean Community;

4. Welcomes the negotiations between the administering Power and the territorial Government on the question of Water Island.

Following the adoption of the resolutions, the United States said that the action was a significant achievement in itself, but, more importantly, it was a critical step to the next stage of the informal dialogue, which the United States was prepared to continue with a view to possibly achieving resumed formal cooperation. It was prepared to discuss with the Special Committee the modalities for visiting missions to the Territories and to review with it the efficacy of and the need for the Special Committee's regional seminars. It also hoped to consider appropriate mechanisms which would give recognition to expressions of self-determination by the peoples concerned, based on an informed, free and voluntary choice, with a view to removing those Territories from the list of NSGTs.

The United Kingdom stated that it was ready to continue informal discussions with the Special Committee, including on such issues as the provision of information on democratic processes indicating the wishes and aspirations of the peoples of the Territories, specifically elections, referendums and constitutional developments, visiting missions and review of the role of the regional seminars.

Saint Vincent and the Grenadines, speaking for the Caribbean Community (CARICOM), said that CARICOM Governments were of the view that other elements of the Plan of Action for the International Decade for the Eradication of Colonialism (1990-2000) [YUN 1988, p. 734, GA res. 43/47] should be addressed from a regional perspective as well, in particular the review of the impact of the economic and social situation on the constitutional and political advancement of NSGTs—an activity called for in the Plan of Action but never carried out, and which should be addressed in the context of the 1997 seminar (see below).

Special Committee consideration. At its 1997 session, the Special Committee on decolonization had before it working papers describing political developments and economic and social conditions in the following island Territories: American Samoa [A/AC.109/2080], Anguilla [A/AC.109/2077], Bermuda [A/AC.109/2075], the Brit-

ish Virgin Islands [A/AC.109/2082], the Cayman Islands [A/AC.109/2081], Guam [A/AC.109/2086], Montserrat [A/AC.109/2078], Pitcairn [A/AC.109/2072], St. Helena [A/AC.109/2071], Tokelau [A/AC.109/2090], the Turks and Caicos Islands [A/AC.109/2088] and the United States Virgin Islands [A/AC.109/2076].

The Special Committee considered the 12 Territories between 9 and 20 June. It heard statements by the representatives of Guam, Tokelau and the United States Virgin Islands.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/613], adopted **resolutions 52/77 A and B** without vote [agenda item 18].

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands

A General

The General Assembly,

Having considered the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-first session on the individual Territories covered by the present resolution,

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Recalling its resolution 1541(XV) of 15 December 1960, containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Expressing its concern that thirty-seven years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

Acknowledging the significant achievements by the international community towards the eradication of colonialism in accordance with the Declaration, and conscious of the importance of continuing effective implementation of the Declaration, taking into ac-

count the target set by the United Nations to eradicate colonialism by the year 2000,

Taking note of the positive constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information, while also acknowledging the need for recognition to be given to expressions of self-determination by the peoples of the Territories consistent with practice under the Charter,

Recognizing that in the decolonization process there is no alternative to the principle of self-determination as enunciated by the General Assembly in its resolutions 1514(XV), 1541(XV) and other resolutions,

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and welcoming the recent constitutional developments in Tokelau,

Welcoming the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland that it continues to take seriously its obligations under the Charter to develop self-government in the dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continue to meet the wishes of the people, and the emphasis that it is ultimately for the peoples of the Territories to decide their future status,

Welcoming also the stated position of the Government of the United States of America that it supports fully the principles of decolonization and takes seriously its obligations under the Charter to promote to the utmost the well-being of the inhabitants of the Territories under United States administration,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of appointed and elected representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must not take place without the active involvement and participation of the people of that Territory,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in resolutions 1514(XV), 1541(XV) and other resolutions of the General Assembly,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at

an appropriate time and in consultation with the administering Powers should be kept under review.

Noting that the Special Committee held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997, a Caribbean regional seminar to review the political, economic and social conditions in the Territories,

Mindful that in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for the Committee to be apprised by the administering Powers, and to receive information from other appropriate sources, concerning the wishes and aspirations of the peoples of the Territories,

Mindful also in this connection that the Special Committee considers the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, as a helpful means to fulfil its mandate, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful further that some Territories have not had any United Nations visiting mission for a long period of time, and that no such visiting missions have been sent to some of the Territories,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, and regional institutions such as the Caribbean Development Bank,

1. Reaffirms the inalienable right of the peoples of the Territories to self-determination, including, if they so wish, independence, in conformity with the Charter of the United Nations and with General Assembly resolution 1514(XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. Reaffirms also that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with legitimate political status options, including those defined in resolution 1541 (XV);

3. Requests the administering Powers to transmit to the Secretary-General information called for under Article 73 e of the Charter and other information and reports, including reports on the wishes and aspirations of the peoples of the Territories regarding their future political status as expressed in fair and free referendums and other forms of popular consultation, as well as the results of any informed and democratic processes consistent with practice under the Charter that indicate the clear and freely expressed wish of the people to change the existing status of the Territories;

4. Stresses the importance for the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to

Colonial Countries and Peoples to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions;

5. Reaffirms that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Powers are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard;

6. Reaffirms also the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. Requests the administering Powers, in consultation with the peoples of the Territories, to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

8. Calls upon the administering Powers, in cooperation with the respective territorial Governments, to continue to take all necessary measures to counter problems related to drug trafficking, money laundering and other offences;

9. Stresses that the eradication of colonialism by the year 2000 requires the full and constructive cooperation of all parties concerned;

10. Takes note of the particular circumstances that prevail in the Territories concerned, and encourages the political evolution in them towards self-determination;

11. Urges Member States to contribute to the efforts of the United Nations to usher in the twenty-first century in a world free of colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

12. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

13. Requests the Special Committee to continue the examination of the question of the small Territories and to report thereon to the General Assembly at its fifty-third session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B

Individual territories

The General Assembly,
Referring to resolution A above,

I. American Samoa

Noting the report by the administering Power that most American Samoan leaders express satisfaction with the island's present relationship with the United States of America,

Noting also the non-participation of representatives of the people of American Samoa in the last three regional seminars,

Noting further that the Government of the Territory continues to have significant financial, budgetary and internal control problems and that the Territory's deficit and financial condition are compounded by the high demand for government services from the rapidly growing population, a limited economic and tax base and recent natural disasters,

Noting that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical facilities and other infrastructural requirements,

Aware of the efforts of the Government of the Territory to control and reduce expenditures, while continuing its programme of expanding and diversifying the local economy,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory;

II. Anguilla

Conscious of the commitment of both the Government of Anguilla and the administering Power to a new and closer policy of dialogue and partnership through the Country Policy Plan for 1993-1997,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors, by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

Noting the need for continued cooperation between the administering Power and the territorial Government in tackling the problems of drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power and all States, organizations and United Nations agencies to continue to assist the Territory in social and economic development;

III. Bermuda

Noting the results of the independence referendum held on 16 August 1995,

Conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

Noting the measures taken by the Government to combat racism and the plan to set up a Commission for Unity and Racial Equality,

Noting also the report of the intended closure of the foreign military bases and installations in the Territory,

Taking into consideration the statement made in October 1995 by the Finance Minister on the transfer of those lands for development projects,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power to continue its programmes of socio-economic development of the Territory;

3. Requests the administering Power to elaborate, in consultation with the territorial Government, programmes of development specifically intended to alleviate the economic, social and environmental consequences of the closure of certain military bases and installations in the Territory;

IV. British Virgin Islands

Noting the completion of the constitutional review in the Territory and the coming into force of the amended Constitution, and noting also the results of the general elections held on 20 February 1995,

Noting also the results of the constitutional review of 1993-1994, which made it clear that a prerequisite to independence must be a constitutionally expressed wish by the people as a result of a referendum,

Taking note of the statement made in 1995 by the Chief Minister of the British Virgin Islands that the Territory was ready for constitutional and political advancement towards full internal self-government and that the administering Power should assist through the gradual transfer of power to elected territorial representatives,

Noting that the Territory is emerging as one of the world's leading offshore financial centres,

Noting also the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Requests the administering Power, the specialized agencies and other organizations of the United Nations system and all financial institutions to continue to provide assistance to the Territory for socio-economic development and the development of human resources, bearing in mind the vulnerability of the Territory to external factors;

V. Cayman Islands

Noting the constitutional review of 1992-1993, according to which the population of the Cayman Islands expressed the sentiment that the existing relations with the United Kingdom of Great Britain and Northern Ireland should be maintained and that the current status of the Territory should not be altered,

Aware that the Territory has one of the highest per capita incomes in the region, a stable political climate and virtually no unemployment,

Noting the actions taken by the territorial Government to implement its localization programme to pro-

mote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting with concern the vulnerability of the Territory to drug trafficking, money laundering and related activities,

Noting the measures taken by the authorities to deal with those problems,

Noting also that the Territory has emerged as one of the world's leading offshore financial centres,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Requests the administering Power, the specialized agencies and other organizations of the United Nations system to continue to provide the territorial Government with all required expertise to enable it to achieve its socio-economic aims;

3. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

4. Requests the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme of securing employment for the local population, in particular at the decision-making level;

VI. Guam

Noting with interest the statement made and the information on the political and economic situation in Guam provided by the representative of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Recalling that, in a referendum held in 1987, the people of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for internal self-government for Guam and recognition of the right of the people of Guam to self-determination for the Territory,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples is concerned, pending the expression of the will of the Chamorro people and taking into account their legitimate rights and interests,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and

expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Taking note of the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,

1. Calls upon the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on this matter, and requests the administering Power to inform the Secretary-General of progress to this end;

2. Requests the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. Also requests the administering Power, in cooperation with the territorial Government, to continue the orderly transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

4. Further requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the people of Guam, including the Chamorro people, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

5. Requests the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises by the people of Guam, including the Chamorro people;

6. Also requests the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture and other viable activities;

VII. Montserrat

Noting with interest the statements made and the information on the political and economic situation in Montserrat provided by the elected representatives of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Noting that the last visiting mission took place in 1982,

Noting also the functioning of a democratic process in Montserrat, and that general elections were held in the Territory in November 1996,

Taking note of the reported statement of the Chief Minister that his preference was for independence within a political union with the Organization of Eastern Caribbean States and that self-reliance was more of a priority than independence,

Noting with concern the dire consequences of a volcanic eruption which led to the evacuation of a third of the Territory's population to safe areas of the island and which continues to have a negative impact upon the economy of the island,

Noting the efforts of the administering Power and the Government of the Territory to meet the emergency situation caused by the volcanic eruption, including the implementation of a wide range of contingency measures for both the private and the public sectors in Montserrat,

Noting also the coordinated response measures taken by the United Nations Development Programme and the assistance of the United Nations disaster management team,

Noting with deep concern that a substantial number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Calls upon the administering Power, the specialized agencies and other organizations of the United Nations system as well as regional and other organizations to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruption;

VIII. Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Expressing its satisfaction with the continued economic and social advancement of the Territory, as well as with the improvement of its communications with the outside world and its management plan to address conservation issues,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

IX. St. Helena

Taking into account the unique character of St. Helena, its population and its natural resources,

Aware of the request by the Legislative Council of St. Helena that the administering Power conduct a constitutional review in the Territory,

Noting the statement of 1995 by the administering Power that the Governor of the island would be ready to enter into debate on a constitutional review of St. Helena,

Aware of the establishment by the Government of the Territory of the Development Agency in 1995 to encourage private sector commercial development on the island,

Also aware of the efforts of the administering Power and the territorial authorities to improve the socio-

economic conditions of the population of St. Helena, in particular in the sphere of food production,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. Notes that the administering Power has taken note of various statements made by members of the Legislative Council of St. Helena about the Constitution and is prepared to discuss them further with the people of St. Helena, and also notes that the Commonwealth Parliamentary Association recently sent a delegation to study the Constitution and its application with the Legislative Council;

2. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

3. Requests the administering Power and relevant regional and international organizations to continue to support the efforts of the territorial Government to address the socio-economic development of the Territory;

X. Tokelau

Noting with interest the statement made and the information on the political and economic situation in Tokelau provided by the representative of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Recalling the solemn declaration on the future status of Tokelau, delivered by the Ulu-o-Tokelau (the highest authority on Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the Constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. Notes that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541(XV) of 15 December 1960;

2. Also notes Tokelau's desire to move at its own pace towards an act of self-determination;

3. Commends Tokelau for seeking on the basis of wide consultation with its people a form of national government that reflects its unique traditions and environment, and for charting its own constitutional course;

4. Acknowledges the collaboration between New Zealand and Tokelau regarding the Tokelau Amendment Act 1996, which provides Tokelau's national Government with a legislative power, supplementing the executive power delegated in 1994;

5. Also acknowledges Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

6. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

1. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau;

XI. Turks and Caicos Islands

Noting with interest the statements made and the information on the political and economic situation in the Turks and Caicos Islands provided by the Cabinet Minister as well as a member of the legislature from the opposition of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Noting the establishment in November 1995 of the Action Committee for Political Independence, formed by prominent political figures from different parties, and its stated goal of educating the population in the disadvantages of the present colonial status and the benefits of independence,

Noting also the efforts by the Government of the Territory to strengthen financial management in the public sector, including efforts to increase revenue,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration,

Noting the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money laundering,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the

Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Invites the administering Power to take fully into account the wishes and interests of the Government and the people of the Turks and Caicos Islands in the governance of the Territory;

3. Calls upon the administering Power and the relevant regional and international organizations to continue to provide assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory;

4. Calls upon the administering Power and the territorial Government to continue to cooperate to counter problems related to money laundering, smuggling of funds and other related crimes, as well as drug trafficking;

XII. United States Virgin Islands

Noting with interest the statement made and the information on the political and economic situation in the United States Virgin Islands provided by the representative of the Governor of the Territory to the Caribbean regional seminar, held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997,

Noting that general elections were held in November 1994,

Noting also that 27.5 per cent of the electorate participated in the referendum on the political status of the Territory held on 11 October 1993, that 80.4 per cent of those who voted supported the existing territorial status arrangements with the United States of America and that the referendum left the status issue undecided,

Noting further the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States,

Noting the necessity of further diversifying the Territory's economy,

Welcoming the conclusion of the discussion between the Government of the Territory and the administering Power on the question of Water Island,

Noting the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Noting with satisfaction the interest of the Territory in joining the United Nations International Drug Control Programme as a full participant,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power, bearing in mind the views of the people of the Territory ascertained through a democratic process, to keep the Secretary-General informed of the wishes and aspirations of the people regarding their future political status;

2. Also requests the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

3. Further requests the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States and the Caribbean Community;

4. Welcomes the conclusion of the negotiations between the administering Power and the territorial Government on the question of Water Island.

Other questions

Visiting missions

The Chairman of the Special Committee on decolonization reported in June [A/AC.109/L.1859] on consultations held in 1997 with representatives of the administering Powers on the question of sending visiting missions to Territories, as requested by the Committee in 1996 [YUN 1996, p. 528]. During those consultations, the Chairman informed the administering Powers that the Special Committee continued to attach importance to the dispatch of UN visiting missions to NSGTs as a means of securing first-hand information on them. He appealed to the administering Powers to cooperate with the United Nations in that regard and indicated that some territorial Governments had expressed their willingness to receive such missions.

The Chairman expressed appreciation for the cooperation of the administering Powers in facilitating the participation of representatives from NSGTs in the five seminars organized in the context of the International Decade for the Eradication of Colonialism, and drew their attention to the conclusions and recommendations of the seminar held in St. John's, Antigua and Barbuda (see below). The Chairman reiterated the need for visiting missions to ascertain the views of the peoples of the Territories concerned.

The Special Committee, by a resolution of 12 June, stressed the need to dispatch periodic visiting missions to NSGTs, called on the administering Powers to cooperate by receiving such missions and requested the Chairman to continue consultations with those Powers. It also requested the Chairman to enter into consultations with the administering Power of Guam, with a view to facilitating the dispatch of a UN mission there.

Information on Territories

In response to resolution 51/139 [YUN 1996, p. 527], the Secretary-General submitted a September report [A/52/365] containing information on economic, social and educational conditions in NSGTs, as prescribed in Article 73 e of the UN Charter. The report presented information transmitted to the Secretary-General in respect of the years 1996 and 1997. Countries that had submitted information were: New Zealand (Tokelau), United Kingdom (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), Gibraltar, Montserrat, Pit-

cairn, St. Helena, Turks and Caicos Islands) and United States (American Samoa, Guam, United States Virgin Islands).

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/620], adopted **resolution 52/71** by recorded vote (161-0-4) [agenda item 90].

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations and the action taken by the Special Committee in respect of that information,

Having also examined the report of the Secretary-General,

Recalling its resolution 1970(XVIII) of 16 December 1963, in which it requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514(XV) of 14 December 1960,

Recalling also its resolution 51/139 of 13 December 1996, in which it requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations;

2. Reaffirms that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory;

3. Requests the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

4. Requests the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

b. Requests the Special Committee to continue to discharge the functions entrusted to it under resolution 1970(XVIII), in accordance with established procedures, and to report thereon to the General Assembly at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/71:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: France, Israel, United Kingdom, United States.

Study and training

The Secretary-General reported in September [A/52/388 & Add.1,2] on offers by Member States of study and training facilities for inhabitants of NSGTs. Since 1954, Member States had been invited by the General Assembly to offer education and training, not only at the university level but also at the post-primary level, as well as technical and vocational training of immediate practical value. Those offers were communicated by the Secretariat to the administering Powers to enable them to give appropriate publicity in the Territories under their administration.

As requested in General Assembly resolution 51/142 [YUN 1996, p. 527], his report covered offers and awards made from 1 October 1996 to 30 September 1997. Over the years, 46 Member States and one non-member State had offered scholarships. During the reporting period, four countries—Austria, the Bahamas, New Zealand and the United Kingdom—informed the Secretary-General of their offers. Austria said that it regularly provided vocational training and capacity-building in the infrastructure and education sectors for inhabitants of Western Sahara. Assistance was also provided for the training of kindergarten teachers. The Bahamas reported that it had rendered assistance to students from the

Turks and Caicos Islands enrolled in teacher education at the College of the Bahamas, and would be prepared in the future to assist two students from Montserrat and one each from Anguilla and the Turks and Caicos Islands. New Zealand said that it had awarded two scholarships to students from Tokelau and six training awards to students from New Caledonia. The United Kingdom stated that in 1996/97 it had offered 41 scholarships to students from British Territories: Anguilla (2), Bermuda (21), British Virgin Islands (1), Cayman Islands (12), Montserrat (3), St. Helena (1) and Turks and Caicos Islands (1).

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/623], adopted **resolution 52/74** without vote [agenda item 93].

Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories

The General Assembly,

Recalling its resolution 51/142 of 13 December 1996,

Having examined the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories, prepared pursuant to its resolution 845(IX) of 22 November 1954,

Conscious of the importance of promoting the educational advancement of the inhabitants of Non-Self-Governing Territories,

Strongly convinced that the continuation and expansion of offers of scholarships is essential to meet the increasing need of students from Non-Self-Governing Territories for educational and training assistance, and considering that students in those Territories should be encouraged to avail themselves of such offers,

1. Takes note of the report of the Secretary-General;
2. Expresses its appreciation to those Member States that have made scholarships available to the inhabitants of Non-Self-Governing Territories;
3. Invites all States to make or continue to make generous offers of study and training facilities to the inhabitants of those Territories that have not yet attained self-government or independence and, wherever possible, to provide travel funds to prospective students;
4. Urges the administering Powers to take effective measures to ensure the widespread and continuous dissemination in the Territories under their administration of information relating to offers of study and training facilities made by States and to provide all the necessary facilities to enable students to avail themselves of such offers;
5. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution;
6. Draws the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the present resolution.

Regional seminars

The Special Committee on decolonization, pursuant to General Assembly resolution 51/146 [YUN 1996, p. 517], in 1997 organized the Caribbean Regional Seminar to review the political, economic and social conditions in the small island Territories (St. John's, Antigua and Barbuda, 21-23 May) as part of the effort to implement the 1991 Plan of Action [YUN 1991, p. 777] for the International Decade for the Eradication of Colonialism (1990-2000), declared by the Assembly in resolution 43/47 [YUN 1988, p. 734]. Participants assessed the situation in the NSGTs, with a view to formulating a comprehensive and integrated approach to ensure their political and sustainable socio-economic development, as well as their constitutional evolution towards self-determination by the year 2000, and identified areas in which the international community could increase and enhance its assistance.

The Seminar, in its conclusions and recommendations [A/AC.109/2089], noted that implementation of the 1960 Declaration was not complete as long as there remained NSGTs that still had to exercise their right to self-determination. All options for addressing the situations of the remaining NSGTs were valid, as long as they were in accordance with the freely expressed wishes of the peoples concerned. The United Nations and the Special Committee should actively participate in monitoring and observing the evolution of NSGTs towards self-determination and certify to the Assembly the compliance of those processes with UN norms and practices. Administering Powers should re-establish their formal co-operation with the Special Committee, facilitate UN visiting missions to the Territories under their administration, and respect and pay close attention to the views and the political will of the elected territorial Governments. Programmes of socio-economic assistance provided to NSGTs by the administering Powers, as well as by UN specialized agencies and international organizations and by regional and subregional organizations, should be increased and streamlined in conformity with the needs and wishes of the Territories. Activities of foreign economic interests should be closely monitored to ensure that they contributed to socio-economic advancement and self-determination. Announced plans of the administering Powers to close or downsize some of their remaining military facilities in NSGTs should be carried out with the territorial Governments to prevent or mitigate possible negative effects of socio-economic and environmental consequences of those closures. Administering Powers, in cooperation with territorial Governments, should establish effective mechanisms to protect

vulnerable socio-economic structures from illicit drug trafficking, money laundering and funds smuggling. The Special Committee should assist NSGTs in becoming included in UN programmes and projects, particularly those under the International Decade for Natural Disaster Reduction (see PART THREE, Chapter III) and others to assist small island developing States.

NSGTs should be encouraged to participate in regional and subregional organizations, particularly those in the Caribbean and Pacific regions. The Special Committee should facilitate direct and regular consultations between elected Governments of NSGTs and relevant UN organizations and bodies, and review the Territories' situation with respect to the status of the people's ownership, control and disposal of land and marine resources and report to the Assembly. The United Nations should commit the necessary human and financial resources to assist in the process of self-determination.

The Seminar made specific recommendations with respect to Bermuda, East Timor, the Falkland Islands (Malvinas), Gibraltar, Guam, Montserrat, Puerto Rico, Tokelau, the Turks and Caicos Islands and Western Sahara.

OIOS report. The Office of Internal Oversight Services (OIOS) [A/51/486] had conducted in 1996 an investigation into all seminars organized by the Special Committee on decolonization since 1990, following a report that the Committee might have misused or wasted UN funds spent on a seminar held in Trinidad and Tobago in July 1995.

In its findings, OIOS stated that while it did not question the purpose of the seminars as they had been approved by the General Assembly, the issue of the efficient and effective use of funds for holding the seminars at a time of financial crisis for the Organization was worth objective and independent consideration. OIOS stated that the seminars were largely duplicative, with their site selection having little impact on the participation of the Territories affected. In recent years, their participation had never exceeded 30 per cent. Although approved by the Assembly, the reasons for holding and paying for the seminars were not transparent, OIOS stated.

OIOS agreed with the position of the Department of Political Affairs, which was to raise with the Special Committee the question whether, given the seriousness of the current financial circumstances, the seminars needed to be held, and to ask it to reconsider its decision to hold the June 1996 seminar [YUN 1996, p. 516]. That suggestion had not been accepted by the Special Committee, some of whose members questioned the propriety and legitimacy of the Secretariat making such

suggestions, and the seminar was subsequently conducted at a cost of \$135,900. OIOS concluded that without a compelling, and as yet unarticulated, reason for continuing to hold those seminars, there was the appearance of a waste of limited UN resources which, in the best interests of the Organization, ought to be considered and explicitly explained.

Following consideration of the matter in February 1997 by the Special Committee, the Under-Secretary-General for Internal Oversight Services, in a 14 March letter to the Special Committee Chairman [A/AC.109/2085], said that it was not the intention of OIOS to overstep the limits of Assembly resolution 48/218 B [YUN 1994, p. 1362], which provided the mandate for the Office. He underlined that at no point did OIOS question the mandate of Member States or pass judgement on the underlying political issue, which was entirely within the authority of the legislative bodies. The sole and specific issue on which OIOS meant to give advice was the value-for-money aspect in the context of the seminars. It did not suggest that the most serious issue of decolonization should be ignored in the future.

The Chairman of the Special Committee reported that the seminars continued to be an important and effective instrument for the discharge of the Committee's mandate [A/AC.109/2085]. The Committee believed that the OIOS report exceeded its mandate and that its conclusions were unbalanced and unjustified. The Committee would continue its dialogue with the administering Powers to ensure their full cooperation, particularly by facilitating visiting missions to NSGTs, and therefore would be ready to review the role of the regional seminars.

On 6 June, the Special Committee adopted the Chairman's report and authorized him to transmit it to the Assembly.

On 13 June, the Assembly noted the OIOS report and the Special Committee's consideration of it (**decision 51/468 D**).

On 30 June, the Special Committee Chairman, in a letter to the Secretary-General [A/52/220] referring to the action of the Assembly on the OIOS report, drew attention to the fact that no action had been taken on his report on the Committee's regional seminars, which he said was closely related to the OIOS report and which clarified some of the latter's erroneous conclusions. He hoped that before issuing future reports criticizing a major programme authorized by the Assembly, OIOS would first seek the views of the committee concerned and avoid reaching erroneous conclusions.

Information

United Nations public information activities continued to be directed in 1997 towards publicizing the goals and activities of the Organization and assisting in improving the communication capabilities of developing countries. That work was largely carried out by the UN Department of Public Information (DPI), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Joint United Nations Information Committee (JUNIC), the last being an inter-agency committee of UN officials responsible for coordinating information activities within the UN system.

The General Assembly's 89-member Committee on Information, at its nineteenth session (New York, 13-19 May (first part), 3 September and 14 and 17 November (resumed)) [A/52/21/Rev.1], examined UN public information policies and activities in the light of the evolution of international relations, and evaluated progress made by the UN system in the area of information and communications, and the need to establish a new international economic order and a new world information and communication order. A major report—by the Task Force on the Reorientation of United Nations Public Information Activities—entitled "Global vision, local voice: a strategic communications programme for the United Nations" was a central focus of Assembly discussion.

Other reports considered concerned an evaluation of the Dag Hammarskjöld Library [A/AC.198/1997/2 & Add.1], a DPI review of publications [A/AC.198/1997/3], a review of DPI publications in the sphere of development [A/AC.198/1997/4], integration of UN information centres with field offices of the United Nations Development Programme (UNDP) [A/AC.198/1997/5], an evaluation of UN information centres [A/AC.198/1997/6], activities of JUNIC in 1996 [A/AC.198/1997/7] and ways to further the development of communications infrastructures and capabilities in developing countries [A/AC.198/1997/8].

At its resumed session in September, the Committee considered proposals for reorienting UN public information activities, based on the Task Force report.

The Committee's recommendations were considered by the Fourth (Special Political and Decolonization) Committee and by the General Assembly. Two resolutions on information were adopted: one calling for the development of information flows and communication capabilities in the service of humanity, particularly in devel-

oping countries, and the other outlining UN public information policies and activities (see below for texts).

Information in the service of humanity

The Committee on Information in 1997 considered a report [A/AC.198/1997/8] detailing observations and suggestions by Member States and international organizations on ways of furthering the development of communications infrastructures and capabilities in developing countries, pursuant to General Assembly resolution 51/138 B [YUN 1996, p. 543].

Universal access to communications

In September, the Secretary-General transmitted to the General Assembly a statement of the Administrative Committee on Coordination (ACC) [A/52/354] on universal access to basic communication and information services, adopted at its April session. ACC expressed concern at the increasingly inadequate distribution of access, resources and opportunities in the information and communication field. The gap in that area and related inequities between industrialized and developing nations was widening, so that a new type of poverty, information poverty, was being created. Most developing countries, especially the least developed ones, were not sharing in the communication revolution since they lacked affordable access to core information resources, cutting-edge technology and sophisticated telecommunication systems and infrastructure; the capacity to build, operate, manage and service the technologies involved; policies that promoted equitable public participation in the information society as producers and consumers of information and knowledge; and a trained workforce to develop, maintain and provide the value-added products and services required by the information economy. ACC therefore committed the organizations of the UN system to assisting developing countries in redressing those alarming trends, and decided to embrace the objective of establishing universal access to basic communication and information services for all. Individually and jointly, UN organizations were carrying out, or were planning at the national level to embark on, various projects and activities to highlight the catalytic role that multilateral organizations could and had to play in that increasingly vital area. Within the limits of its resources and priorities, the UN system stood ready to assist Governments in designing policies, plans and strategies to facilitate and guide the development and management of an appropriate national in-

formation infrastructure, in accordance with their needs and traditions.

ACC believed that the expansion of domestic telecommunication infrastructure to rural areas and its connection to reliable international networks had to become a top priority for Governments, the private sector and multilateral and bilateral development organizations. Unless telecommunication systems could be expanded, access would be confined to an urban, literate elite in developing countries, bypassing rural areas and the poor. One indication of the magnitude of the investment required was the estimate that in sub-Saharan Africa raising teledensity to 1 telephone mainline per 100 inhabitants (from the current 0.46 mainline per 100 inhabitants) would require an investment of \$8 billion.

The private sector, Governments, civil society and other development organizations had to establish and promote a common global vision and broad-based awareness of changes taking place, and articulate a compelling vision and strategy so that new technologies could benefit all countries, particularly the poorest. Other actions could include building national human, technical and economic capacities to facilitate access to and utilization of information and communication technologies in developing countries; promoting multimedia information and communication technologies in the delivery of programmes advancing sustainable human development, especially to rural areas; and promoting, with the participation of the private sector, the creation, management and dissemination of strategic information and data pertaining to the various dimensions of development at the global, regional, national and community levels.

UN organizations could accelerate reform and change by becoming modern, cost-effective and globally networked organizations, with strengthened in-house technical capacities and changed staff attitudes and perceptions, especially among senior managers.

ACC was particularly concerned by the staggering financial needs required to narrow the gap between those with access to information and those without. Since official development assistance flows were not projected to increase dramatically over the next few years, the UN system had to stimulate innovative approaches to raise a critical mass of resources. That would necessitate industry alliances linking developed and developing countries, and collaborative partnerships across traditional lines. It was agreed that strategic approaches to the issues of the global information economy and society and universal access to basic communication and information services should be sought. To that end, UN organizations

agreed to undertake pilot projects in the areas of interactive long-distance education and learning, telemedicine, telebanking and microcredit schemes, and environmental protection and management, among others.

The Assembly, in **decision 52/451** of 18 December, took note of the Secretary-General's note transmitting the ACC statement.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/619], adopted **resolution 52/70 A** without vote [agenda item 89].

Information in the service of humanity

The General Assembly,

Taking note of the comprehensive and important report of the Committee on Information,

Also taking note of the report of the Secretary-General on questions relating to information,

Urges all countries, organizations of the United Nations system as a whole and all others concerned, reaffirming their commitment to the principles of the Charter of the United Nations and to the principles of freedom of the press and freedom of information, as well as to those of the independence, pluralism and diversity of the media, deeply concerned by the disparities existing between developed and developing countries and the consequences of every kind arising from those disparities that affect the capability of the public, private or other media and individuals in developing countries to disseminate information and communicate their views and their cultural and ethical values through endogenous cultural production, as well as to ensure the diversity of sources and their free access to information, and recognizing the call in this context for what in the United Nations and at various international forums has been termed "a new world information and communication order, seen as an evolving and continuous process":

(a) To cooperate and interact with a view to reducing existing disparities in information flows at all levels by increasing assistance for the development of communication infrastructures and capabilities in developing countries, with due regard for their needs and the priorities attached to such areas by those countries, and in order to enable them and the public, private or other media in developing countries to develop their own information and communication policies freely and independently and increase the participation of media and individuals in the communication process, and to ensure a free flow of information at all levels;

(b) To ensure for journalists the free and effective performance of their professional tasks and condemn resolutely all attacks against them;

(c) To provide support for the continuation and strengthening of practical training programmes for broadcasters and journalists from public, private and other media in developing countries;

(d) To enhance regional efforts and cooperation among developing countries, as well as cooperation between developed and developing countries, to strengthen communication capacities and to improve

the media infrastructure and communication technology in the developing countries, especially in the areas of training and dissemination of information;

(e) To aim, in addition to bilateral cooperation, at providing all possible support and assistance to the developing countries and their media, public, private or other, with due regard to their interests and needs in the field of information and to action already adopted within the United Nations system, including:

(i) The development of the human and technical resources that are indispensable for the improvement of information and communication systems in developing countries and support for the continuation and strengthening of practical training programmes, such as those already operating under both public and private auspices throughout the developing world;

(ii) The creation of conditions that will enable developing countries and their media, public, private or other, to have, by using their national and regional resources, the communication technology suited to their national needs, as well as the necessary programme material, especially for radio and television broadcasting;

(iii) Assistance in establishing and promoting telecommunication links at the subregional, regional and interregional levels, especially among developing countries;

(iv) The facilitation, as appropriate, of access by the developing countries to advanced communication technology available on the open market;

(f) To provide full support for the International Programme for the Development of Communication of the United Nations Educational, Scientific and Cultural Organization, which should support both public and private media.

UN public information

Reorientation of policies and activities

The Secretary-General, in a 17 March letter [A/51/829] to the General Assembly President, announced, within the context of his reform of the United Nations (see PART FIVE, Chapter I), a sweeping revitalization of UN public information policies. To that end, he said he intended to initiate a detailed review and consultations with Member States.

The Executive Coordinator for United Nations Reform was to establish a task force to examine DPI activities and to make recommendations on future public information work.

Task Force report

Following his 17 March announcement, the Secretary-General established the Task Force on the Reorientation of United Nations Public Information Activities. The Task Force comprised Mark Brown, Vice President of External Affairs/UN Affairs, World Bank (Chairman); Peter Arnett, Foreign Correspondent, CNN; Joan

Cooney, Chairman of the Executive Committee of Children's Television Workshop; Raghida Dergham, Senior Diplomatic Correspondent, Al-Hayat; Djibril Diallo, Director of Public Affairs, UNDP; Lelei Lelaulu, Office of the Executive Coordinator for UN Reform (Secretary); Salim Lone, Chief of Publications, DPI (Rapporteur); Hironobu Shibuya, President of Pacific Basin Partners, Inc.; and Juan Somavia, Permanent Representative of Chile to the United Nations.

The Task Force was designed to provide the basis for reorienting public information around three principal themes: to provide communications and outreach services to Governments, the media, non-governmental organizations (NGOs) and other re-disseminators, utilizing the latest media technologies and techniques; to link the information capability of the Secretariat more intimately with and directly support all the activities of the substantive departments and offices; and to decentralize and refocus resources to the country and regional levels and make greater use of capabilities. The process of integrating those UN information centres serving developing countries into the resident coordinator offices would be completed.

In July [A/51/950], the Secretary-General reported that the Task Force, in its report entitled "Global vision, local voice: a strategic communications programme for the United Nations", had found that broad and generalized support for the United Nations was only occasionally translated into any significant level of global public advocacy. Although the Organization held a position of solid respect in public opinion worldwide, it nevertheless seemed to be suffering from an erosion of public support in a number of countries. While political setbacks, such as those in the former Yugoslavia, Somalia and Rwanda, had taken their toll, more lasting damage was being inflicted worldwide by the perception of the Organization as a distant, global bureaucracy with little direct relevance to the lives of ordinary people. Although people's concerns revolved around certain core issues—peace, crime, drugs, disease, employment, education, the environment, human rights—only rarely was UN ownership and relevance to those issues recognized at the national level. Still, Governments continued to treat the United Nations as the principal forum for projecting their national and regional concerns, and a growing number of activists, public interest groups and other representatives of strengthened civil societies were keen to be associated with UN activities. There was a crucial need to position the Organization in a manner that played to its strengths and reflected its relevance

to people's daily lives. The UN communications priority was therefore evident: putting itself and its programmes in touch with the world's people.

The Task Force proposed principles to guide a new communications strategy, including placing the communications function at the heart of the strategic management of the Organization; tailoring UN global messages, activities and information to a meaningful local context; allowing the culture of communications to pervade the entire Organization; framing issues that Member States were committed to in terms that had regional and global resonance; making the Secretary-General's role central to the current communication environment; and having the General Assembly and the Committee on Information play a more active role by providing strategic guidance and direction to the communications function, with the Secretariat given much greater responsibility for determining the methods for implementing mandated goals. It also made recommendations for a strengthened partnership with Member States.

The Task Force concluded that the UN image had to be addressed as a priority. Towards that end, the United Nations had to delineate in its communications the two separate functions that gave it its unique stature: acting as a forum for debate, reflection and consensus; and, through the Secretary-General, the Secretariat and other parts of the system, acting as spokesman, advocate and implementor of that consensus. An image that reflected those two roles would be much stronger than the blurred image that the Task Force believed had muddled public understanding.

The Secretary-General supported the principle of consolidation of communications activities under a senior official and the main thrust of the Task Force report.

The Committee on Information considered the report at its resumed 1997 session (September and November) and recommended to the General Assembly two draft resolutions for adoption (see **resolutions 52/70 A and B**).

DPI activities

In 1997, DPI continued to enhance its outreach efforts by strengthening its partnerships with media organizations, leaders of civil society, and intellectual and educational groups, among others, and by utilizing information technology to its fullest capacity. It also continued to make gains in outreach through the traditional media—press, radio and television—the Secretary-General reported in October [A/52/455]. The Department was taking full advantage of new information technologies, including use of the Internet and

electronic publishing capacities, and had established the Information Technology Section in April, thus formalizing its efforts to play a leading role in the dissemination of electronic information over the Internet. Greater use of the Internet had led to savings for the Organization, reducing print-runs of press releases by 25 per cent. UN photographs, video clips and radio news bulletins were posted on a daily and weekly basis. The Department had also become the focal point for the growing number of electronic mail queries addressed to the United Nations.

The Office of the Spokesman for the Secretary-General was the main contact for the world press covering the United Nations, particularly with media representatives accredited at UN Headquarters. Through daily briefings and one-on-one contacts with journalists, the Office provided authoritative and timely information on UN activities.

DPI continued to produce press releases in English and French, as well as a wide variety of radio programmes in 15 languages. United Nations Television provided live satellite coverage of events at Headquarters and, on a trial basis, television news production services were provided to resident correspondents. DPI also commissioned a feasibility study on the integration of the databases of the photo, film and audio libraries to be made accessible to the public and to DPI producers. The "UN in Action" television series, in five languages, continued to reach some 200 million viewers a week, and the weekly talk show "World Chronicle" gained an important cable distribution outlet throughout North America through the International Channel.

DPI's annual training programme for broadcasters and journalists from developing countries was held in New York from 15 September to 23 October.

DPI assisted NGOs and other groups in civil society to communicate information on UN activities to global audiences. It held its fiftieth Annual Conference for NGOs (New York, 10-12 September) under the theme "Building partnerships". There was renewed emphasis by DPI on reaching out to students and teachers through visits by school groups to Headquarters and by bringing the United Nations into the classroom.

DPI also developed thematically integrated information programmes on implementing information strategies, promotional activities and public services that highlighted the Organization's role in furthering sustainable development, peace and security, democracy, human rights and humanitarian assistance, and social and economic development. It also emphasized developing communications programmes and

services for the promotion of follow-up on issues such as the recent cycle of major international conferences, observances of international days, years and decades, preparations for special sessions of the General Assembly and ongoing or special issues requiring immediate publicity.

With the Department of Peacekeeping Operations (DPKO) and financial support from Germany, DPI convened in March a two-day seminar on public information policies and practices for field missions. DPI assisted DPKO in identifying qualified personnel to staff radio programming and broadcasting operations, and in exploring cooperation with NGOs and others engaged in radio broadcasting initiatives in conflict areas. Television programming and broadcasting were considered important elements in public information components of some peacekeeping missions. The Department continued its special information programme on the question of Palestine, and organized an international seminar for journalists on "The Peace Process: The Challenges Ahead" (Athens, Greece, 26-27 May) and a training programme for Palestinian media practitioners (September-November).

Publications

Attractive, relevant and timely publications remained a basic goal of DPI efforts to communicate to a widening audience the work and achievements of the UN system. A revised publications strategy aimed at better targeted products and advanced publishing technology.

In response to General Assembly resolution 51/138 B [YUN 1996, p. 543], the Secretary-General submitted to the Committee on Information two reports: one reviewing DPI publications [A/AC.198/1997/3] and the other focusing on DPI publications in the sphere of development [A/AC.198/1997/4].

The review stated that DPI aimed to make all its publications more widely available, more cost-effective, and more timely and marketable. To help address misperceptions and misunderstandings of the role and work of the United Nations, DPI published a revised edition of *Image and Reality*. United Nations information centres remained a principal means of accessing audiences in the regions they served. Other ways of broadening the Department's outreach included co-publishing ventures with UN information centres and/or commercial publishing houses. The United Nations Web site included the popular United Nations CyberSchoolBus, which continued to provide on-line educational services. DPI's increasing use of new production technologies was supporting the goal of more timely delivery of products, as in the case of investment in

desktop publishing for the Yearbook of the United Nations. Improvements in internal typesetting were also helping to facilitate publication in all six official languages of basic information materials on the United Nations. Sales publications included the Blue Books Series, The Blue Helmets, the quarterly magazine the UN Chronicle, and the biennial publication Basic Facts about the United Nations.

The review of DPI publications in the sphere of development examined Africa Recovery, Development Business and Development Update, the Department's main periodical publications dealing with development issues. In addition, the development-related contents of its two other regular publications, UN Chronicle and UN Briefing Papers, were also reviewed.

Library services

In 1997, the Dag Hammarskjöld Library (DHL) launched its own home page on the Internet and posted a database providing access to frequently requested documents, known as UN-I-QUE (UN Info Quest). An electronic "UN in the News" service provided daily desktop delivery of major news stories concerning the Organization to staff members throughout the world. The Library's training programme in electronic information retrieval was expanded. An on-line public access catalogue was under preparation. The number of UN depository libraries currently numbered 351 located in 142 countries. Workshops for librarians on the use and management of UN documentation were held in Bangkok and New York.

The Committee on Information reviewed the evaluation by consultants of DHL [A/AC.198/1997/2], which concerned its organizational structure, technical processes, user services, information resources, library products, networking, co-operation and coordination, outreach and marketing, infrastructure and future development. The evaluation concluded that the United Nations had an obligation to provide information support to all its constituents and that that would be performed most efficiently by DHL. The consultants were particularly concerned that the needs of all Member States be recognized, especially those in which information technology and the library and information infrastructure were not fully developed. The United Nations, it was stated, must ensure that the Library's technological capabilities could provide rapid and increasing access to the vast array of UN and other information resources.

The Secretary-General responded [A/AC.198/1997/2/Add.1] that many of the evaluation's recommendations were already under way in DHL to maximize the use of cost-effective technological innovations and to ensure the optimal use of existing resources.

UN information centres

In 1997, UN information centres (UNICs)—a global network of more than 60 offices—complemented efforts at Headquarters to increase public understanding of the United Nations in local communities, publicizing major UN reports, and organizing briefings, exhibits, film screenings, press conferences, round-table meetings and workshops to promote greater awareness of UN work on a variety of issues. In addition, partnerships were formed with local NGOs, UN publications were translated into local languages, and electronic capabilities were extended with the introduction of local home pages.

The Department continued to work with host Governments to secure financial contributions towards the operation of the centres, and continued the process of integrating UNICs with UNDP field offices. The Committee on Information considered a report [A/AC.198/1997/5] on that process, which stated that resources had been saved because of it.

DPI continued its efforts to improve the capacity of UNDP resident representatives and coordinators who served as UNIC directors to promote an informed understanding of the work of the Organization among local constituents in a timely and cost-effective manner. It also directed specific attention to strengthening the role of national information officers.

A second report on UNICs [A/AC.198/1997/6] reviewed their functioning and areas of activities. It was stated that local constituents relied on UNICs as their most important source of information about the United Nations and highly valued the personalized services the centres were able to provide. UNICs also played a key role in engaging and supporting NGOs and other local organizations in community-based activities aimed at highlighting UN themes.

The report recommended that all UN organizations should coordinate outreach activities with UNICs to pool resources, avoid duplication and project a unified image of the United Nations in the field. The integration of UNICs with UNDP field offices should be continued and the means of obtaining audience feedback should be refined with a view to drawing up a set of survey guidelines to enable UNICs to gauge systematically the effectiveness of their services.

JUNIC

The Joint United Nations Information Committee (JUNIC), a UN inter-agency committee to coordinate information activities within the UN system, held its twenty-third session in Turin, Italy, from 1 to 3 July [ACC/1997/11]. It discussed, *inter alia*, ways of promoting better public understanding of the role and achievements of the United Nations, participation by the UN system in international expositions, special events calling for JUNIC participation, and inter-agency co-operation in audio-visual productions.

JUNIC agreed on the need for the UN system to communicate its achievements and relevance through a unified message, based on the different perspectives of member organizations and using modern technology and expertise. It also agreed to bring to the attention of ACC later in the year the need to strengthen internal communications and develop the communications culture in all organizations of the UN system.

It was stressed that JUNIC should consider the development of basic guidelines to set minimum standards with respect to the content of information posted on the home pages of member organizations, to ensure the consistency of the messages conveyed and avoid fragmentation within the system. JUNIC decided to convene an open-ended group to draft system-wide guidelines for posting information on the Internet, for consideration by ACC. It also decided to establish a mechanism whereby, before the end of each year, members would agree on the calendar of press launches of important reports scheduled for the year ahead.

In reviewing the role of the Non-Governmental Liaison Service (NGLS), JUNIC endorsed the NGLS mission statement that the Service promoted "dynamic partnerships" between the United Nations and NGOs, and endorsed the decision that a strategic review of NGLS be undertaken.

JUNIC agreed to discuss in 1998 ways of communicating development-related stories to the mainstream media. It asked DPI to prepare, for consideration in 1998, a strategy for the five-year review in the year 2000 of the First United Nations Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I) and of the progress made in implementing decisions adopted at the Fourth World Conference on Women [YUN 1995, p. 1168] and the World Summit for Social Development [*ibid.*, p. 1113].

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/619], adopted **resolution 52/70 B** without vote [agenda item 89].

United Nations public information policies and activities

The General Assembly,

Strongly reaffirming its primary role in elaborating, coordinating and harmonizing United Nations policies and activities in the field of information,

1. Takes note of the report of the Committee on Information;
2. Notes that the Committee on Information was unable to finish its task during its nineteenth session;
3. Takes note of the report of the Secretary-General on questions relating to information;
4. Also takes note of the report of the Task Force on the Reorientation of United Nations Public Information Activities;
5. Requests the Secretary-General to continue to implement already mandated activities;
6. Also requests the Secretary-General to report to the Committee on Information at its twentieth session, and to the General Assembly at its fifty-third session, on United Nations public information activities and on the implementation of the measures regarding information and communications approved by the Assembly;
7. Requests the Committee on Information to report to the General Assembly at its fifty-third session;
8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Questions relating to information".

Peaceful uses of outer space

In 1997, the Committee on the Peaceful Uses of Outer Space (Committee on Outer Space), at its fortieth session (Vienna, 2-10 June) [A/52/20], discussed ways of maintaining outer space for peaceful purposes, as well as the spin-off benefits of space technology. It also reviewed the work of two Subcommittees, one concerned with scientific and technical issues, the other with legal questions.

In December, the General Assembly endorsed the recommendations of the Committee for its future work, including those made by its Subcommittees.

Scientific and Technical Subcommittee

The Scientific and Technical Subcommittee of the Committee on Outer Space, at its thirty-fourth session (Vienna, 12-27 February) [A/AC.105/672], reviewed the implementation of the recommendations of the Second (1982) United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) [YUN 1982, p. 162], the United Nations Programme on Space Applications and coordination of space activities within the UN system.

The Subcommittee also dealt with matters relating to remote sensing of the Earth by satellites, including applications for developing countries; the use of nuclear power sources in outer space; space debris; space transportation; the physical nature and technical attributes of the geostationary orbit and its utilization for space communications; space activities related to the Earth environment; spin-off benefits of space technology; and other questions, including space medicine, planetary exploration, astronomy, and the use of small satellites for the expansion of low-cost space activities.

UNISPACE-82 recommendations

In August 1997 [A/52/307], the Secretary-General, as requested by General Assembly resolution 51/123 [YUN 1996, p. 558], reported on implementation of the recommendations of UNISPACE-82. The Committee on Outer Space, its Scientific and Technical Subcommittee and the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space considered the question during their 1997 sessions. The Subcommittee endorsed the recommendations of the Working Group, as annexed to its report [A/AC.105/672].

The Working Group urged the continuation of training courses and workshops in remote sensing, satellite communications and other topics organized for developing countries with UN assistance. However, the activities of the UN Programme on Space Applications should be oriented towards preparing the international and potential user communities for the special session of the Committee on Outer Space (UNISPACE III) (see below). Recent advances in space technologies and applications should be brought to the attention of planners, administrators and decision makers in developing countries. The Working Group also recommended that States, particularly those with major space-related capabilities, and international organizations continue to inform the Secretary-General annually about space activities that were or could be the subject of greater international cooperation, with particular emphasis on the needs of developing countries. It recommended that the UN Programme on Space Applications continue to provide expert consultants from developed and developing countries to assist in the preparation of integrated national plans of action for initiating, strengthening or reorienting space applications programmes. Preparations for UNISPACE III should be advanced.

To promote further the applications of space science and technology for development, the Working Group considered that priority should be given to the stimulation and support of the growth of indigenous nuclei and an autonomous technological base in space technology in developing countries, promotion of a greater exchange of actual experiences in space applications, United Nations funding and voluntary contributions.

The Scientific and Technical Subcommittee, in considering implementation of UNISPACE-82 recommendations, stated that the Assembly had noted specifically that it was particularly urgent to implement the following recommendations: all countries should have the opportunity to use the techniques resulting from medical studies in space; national and regional databases should be strengthened and expanded and an international space information service should be established; the United Nations should support the creation of adequate training centres linked to institutions implementing space programmes; and the United Nations should organize a fellowship programme for graduates from developing countries.

The Subcommittee adopted the Working Group's report on the understanding that the recommendations would be carried out in accordance with the UNISPACE-82 recommendations.

Convening of UNISPACE III

As recommended by General Assembly resolution 51/123 [YUN 1996, p. 558], the Scientific and Technical Subcommittee, through its Working Group of the Whole, considered the organization of a third UN Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) to be held in 1999, including its technical and political objectives, detailed agenda, funding, timing and organizational aspects, and other means to achieve the goals set for the Conference.

The Working Group recommended that the objectives of UNISPACE III should be to: provide developing countries with opportunities to define their needs for space applications for development purposes; consider ways of expediting the use of space applications to promote sustainable development, particularly in implementing the recommendations of Agenda 21 adopted at the 1992 United Nations Conference on Environment and Development [YUN 1992, p. 672]; address issues related to education, training and technical assistance in space science and technology and their applications aimed at developing indigenous capabilities; provide a forum for critical evaluation of space activities and increase aware-

ness regarding their benefits; and strengthen international cooperation. The Conference would be held for a period of up to 10 days in July 1999. The Working Group recommended that workshops and seminars be held during UNISPACE III, as well as poster sessions and a space exhibition. Two committees would be established to deal with the substantive agenda items.

The Committee on Outer Space, acting as the Preparatory Committee for UNISPACE III, endorsed the recommendations of the Working Group. The Committee agreed that the UN Programme on Space Applications should organize in 1998 and 1999 regional preparatory meetings for UNISPACE III, with the participation of private industry. It requested the UN Office for Outer Space Affairs to inform intergovernmental organizations, NGOs and regional commissions concerned with space activities about the Conference. The theme of UNISPACE III should be "Space benefits for humanity in the twenty-first century". The Secretariat should encourage participation by high-level officials, eminent scientists and experts, especially from developing countries.

UN Programme on Space Applications

The UN Programme on Space Applications, in accordance with its 1982 mandate [YUN 1982, p. 163, GA res. 37/90], continued to focus on developing indigenous capabilities in space science and technology by providing training fellowships and technical advisory services; organizing regional and international training courses and conferences; disseminating space-related information; and promoting cooperation between developed and developing countries.

The Scientific and Technical Subcommittee considered the report of the UN Expert on Space Applications [A/AC.105/660 & Add.1], noting that the Programme had been carried out satisfactorily in 1996. The Subcommittee expressed concern over the still limited financial resources available for carrying out the Programme and appealed to Member States for voluntary contributions to support it.

In 1997, nine training courses, workshops, expert meetings and symposia, at the regional and international levels, were scheduled. The Programme received 12 fellowship offers for 1996-1997, with China offering 7 in the areas of Photogrammetry and remote sensing, geodesy and cartography, and the European Space Agency (ESA) offering 5 in various areas relating to space activities.

Technical advisory services were provided by the Programme in support of regional space applications projects. Collaboration with ESA in-

cluded follow-up activities relating to workshops on basic space science. An inter-agency project proposal on a satellite-based disaster warning broadcasting system for small island developing States was also elaborated. In 1997, the Programme co-sponsored the participation of scientists from developing countries in the United Nations/International Astronautical Federation/ESA Workshop on Space Technology as a Cost-Effective Tool to Improve Infrastructure in Developing Countries (Turin, Italy, 2-5 October).

To facilitate the development of indigenous capability, as had been recommended by UNISPACE-82 and the General Assembly in resolution 50/27 [YUN 1995, p. 282], regional centres for space science and technology education were being established. The Centre for Space Science and Technology Education in Asia and the Pacific, inaugurated in 1995, had completed its first nine-month education programme, which had focused on remote sensing and the Geographic Information System, and a second programme on satellite communications began in January 1997.

Brazil and Mexico had announced their intention to sign the agreement establishing the regional Centre for Space Science and Technology Education in Latin America and the Caribbean. Bolivia had issued a statement, on behalf of Latin American and Caribbean States, supporting the Centre and expressing interest in participating in its activities. In Africa, Morocco and Nigeria had developed agreements that would be entered into by French- and English-speaking African States in 1997. Discussions were also in progress with Jordan, Saudi Arabia and the Syrian Arab Republic on establishing a centre for western Asia. Bulgaria, Greece, Poland, Romania, Slovakia and Turkey were considering the establishment of a network of space science and technology education and research institutions for central eastern and south-eastern European countries, which would be in harmony with existing institutions in Europe.

The General Assembly, in **resolution 52/56** (see below), endorsed the 1998 UN Programme on Space Applications, as proposed by the Expert on Space Applications.

Remote sensing

The Scientific and Technical Subcommittee in 1997 continued its consideration of matters relating to remote sensing of the Earth by satellites, including applications for developing countries. It reviewed national and cooperative programmes in remote sensing, particularly examples of national programmes in developing and developed countries and of international programmes based on bilateral, regional and inter-

national cooperation, including programmes of technical cooperation between developing countries.

The Subcommittee took note of the continuing programmes for the development and use of information generated from remote-sensing satellites by Argentina, Australia, Austria, Brazil, Canada, China, Ecuador, France, Germany, Hungary, India, Indonesia, Iraq, Japan, Lebanon, Morocco, Romania, the Russian Federation, Ukraine, the United States and ESA. It also noted that the European remote sensing (ERS-2) satellite, the Canadian RADARSAT satellite, the Japanese Advanced Earth Observing Satellite (ADEOS) and the IRS-P3 satellite of India were providing valuable microwave data to complement data from previously launched satellites.

The Subcommittee reiterated its view that remote-sensing activities should take account of the need to provide non-discriminatory assistance to meet the needs of developing countries. Emphasizing the importance of making remote-sensing data and analysed information available to all countries at reasonable cost and in a timely manner, the Subcommittee recognized the example of international cooperation in the exchange of meteorological data in the World Meteorological Organization. Those countries that had freely and openly provided meteorological satellite data were encouraged to continue to do so.

The Subcommittee encouraged the use of remote-sensing satellites through coordination of the operation of ground stations and regular meetings between satellite operators and users. Compatibility and complementarity of existing and future remote-sensing systems were important, as were the sharing of experiences and technologies, cooperation through international and regional remote-sensing centres and joint work on collaborative projects. The Subcommittee noted the value of remote-sensing systems for environmental monitoring and, in that context, stressed the need for the international community to utilize remote-sensing data to implement Agenda 21 recommendations [YUN 1992, p. 672].

The Subcommittee noted the ongoing multi-lateral cooperation in small multi-mission satellite development with the participation of China, Pakistan, the Republic of Korea, Thailand and other countries in Asia.

Nuclear power sources

The Scientific and Technical Subcommittee considered the use of nuclear power sources in outer space. Recalling that the General Assembly in resolution 47/68 had adopted the Principles Relevant to the Use of Nuclear Power Sources in

Outer Space [YUN 1992, p. 116], the Subcommittee noted that the Committee on Outer Space in 1995 had agreed that the Principles should remain in their current form until amended and that consideration should be given to the aims and objectives of any proposed revision. The Subcommittee agreed that, at the current time, revision of the Principles was not warranted and that, until a firm scientific and technical consensus had been reached on the revision of the Principles, it would be inappropriate to pass the topic to the Legal Subcommittee.

In a statement to the Subcommittee, the International Atomic Energy Agency (IAEA) stated that the Principles should be reviewed in view of the most recent International Commission on Radiological Protection (ICRP) recommendations on radiation safety, incorporated into the IAEA International Basic Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources, published by IAEA as Safety Series No. 115. IAEA also noted that the principles relating to notification of re-entry of space objects with nuclear power sources on board, as well as those relating to subsequent assistance to States, should be revised in view of the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. Mindful of the differences in the safety principles applied for space and the safety standards for terrestrial systems, the Subcommittee agreed that a study of those developments, arising from the latest ICRP recommendations, should be continued.

As requested in Assembly resolution 50/27 [YUN 1995, p. 282], the Working Group on the Use of Nuclear Power Sources in Outer Space was reconvened from 25 to 27 February 1997. The Working Group agreed that technical experts, including those from IAEA, should identify and study the current international technical standards pertinent to the use of nuclear power sources in outer space. The Subcommittee adopted the report of the Working Group, which was annexed to the Subcommittee's report.

In response to the Assembly's request for information on national and international research on the safety of space objects with nuclear power sources on board and the problem of collisions of space objects, including those with nuclear power sources, with space debris, Brunei Darussalam, Bulgaria, Canada, Germany, Hungary, Japan, Portugal, the Republic of Korea, the Russian Federation, Sweden and the United Kingdom had submitted information to the Subcommittee. Working papers were submitted by the Russian Federation on the use of nuclear power sources in

outer space, and by the United Kingdom on progress made in revising the Principles.

The Subcommittee agreed that Member States should continue to be invited to report to the Secretary-General on national and international research concerning the safety of space objects with nuclear power sources, and that further studies should be conducted on the collision with space debris of orbiting space objects with nuclear power sources on board. While agreeing that a revision of the Principles was not currently necessary, the Subcommittee stressed that it was important that States making use of nuclear power sources in space should conduct their activities in full accordance with them.

The Committee on Outer Space agreed with the findings of the Subcommittee, including that revision of the Principles was not currently warranted and that discussions on the issue should continue. The Committee agreed that Member States should continue to report on research concerning the safety of space objects with nuclear power sources and that further studies should be conducted on the collision of orbiting space objects with nuclear power sources aboard. It noted that the Russian Federation had provided information on the construction and flight of the Mars 96 spacecraft and on safety provisions concerning the nuclear power sources carried on board, and that the United States had informed the Secretary-General on how States might obtain the results of the environmental assessment in connection with the Cassini spacecraft to be launched in October 1997, which was to carry a nuclear power source on board.

Space debris

The Scientific and Technical Subcommittee in 1997 continued consideration of an item on space debris, understood to be inactive man-made objects, such as spent upper stages, spent satellites, fragments or parts generated during launch or mission operations, or fragments from explosions and other break-ups.

The Subcommittee agreed that international cooperation was needed to expand affordable strategies to minimize the potential impact of space debris on future space missions. It noted with appreciation the annual report [A/AC.105/663] on steps taken by space agencies to reduce the growth or damage potential of space debris and to encourage acceptance of those steps by the international community on a voluntary basis. It took note of programmes of some Member States and organizations, including ESA, on the acquisition and understanding of data on the characteristics of the space debris environment, and on measuring, modelling and mitigating the orbital

debris environment. The Subcommittee also noted the reports on the first confirmed collision of two catalogued objects in orbit, the Cerise (1995-033B) and Ariane-1 (1986-019RF), on 24 July 1996. It further noted that the event was significant for the validation of statistical models predicting the probability of similar collisions in the future.

The Subcommittee agreed that Member States should pay more attention to the problem of collisions of space objects, that national research on space debris should continue and that the results of that research, including information on practices adopted that had proved effective in minimizing the creation of space debris, should be made available to all interested parties. France, Germany, Japan, the United Kingdom, the United States, ESA and the Inter-Agency Space Debris Coordination Committee (IADC) made scientific and technical presentations on space debris to the Subcommittee.

The Subcommittee noted that cooperation had continued in IADC, with the participation of Japan, the National Aeronautics and Space Administration of the United States, ESA, the Russian Space Agency, the Chinese National Space Agency and, since 1996, the British National Space Centre, the Centre national d'etudes spatiales (France) and the Indian Space Research Organization, to enable members to exchange information on space debris activities, facilitate co-operation in research, review progress of ongoing activities and identify debris mitigation options.

The Committee on Outer Space endorsed many Subcommittee findings, agreeing that it should continue consideration of space debris as a priority matter.

Space transportation

The Scientific and Technical Subcommittee in 1997 considered space transportation systems and their implications for future activities in space. It reviewed national and international co-operative programmes in such systems, including expendable launchers, reusable space shuttles and space stations. In particular, the Subcommittee noted that China was continuing to use and develop its Long March series of launch vehicles; that India was continuing development of the Geostationary Satellite Launch Vehicle and had launched the Polar Satellite Launch Vehicle; that Japan was continuing to use its H-II, J-I and M-V launch vehicles and had started to develop the H-IIA vehicle; that the Russian Federation had continued to launch space objects of various types using expendable launchers and had sent a number of national and international crews to the Mir space station; that

Ukraine, in cooperation with the Russian Federation, was planning to use rocket launchers in commercial space activities; that the United Kingdom was cooperating with ESA in its Future European Space Transportation Investigation Programme; that the United States was continuing its programme of expendable launchers and flights of the reusable space shuttle, many involving international participation; that Canada, Japan, the Russian Federation, the United States and ESA were continuing preparations for the International Space Station programme; and that ESA was continuing to develop the Ariane series of launch vehicles.

The Subcommittee noted developments in the United States commercial launch industry, including expendable vehicles and the reusable launch vehicle technology programme. It also took note of the automatic landing flight experiment and a study of an experimental unmanned winged vehicle of Japan. In addition, it noted developments in the Russian Federation, including improved and ecologically clean launchers, as well as the introduction into the Russian space transportation system of launchers that were based on converted ballistic missiles. The Subcommittee also noted the construction of a new cosmodrome in the eastern part of the Russian Federation, and plans for the modernization of the one in Kazakhstan with its increased use for commercial launchings by international enterprises.

The Subcommittee and the Committee on Outer Space stressed the importance of international cooperation in space transportation in order to provide all countries with access to the benefits of space science and technology.

Technical aspects of the geostationary orbit

In its examination of the physical nature and technical attributes of the geostationary orbit and its utilization and applications, the Scientific and Technical Subcommittee reviewed national and international cooperative programmes in satellite communications, including progress in technology that would make satellite communications more accessible and less expensive and would increase the communications capacity of the geostationary orbit and the electromagnetic spectrum. The Subcommittee took note of the growing use of communications satellite systems for telecommunications, television broadcasting, data networks, environmental data relay, mobile communications, disaster warning and relief, telemedicine and other communications functions.

Some Subcommittee members expressed the view that the geostationary orbit was a limited

natural resource and that saturation should be avoided in order to ensure that all countries had non-discriminatory access to it. Those delegations felt that a special *sui generis* legal regime was required to ensure equitable access by all States, particularly developing countries. Some expressed the view that, in considering the question of equitable access, account should be taken of the geographic situation of the equatorial countries and, in particular, of countries at high latitudes. The view was expressed that the Legal Subcommittee could draft an appeal to the 1997 World Radiocommunication Conference, stressing the principle of guaranteeing equitable access to the geostationary orbit as well as a solution to its virtual congestion by "paper satellites", and that that appeal could be regarded as the finalization of deliberations on the matter in the Legal Subcommittee. Some delegations noted that the use of the geostationary orbit, like other orbits, was affected by the problem of space debris and that efforts were needed to minimize the generation of debris in the orbit and to move satellites shortly before the end of their useful lives into disposal orbits beyond the geostationary orbit.

The Committee on Outer Space noted that delegations had reiterated views concerning the geostationary orbit that had been reflected in earlier reports of the Committee and its two Subcommittees. Legal aspects of the geostationary orbit were considered by the Legal Subcommittee (see below).

Environment-related issues

The Scientific and Technical Subcommittee continued in 1997 its consideration of progress in national and international space activities related to the Earth environment, in particular progress in the International Geosphere-Biosphere (Global Change) Programme. The Subcommittee noted the progress being made through international cooperation in that Programme, with the participation of many countries. Such a joint international effort was important for examining the future habitability of the planet and for managing its natural resources, and there was a need to involve as many countries as possible in the scientific activities of the Programme, in both developed and developing countries, the Subcommittee stated. It noted the important contributions of satellite remote sensing to environmental monitoring, planning sustainable development, monitoring crop conditions and predicting and assessing drought, and that the Centre for Climatic Studies and Forecasting of Brazil was fully operational. Also noted were the contributions of meteorological and atmospheric research satellites to studying global climate change, the

greenhouse effect, the degradation of the ozone layer, and other oceanic and global environmental processes. There was need for further space research relating to climate change, energy exchange between the atmosphere and land and ocean surfaces, weather patterns, vegetation distribution and other environmental factors. The Subcommittee noted the importance of international cooperation in existing and planned satellite systems for environmental monitoring, and recommended that other States should consider participating in such cooperative activities.

The Committee on Outer Space agreed that it could promote international cooperation in the applications of space technologies for environmental monitoring and sustainable development. In particular, it felt that the UN Programme on Space Applications could play an important role in assisting developing countries in strengthening their capabilities in related space technologies and applications, particularly in reducing poverty and enhancing rural development.

Spin-off benefits

The Committee on Outer Space agreed that spin-offs of space technology were yielding substantial benefits in many fields and took note of the efforts in many Member States to develop such benefits and to disseminate information on those activities to interested countries. It noted that spin-off technology could be used for peacekeeping and humanitarian activities, and was providing new techniques in population studies, national economic development planning, disaster prediction and mitigation, geological prospecting, topographic mapping, agriculture and fishing, and literacy and family welfare programmes. Recent spin-offs included an anti-shock pressure suit for medical applications, a transportation guidance system, a handheld electromagnetic probe for inspecting aircraft for cracks and other damage, an obstacle detection system to assist in automated operations, a prototype silicon detector of radiation-induced effects in humans, automated robotic gasoline pumps, force-reflecting devices to assist the blind in using a computer mouse, nuclear-waste facility clean-up and field applications and demonstrations of telemedicine systems ("tele-clinics"). The Committee agreed that microsatellite technologies were particularly important and could provide substantial direct and spin-off benefits to countries at a lower cost than other satellite technologies. It noted the multilateral cooperation in the area of small multi-mission satellite development and the programmes of many countries in small satellites and microsatellites.

The Committee agreed that in promoting spin-off benefits and effective space applications, particularly for developing countries, the capacity to understand the technology and to develop it was of primary importance. Developing countries should enhance their potential in basic and advanced research to promote capacity-building for space applications and to benefit from spin-offs of space technology.

The Committee noted with interest Ukraine's proposal to utilize the Evpatoria Centre of Deep Science Communication as the basis for a new international centre for space research that could be used for many activities, including coordination as a way of further strengthening international cooperation in the peaceful uses of outer space.

Coordination in the UN system

In 1996, the General Assembly, in resolution 51/123 [YUN 1996, p. 558], had requested all Governments within the organizations of the UN system and other intergovernmental organizations working in the field of outer space or related matters to cooperate in implementing the recommendations of UNISPACE-82. The Secretary-General outlined their programmes in his report on coordination of outer space activities within the UN system for 1997-1998 [A/AC.105/675]. Those programmes and projects were coordinated at annual inter-agency meetings. At its eighteenth session (Vienna, 28-30 May) [A/AC.105/676], the Inter-Agency Meeting on Outer Space Activities agreed that the use of advanced information technologies, in particular the Internet, should be expanded as a means of strengthening inter-agency coordination, and that the Office for Outer Space Affairs could serve as a coordinating mode for accessing space-related information of UN bodies.

The Committee on Outer Space found that reports from UN organizations helped to enable it and its subsidiary bodies to fulfil their role as a focal point for international cooperation in space, especially with respect to the practical applications of space science and technology in developing countries.

Other questions

The Committee on Outer Space and its Scientific and Technical Subcommittee considered other space-related questions, including life sciences and space medicine. The Subcommittee noted that studies of human and animal physiology under the microgravity conditions of space flight had led to important advances in medical knowledge in such areas as blood circulation, os-

teoporosis, sensory perception, immunology and the effects of cosmic radiation. New information in those fields had been obtained through experiments on the Mir space station, particularly through international cooperation programmes carried out during the flights of ESA, French, German and United States astronauts aboard that space station. Important information was gathered during several United States space shuttle missions, including flights involving Canadian and French astronauts, on the BION 11 satellite, launched by the Russian Federation with participation of experts from France, Ukraine and the United States, and from experiments on sounding rockets such as TEXUS.

The Subcommittee noted that applications of space technologies were demonstrating growing promise in medicine and public health. Specialists from Argentina, Brazil, Chile, Costa Rica, the United States and Uruguay were preparing biotechnology experiments involving the growth of many types of protein crystals under microgravity conditions. Products of space biotechnology, such as pharmaceutical and medical instruments, could have applications for improved health care. The Subcommittee encouraged further research and exchange of information on those applications.

The Subcommittee noted that several planetary exploration missions were currently under way. The Galileo spacecraft, upon entry into the orbit of Jupiter, launched a complex investigation of its natural satellite system; the United States had launched the Mars Global Surveyor and Pathfinder for global observation of Mars and the Near-Earth Asteroid Rendezvous (NEAR) mission for the study and observation of asteroids. Noting the high degree of international cooperation in all those projects, the Subcommittee stressed the need to enable all countries to benefit from and participate in them.

The Subcommittee also noted ongoing and new programmes for ground-based astronomical observations, particularly in Brazil, Canada, India, Italy, the Russian Federation and the United States. It noted that the increase in space debris and radio noise, as well as recent proposals for promotional and commemorative use of outer space, posed a real threat to ground-based astronomy. Finally, it noted the need to minimize the impact of space activities on astronomical observations.

Legal Subcommittee

The Legal Subcommittee of the Committee on Outer Space, at its thirty-sixth session (Vienna,

1-8 April) [A/AC.105/674], continued its review of the 1992 Principles Relevant to the Use of Nuclear Power Sources in Outer Space; matters relating to the definition and delimitation of outer space; and matters related to the character and utilization of the geostationary orbit, including ways to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union (ITU).

In June [A/52/20], the Committee on Outer Space took note with appreciation of the Legal Subcommittee's report.

Nuclear power sources

Continuing its review of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, adopted by the General Assembly in resolution 47/68 [YUN 1992, p. 116], the Legal Subcommittee concurred with the view of the Scientific and Technical Subcommittee that revision of the Principles was not warranted at the current time (see above). It also agreed that consideration by its Working Group of the subject should again be suspended for one year, pending the results of the work in the Scientific and Technical Subcommittee, unless sufficient progress was made by that Subcommittee in 1998 to warrant reconvening the Group. The item would be retained on the Legal Subcommittee's agenda to give delegations an opportunity to discuss it in plenary meetings.

The Committee on Outer Space endorsed those recommendations and agreed that the Principles would remain valid for the time being, with the Scientific and Technical Subcommittee considering the need for revision in the light of changing technology, before the Legal Subcommittee or the Committee undertook any actual revision.

Geostationary orbit and definition of outer space

The Legal Subcommittee, through a working group, continued to consider matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including ways to ensure the rational and equitable use of that orbit without prejudice to the role of ITU. It noted that the Scientific and Technical Subcommittee, at its 1997 session, had dealt with certain scientific aspects of the geostationary orbit (see above). The Legal Subcommittee had before it a working paper submitted by the Secretariat, in cooperation with ITU, analysing the compatibility of the approach contained in the working paper entitled "Some

considerations concerning the utilization of the geostationary satellite orbit" with the existing ITU regulatory procedures relating to the use of the geostationary orbit [A/AC.105/C.2/L.205]. Also before the Subcommittee were a paper by Colombia [A/AC.105/C.2/L.200 & Corr.1] and a draft resolution by Germany [A/AC.105/C.2/L.207 & Rev.1,2]. Other documents concerning the geostationary satellite orbit [A/AC.105/635 & Add.1-4, A/AC.105/C.2/L.204] were also considered.

The Committee on Outer Space noted the work carried out by the Legal Subcommittee and the Working Group. It noted Subcommittee views expressed on the question of the definition and delimitation of outer space in 1997. Some delegations reiterated the view that the geostationary orbit required a special, *sui generis* legal regime to regulate access and utilization by all States, taking into account the needs of developing countries. Such a regime should take into consideration the particular situation of the equatorial countries. Some delegations reiterated the view that the roles of ITU and the Legal Subcommittee were complementary and that the Subcommittee could contribute to the establishment of a special legal regime to regulate the use of the geostationary orbit, while others felt that ITU was the appropriate body to address questions concerning its use, and was doing so effectively. Following extensive consultations, Germany informed the Committee that those consultations had not resulted in a breakthrough to allow its draft resolution on equitable access to the geostationary orbit to be forwarded for adoption by the General Assembly and the ITU World Radiocommunication Conference (27 October-21 November). The Committee on Outer Space noted that Germany had therefore withdrawn the text.

Some delegations expressed the view that further discussions were needed in the Legal Subcommittee and that they could proceed on the basis of papers before the Subcommittee [A/AC.105/C.2/L.200 & Corr.1, A/AC.105/C.2/L.205].

Some delegations expressed the view that the topic of space debris should be included in the agenda of the Legal Subcommittee, while others felt that it would be premature to discuss the issue of space debris in that forum in view of the many technical issues that needed to be discussed in the Scientific and Technical Subcommittee.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth (Special Political and Decolonization) Committee [A/52/615], adopted **resolution 52/56** without vote [agenda item 85].

International cooperation in the peaceful uses of outer space

The General Assembly,

Recalling its resolution 51/123 of 13 December 1996,

Deeply convinced of the common interest of mankind in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived therefrom, and also of the importance of international cooperation in this field, for which the United Nations should continue to provide a focal point,

Reaffirming the importance of international cooperation in developing the rule of law, including the relevant norms of space law and their important role in international cooperation for the exploration and use of outer space for peaceful purposes, and of the widest possible adherence to international treaties that promote the peaceful uses of outer space,

Concerned about the possibility of an arms race in outer space,

Recognizing that all States, in particular those with major space capabilities, should contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes,

Considering that space debris is an issue of concern to all nations,

Noting the progress achieved in the further development of peaceful space exploration and applications as well as in various national and cooperative space projects, which contributes to international cooperation, and the importance of further international cooperation in this field,

Taking note of the report of the Secretary-General on the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space,

Having considered the report of the Committee on the Peaceful Uses of Outer Space on the work of its fortieth session,

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space on the work of its fortieth session;

2. Invites States that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties;

3. Notes that, at its thirty-sixth session, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in its working group, continued its work as mandated by the General Assembly in its resolution 51/123;

4. Endorses the recommendations of the Committee that the Legal Subcommittee, at its thirty-seventh session, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Continue its consideration of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space;

(b) Continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without

prejudice to the role of the International Telecommunication Union;

(c) Begin its review of the status of the five international legal instruments governing outer space;

(d) Continue its consideration of other matters, including informal consultations on specific proposals already made concerning possible new agenda items for the Legal Subcommittee;

5. Also endorses the recommendation of the Committee that the Legal Subcommittee, at its thirty-seventh session, should suspend consideration in its working group of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space pending the results of the work in the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening its working group on that item if, in the opinion of the Legal Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its session in 1998 to warrant the reconvening of the working group;

6. Notes that, in the context of paragraph 4 (c) above, the Legal Subcommittee would implement the work plan that it adopted at its thirty-sixth session;

7. Also notes that deliberations on the question of the geostationary orbit were undertaken by the Legal Subcommittee, as reflected in its report, on the basis of recent proposals which might provide a new and enhanced basis for future work;

8. Endorses the recommendations and agreements concerning the organization of work in the Legal Subcommittee;

9. Notes with satisfaction that, in accordance with paragraph 9 of General Assembly resolution 51/123, the Legal Subcommittee was provided, at its thirty-sixth session, with unedited verbatim transcripts of the proceedings in lieu of summary records, and notes that, in accordance with paragraph 10 of that resolution, the Committee evaluated the use of unedited verbatim transcripts at its fortieth session and agreed to continue the use of those transcripts in lieu of verbatim records and to review further its requirements for those transcripts at its forty-first session;

10. Also notes with satisfaction that, in accordance with paragraph 13 of General Assembly resolution 51/123, the Chairman of the Committee continued to hold inter-sessional informal consultations among the members of the Committee concerning the working methods of the Committee and its subsidiary bodies and that consensus decisions were reached, before the fortieth session of the Committee, on measures relating to the composition and election of the bureaux of the Committee and its subsidiary bodies, agenda structures and the duration of the sessions of those bodies;

11. Endorses the new measures relating to the working methods of the Committee and its subsidiary bodies adopted by the Committee at its fortieth session in respect of the three elements set out in paragraph 10 above, and notes that, in accordance with paragraph 14 of General Assembly resolution 51/123, the Committee has begun the implementation of those measures;

12. Notes that the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its thirty-fourth session, continued its work as mandated by the General Assembly in its resolution 51/123;

13. Notes with satisfaction that the Scientific and Technical Subcommittee continued to consider on a priority basis the agenda item on space debris and that the work of the Subcommittee at its thirty-fourth session concentrated on the topics of modelling of the space debris environment and risk assessment, on the basis of the multi-year work plan adopted by the Subcommittee at its thirty-second session;

14. Agrees that the multi-year work plan for the consideration of the item on space debris should continue to be implemented with flexibility;

15. Endorses the recommendations of the Committee that the Scientific and Technical Subcommittee, at its thirty-fifth session, taking into account the concerns of all countries, particularly those of developing countries, should:

(a) Consider the following items on a priority basis:

(i) United Nations Programme on Space Applications and the coordination of space activities within the United Nations system;

(ii) Preparations for the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) by the Advisory Committee for UNISPACE III;

(iii) Matters relating to remote sensing of the Earth by satellites, including, inter alia, applications for developing countries;

(iv) Use of nuclear power sources in outer space;

(v) Space debris;

(b) Consider the following items:

(i) Questions relating to space transportation systems and their implications for future activities in space;

(ii) Examination of the physical nature and technical attributes of the geostationary orbit and of its utilization and applications, including, inter alia, in the field of space communications, as well as other questions relating to space communications developments, taking particular account of the needs and interests of developing countries;

(iii) Matters relating to life sciences, including space medicine;

(iv) Progress in national and international space activities related to the Earth's environment, in particular progress in the International Geosphere-Biosphere (Global Change) Programme;

(v) Matters relating to planetary exploration;

(vi) Matters relating to astronomy;

(vii) The theme fixed for special attention at the thirty-fifth session of the Scientific and Technical Subcommittee: "Scientific and technical aspects and applications of space-based meteorology"; the Committee on Space Research and the International Astronautical Federation, in liaison with Member States, should be invited to arrange a symposium, with as wide a participation as possible, to be held during the first week of the session of the Subcommittee, to complement discussions within the Subcommittee on the special theme;

16. Also endorses the recommendations of the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful

Uses of Outer Space, of the Scientific and Technical Subcommittee, as endorsed by the Committee and as contained in the report of the Working Group of the Whole;

17. Agrees that the Scientific and Technical Subcommittee should reconvene, at its thirty-fifth session, the Working Group of the Whole to conclude its evaluation of the implementation of the recommendations of the Second Conference and to assist the Advisory Committee for the Third Conference in its preparatory work for that Conference;

18. Invites Member States to report to the Secretary-General on a regular basis with regard to national and international research concerning the safety of space objects with nuclear power sources on board;

19. Endorses the United Nations Programme on Space Applications for 1998, as proposed to the Committee by the Expert on Space Applications;

20. Invites all Governments within the organizations of the United Nations system and other inter-governmental organizations working in the field of outer space or on space-related matters to take effective action for the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, and also invites the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the recommendations of the Conference;

21. Notes with satisfaction that, in accordance with paragraph 30 of General Assembly resolution 50/27 of 6 December 1995, the Centre for Space Science and Technology Education in Asia and the Pacific continued its education programme in 1997 and that significant progress has been achieved in establishing regional centres for space science and technology education in the other regions;

22. Notes that, pursuant to the request in paragraph 29 of General Assembly resolution 51/123, the Committee and its Scientific and Technical Subcommittee, at their 1997 sessions, carried out the tasks entrusted to them in their roles as the Preparatory Committee and the Advisory Committee, respectively, for a special session of the Committee, open to all States Members of the United Nations;

23. Agrees that the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) shall be convened at the United Nations Office at Vienna from 19 to 30 July 1999 as a special session of the Committee on the Peaceful Uses of Outer Space, open to all States Members of the United Nations;

24. Endorses the recommendations of the Preparatory Committee at its 1997 session, as contained in its report, and requests the Preparatory and Advisory Committees and the executive secretariat to carry out their tasks in accordance with those recommendations and to report to the General Assembly at its fifty-third session;

25. Notes with satisfaction that, in preparation for UNISPACE III, Chile and Malaysia offered to host United Nations regional meetings on space technology and applications for development for Latin America and the Caribbean and for Asia and the Pacific, respectively, and Tunisia has indicated its willingness, in prin-

ciple, to host a similar regional meeting in Africa in 1998;

26. Encourages all Member States, organizations within the United Nations system and other intergovernmental and non-governmental organizations with space activities, as well as space-related industries, to contribute actively to achieving the objectives of UNISPACE III, and invites Member States to submit their national papers for UNISPACE III;

27. Agrees that in order to service UNISPACE III, to the extent feasible, within existing resources, the level of conference-servicing resources available to the Committee and its subsidiary bodies for the biennium 1998-1999 should remain at the same level as for the biennium 1996-1997;

28. Recommends that more attention be paid to all aspects related to the protection and the preservation of the outer space environment, especially those potentially affecting the Earth's environment;

29. Considers that it is essential that Member States pay more attention to the problem of collisions of space objects, including those with nuclear power sources, with space debris, and other aspects of space debris, calls for the continuation of national research on this question, for the development of improved technology for the monitoring of space debris and for the compilation and dissemination of data on space debris, considers that, to the extent possible, information thereon should be provided to the Scientific and Technical Subcommittee, and agrees that international cooperation is needed to expand appropriate and affordable strategies to minimize the impact of space debris on future space missions;

30. Urges all States, in particular those with major space capabilities, to contribute actively to the goal of preventing an arms race in outer space as an essential condition for the promotion of international cooperation in the exploration and use of outer space for peaceful purposes;

31. Emphasizes the need to increase the benefits of space technology and its applications and to contribute to an orderly growth of space activities favourable to sustained economic growth and sustainable development in all countries, particularly in the developing countries;

32. Requests the Committee to continue to consider, as a matter of priority, ways and means of maintaining outer space for peaceful purposes, taking into account the views expressed at its fortieth session and at the fifty-second session of the General Assembly, and to report thereon to the Assembly at its fifty-third session;

33. Also requests the Committee to continue to consider at its forty-first session its agenda item entitled "Spin-off benefits of space technology: review of current status";

34. Endorses the decision of the Committee to grant permanent observer status to the International Space University;

35. Requests the specialized agencies and other international organizations to continue and, where appropriate, enhance their cooperation with the Committee and to provide it with progress reports on their work relating to the peaceful uses of outer space;

36. Requests the Committee to continue its work, in accordance with the present resolution, to consider, as appropriate, new projects in outer space activities, and

to submit a report to the General Assembly at its fifty-third session, including its views on which subjects should be studied in the future.

Effects of atomic radiation

The United Nations Scientific Committee on the Effects of Atomic Radiation held its forty-sixth session in 1997 (Vienna, 16-20 June) [A/52/46]. The Committee considered recent information on sources of radiation, exposures and their effects, including exposures from natural and man-made sources of radiation; medical and occupational radiation exposures; dose assessment methodologies; epidemiological evaluation of radiation-induced cancer; deoxyribonucleic acid (DNA) repair and mutagenesis; hereditary effects of radiation; combined effects of radiation and other agents; models, mechanisms and uncertainties at low doses; and local exposures and effects of the Chernobyl accident. The Committee made suggestions for the further development of those topics.

The Committee was preparing an extensive assessment of information on radiation exposures worldwide and a comprehensive review of the biological effects of radiation, representing the state of knowledge at the end of the millennium. It would also direct its attention to investigations of the mechanisms of radiation interactions, the response of cells and the organism, and the uncertainties in relating specific exposures and effects, especially at the low levels of exposure that occurred at home, in the workplace and in the environment.

The Committee expressed the hope that UN Member States and members of specialized agencies and national institutions would continue to assist in its work, especially by providing information on the subjects of interest for the future programme of study, so that its deliberations could be based on the broadest and most up-to-date scientific and technical information.

GENERAL ASSEMBLY ACTION

On 10 December [meeting 69], the General Assembly, on the recommendation of the Fourth Committee [A/52/614], adopted **resolution 52/55** without vote [agenda item 84].

Effects of atomic radiation

The General Assembly,

Recalling its resolution 913(X) of 3 December 1955, by which it established the United Nations Scientific Committee on the Effects of Atomic Radiation, and its

subsequent resolutions on the subject, including resolution 51/121 of 13 December 1996, in which, inter alia, it requested the Scientific Committee to continue its work,

Taking note with appreciation of the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,

Reaffirming the desirability of the Scientific Committee continuing its work,

Concerned about the potentially harmful effects on present and future generations resulting from the levels of radiation to which mankind and the environment are exposed,

Noting the views expressed by Member States at its fifty-second session with regard to the work of the Scientific Committee,

Also noting the provisions contained in section XII, paragraph 38, of the annex to its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system,

Conscious of the continuing need to examine and compile information about atomic and ionizing radiation and to analyse its effects on mankind and the environment,

1. Commends the United Nations Scientific Committee on the Effects of Atomic Radiation for the valuable contribution it has been making in the course of the past forty-two years, since its inception, to wider knowledge and understanding of the levels, effects and risks of atomic radiation, and for fulfilling its original mandate with scientific authority and independence of judgement;

2. Requests the Scientific Committee to continue its work, including its important activities to increase knowledge of the levels, effects and risks of ionizing radiation from all sources;

3. Endorses the intentions and plans of the Scientific Committee for its future activities of scientific review and assessment on behalf of the General Assembly;

4. Requests the Scientific Committee to continue at its next session the review of the important problems in the field of radiation and to report thereon to the General Assembly at its fifty-third session;

5. Requests the United Nations Environment Programme to continue providing support for the effective conduct of the work of the Scientific Committee and for the dissemination of its findings to the General Assembly, the scientific community and the public;

6. Expresses its appreciation for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations, and invites them to increase their cooperation in this field;

7. Welcomes, in this context, the readiness of Member States to provide the Scientific Committee with relevant information on the effects of atomic radiation in affected areas, and invites the Scientific Committee to analyse and give due consideration to such information, particularly in the light of its own findings;

8. Invites Member States, the organizations of the United Nations system and non-governmental organizations concerned to provide further relevant data about doses, effects and risks from various sources of

radiation, which would greatly help in the preparation of future reports of the Scientific Committee to the General Assembly;

9. Invites the International Atomic Energy Agency and the World Health Organization to consider the functions and role of the Scientific Committee and to submit a recommendation to the General Assembly at

its fifty-third session, and, meanwhile, requests the Scientific Committee to submit its report to the International Atomic Energy Agency and the World Health Organization, as well as to the General Assembly, which will consider the report together with the evaluation of the report by the International Atomic Energy Agency and the World Health Organization.

PART TWO

Human rights

Chapter I

Promotion of human rights

United Nations efforts to promote human rights continued in 1997 through the Commission on Human Rights, which marked its fiftieth anniversary, and its subsidiary body—the Subcommission on Prevention of Discrimination and Protection of Minorities—and human rights treaty bodies, which reported on their work to the Economic and Social Council and the General Assembly. The Office of the United Nations High Commissioner for Human Rights carried out a programme of technical cooperation in human rights, including advisory services.

Human rights instruments promoted civil and political rights and economic, social and cultural rights, and addressed racial discrimination, discrimination against women, the protection of children, and torture and other cruel, inhuman or degrading treatment or punishment.

In November, the Assembly proclaimed the year 2000 the International Year for the Culture of Peace. A project entitled "Towards a culture of peace", carried out by the United Nations Educational, Scientific and Cultural Organization, dealt with education for peace, human rights, democracy, international understanding and tolerance; promotion of human rights and democracy; struggle against discrimination; cultural pluralism and intercultural dialogue; and conflict prevention and post-conflict peace-building.

Throughout the year, preparations continued for the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year implementation review of the 1993 Vienna Declaration and Programme of Action, both of which would take place in 1998.

The Assembly approved the Secretary-General's appointment of Mary Robinson (Ireland) as UN High Commissioner for Human Rights for a four-year term starting on 12 September.

UN machinery

Commission on Human Rights

The Commission on Human Rights held its fifty-third session in Geneva from 10 March to 18

April [E/1997/23], during which it adopted 78 resolutions and 26 decisions. The Commission recommended to the Economic and Social Council for adoption three draft resolutions and 52 draft decisions.

On 11 March [E/1997/23 (dec. 1997/101)], the Commission invited special representatives, special rapporteurs, chairmen/rapporteurs of various working groups and experts to participate in the discussion of their reports at its meetings.

Organization of work in 1998

On 16 April [dec. 1997/119], the Commission recommended that the Economic and Social Council authorize 40 fully serviced additional meetings, to be used only if necessary, for the Commission's 1998 session, and requested its Chairman to make every effort to organize the session's work within the times normally allotted. The Council, by decision 1997/290 of 22 July, authorized the additional meetings and approved the Commission's request to its Chairman.

Also on 16 April [dec. 1997/120], the Commission decided that all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or country-oriented mandates were expected to report in 1998, even if 1997 resolutions did not make explicit reference to that obligation.

The Commission, on 18 April [dec. 1997/123], recommended that its fifty-fourth session take place from 16 March to 24 April 1998. On 22 July, by decision 1997/291, the Council approved the recommendation.

By other decisions, the Commission deferred to 1998 consideration of draft resolutions on its restructuring and revitalization [dec. 1997/126] and on its special procedures system [dec. 1997/116].

Thematic procedures

In March [E/CN.4/1997/38], the Secretary-General, pursuant to a 1996 Commission request [YUN 1996, p. 565], presented documentary references to the conclusions and recommendations of the thematic special rapporteurs and working groups. Regarding the Commission's request that he consider holding further periodic meetings of all of the thematic special rapporteurs and chairmen of working groups to exchange

views, cooperate more closely and make recommendations, the Secretary-General recalled that such a meeting was held in 1996, the report of which was before the Commission's 1997 session [E/CN.4/1997/3].

Commission action. On 11 April [res. 1997/37], the Commission on Human Rights encouraged Governments to cooperate more closely with it through the thematic procedures; respond expeditiously to requests for information; and consider follow-up visits by thematic special rapporteurs and working groups. It asked the thematic special rapporteurs and working groups to make recommendations to promote human rights; follow progress by Governments; continue close cooperation with relevant treaty bodies and country rapporteurs; include in their reports information provided by Governments on follow-up action, as well as their own observation; and include in their reports gender-disaggregated data and address human rights violations that were directed against women, or to which women were particularly vulnerable. They were also requested to include in their reports comments on problems of responsiveness, the results of analyses, and suggestions as to areas where Governments might request assistance through the programme of advisory services administered by the Centre for Human Rights. The Commission requested the Secretary-General to take note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups, and to consider convening further periodic meetings of the thematic special rapporteurs and the chairpersons of working groups. He was also asked to issue annually their conclusions and recommendations; to present annually a list of persons constituting the thematic and country procedures; and to ensure the availability of resources for the implementation of all thematic mandates. The Commission's request for resources was approved by the Economic and Social Council by **decision 1997/250** of 22 July.

Subcommission on Prevention of Discrimination and Protection of Minorities

1997 session

The Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-ninth session (Geneva, 4-29 August) [E/CN.4/1998/2], adopted 43 resolutions and 19 decisions, and recommended one draft resolution and 10 draft decisions for adoption by the Commission.

The Subcommission adopted resolutions on its rules of procedure, guidelines, decisions and practices applicable to its work [E/CN.4/1998/2 (res. 1997/16)], on the organization of its sessions [res. 1997/17] and on the promotion of dialogue on human rights issues [res. 1997/38] (see below). Decisions were adopted relating to its agenda [dec. 1997/101], organization of work [dec. 1997/103], methods of work [dec. 1997/104 & 1997/113], the composition of its pre-sessional working groups [dec. 1997/111] and voting by secret ballot on proposals relating to alleged human rights violations in countries [dec. 1997/106]. It annexed criteria for new studies [dec. 1997/112] to guidelines concerning its methods of work as contained in a 1992 resolution [YUN 1992, p. 759].

The Subcommission had before it reports on the organization of its work, including a May report that dealt with the financial and other implications of organizing Subcommission sessions [E/CN.4/Sub.2/1997/2], and a June working paper that addressed the rules of procedure, guidelines and practices applicable to the Subcommission [E/CN.4/Sub.2/1997/3].

Report of Subcommission Chairman. The Commission on Human Rights had before it a report [E/CN.4/1997/79], submitted in response to its 1996 request [YUN 1996, p. 566] and prepared by the Subcommission's 1996 Chairman, Asbjørn Eide (Norway), describing aspects of the Subcommission's work.

Review of Subcommission work

Commission action. On 11 April [E/1997/23 (res. 1997/22)], the Commission requested the Subcommission to review its working methods with a view to improving its efficiency and avoiding duplication with the Commission, and to prepare recommendations for the Commission's consideration. The Secretary-General was requested to ensure that documents were available in all UN official languages prior to the session; and, in responding to requests from the Subcommission to solicit information from Governments and intergovernmental and non-governmental organizations to agree to the requests only after they were approved by the Commission. The Subcommission Chairman was asked to submit a further report on the Subcommission's work in 1998.

Note by Secretary-General. In June [E/CN.4/Sub.2/1997/24], the Secretary-General reviewed developments that had occurred between 1 June 1996 and 1 June 1997 in areas with which the Subcommission was concerned. They related to the status and monitoring bodies of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440, GA res. 2106 A (XX)], the 1966 International Cove-

nants on Human Rights [YUN 1966, pp. 419 & 423, GA res. 2200 A (XXI)], the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813, GA res. 39/46], the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25] and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [YUN 1990, p. 594, GA res. 45/158].

ILO report. In June, the International Labour Organization (ILO) submitted a memorandum [E/CN.4/Sub.2/1997/25] concerning ratifications of ILO conventions relating to the concerns of the Subcommission. The conventions dealt with forced labour, discrimination, freedom of association, migrant workers, indigenous and tribal peoples, women workers, child labour, the situation of Arab workers of the occupied Arab territories and vocational rehabilitation.

Promotion of dialogue on human rights issues

In a 28 August resolution [res. 1997/38], adopted by a vote of 20 to 1, the Subcommission, expressing deep concern at the possibility of human rights issues being used for political purposes, encouraged further and timely dialogue among its expert members to facilitate the formulation and adoption of resolutions and decisions. Subcommission members and governmental and non-governmental observers were invited to carry out constructive dialogue and consultations on human rights, so as to enhance understanding and to search for effective and commonly agreed solutions to the promotion and protection of human rights, taking into account the Subcommission's role as a "think-tank" in that regard.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/644/Add.2], adopted **resolution 52/134** without vote [agenda item 112 (b)].

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular in paragraph 3 of Article 1, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and underlining the importance of the promotion of dialogue on human rights issues,

Taking note of the adoption of resolution 1997/38 of 28 August 1997, entitled "Promotion of dialogue on human rights issues", by the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights at its forty-ninth session,

1. Welcomes the statement made by the Chairman of the Commission on Human Rights at its 70th meeting of its fifty-third session, on 18 April 1997;

2. Calls upon Member States, intergovernmental organizations and the specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

3. Notes with appreciation that the Commission on Human Rights will keep under review the matter to which the Chairman's statement refers;

4. Decides to continue the consideration of this question at its fifty-third session.

Office of the High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights, Jose Ayala Lasso, resigned from his post to become Minister for Foreign Affairs of Ecuador on 15 March. The Secretary-General's 12 June proposal to appoint Mary Robinson (Ireland) as the next High Commissioner [A/51/924] was approved by consensus by the General Assembly on 17 June in **decision 51/322**. The Secretary-General informed the Assembly in August that the new High Commissioner's term of office would be from 12 September 1997 to 11 September 2001 [A/51/924/Add.1].

On 1 September 1997, the Office of the High Commissioner and the Centre for Human Rights were consolidated as the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Reports of High Commissioner. In a February report [E/CN.4/1997/98 & Add.1 & Add.1/Corr.1], the High Commissioner discussed the policy orientation of his Office and summarized his activities since his October 1996 report [YUN 1996, p. 567].

The High Commissioner stated that globalization exposed the international community more than ever to human rights challenges, but also served as a catalyst for developing a human rights culture, which he defined as collective and individual responsibility. Human rights education was the basic vehicle of the human rights culture. The United Nations Decade for Human Rights Education (1995-2004), proclaimed by the Gen-

eral Assembly in resolution 49/184 [YUN 1994, p. 1039], was an effective framework for partnerships to cooperate in building a culture of human rights (see below, under "Human rights education"). During a meeting of human rights educators (Geneva, 27-30 January), convened by the High Commissioner, an approach to human rights education based on various strategies for furthering human rights education at the national and international levels dominated the debate.

The criteria for sustainable development, the High Commissioner stated, should include better protection of all human rights—civil, cultural, economic, political and social—as well as protection of the most vulnerable and impoverished. Creating the conditions for sustainable development was important in ensuring that all human rights, including the right to development, would be implemented. Since international cooperation was indispensable for implementing the right to development, the High Commissioner had established close contacts with the United Nations Development Programme, the regional commissions, the World Bank, the United Nations Conference on Trade and Development and other agencies.

A central priority of the UN human rights programme was removing the causes of discrimination and combating its manifestations. United Nations agencies and programmes had increasingly entered into joint activities to combat discrimination. The High Commissioner initiated inter-agency consultations on the protection of minorities and the subject had been the focus of attention of the human rights treaty-based bodies and special mechanisms of the Commission on Human Rights.

International concern for human rights, wherever they were in danger, was legally justified and constituted a necessary component of future-oriented international and national policies. In his dialogues with Governments and contacts with civilians, the High Commissioner attached prime importance to issues of grave and massive human rights violations; refusal by Governments to cooperate fully with UN human rights machinery; and intimidation and reprisals against those who sought to cooperate with that machinery.

Regarding preventive and responsive action, the High Commissioner pointed to the effective implementation of human rights through field activities. Human rights field offices had been opened recently in Abkhazia (Georgia), Colombia, Gaza (Palestine) and Zaire. In addition, the programme of technical cooperation (see below, under "Other activities") provided advisory serv-

ices and technical and financial assistance. The High Commissioner had focused specific attention on strengthening existing national institutions and creating new ones. Projects for that purpose had been conducted or initiated in Bangladesh, Latvia, Malawi, Mongolia, Nepal, Papua New Guinea, the Republic of Moldova, South Africa and Uganda.

A key target of the restructuring of the High Commissioner/Centre for Human Rights was the better management of information on human rights. The High Commissioner drew attention to the UN Human Rights Website (<http://www.unhchr.ch>), which provided easy access to human rights conventions and declarations and information on UN human rights activities.

The High Commissioner stated that the fiftieth anniversary of the 1948 Universal Declaration of Human Rights (see below) should offer the opportunity to strengthen the promotion and protection of human rights; assess progress since the adoption of the Declaration; review progress made in implementing the 1993 Vienna Declaration and Programme of Action [YUN 1993, p. 908], adopted at the World Conference on Human Rights; and envisage ways to further develop the UN human rights programme.

In October [A/52/36], the High Commissioner stated, in the context of the Secretary-General's reform programme, that the consolidated OHCHR would analyse human rights technical assistance, as well as assistance that had an impact on human rights, such as the promotion of democratic governance, strengthening the rule of law, reform of the judiciary, and programmes related to the implementation of the 1966 International Covenant on Economic, Social and Cultural Rights [YUN 1966, p. 419, GA res. 2200 A (XXI)] and the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25]. The High Commissioner reviewed the work of the 1997 session of the Commission and discussed action taken during the year by the Commission and Subcommission to promote the right to development. Regarding that right, OHCHR held two seminars in Geneva in 1997—one, which was organized together with a non-governmental organization (NGO), on multicultural and intercultural education (23-24 May), and another on immigration, racism and racial discrimination (5-9 May).

During the year, OHCHR continued to prepare for the fiftieth anniversary in 1998 of the Universal Declaration of Human Rights and the five-year implementation review of the Vienna Declaration and Programme of Action. Seven inter-agency meetings had been held, and OHCHR, in cooperation with the UN Department of Public

Information, had initiated an inter-active information strategy.

On 12 December, the General Assembly, by **decision 52/427**, took note of part six of the report [A/52/644/Add.5] of the Third Committee dealing with the High Commissioner's report.

Commission action. On 16 April [E/1997/23 (res. 1997/68)], the Commission on Human Rights, having examined the High Commissioner's February report, recognized his efforts to enhance the Centre for Human Rights and the importance of continuing to support the activities of the High Commissioner/Centre for Human Rights.

The Commission, on 18 April [res. 1997/76], reiterated the need to provide financial, material and personnel resources to the Office of the High Commissioner/Centre for Human Rights. It again requested the Secretary-General to provide the human rights programme with all necessary resources from future regular UN budgets, and in particular to take that into account in the 1998-1999 budget. That request was endorsed by the Economic and Social Council in **decision 1997/279** of 22 July. The Commission also asked the Secretary-General to continue to increase cooperation and coordination on human rights issues among UN departments, offices and agencies and to ensure the participation of the High Commissioner/Centre in all mechanisms related to the follow-up to major UN conferences. The High Commissioner was asked to make available to States information on voluntary contributions and their allocation and to invite them to briefing meetings and appeals; to report annually on the staff of the Office of the High Commissioner/Centre, reflecting grade, nationality and gender; and to submit in 1998 a report on the implementation of its resolution, including information on voluntary contributions and an assessment of ongoing field operations.

Composition of staff

Report of Secretary-General. Pursuant to Economic and Social Council decision 1996/272 [YUN 1996, p. 568], the Secretary-General, in February, reported on the composition of the staff of the High Commissioner/Centre for Human Rights [E/CN.4/1997/45] as at 31 December 1996. He noted that the report was an interim one and that a comprehensive report would be submitted in 1998 after completion of the Centre's restructuring.

Commission action. On 18 April [dec. 1997/124], the Commission on Human Rights deferred consideration of a draft text dealing with the composition of the Centre to its 1998 session.

Strengthening UN action

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/131** by recorded vote (116-2-50) [agenda item 112 (b)].

Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter of the United Nations and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming all its resolutions in this regard,

Reaffirming also the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially under the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation

with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international instruments and to refrain from activities that are inconsistent with that international framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Underlines the importance of the promotion of dialogue on human rights issues;

7. Emphasizes that all human rights are universal, indivisible, interdependent and interrelated and that, as such, the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis;

8. Requests all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

9. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

10. Stresses, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events in all countries;

11. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for all human rights and fundamental freedoms for all;

12. Requests the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

13. Reiterates its request to the Secretary-General to consult Member States, intergovernmental organiza-

tions and non-governmental organizations on ways and means for the strengthening of United Nations action in the field of human rights, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this issue to the General Assembly at its fifty-third session;

14. Decides to consider this matter at its fifty-third session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/131:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States.

Abstain: Albania, Andorra, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom.

Right to promote and protect human rights

Working group activities. The working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms held its twelfth session in Geneva from 24 to 28 February and on 21 March. Annexed to the group's report [E/CN.4/1997/92] were a consolidated text of the draft declaration drawn up by the Chairman/Rapporteur for consideration by the group and a first reading text as amended during the second reading at its ninth [YUN 1994, p. 1067] and tenth [YUN 1995, p. 692] sessions.

Commission action. On 16 April [res. 1997/70], the Commission on Human Rights urged the working group to submit the completed draft declaration and decided to continue its work with a view to adopting the draft declaration in 1998.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 38], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **resolution 1997/51** without vote [agenda item 7 (d)].

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

Human rights instruments

General aspects

In 1997, seven UN human rights instruments were in force that required monitoring of their implementation by expert bodies. The instruments and their treaty bodies were: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440, GA res. 2106 A (XX)] (Committee on the Elimination of Racial Discrimination); the 1966 International Covenant on Civil and Political Rights [YUN 1966, p. 423, GA res. 2200 A (XXI)] (Human Rights Committee); the 1966 International Covenant on Economic, Social and Cultural Rights [Ibid., p. 419, GA res. 2200 A (XXI)] (Committee on Economic, Social and Cultural Rights); the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid [YUN 1973, p. 103, GA res. 3068 (XXVIII)] (Group of Three, suspended in 1995) [YUN 1995, p. 693]; the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN 1979, p. 895, GA res. 34/180] (Committee on the Elimination of Discrimination against Women); the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813, GA res. 39/46] (Committee against Torture); and the 1989 Convention on the Rights of the Child [YUN 1989, p. 560, GA res. 44/25] (Committee on the Rights of the Child).

Note by High Commissioner. The High Commissioner submitted to the Commission on Human Rights a note [E/CN.4/1997/75] containing an inventory of all international human rights standard-setting activities, covering work and activities that fell under the Commission's purview.

It also contained standard-setting activities proposed or conducted by the Subcommission.

Report of independent expert. In March [E/CN.4/1997/74], the Secretary-General transmitted to the Commission the final report on enhancing the long-term effectiveness of the UN human rights treaty system, prepared by independent expert Philip Alston (Australia). He had submitted a first report in 1989 [YUN 1989, p. 521] and an interim report in 1993 [YUN 1993, p. 912].

Recommendations for achieving universal ratification of the core treaties included: holding consultations with international agencies to explore their potential involvement in a ratification campaign; the appointment of special advisers on ratification and reporting; streamlining the reporting process for States with small populations; and paying attention to other substantial categories of non-parties. The expert also recommended establishing a public information budget to disseminate information about the treaty bodies in more popular formats and media. As non-reporting by States on measures taken to implement treaties had reached chronic proportions, the expert advocated the implementation of a specially tailored project for the provision of advisory services. He proposed the convening by the High Commissioner of a high-level meeting to explore better means of cooperation with the treaty bodies.

Commission action. On 3 April [E/1997/23 (dec. 1997/105)], the Commission on Human Rights asked the Secretary-General to solicit the views of UN bodies, Governments, specialized agencies, intergovernmental organizations, NGOs and interested persons on the report of the independent expert and to submit a report thereon that would also include the Secretary-General's views. The Commission decided to consider in 1998 all reports relating to the effective implementation of international instruments on human rights, including reporting obligations.

Reports of Secretary-General. The Commission on Human Rights considered a report [E/CN.4/1997/73] of the Secretary-General outlining measures taken to implement a 1996 Commission resolution [YUN 1996, p. 572] that called for implementation of international human rights instruments, including reporting obligations.

Pursuant to General Assembly resolution 51/87 [YUN 1996, p. 572], the Secretary-General submitted an October report [A/52/445] on measures taken to implement that resolution, which dealt with the same subject.

In October [A/52/507], the Secretary-General transmitted to the Assembly the report of the eighth meeting of persons chairing the human

rights treaty bodies (Geneva, 15-19 September), convened in accordance with resolution 51/87.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.1], adopted **resolution 52/118** without vote [agenda item 112 (a)].

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and taking note of Commission on Human Rights decision 1997/105 of 3 April 1997,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

- (a) Promoting the effective functioning of the periodic reporting by States parties to those instruments,
- (b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively,
- (c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unneces-

sary duplication and overlapping of their mandates and tasks,

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,

1. Welcomes the submission of the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997, and takes note of their conclusions and recommendations;

2. Encourages each human rights treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;

4. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

5. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

6. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights, recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

7. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

8. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication

of reporting required under the different instruments, without impairing the quality of reporting, and of generally alleviating the reporting burden on States parties;

9. Takes note with appreciation, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their eighth meeting, to develop appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is being prepared with a view to identifying duplication of reporting required under those instruments;

11. Urges States parties to contribute, individually and through meetings of States parties, to the identification and implementation of ways of further streamlining, rationalizing, avoiding duplication of and otherwise improving reporting procedures;

12. Welcomes the publication of the revised Manual on Human Rights Reporting;

13. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

14. Reiterates its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

15. Also reiterates its concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

16. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

17. Urges all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

18. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical

assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

19. Recalls the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

20. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

21. Notes that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

22. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

23. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

24. Requests the Secretary-General to include in his report prepared pursuant to the present resolution a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard;

25. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

26. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in this regard, endorses the request of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women of the Secretariat prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;

27. A/50 welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to

the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

28. Welcomes the request of the persons chairing the human rights treaty bodies to hold an extraordinary three-day meeting early in 1998 to pursue the reform process with the aim of improving the effective implementation of international instruments on human rights, and requests the Secretary-General to take the appropriate steps to finance the meeting from the available resources of the regular budget of the United Nations;

29. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

30. Decides to continue giving priority consideration at its fifty-third session to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

In the Third Committee, paragraph 21 was retained by a recorded vote of 97 to 4, with 41 abstentions. Similarly, the Assembly retained the paragraph by a recorded vote of 118 to 5, with 37 abstentions.

Fiftieth anniversary of Universal Declaration of Human Rights

Commission action. On 11 April [res. 1997/35], the Commission on Human Rights asked the High Commissioner to continue to coordinate preparations for the fiftieth anniversary of the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535, GA res. 217 A (III)]. Governments were asked to review and assess progress made since the adoption of the Declaration, to identify obstacles to achieving progress and ways in which they could be overcome and to undertake additional efforts to develop education and information programmes. They were invited to undertake national programmes to celebrate the anniversary and to ensure wide participation. Human rights treaty bodies were asked to give attention to the anniversary and to reflect on their possible contribution to the preparations. The Commission called on UN organs and agencies to assess, and put forward pertinent conclusions on the state of implementation and the impact of existing international human rights instruments; it invited them to mark the anniversary by intensifying their contributions to UN system-wide ef-

forts to promote and protect human rights. NGOs were invited to participate in the preparations, to intensify their campaign for greater understanding and better use of the Declaration and to communicate their observations and recommendations to the High Commissioner.

On the same date [res. 1997/41], the Commission asked the Secretary-General to report in 1999 on activities relating to the anniversary.

Subcommission action. On 28 August [E/CN.4/1998/2 (res. 1997/43)], the Subcommission urged Governments to review and assess progress made since the adoption of the Declaration, to identify obstacles to achieving progress and ways in which they could be overcome, to consider, if they had not done so, ratifying the 1966 International Covenants on Human Rights, contained in General Assembly resolution 2200 A (XXI) [YUN 1966, pp. 419 & 423], and to take legislative and administrative measures to promote and protect human rights and fundamental freedoms. It asked national institutions, NGOs and scholars to intensify efforts to inform public opinion regarding the Declaration.

Report of Secretary-General. In October [A/52/469], the Secretary-General stated that the first issue of a series of basic information kits, 1998: Fiftieth Anniversary of the Universal Declaration of Human Rights, Basic Information Kit No. 1, contained an executive summary, the mission statement of OHCHR, guiding ideas, an updated calendar of events, excerpts of documents and practical ideas for commemoration. Further issues on women's human rights, human rights education and the rights of the child were under preparation.

The UN Department of Public Information (DPI) was planning a multimedia information programme targeted at the media, NGOs, government officials, schools and academic institutions, the UN system and the public at large. There were plans to produce a poster in the six official languages and a press kit in English and French. In addition, DPI was planning a historical exhibit, an information seminar or round-table meeting for journalists, television programmes and a special series of radio programmes.

Workshop. By a 26 February letter [E/CN.4/1997/119], Poland informed the Commission on Human Rights that, in the context of preparations for the fiftieth anniversary, Germany, Poland and South Africa had organized a workshop on the Universal Declaration of Human Rights at the dawn of the twenty-first century (Warsaw, 30-31 January).

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.1], adopted **resolution 52/117** without vote [agenda item 112 (a)].

Fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that in adopting the Universal Declaration of Human Rights, on 10 December 1948, it recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration and other international instruments and declarations in the field of human rights adopted subsequently,

Recognizing the Declaration as a common standard of achievement for all peoples and all nations, as well as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting fundamental human rights in all situations and of strengthening the United Nations in this regard,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Convinced of the necessity of protecting and promoting human rights and fundamental freedoms, and determined to take new steps forward, at the national level and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, as a milestone in the recognition and progressive development of all human rights and fundamental freedoms for all by the international community,

Stressing the importance of ensuring that full attention is given to the integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Declaration,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism and thereby to the fuller enjoyment of human rights,

Affirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Stressing the fact that realization of the full range of human rights requires effective policies and compliance at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Convinced that, in the light of the existing level of standard-setting in the field of human rights, a primary task of the United Nations is to promote the universal ratification of or accession to existing international instruments and their full implementation by all States parties to those instruments,

Recalling its decision to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Declaration,

Welcoming the international and national initiatives to commemorate the fiftieth anniversary of the Declaration, and commending the efforts made in all regions of the world to promote all human rights and fundamental freedoms,

1. Welcomes the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, and requests her to continue to coordinate all relevant activities within the United Nations system, bearing in mind the provisions of the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Encourages all Governments and other actors to undertake additional efforts to develop education and information programmes, with a view to disseminating the text of the Declaration and arriving at a better understanding thereof, and emphasizes in that regard the primary importance of grass-roots initiatives in promoting, through education and the media, a culture of all human rights and fundamental freedoms for all;

3. Invites Governments and the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Declaration and to identify obstacles and ways in which they can be overcome, both through measures at the national level and through enhanced international cooperation, with a view to ensuring full enjoyment of all human rights and fundamental freedoms for all, taking into account developments that have taken place during the past fifty years;

4. Urges Governments to endorse and implement national programmes for the celebration of the fiftieth anniversary of the Declaration and to ensure wide participation, including the participation of public administration institutions, national institutions, non-governmental organizations, academic circles and all strata of civil society, and thereby to bring the letter and spirit of the Declaration to the awareness of all;

5. Urges those Governments that have not yet ratified the international human rights treaties and protocols adopted within the framework of the United Nations system to consider doing so, and calls upon all Governments to implement fully their international obligations in the field of human rights;

6. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Declaration and to reflect on their possible contribution to the above-mentioned preparations;

7. Calls upon relevant United Nations organs and agencies, in the light of the principles set forth in the Declaration, to make, within their respective mandates and fields of action, an assessment of the state of implementation and the impact of existing international human rights instruments and to put forward pertinent conclusions thereon;

8. Invites relevant United Nations organs and agencies, in coordination with the United Nations High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect all human rights and fundamental freedoms;

9. Invites Governments, the Secretariat, the Office of Communications and Public Information of the Secretariat, relevant organs and agencies of the United Nations system, within their respective mandates, including the United Nations Educational, Scientific and Cultural Organization, other international organizations and non-governmental organizations, to disseminate widely the Declaration, as well as other international instruments in the field of human rights, with a view to ensuring the universality and full and comprehensive enjoyment of all human rights and fundamental freedoms;

10. Reaffirms its commitment to continue building on the inspiration of the Declaration through the development of international human rights standards and of mechanisms for their promotion and protection, taking into account developments over the past fifty years, including the adoption of the Declaration on the Right to Development;

11. Encourages national human rights institutions, such as human rights commissions, Ombudspersons and others, to play a significant role in the activities marking the fiftieth anniversary of the Declaration;

12. Invites non-governmental organizations to participate fully in the preparation for and commemoration of the fiftieth anniversary of the Declaration and to intensify their campaign for greater understanding and better use of the Declaration;

13. Encourages the Commission on Human Rights, at its fifty-fourth session, to give the fiftieth anniversary of the Declaration attention commensurate with its historical significance.

By **decision 52/424** of 12 December, the Assembly, considering that 1998 would mark the fiftieth anniversary of the Declaration and recalling that in the annex to its resolution 2217 A (XXI) [YUN 1966, p. 457] it had approved the awarding of human rights prizes, decided to ask the Secretary-General to make arrangements to award such prizes in 1998.

Covenant on Civil and Political Rights and Optional Protocols

Accessions and ratifications

As at 31 December 1997, parties to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI)

[YUN 1966, p. 423] and in force since 1976 [YUN 1976, p. 609], totalled 140 and 92 States, respectively. During the year, Greece, Honduras, Monaco and Turkmenistan became parties to the Covenant, and Cote d'Ivoire, Greece, Sri Lanka and Turkmenistan acceded to the Optional Protocol; Jamaica notified the Secretary-General of its denunciation of the Protocol.

In 1997, Colombia and Greece acceded to the Second Optional Protocol, aiming at the abolition of the death penalty—adopted by the Assembly in resolution 44/128 [YUN 1989, p. 484] and in force since 1991 [YUN 1991, p. 544]—bringing the total number of States parties to 31 at year's end.

On 3 April [E/1997/23 (dec. 1997/104)], the Commission on Human Rights requested an update of the Secretary-General's 1996 report [YUN 1996, p. 575] on the status of the Covenant and the Optional Protocols for consideration in 1998.

The Secretary-General submitted to the Assembly a report [A/52/446] containing information on the status of the Covenant and its Optional Protocols as at 1 September 1997.

Monitoring body. The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights, held three sessions in 1997: its fifty-ninth from 24 March to 11 April in New York, and its sixtieth from 14 July to 1 August [A/52/40, vol. I] and sixty-first from 20 October to 7 November [A/53/40, vol. I], both in Geneva.

In 1997, the Committee considered reports from 14 States—Belarus, Bolivia, Colombia, France, Georgia, India, Iraq, Jamaica, Lebanon, Lithuania, Portugal (Macau), Senegal, Slovakia, Sudan—under article 40 of the Covenant. It adopted views on communications from individuals claiming that their rights under the Covenant had been violated, and decided that other such communications were inadmissible. Those views and decisions were annexed to the Committee's reports [A/52/40, vol. II; A/53/40, vol. II].

Having received an August notification from the Democratic People's Republic of Korea purporting to denounce the Covenant, the Committee considered whether denunciation was permissible under the Covenant. On 29 October, it adopted general comment No. 26, which stated that international law did not permit a State party to the Covenant to denounce or withdraw from it.

Subcommission action. On 28 August [E/CN.4/1998/2 (res. 1997/41)], the Subcommission considered that the preliminary conclusions of the International Law Commission (ILC) on reservations to multilateral treaties, including human rights treaties, might be inconsistent with general comment No. 24, adopted by the Human

Rights Committee in 1994 [YUN 1994, p. 1010], and actions by other human rights treaty bodies. It asked the Secretary-General to bring the ILC preliminary conclusions to the attention of the human rights treaty bodies and to ask them to transmit their views to ILC and the Subcommission. General comment No. 24 dealt with issues related to reservations made upon ratification of or accession to the Covenant.

Covenant on Economic, Social and Cultural Rights

On 11 April [E/1997/23 (res. 1997/17)], the Commission on Human Rights called on States to secure, through national development policies and international cooperation, full respect for economic, social and cultural rights, and to promote the participation of representatives of civil society in the decision-making processes related to promoting and protecting those rights. It asked them to consider drawing up national action plans identifying steps to improve the human rights situation, with specific benchmarks to give effect to minimum essential levels of enjoyment of economic, social and cultural rights.

States parties to the 1966 International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 419] were called on to submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner and to promote the participation of representatives of civil society in preparing their periodic reports to the Committee and in implementing the Committee's recommendations.

The Commission asked the UN High Commissioner for Human Rights and human rights mechanisms and treaty bodies to give greater attention to the protection of economic, social and cultural rights. It asked the High Commissioner to consider the proposed programme of action [E/1997/22] designed to enhance the ability of the Committee to assist Governments in their reporting obligations and its capacity to process and follow up the examination of States' reports. The Secretary-General was asked to submit reports to the General Assembly in 1997 and to the Commission in 1998 on progress made towards realizing the rights sets forth in the Covenant. On 22 July, by **decision 1997/244**, the Economic and Social Council endorsed the Commission's request to the Secretary-General.

In a 16 October note [A/52/511], the Secretary-General stated that the Secretariat had sent a note verbale and a letter to national and international

organizations to collect information for the report.

Accessions and ratifications

As at 31 December 1997, the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in 1966 [YUN 1966, p. 419] and in force since 1976 [YUN 1976, p. 609], had 137 States parties. During the year, Monaco and Turkmenistan became parties.

The Secretary-General submitted to the Assembly a report [A/52/446] on the status of the Covenant as at 1 September 1997.

On 3 April [E/1997/23 (dec. 1997/104)], the Commission on Human Rights asked the Secretary-General to transmit the text of the draft optional protocol to the Covenant [YUN 1996, p. 577] to Governments, intergovernmental organizations and NGOs for their comments for submission in 1998.

Monitoring body. The Committee on Economic, Social and Cultural Rights, established in 1985 [YUN 1985, p. 878], held its sixteenth (28 April-16 May) and seventeenth (17 November-5 December) sessions, both in Geneva [E/1998/22]. The Committee's pre-sessional, five-member working group, established in 1988 [YUN 1988, p. 527], met in Geneva from 9 to 13 December 1996 and from 20 to 23 May 1997 to identify issues to be discussed with representatives of reporting States.

The Economic and Social Council, by **decision 1997/240** of 22 July, took note of the Committee's report on its fourteenth and fifteenth (1996) sessions [YUN 1996, p. 576].

In 1997, the Committee examined reports covering articles 1 to 15 of the Covenant submitted by Azerbaijan [E/1990/5/Add.30], the Dominican Republic [E/1990/6/Add.7], Guyana [E/1990/5/Add.27], Iraq [E/1994/104/Add.9], the Libyan Arab Jamahiriya [E/1990/5/Add.26], Luxembourg [E/1990/6/Add.9], Peru [E/1990/5/Add.29], the Russian Federation [E/1994/104/Add.8], the United Kingdom [E/1994/104/Add.11], Uruguay [E/1990/6/Add.10] and Zimbabwe [E/1990/5/Add.28]. In addition, the Committee considered the state of implementation by Saint Vincent and the Grenadines of the economic, social and cultural rights contained in the Covenant.

The day of general discussion formed part of a two-day consultation [E/CN.4/1998/21] on the right to food (see also PART TWO, Chapter II). On the second day, a seminar was organized by OHCHR which considered the institutional dimensions of the issues raised in the 1996 World Food Summit Plan of Action [YUN 1996, p. 1129] and in the Committee's day of general discussion.

The Committee adopted general comment No. 7 on the right to adequate housing, specifi-

cally forced evictions, and No. 8 on the relationship between economic sanctions and respect for economic, social and cultural rights.

Two Committee members carried out a technical assistance mission to the Dominican Republic (19-27 September) to examine the housing situation there. They reported that the large-scale forced evictions that had characterized the previous regime had been suspended and work was being done to relocate many families living in slums.

Pursuant to Economic and Social Council resolution 1988(LX) [YUN 1976, p. 615], the Secretary-General transmitted the twenty-third report [E/1997/55] of the International Labour Organization concerning implementation of the Covenant.

On 18 December, the Council, by **decision 1997/321**, postponed to its 1998 organizational session consideration of the Committee's recommendations. It requested the Secretariat to provide additional information on the programme budget implications of the decisions, which dealt with holding an extraordinary additional session of the Committee in 1998, holding the Committee's nineteenth (1998) session in New York and the payment of honoraria to members.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.1], adopted **resolution 52/116** without vote [agenda item 112 (a)].

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 50/171 of 22 December 1995, and taking note of Commission on Human Rights decision 1997/104 of 3 April 1997,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the In-

ternational Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. Also stresses the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-first and fifty-second sessions, and takes note of General Comments Nos. 25 and 26 adopted by the Committee;

10. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth and fourteenth and

fifteenth sessions, and takes note of General Comments Nos. 6 and 7 adopted by the Committee;

11. Invites the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

12. Welcomes the continuing efforts of both Committees to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

13. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and to make use of gender-disaggregated data in their reports;

14. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

15. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

16. Once again encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

17. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and in the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

18. Also requests the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

19. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights

Committee, to take determined steps, in particular through the Office of Communications and Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

Convention against racial discrimination

As at 31 December 1997, there were 150 parties to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) [YUN 1965, p. 440] and in force since 1969 [YUN 1969, p. 488]. Kyrgyzstan and Saudi Arabia acceded during 1997.

Commission action. On 18 April [E/1997/23 (res. 1997/74)], the Commission on Human Rights appealed to States that had not done so to consider ratifying and acceding to the Convention and to consider making the declaration provided for in article 14 (see below).

Implementation

Monitoring body. The Committee on the Elimination of Racial Discrimination (CERD), set up under article 8 of the Convention, held its fiftieth and fifty-first sessions in 1997, both in Geneva, from 3 to 21 March and from 4 to 22 August, respectively [A/52/18].

The Committee devoted its sessions mainly to examining reports submitted by States parties on measures taken to implement the Convention. It considered reports, comments and information submitted by 35 States parties and summarized its members' views on each country report and the statements made by the States parties concerned.

Under the item on the prevention of racial discrimination, including early warning and urgent procedures, the Committee adopted decisions on the situations in Bosnia and Herzegovina, the Democratic Republic of the Congo, Israel and Papua New Guinea. The Committee also reviewed the situation in Burundi and Rwanda.

In conformity with article 14 of the Convention, CERD considered communications from individuals or groups of individuals claiming violation of their rights by a State party recognizing CERD's competence to receive and consider such communications. Twenty-four States parties (Al-

geria, Australia, Bulgaria, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Peru, Republic of Korea, Russian Federation, Senegal, Slovakia, Sweden, Ukraine, Uruguay) had declared such recognition.

Under article 15, the Committee was empowered to consider petitions, reports and other information relating to Trust and Non-Self-Governing Territories. CERD observed that it found it impossible to fulfil its functions under article 15 as the documents did not include copies of petitions. The Committee asked that the appropriate information be furnished.

On 18 August, the Committee adopted a general recommendation on the rights of indigenous peoples.

In October [A/52/463], the Secretary-General informed the General Assembly that, as at 30 August, 23 States parties had accepted an amendment to the Convention regarding the financing of CERD. The amendment, adopted in 1992 [YUN 1992, p. 714], was to enter into force when accepted by a two-thirds majority of States parties. The Secretary-General stated that as at 30 September outstanding assessments for CERD financing totalled \$224,499.

Other action. A May note by the Secretariat [E/CN.4/Sub.2/1997/31] presented the CERD Chairman's proposals for studies by the Subcommission covering succession to human rights treaty obligations; reservations to treaties; the advisability of referring to definitions of "race" and "racism" in texts prohibiting racism and its implications; claims by States parties that racial discrimination was absent in their territories; an elaboration of the implications of article 4 relating to claims by States parties that racial discrimination did not exist in their territories, but was also related to the allocation of effective legal resources and measures to punish and/or prevent racial discrimination; the application of article 7 regarding freedom of the press; affirmative action; rights of non-citizens; and the return of refugees' or displaced persons' property. Following consideration of the note, the Subcommission, on 28 August [E/CN.4/1998/2 (dec. 1997/118)], asked Marc Bossuyt (Belgium) to prepare a working paper on the concept of affirmative action.

An August note by the Secretariat [E/CN.4/Sub.2/1997/46] updated progress made in implementing a 1996 decision [YUN 1996, p. 577] by which the Subcommission had asked two of its members, working together with two members of CERD, to prepare a working paper on article 7 of the Convention. The note stated that the experts would submit a draft in 1998. Article 7 dealt with the adoption by States of measures to combat

prejudices that led to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

As requested by Assembly resolution 51/81 [YUN 1996, p. 602], OHCHR organized an expert seminar (Geneva, 10-14 November) [E/CN.4/1998/77/Add.2] on the role of the Internet in the light of the provisions of the Convention. The experts discussed racism and racial discrimination on the Internet, prohibition of racist propaganda on the Internet, technical aspects of screening such propaganda and elements relating to conduct and good practice of Internet-based materials.

The seminar proposed the establishment of an intergovernmental working group to draft guidelines for the ethical use of the Internet. It was suggested that the Commission on Human Rights consider setting up a consultative group to prepare a report within the context of the World Conference on Racism and Racial Discrimination, Xenophobia and Related Intolerance (see PART TWO, Chapter II, under "Racism and racial discrimination"). The formulation of a code of conduct for Internet users and service providers was discussed. It would be necessary to clarify who would establish the code and how it would be established. United Nations Web sites, particularly that of OHCHR, should be used as a vehicle for aiding under-resourced populations, which were usually non-white populations. It was proposed that all Internet communications indicate their source so that users could not anonymously distribute racist propaganda. Although the importance of accountability was noted, concerns were raised about risks for privacy, free expression and human rights activity.

The seminar recommended that: CERD include references to the Internet in examining States parties' reports; the Internet be used as an education tool to combat racist propaganda, prevent racist doctrines and practices, and promote mutual understanding; UN bodies and specialized agencies, international organizations and NGOs address the issue of Internet access within and among nations; and existing national criminal laws to fight racism and racial discrimination be amended to apply to the Internet. The seminar also recommended that Member States continue their cooperation and establish international juridical measures to prohibit racism on the Internet while respecting individual rights such as freedom of speech.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/642], adopted **resolution 52/110** without vote [agenda item 110].

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, most recently resolution 51/80 of 12 December 1996,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in particular section II. B of the Declaration relating to equality, dignity and tolerance,

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations, and mindful of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Calling upon States which have not yet become parties to the Convention to ratify it or accede thereto,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and registering its concern that the amendment to the Convention has not yet entered into force,

Reiterating the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Recalling the provisions of paragraph 4 of article 10 of the Convention regarding the location of the meetings of the Committee,

I

Report of the Committee on the Elimination of Racial Discrimination

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its fiftieth and fifty-first sessions;

2. Commends the Committee for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially the examination of reports under article 9 and action on communications under article 14 of the Convention;

3. Calls upon States parties to fulfil their obligation, under paragraph 1 of article 9 of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. Commends the Committee on its efforts to contribute to the effective implementation of international instruments on human rights, inter alia, by continuing

to improve its working methods, which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue, and, in that regard, invites the Secretary-General to seek further ways to assist those States in fulfilling their reporting obligations;

5. Commends the Committee for its continuing contribution to the prevention of racial discrimination, including early warning measures and urgent procedures, and welcomes its relevant action thereon;

6. Encourages the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action, including by continuing to collaborate with the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, as well as by cooperating with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

7. Welcomes and encourages the cooperation and exchange of information between the Committee and relevant structures and mechanisms of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, as well as with the General Assembly and the States parties to the Convention;

II

Financial situation of the Committee on the Elimination of Racial Discrimination

8. Takes note of the report of the Secretary-General on the financial status of the Committee on the Elimination of Racial Discrimination;

9. Expresses its profound concern about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under paragraph 6 of article 8 of the Convention;

10. Strongly urges States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

11. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means and to provide necessary support to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

12. Also requests the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears and to report thereon to the General Assembly at its fifty-third session;

13. Decides to consider the report of the Secretary-General on the financial situation of the Committee and the report of the Committee at its fifty-third session under the item entitled "Elimination of racism and racial discrimination".

Convention against torture

As at 31 December 1997, 104 States were parties to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [YUN 1984, p. 813, GA res. 39/46], which entered into force in 1987 [YUN 1987, p. 755]. During the year, Kenya, Kyrgyzstan and Saudi Arabia became parties. The optional provisions of articles 21 and 22 (under which a party recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a party claims that another is not fulfilling its obligations under the Convention, and to receive communications from or on behalf of individuals claiming to be victims of a violation of the Convention by a State party) also entered into force in 1987; 39 parties had made the required declarations under articles 21 and 22, and two had made the declaration under article 21 only. Amendments to articles 17 and 18, adopted in 1992 [YUN 1992, p. 735], had been accepted by 20 States parties at year's end.

The Secretary-General reported on the status of the Convention as at 5 December [E/CN.4/1998/36/Rev.1].

Commission action. On 11 April [E/1997/23 (res. 1997/38)], the Commission on Human Rights urged States to become parties to the Convention and invited all ratifying or acceding States that had not done so to make the declaration provided for in articles 21 and 22 and to consider withdrawing their reservations to article 20. It asked the Secretary-General to ensure the provision of adequate staffing and technical facilities for the Committee against Torture.

Draft optional protocol

Commission action. On 11 April [res. 1997/24], the Commission welcomed the progress made in 1996 [YUN 1996, p. 580] by the working group on the draft optional protocol which would establish a system of visits to places of detention to be carried out by a committee of experts. The Commission asked the working group to meet for two weeks prior to its 1998 session to complete a final text and to submit a report. The Secretary-General was asked to transmit the report to Governments, specialized agencies, chairpersons of the human rights treaty bodies, intergovernmental organizations and NGOs concerned, and to invite them to submit their comments to the work-

ing group. It also asked him to invite Governments, specialized agencies, intergovernmental organizations and NGOs, as well as the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in working group activities.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 38], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **resolution 1997/49** without vote [agenda item 7 (d)].

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/24 of 11 April 1997,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

Working group activities. The working group on the draft optional protocol held its sixth session from 13 to 24 October [E/CN.4/1998/42 & Corr.1]. Annexed to its report were the texts of the articles that constituted the outcome of the second reading and of those that constituted the basis for future work.

Implementation

Monitoring body. The Committee against Torture, established as a monitoring body under the Convention, held its eighteenth session in Geneva from 29 April to 9 May [A/52/44]. It considered reports by Denmark, Israel, Mexico, Namibia, Paraguay, Sweden and Ukraine.

The Committee held five closed meetings during which, in accordance with article 20, it studied confidential information that appeared to contain well-founded indications that torture was systematically practised in a State party. Under article 22, the Committee considered communications submitted by individuals who claimed that their rights, as enumerated in the Convention, had been violated by a State party and who had exhausted all available domestic remedies.

On 12 December, the General Assembly took note of the Committee's report (**decision 52/423**).

The Committee held its nineteenth session, also in Geneva, from 10 to 21 November [A/53/44 & Corr.1], during which it reviewed reports by Argentina, Cuba, Cyprus, Portugal, Spain and Switzerland. In four closed meetings, the Committee examined communications from individuals claiming to be victims of violations by States parties, and considered communications under article 22.

Convention on elimination of discrimination against women

On 22 August [E/CN.4/1998/2 (res. 1997/9)], the Subcommission called on Governments that had not done so to ratify the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN 1979, p. 895, GA res. 34/180] without resort to reservations. It called on the Secretary-General to take steps to ensure that the Committee on the Elimination of Discrimination against Women had equal status and resources with other human rights treaty bodies.

On 12 December, the General Assembly, in **resolution 52/100**, welcomed the growing number of ratifications to the Convention and the withdrawal of reservations.

(For details on the status of the Convention and work on an optional protocol, see PART THREE, Chapter X.)

Convention on the Rights of the Child

Accessions and ratifications

As at 31 December 1997, 191 States were parties to the 1989 Convention on the Rights of the Child, contained in General Assembly resolution 44/25 [YUN 1989, p. 560], which entered into force in 1990 [YUN 1990, p. 614]. In 1997, the Cook Islands, Switzerland and the United Arab Emirates became parties.

By a January note [CRC/SP/22], the Secretary-General stated that 16 States parties had notified him of acceptance of an amendment to the Convention that would expand the membership of the Committee on the Rights of the Child from 10 to 18. The amendment was approved by General Assembly resolution 50/155 [YUN 1995, p. 706] and required acceptance by a two-thirds majority of States parties to enter into force.

The Secretary-General reported on the status of the Convention as at 10 July [A/52/348] and 30 November [E/CN.4/1998/99]. On 12 December, the

General Assembly, by **decision 52/421**, took note of the first report.

Implementation

Monitoring body. In 1997, the Committee on the Rights of the Child (CRC) held its fourteenth (6-24 January) [CRC/C/62], fifteenth (20 May-6 June) [CRC/C/66] and sixteenth (22 September-10 October) [CRC/C/69] sessions, all in Geneva. Each session was preceded by a pre-sessional working group which facilitated the Committee's work by reviewing State party reports and identifying the main questions that would need to be discussed with the representatives of the reporting States. It also provided an opportunity to consider technical assistance and international cooperation.

Under article 44 of the Convention, CRC considered initial reports from 18 States parties: Algeria, Australia, Azerbaijan, Bangladesh, Bulgaria, Cuba, Czech Republic, Ethiopia, Ghana, Lao People's Democratic Republic, Myanmar, New Zealand, Panama, Paraguay, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda.

On 6 October, the Committee devoted its day of general discussion to the rights of children with disabilities.

Annexed to the May/June report of the Committee was the report of the working group on children and the media (Paris, 14 April) [CRC/C/66], a topic that had been the subject of the general discussion in 1996 [YUN 1996, p. 581].

Commission action. On 18 April [E/1997/23 (res. 1997/78)], the Commission on Human Rights urged States that had not done so to sign and ratify or accede to the Convention as a matter of priority, and called on States parties to implement the Convention, withdraw reservations incompatible with its purpose and consider reviewing others, and accept the amendment that would increase the membership of CRC from 10 to 18. The Commission asked States parties, UN organs and bodies, intergovernmental organizations, NGOs, the media and the community at large to make the Convention widely known and to encourage training for those involved in activities concerning children. Regarding CRC, it asked the Secretary-General to ensure the provision of staff and facilities for its effective performance, a request that, on 22 July, the Economic and Social Council endorsed by **decision 1997/281**.

Subcommission action. On 28 August [E/CN.4/1998/2 (dec. 1997/117)], the Subcommission decided to transmit to CRC, through the Secretary-General, the summary records containing a recommendation that CRC prepare general comments on articles 2 (discrimination), 37 (torture or other cruel, inhuman or degrading treatment

or punishment; deprivation of liberty) and 40 (guarantees for a child having infringed the penal law) of the Convention. It expressed its readiness to provide assistance, particularly regarding article 2.

Children in armed conflict

Working group activities. At its third session (Geneva, 20-30 January and 13 March) [E/CN.4/1997/96], the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts held a general discussion on the draft and considered proposals relating to the preamble and operative part. Annexed to the group's report was a draft text of the optional protocol.

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights asked the Secretary-General to transmit the working group's report to Governments, relevant UN bodies and specialized agencies, CRC, the prospective special representative on the impact of armed conflict on children, intergovernmental organizations and NGOs, and to invite their comments thereon in time for circulation prior to the working group's next session. The working group was asked to meet for a two-week period or less prior to the Commission's 1998 session, with a view to finalizing the draft optional protocol. The Economic and Social Council endorsed the holding of the meeting on 22 July by **decision 1997/281**. The Secretary-General was requested to consider ways to organize regional training programmes for members of the armed forces relating to the protection of children and women during armed conflict.

Sale of children, child prostitution and child pornography

Working group activities. At its third session (Geneva, 3-14 February and 2 April) [E/CN.4/1997/97], the working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography held a general discussion pertaining to the content of the protocol. Annexed to the report were texts resulting from the group's discussions.

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights asked the Secretary-General to transmit the working group's report to Governments, relevant specialized agencies, CRC, the relevant Special Rapporteur, intergovernmental organizations and NGOs, and to invite their comments in time for circulation prior to the working group's next session. The working group was requested to meet

for a two-week period, or less if possible, prior to the Commission's 1998 session, with a view to finalizing the draft optional protocol. The Economic and Social Council, by **decision 1997/281** of 22 July, endorsed that request.

Convention on migrant workers

Status of Convention

As at 31 December 1997, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594], had been signed and ratified by Morocco and the Philippines, acceded to by Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Seychelles, Sri Lanka and Uganda, and signed by Chile and Mexico.

The Secretary-General reported on the status of the Convention as at 31 August to the Assembly [A/52/359] and as at 1 December to the Commission on Human Rights [E/CN.4/1998/75].

Commission action. On 3 April [E/1997/23 (res. 1997/14)], the Commission on Human Rights called on all Member States to sign and ratify or accede to the Convention as a matter of priority. It asked the Secretary-General to provide all assistance necessary to promote the Convention through the World Public Information Campaign for Human Rights and the human rights programme of advisory services, and to report in 1998 on the status of the Convention and on the Secretariat's efforts to promote it and the protection of the rights of migrant workers.

(For further information on migrant workers, see PART TWO, Chapter II.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.1], adopted **resolution 52/115** without vote [agenda item 112 (a)].

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and norms established within the framework of the International Labour Or-

ganization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 51/85 of 12 December 1996, it requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General, and requests him to submit an updated report on the status of the Convention to the Assembly at its fifty-third session;

7. Decides to consider the report of the Secretary-General at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

Convention on genocide

As at 31 December 1997, 124 States were parties to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, contained in General Assembly resolution 260 A (III) [YUN 1948-49, p. 959]. In 1997, Burundi and Kyrgyzstan acceded to the Convention.

Convention against apartheid

As at 31 December 1997, 101 States were parties to the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the General Assembly in resolution 3068 (XXVIII) [YUN 1973, p. 103], which entered into force in 1976 [YUN 1976, p. 575]. Kyrgyzstan acceded to the Convention in 1997.

The Commission on Human Rights had suspended both consideration of the item "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid" in 1995 [YUN 1995, p. 790] and meetings of the Group of Three [YUN 1995, p. 693], the monitoring body of the Convention.

Other activities

Follow-up to 1993 World Conference

Report of High Commissioner. In a February report [E/CN.4/1997/98 & Add.1 & Add.1/Corr.1], the High Commissioner stated that the 1993 World Conference on Human Rights [YUN 1993, p. 908] had provided a means to evaluate progress made and difficulties faced in implementing human rights by linking in 1998 the five-year review of the Vienna Declaration and Programme of Action, adopted by the Conference, with the fiftieth anniversary of the 1948 Universal Declaration of Human Rights. Review of the progress made in implementing the Vienna Declaration and Programme of Action since its adoption should include an analysis of achievements and of the obstacles remaining to the full realization of the recommendations adopted. An open debate would be important for future efforts aimed at promoting and protecting human rights. It would be useful to identify in advance the role to be played by the Commission on Human Rights, the Economic and Social Council and the General Assembly in the review. Governments, UN

agencies and programmes, international organizations and NGOs were encouraged to launch preparations for the presentation of their reports and views on progress made in implementing the Declaration and Programme of Action.

The High Commissioner recalled that the Economic and Social Council, in decision 1996/283 [YUN 1996, p. 583], had endorsed the Commission's recommendation that it devote the coordination segment of its session in 1998 to the follow-up to and implementation of the Declaration and Programme of Action as part of the overall coordinated follow-up to major UN conferences. That would be an excellent occasion, he said, to analyse the implementation of the Declaration and Programme of Action throughout the UN system. The General Assembly might wish to carry out in 1998 an analysis of the progress achieved in implementing the Declaration and Programme of Action and to consider recommendations made by the Commission and the Council. Thus, the report of the Secretary-General to the Assembly on the implementation of the Declaration and Programme of Action would highlight the activities of all actors involved, including international and regional organizations that were not parts of the UN system and civil society.

Commission action. On 16 April [E/1997/23 (res. 1997/69)], the Commission on Human Rights asked the United Nations High Commissioner for Human Rights, the General Assembly and other UN organs and bodies related to human rights to take further action towards the full implementation of all recommendations of the 1993 World Conference on Human Rights [YUN 1993, p. 908]. It asked the High Commissioner to coordinate human rights promotion and protection activities throughout the UN system, as set out in Assembly resolution 48/141 [YUN 1993, p. 906]. The Commission called on all States to contribute to the preparations for the 1998 five-year review called for in the Vienna Declaration and Programme of Action [YUN 1993, p. 908], and welcomed the High Commissioner's coordination with all UN programmes and agencies whose activities dealt with human rights for the preparations for the review.

The Commission welcomed Economic and Social Council decision 1996/283 [YUN 1996, p. 583], which endorsed the Commission's recommendation that it consider devoting the coordination segment of its 1998 substantive session to the coordinated follow-up to and implementation of the Declaration and Programme of Action as part of the five-year review. The High Commissioner was requested to continue to report on measures taken and progress achieved in implementing the Declaration and Programme of Action.

Note by Secretary-General. In a 30 June note [E/1997/91], the Secretary-General recommended that the Council consider taking a decision that the theme of its 1998 coordination segment on the follow-up to conferences would be "Coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action", as part of the 1998 five-year review. The Council did so in **decision 1997/319** of 18 December.

Note by High Commissioner. By a November note [E/CN.4/1998/45], the High Commissioner transmitted to the Commission on Human Rights the report of a meeting of special rapporteurs/representatives, experts and chairmen of working groups of the Commission's special procedures and of its advisory services programme (Geneva, 20-23 May), as called for in the Vienna Declaration and Programme of Action. Participants discussed cooperation with the Commission and the High Commissioner; coordination between the special procedures system and treaty bodies; the integration of HIV/AIDS issues in their mandates; the administrative, financial and personnel resources of the Centre for Human Rights; cooperation with the Secretary-General; and a draft manual for special rapporteurs/representatives, experts and working groups of the Commission and the advisory services programme.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.4], adopted resolution 52/148 without vote [agenda item 112 (d)].

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as its subsequent resolutions on this matter,

Considering that the promotion of universal respect for and observance of all human rights and fundamental freedoms for all is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Recalling the request of the World Conference to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Recalling also that by its resolution 48/141 the General Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Recalling further paragraph 100 of part II of the Vienna Declaration and Programme of Action concerning the five-year review of progress made in the implementation of the Vienna Declaration and Programme of Action, to be carried out in 1998, in which the World Conference, *inter alia*, requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States, organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Welcoming the fact that the call of the World Conference for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields, and noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling also its resolution 51/118 of 12 December 1996 and Commission on Human Rights resolution 1996/78 of 23 April 1996, as well as Economic and Social Council decision 1996/283 of 24 July 1996 concerning the recommendation to devote the coordination segment of the Economic and Social Council, at its substantive session of 1998, to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, and taking note of Commission on Human Rights resolution 1997/69 of 16 April 1997,

Taking note of the note by the Secretary-General on possible common themes for the follow-up of major international conferences during the coordination segment of the substantive session of 1998 of the Economic and Social Council,

Having considered the report of the United Nations High Commissioner for Human Rights, in particular chapter VII, entitled "1998—Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for and observance and protection of all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Also reaffirms the views of the World Conference on Human Rights on the urgency of eliminating denials and violations of human rights;

3. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

4. Calls upon all States to take further action with a view to the full realization of all human rights for all in the light of the recommendations of the Conference;

5. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of all human rights and fundamental freedoms;

6. Requests the United Nations High Commissioner for Human Rights, the General Assembly, the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the World Conference;

7. Takes note of the oral report of the Chairman of the Working Group of the Third Committee mandated to consider aspects of the implementation of the recommendations of the Vienna Declaration and Programme of Action, as set out in paragraphs 17 and 18 of part II of the Vienna Declaration and Programme of Action, and underlines the need for its full implementation;

8. Emphasizes the important role of the United Nations High Commissioner for Human Rights in the system of the United Nations human rights organs, as defined in its resolution 48/141, including her role in the process of analysis of the functioning of the United Nations human rights machinery and its adaptation to current and future needs;

9. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner, in particular in the context of the preparations for the 1998 five-year review;

10. Welcomes the fact that, in accordance with paragraph 100 of part II of the Vienna Declaration and Programme of Action, the High Commissioner has invited Governments and United Nations agencies and programmes related to human rights to provide reports on the progress made in the implementation of the recommendations adopted by the World Conference and has invited regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, to present their views in this regard;

11. Calls upon all States to contribute actively to the 1998 five-year review;

12. Welcomes the inter-agency consultations of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations of the 1998 five-year review, and calls upon them to contribute actively to this process;

13. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

14. Welcomes and supports once again Economic and Social Council decision 1996/283, in which the Council endorsed the recommendation of the Commission on Human Rights to consider devoting the coordination segment of its substantive session of 1998 to the question of the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in paragraph 100 of part II of the Vienna Declaration and Programme of Action;

15. Requests the High Commissioner to present an interim report to the Commission on Human Rights at its fifty-fourth session and a final report to the General Assembly at its fifty-third session on the progress made in the implementation of the Vienna Declaration and Programme of Action, as foreseen in paragraph 100 of part II of the Vienna Declaration and Programme of Action, taking into account reports provided by States and by United Nations organs and agencies related to human rights and views presented by regional and, as appropriate, national human rights institutions, as well as by non-governmental organizations;

16. Decides to review at its fifty-third session, as foreseen in paragraph 100 of part II of the Vienna Declaration and Programme of Action, the progress made in the implementation of the Vienna Declaration and Programme of Action, under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

Also on 12 December, the Assembly, by **decision 52/426**, decided that the item "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" would remain on the agenda of its fifty-second session to allow the Working Group of the Third Committee to continue its work.

On the same date, by **decision 52/422**, the Assembly took note of part one of the report of the Third Committee on human rights questions [A/52/644].

Technical cooperation programme

In 1997 [E/CN.4/1998/92], the UN technical cooperation programme in the field of human rights continued to assist Governments, at their request, in promoting and protecting human rights. Forms of assistance included expertise, advisory services, training courses, workshops

and seminars, fellowships, grants and the provision of information and documentation. The UN High Commissioner for Human Rights had established that the programme should focus on countries or regions in transition to democracy; priority was also given to technical cooperation projects in response to the needs of less developed countries. Activities were funded by the UN regular budget and by the Voluntary Fund for Technical Cooperation in the Field of Human Rights, established in 1987 [YUN 1987, p. 790]. Specific projects were sometimes funded or co-funded by other UN agencies and programmes.

As at 31 December 1997, 53 projects were either being implemented or had been approved and were scheduled to begin in 1998 in: Africa, 11 projects valued at \$6.75 million; Latin America and the Caribbean, 11 projects for \$4.41 million; Asia and the Pacific, 8 projects worth \$3.86 million; Central and Eastern Europe, 6 projects for \$1.97 million; 2 interregional projects worth \$512,352; and 15 global projects valued at \$4.42 million. The development of democratic changes and processes and the growing awareness among Member States of the need for human rights technical cooperation assistance contributed to a dramatic rise in the number of requests from Governments.

Three multi-year projects were completed in Burundi, Mongolia and Rwanda. Implementation of major technical cooperation projects began during 1997 in Ecuador, Guatemala, Morocco, Namibia, Panama and South Africa, as well as four follow-up projects in Burundi, El Salvador, Papua New Guinea and Rwanda. By year's end, there were technical cooperation field offices to facilitate project implementation in El Salvador, Guatemala, Malawi, Mongolia, South Africa and Togo. Global activities covered a wide range of issues, including women's rights, training for peacekeepers and human rights monitors, training for the military, strengthening national human rights institutions and human rights education. Regional activities took place in Africa, Asia and the Pacific, Eastern Europe and Latin America. A significant number of technical cooperation activities were also being carried out within the framework of field presences of the Office of the High Commissioner for Human Rights (OHCHR) in Bosnia and Herzegovina, Burundi, Cambodia and Rwanda. Twenty-one new projects were approved in 1997, most to provide assistance to national counterparts aimed at strengthening national capacity.

(See also PART TWO, Chapter II, under "Strengthening the rule of law".)

Commission action. On 11 April [E/1997/23 (res. 1997/46)], the Commission on Human Rights

noted with concern that in the current biennium resources for human rights technical cooperation had decreased by half as compared to the previous biennium and asked the Secretary-General to allocate for 1998-1999 more resources to enlarge the programme of technical cooperation and advisory services to meet the increased demand. Regarding the Voluntary Fund for Technical Cooperation in the Field of Human Rights, it asked him to ensure its more efficient management, strict and transparent project management rules, periodic evaluations of its programme and projects, and dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for information meetings open to all Member States and organizations directly involved. It further requested that administrative assistance be provided for the Fund's Board of Trustees and that the Board's conclusions be reflected in the annual report to the Commission on technical cooperation. The Board was asked to exercise its full mandate as advisory body to promote and solicit contributions to the Fund and to continue to assist the High Commissioner in monitoring, reviewing and improving the implementation of technical cooperation projects; the Chairman of the Board was invited to address the Commission. The Commission's requests to the Secretary-General and to the Board of Trustees were approved by the Economic and Social Council by **decision 1997/257** of 22 July.

The Commission asked the Secretary-General to submit in 1998 an analysis of the progress made and obstacles encountered in implementing the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund.

Voluntary Fund Board

In 1997, the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights held its seventh and eighth sessions (Geneva, 23-25 July, 1-3 December) [E/CN.4/1998/92].

The Board considered 16 new project proposals; reviewed 9 recently completed and current projects and activities; discussed project priorities, formats and procedures, and criteria for project identification, formulation and evaluation; and examined financial and administrative matters. In 1997, the High Commissioner approved 21 projects endorsed by the Board, 12 of which were national projects for implementation in Burundi, Ecuador, Georgia, Guinea, Honduras, Namibia, Moldova, Morocco, Panama, Papua New Guinea, Paraguay and South Africa.

Three regional projects were approved, one for the Asia and Pacific region and two for Africa. Six global projects were also approved.

Contributions received by the Fund in 1997 totalled \$3,316,708.

Cambodia

Reports of Secretary-General. In an October report [A/52/489], the Secretary-General described the third (5-18 March), fourth (6-17 June) and fifth (31 August-4 September) missions of his Special Representative for human rights in Cambodia, Thomas Hammarberg (Sweden). His first and second missions took place in 1996 [YUN 1996, p. 587].

The third mission focused on the situation of formal education and offences committed by the military and the police. The Special Representative also continued to examine the administration of justice and the preparation of elections. He was informed of the problems in the area of education, which operated on financial allocations representing 8 per cent of the national budget. Physical conditions of schools were often deplorable, schoolteachers received very low wages and school attendance was low, with a high drop-out rate for girls. Corruption was widespread and acknowledged by the public in the conduct of examinations and the issuance of diplomas. As for the military, in the province of Battambang, it was reported that over 60 per cent of the crimes committed against individuals were carried out by military personnel. The Special Representative stressed the seriousness of the problem of impunity. Torture was widely practised by the police in several provinces, and the independence of the judiciary had been seriously undermined by military intimidation, political pressure, very low salaries and limited training for judges and prosecutors, publicly recognized corruption of the judicial personnel and an article of the 1994 Law on Civil Servants stating that, except in cases of *flagrante delicto*, no civil servant could be arrested or prosecuted for any crime unless the Government or concerned Minister consented in advance. The Special Representative visited prisons where he observed malnutrition and disease. He expressed concern that a legal framework for the elections, including a commune election law, a national election law and a political parties law, had still not been adopted.

In June, the Special Representative examined the handling of past grave human rights violations, the administration of justice, the rights of the child, labour rights and the holding of elections. On the issue of past grave violations, the Special Representative met with high-level officials, who on 21 June requested international as-

sistance. Once again, the Special Representative expressed concern about the lack of progress in preparing for the elections; commune elections were scheduled for 1997 and national elections for 1998. High-level officials gave the Special Representative their commitment to ensure educational access for all children and to fight widespread child prostitution and trafficking in children. As to the administration of justice, he was disappointed that no political murder cases had been brought before the court. Following a visit to a prison in Phnom Penh, the Special Representative raised concerns about the prison situation. He was shocked to learn of a 30 March grenade attack on a peaceful and authorized demonstration and called for a thorough investigation.

Prior to the Special Rapporteur's fifth mission, the OHCHR Cambodian Office gathered information on summary executions, disappearances, torture and detentions as from 2 July, the date of onset of human rights violations that occurred during armed violence that lasted until 7 July. He proposed an independent inquiry into the situation. On 22 August, he requested a criminal investigation into at least 41 cases of extrajudicial executions of persons held in custody by military troops and asked that those responsible be brought to justice.

In a later report [E/CN.4/1998/95], the Secretary-General presented details of the Special Representative's sixth mission (30 November-6 December), which focused on the 30 March grenade attack against a peaceful demonstration in Phnom Penh and the extrajudicial executions that occurred during and after the violent events in July. Eight months after the March attack, little progress had been made in the investigation. The Special Representative regretted that the investigation into the 41 cases of extrajudicial killings had not started. He asked the Government to provide a progress report by year's end on the investigations into the March attack and the extrajudicial killings.

Positive developments were reflected in the submission of reports to the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, the convening of the first meeting of the Supreme Council of Magistracy in December, and progress in the electoral process.

Commission action. On 11 April [res. 1997/49], the Commission condemned the violence in Phnom Penh on 30 March and called on the Government of Cambodia to uphold the rule of law and bring the perpetrators to justice. It expressed grave concern about the human rights violations described by the Special Representative, and

called on the Government to investigate cases of violence and intimidation directed at political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible. The Commission welcomed the Government's efforts to promote peace and commended it for its constructive approach to the inclusion of Cambodian human rights NGOs in the rehabilitation and reconstruction of the country.

The Commission asked the Centre for Human Rights to develop and implement programmes, with the consent and cooperation of the Government, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities. The Secretary-General was asked to assist the Government in ensuring protection of the human rights of all people in Cambodia and to ensure adequate resources for the presence in Cambodia of the Centre for Human Rights; to provide resources to enable the Special Representative to carry out his work; to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability; and to consider favourably, within existing UN resources, any request from the Government for assistance in holding elections. Those requests to the Secretary-General were approved by the Economic and Social Council in **decision 1997/259** of 22 July. The Secretary-General was also asked to report in 1998 on the role of the Centre for Human Rights in assisting the Government and people of Cambodia with regard to the Special Representative's recommendations.

Role of OHCHR

In a report [E/CN.4/1998/94] on the 1997 activities and programmes of the Cambodia office of OHCHR, the Secretary-General said that assistance was being provided for legislative reform, the administration of justice, national institutions for the promotion and protection of human rights, treaty reporting and international obligations, human rights NGOs, education and training programmes, the production and dissemination of human rights information and the activities of three new provincial offices.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/135** without vote [agenda item 112 (b)].

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997, and recalling General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which the Commission recommended the appointment of a special representative for human rights in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

Recognizing that the tragic history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia, to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General on the situation of human rights in Cambodia, in particular the section concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights, and encourages the Government of Cambodia to continue to cooperate with the Office;

3. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia, in particular his concerns for a legislative framework for the forthcoming national elections and his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners and child prostitution and trafficking;

4. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the previous reports of the Special Representative, and urges that it respond as soon as possible;

5. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

6. Also expresses grave concern about the serious violations of human rights committed during the armed violence of early July 1997 and in its aftermath, as reported by the Special Representative and by the office in Cambodia of the United Nations High Commissioner for Human Rights in its memorandum on summary executions, torture and missing persons, and urges the Government of Cambodia as a high priority to investigate thoroughly and impartially and to bring to justice those responsible for such serious crimes;

7. Notes that the perpetrators of the violence in Phnom Penh, on 30 March 1997, against a peaceful and lawful opposition rally exercising its democratic rights which resulted in numerous deaths and injuries have not been identified and brought to justice, and urges the Government of Cambodia to take action;

8. Notes with serious concern the comments of the Special Representative concerning corrupt practices within the judicial system and in the prison administration, and strongly urges the Government of Cambodia to address the problem of corrupt practices and to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

9. Stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the law on civil servants of 1994 and bringing to justice those responsible for human rights violations, together with ensuring security of persons and rights of association, assembly and expression, is a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;

10. Notes that national elections are scheduled to be held in May 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, to stand for election, to take part freely in a representative Government, as well as the right to freedom of expression and the right to information, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

11. Expresses support for the Secretary-General's efforts in Cambodia, including the role of United Nations offices in monitoring the return of political leaders currently outside the country and their unfettered resumption of political activity, and requests the Secretary-General to continue to consider any request from the Government of Cambodia for assistance with the holding of the elections, including coordination and monitoring;

12. Welcomes the proposed measures outlined by the Government of Cambodia in its comments on the report of the Secretary-General to the General Assembly at its fifty-first session to ensure that the forthcoming national elections are free and fair and the assurances given by the Cambodian leaders to the Secretary-General stating their commitment to holding elections and to guaranteeing the security and safety of all returning political leaders, as well as their full resumption of political activities, and expresses the hope that this will facilitate the return of political leaders from abroad;

13. Emphasizes the need for the legislative framework for the elections, in accordance with established international standards, to be agreed upon and adopted by the National Assembly, for the security forces to remain neutral during the election campaign, for free and equal access to the electronic and print media, for the individual vote to be confidential, for full cooperation to be given to local and international observers and for all parties to act in a constructive manner and to accept the outcome of the elections;

14. Strongly encourages the Government of Cambodia to establish an independent body to supervise the holding of the elections, to ensure that the elections are free, fair and credible and to ensure that the Constitutional Council will be convened in order to resolve election disputes;

15. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;

16. Requests the Secretary-General to examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

17. Urges the Government of Cambodia to take concrete action to combat child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

18. Welcomes the signature in May 1997 of a memorandum of understanding between the International Labour Organization and the Government of Cambodia to formalize areas of cooperation in the field of child labour;

19. Encourages the Government of Cambodia to include Cambodian non-governmental organizations active in the field of human rights in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that forthcoming elections are free, fair and credible;

20. Also encourages the Government of Cambodia to request the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance with respect to the creation of an

independent national institution for the promotion and protection of human rights, and looks forward to the establishment of such an institution;

21. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the United Nations High Commissioner for Human Rights, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

22. Expresses grave concern about the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

23. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-third session.

Guatemala

Commission action. On 15 April [res. 1997/51], the Commission expressed appreciation to the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) for concluding the 1996 peace negotiations [YUN 1996, p. 168] and asked them to familiarize the Guatemalan people with the agreements as quickly as possible to ensure their full participation in establishing a democratic society with social justice, initiating a period of sustained and sustainable economic and social development and ensuring civilian authority in decision-making (see PART ONE, Chapter III). The Government was asked to continue to develop concrete measures against extreme poverty and judicial authorities were asked to expedite the restructuring and consolidation of the judicial system.

The Commission asked the Secretary-General to send a mission to Guatemala at the end of the year and to submit a report on the evolution of the situation of human rights there. That request was approved on 22 July by the Economic and Social Council in **decision 1997/261**.

Subcommission action. On 20 August [E/CN.4/1998/2 (dec. 1997/105)], the Subcommission authorized its Chairman to issue a statement on the respect for human rights and the conclusion of the peace process in Guatemala and to allow the observer for the Government and a representative

of URNG to address the Subcommittee in that regard. The Chairman's statement was issued on the same day.

Report of mission. In accordance with the Commission's request, a mission visited Guatemala from 8 to 19 December [E/CN.4/1998/93] to report on the evolution of the human rights situation.

The three-member mission, accompanied by an official of OHCHR, concluded that the trend towards a gradual improvement in respect for human rights in Guatemala had continued through 1997. Human rights violations were no longer part of State policy, and the inter-agency coordination developed during the year between the Supreme Court of Justice, the Public Prosecutor's Office and the Ministry of the Interior was a step forward that should achieve results in preventing and punishing crime, particularly organized crime. Serious deficiencies in the administration of justice continued, however, and the judicial reform referred to in the 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society [YUN 1996, p. 167] remained a priority; it was essential for judicial and administrative functions to be separated. The mission recommended continued strengthening of the Judicial Training School and the training unit of the Public Prosecutor's Office. It proposed increasing budgetary resources to strengthen the investigatory capacity of the Office of the Human Rights Procurator.

The mission believed that citizen insecurity was one of the greatest threats to the peace process and recommended strengthening the National Civil Police and the Police Academy through expansion of in-service training programmes. It called on the international community to support the establishment of specialized police bodies to combat extortion and abduction. Programmes to reintegrate former army members as productive members of society should be expanded.

As to social and economic matters, the Government had made social spending a priority in areas such as health, education, housing, employment and improving the infrastructure. Nevertheless, some delays and the slow rate at which certain planned investments were being made had had an adverse effect. The mission called for accelerating constitutional and legal reforms regarding the rights of indigenous peoples.

The mission recommended that OHCHR continue to give advisory assistance and training.

Haiti

Commission action. On 15 April [res. 1997/52], the Commission asked the Government of Haiti

to adopt a civics education programme to promote confidence between the population and the National Police, and to adopt urgent measures to ensure respect for judicial guarantees in order to end illegal and arbitrary detention. The General Assembly was requested to study the possibility of extending the mandate of the International Civilian Mission to Haiti (MICIVIH), which was to expire in July (see PART ONE, Chapter III).

Welcoming the establishment of the programme of technical cooperation by the High Commissioner/Centre for Human Rights, the Commission asked the Secretary-General to report on the implementation of the programme in 1998. The independent expert was asked to report to the Assembly in 1997 and to the Commission in 1998. The Special Rapporteur on violence against women was invited to consider the invitation by Haiti to visit the country. The requests to the Assembly and to the independent expert were approved by the Economic and Social Council by **decision 1997/262** of 22 July.

Report of independent expert. On 17 October, the Secretary-General transmitted to the General Assembly the report of the independent expert, Adama Dieng (Senegal) [A/52/499]. He had visited the country (28 August-5 September) where he met with high-level government officials, including the President.

Based on indicators of civil and political rights, the human rights situation had improved considerably, the expert observed. Although there were still some instances of political violence and violations, they were no longer massive. Efforts had been made to improve the police force and prison conditions but much remained to be done and progress could be obliterated unless there was reform of the judicial system. The independent expert considered a competent and effective judicial system to be the top priority in Haiti.

Report of Secretary-General. As requested by the Commission, the Secretary-General, on 22 October, reported to the General Assembly on the implementation of the human rights technical cooperation programme in Haiti [A/52/515]. He stated that a number of UN bodies were involved in projects for the promotion of human rights in Haiti, including MICIVIH, whose activities included training in, and monitoring observance of, human rights, and the United Nations Support Mission in Haiti, which was responsible for training the Haitian National Police. The United Nations Development Programme (UNDP) was concerned with strengthening national capacities, particularly in the prison and judicial systems, and was promoting coordinated efforts on the part of the UN system as a whole. The High Commissioner was providing human

rights training at the grass-roots level and assistance with the revision of criminal legislation.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/6447Add.3], adopted **resolution 52/138** without vote [agenda item 112 (c)].

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 51/110 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997,

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Taking note of the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Mr. Adama Dieng, who was appointed to assist the Government of Haiti to consider the development of the human rights situation in Haiti and to verify its compliance with its obligations in that field, and the recommendations contained therein,

Welcoming and bearing in mind the report of the Secretary-General on the implementation of the programme of technical cooperation aimed at strengthening the institutional capacity of Haiti in the field of human rights,

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the National Commission for Truth and Justice to the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming also the efforts of the Government to improve the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing the hope that the Haitian people will shortly be able to express themselves once again through free, honest and transparent elections,

Expressing concern at the continuing problem of common crime, and noting the ongoing need for technical training of the Haitian National Police and for the strengthening of the judicial system,

1. Expresses its thanks to the Secretary-General, to his Special Representative for Haiti and to the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic

institutions in Haiti and the respect for human rights in that country;

2. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti, with the support of the international community, to take appropriate follow-up action on the recommendations contained in those reports;

3. Requests the Government of Haiti to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, as well as to initiate legal action in serious cases;

4. Expresses concern at the security problems faced by Haitian society, which contribute to the shortcomings of the judicial system and the police apparatus, as noted in the reports of the independent expert;

5. Supports the reform of the judicial system currently being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including that of the United Nations Development Programme;

6. Welcomes the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights, aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of the programme to the General Assembly at its fifty-third session;

7. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard for the fragility of the political, social and economic situation of the country;

8. Encourages the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocols to the International Covenant on Civil and Political Rights;

9. Once again invites the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to consider favourably the invitation to visit the country extended to her by the Government of Haiti;

10. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-third session.

Liberia

On 16 April [E/1997/23], the Chairman of the Commission on Human Rights urged the Centre for Human Rights to provide, at the end of general elections scheduled for May and at the request of the Government of Liberia, advisory services and technical cooperation to enable the

Government to revive its human rights structures and mechanisms.

(For details of the political situation in Liberia, see PART ONE, Chapter II)

Somalia

Report of independent expert. In a March report [E/CN.4/1997/88 & Corr.1], independent expert Mona Rishmawi (Jordan) assessed the situation of human rights in Somalia following her visit to the country (10-13 February). She stated that the human rights dimension of the internal armed conflict was ignored and sometimes undermined. There were several opportunities to render useful human rights technical assistance to Somalia, particularly in the administration of justice. The independent expert recommended that the Commission on Human Rights strengthen the examination of the human rights situation in Somalia and renew its request to her to assess ways of how best to implement a programme of advisory services and technical assistance, including the administration of justice.

Commission action. On 11 April [res. 1997/47], the Commission strongly urged all parties in Somalia to respect human rights and humanitarian law, to apply criminal justice standards and to protect UN personnel, humanitarian relief workers and NGO and international media representatives. It asked the independent expert to report in 1998. The Secretary-General was asked to provide adequate resources to fund the activities of the independent expert and the High Commissioner/Centre for Human Rights, and Governments and organizations in a position to do so were asked to respond positively to requests for assistance in implementing the Commission's resolution.

On 22 July, by **decision 1997/258**, the Economic and Social Council approved the Commission's requests to the expert and to the Secretary-General.

Further report of independent expert. The independent expert visited Nairobi, Kenya, as well as Hargeisa in north-west Somalia, also known as "Somaliland", and Bosaso in north-east Somalia (1-13 November) [E/CN.4/1998/96]. She had also planned to go to Mogadishu but the visit was cancelled because of fighting there. The expert met with UN agencies, the Secretary-General's Special Representative, the UN Humanitarian Relief Coordinator and various foreign government representatives, international and Somali NGOs and experts.

During the course of the year, two matters required action by the expert. The first concerned media reports of alleged violations of human rights and humanitarian law by international

forces present in Somalia from 1992. In addition to reports of violations by Canadian soldiers that led to the establishment of a Commission of Inquiry into the Deployment of Canadian Forces in Somalia, allegations against Belgian and Italian soldiers also surfaced. In October, the expert wrote to the Governments concerned requesting information on the allegations. An acknowledgment was received from Belgium and replies from Canada and Italy. However, the expert called for a full investigation of the alleged abuses.

The second matter related to the discovery in Hargeisa of mass graves containing the bodies of at least 250 individuals. Two international forensic experts visited the area at year's end to determine the nature of the graves, assess the condition of the remains and the types of injury to the bodies, conduct a one-day workshop for local authorities and report to the expert on their findings upon completion of the project.

The expert recommended a programme of technical cooperation for Somalia, which would: support human rights advocates groups; provide OHCHR assistance to the UNDP office in Somalia for its project on legal awareness and the judiciary; assist UN agencies in integrating human rights in their work; and support efforts to rehabilitate the militias and create law and order. In order to achieve those goals, she recommended strengthening UN system-wide coordination; placing a permanent human rights officer in Somalia; and continued consideration by the Commission of the human rights situation in the country.

Public information

In a January report [E/CN.4/1997/36], the Secretary-General described public information activities in the area of human rights, including the World Public Information Campaign on Human Rights, launched by General Assembly resolution 43/128 [YUN 1988, p. 539] and carried out by the High Commissioner for Human Rights/Centre for Human Rights (HCHR/CHR) and the UN Department of Public Information (DPI). He provided details of the HCHR/CHR publications programme; the use of electronic means to maximize the impact of information; external relations, including briefings, exhibitions and human rights observances, fellowships, internships and training courses; and coordination and cooperation with other UN bodies, NGOs and academic and research institutions. DPI's human rights activities from January 1995 to December 1996 included production and distribution of brochures, pamphlets, backgrounders, booklets, fact sheets, feature articles, posters and information kits. Press conferences were organized for the High Commissioner and press releases were issued. Films

and radio and television programmes were produced and disseminated, and training programmes for journalists and broadcasters were held.

Commission action. On 11 April [E/1997/23 (res. 1997/41)], the Commission on Human Rights called on the High Commissioner to coordinate and harmonize human rights information strategies within the UN system. It asked the Secretary-General to make available adequate resources from the UN regular budget to allow HCHR/CHR and DPI to implement fully their publications programme. The Economic and Social Council approved that request on 22 July in **decision 1997/254**. The Secretary-General was also asked to report to the Commission in 1999 on activities relating to the World Public Information Campaign and on those for the fiftieth anniversary in 1998 of the Universal Declaration of Human Rights (see above).

Human rights education

Report of High Commissioner. In a February report [E/CN.4/1997/46], the High Commissioner updated information submitted in 1996 [YUN 1996, p. 594] on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004), proclaimed by General Assembly resolution 49/184 [YUN 1994, p. 1039].

HCHR/CHR continued to disseminate information on the Decade by answering inquiries from government representatives, intergovernmental organizations, NGOs, academics, students and others. It solicited the views of Governments on ways to increase support to the Decade, which included the possible establishment of a voluntary fund for human rights education activities. An expert meeting organized by the High Commissioner in January revised draft guidelines to assist Governments in developing national plans of action for human rights education. In addition, HCHR/CHR enhanced the production of human rights publications and materials and their dissemination among governmental organizations and NGOs. Work continued on six packages to support training activities for professional and other target groups, including prison officers, primary and secondary schoolteachers, judges and lawyers, NGOs, journalists and human rights monitors. HCHR/CHR also continued to collect materials for human rights education and access to the collection was made available to human rights educators.

The High Commissioner described action taken by seven Member States to promote human rights education.

Commission action. On 11 April [E/1997/23 (dec. 1997/111)], the Commission on Human Rights deferred consideration of the Decade to allow time for the implementation of its 1996 resolution on the subject [YUN 1996, p. 594].

Subcommission action. On 22 August [E/CN.4/1998/2 (res. 1997/7)], the Subcommission decided to place the right to education, particularly human rights education, on its agenda for the duration of the Decade. It asked Mustapha Mehedi (Algeria) to prepare a working paper on the subject for consideration in 1998.

Report of Secretary-General. In October [A/52/469], the Secretary-General summarized activities to implement the Plan of Action for the Decade carried out between January and August 1997.

OHCHR was planning a survey on existing programmes, materials and organizations for human rights education. Targeted questionnaires for Governments, intergovernmental organizations and NGOs had been finalized, and materials produced for human rights education were collected. The Office continued to disseminate information on the Decade and on human rights education. Within the UN system, action to promote human rights education was being taken by the specialized agencies and human rights treaty bodies. Collaboration was ongoing with human rights institutes and NGOs. Work continued on the six packages to support training activities addressed to professional and other target groups. In addition, the Office was working on a training package for journalists to increase the incorporation by the media of human rights information and public education into their work. An expert meeting (Geneva, 11-12 March) to revise the first draft version of the training manual on human rights monitoring for UN field operations was held, as was a second expert meeting to review the draft human rights manual for judges and lawyers (Geneva, 5-8 May). The Secretary-General also summarized action taken by nine Member States.

An addendum [A/52/469/Add.1 & Corr.1] to the Secretary-General's report contained the guidelines for national plans of action for human rights education.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/127** without vote [agenda item 112 (b)].

United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and

the Universal Declaration of Human Rights, article 26 of which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights, article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 29 of the Convention on the Rights of the Child, article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and paragraphs 78 to 82 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reflect the aims of the aforementioned article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004, public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", the implementation of and follow-up to the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Believing that the World Public Information Campaign on Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to human rights education and information,

Convinced that each woman, man and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Convinced also that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect,

Recognizing that human rights education and information are essential to the realization of human rights and fundamental freedoms and that carefully designed programmes of training, dissemination and information can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages that takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Taking into account the efforts to promote human rights education made by educators and non-

governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the United Nations Children's Fund,

Recognizing the invaluable and creative role that non-governmental and community-based organizations can play in disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential supportive role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and the World Public Information Campaign on Human Rights, through creative initiatives and financial support for governmental and non-governmental activities,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and co-operation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constitutes an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

Welcoming the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to place the question of the right to education, and in particular human rights education, on its agenda for the duration of the Decade,

1. Takes note with appreciation of the report of the Secretary-General on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights;

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education contained in the addendum to the report of the Secretary-General;

4. Urges Governments to encourage, support and involve national and local non-governmental and

community-based organizations in the implementation of their national plans of action;

5. Calls upon Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

6. Requests the United Nations High Commissioner for Human Rights to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, and to ensure maximum effectiveness and efficiency in the use, processing, management and distribution of human rights information and educational materials, including through electronic means;

7. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

8. Urges the Office of Communications and Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties under human rights instruments, and, to this end, to ensure that the information centres are supplied with adequate quantities of those materials;

9. Stresses the need for close collaboration between the Office of the High Commissioner and the Office of Communications and Public Information in the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and the need to harmonize their activities with those of other international organizations such as the United Nations Educational, Scientific and Cultural Organization with regard to its project entitled "Towards a culture of peace" and the International Committee of the Red Cross and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

10. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and to cooperate closely with the Office of the High Commissioner in that regard;

11. Encourages the human rights treaty bodies, when examining reports of States parties, to place emphasis

on obligations of States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

12. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

13. Encourages Governments and intergovernmental and non-governmental organizations to undertake human rights education and information initiatives in accordance with the Plan of Action and the World Public Information Campaign on Human Rights as a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

14. Encourages the Commission on Human Rights to consider jointly, for the duration of the Decade, the question of the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

15. Requests the Secretary-General, in cooperation with the Office of the High Commissioner, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations;

16. Also requests the Secretary-General, through the United Nations High Commissioner for Human Rights, to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to submit to the General Assembly at its fifty-third session a comprehensive report on the implementation of the present resolution for consideration under the item entitled "Human rights questions".

Culture of peace

In response to General Assembly resolution 51/101 [YUN 1996, p. 596], the Secretary-General in September [A/52/292] transmitted a report of the Director-General of UNESCO on educational activities under the transdisciplinary project entitled "Towards a culture of peace".

The project comprised four units: education for peace, human rights, democracy, international understanding and tolerance; promotion of human rights and democracy—struggle against discrimination; cultural pluralism and intercultural dialogue; and conflict prevention and post-conflict peace-building.

The Director-General's report presented elements for a draft provisional declaration and programme of action, indicating how the United Nations could take up the issue. In addition, it

proposed that the United Nations might wish to declare a year and decade for a culture of peace and non-violence, during which the Secretary-General would lead a campaign involving all levels of society, especially youth, to promote the values, attitudes and behaviours of a culture of peace.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 37], the Economic and Social Council adopted **resolution 1997/47** without vote [draft: E/1997/L.37] [agenda item 6 (I)].

International Year for the Culture of Peace, 2000

The Economic and Social Council,

Recalling General Assembly resolution 50/173 of 22 December 1995, entitled "United Nations Decade for Human Rights Education: towards a culture of peace", in which it expressed satisfaction with the transdisciplinary project, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization, entitled "Towards a culture of peace",

Recalling also General Assembly resolution 51/101 of 12 December 1996 on a culture of peace, in which it called for the promotion of a culture of peace based on the Preamble to the Charter of the United Nations and the purposes and principles of the United Nations,

Expressing its deep concern about the persistence and proliferation of violence and conflicts of a diverse nature in various parts of the world,

Emphasizing the link between peace and development and the need for a culture of peace that can lead, through education, science and communication, to respect for all human rights and the promotion of democracy, tolerance, dialogue, reconciliation and solidarity, as well as to international cooperation and economic development, and thus to sustainable human development,

Aware of the need to mobilize public opinion at the national and international levels for the purpose of establishing and promoting a culture of peace and the central role that the United Nations system could play in this regard,

Bearing in mind the memorandum of understanding between the Director-General of the United Nations Educational, Scientific and Cultural Organization and the United Nations High Commissioner for Human Rights, signed in Paris on 19 October 1995,

Convinced that an international year for the culture of peace at the turn of the millennium would provide the opportunity to boost the efforts of the international community to establish and promote an everlasting culture of peace,

1. Recommends that the General Assembly, at its fifty-second session, proclaim the year 2000 as International Year for the Culture of Peace;

2. Also recommends that the programme of activities and the scope of the Year should focus on respect for cultural diversity and the promotion of tolerance, solidarity, cooperation, dialogue and reconciliation and should be based on activities at the national and international levels;

3. Further recommends that the United Nations Educational, Scientific and Cultural Organization should be designated as the focal point for the Year and should bear the responsibility for coordinating the inter-

organizational aspects of the programmes and activities of the other bodies within the United Nations system and other organizations concerned and for mobilizing resources to meet the budgetary requirements for the Year;

4. Requests the United Nations Educational, Scientific and Cultural Organization to submit to the Council, at its substantive session of 1998, a report on the state of preparations for the Year to enable it to make appropriate proposals to the General Assembly at its fifty-third session.

GENERAL ASSEMBLY ACTION

On 20 November [meeting 50], the General Assembly adopted **resolution 52/13** without vote [draft: A/52/L.4/Rev.1 & Add.1] [agenda item 156].

Culture of peace

The General Assembly,

Recalling the preamble to the Charter of the United Nations and the purposes and principles of the United Nations, and recalling also that the creation of the United Nations system itself, based upon universally shared values and goals, has been a major act towards transformation from a culture of war and violence to a culture of peace and non-violence,

Aware that the task of the United Nations to save future generations from the scourge of war requires transformation towards a culture of peace, which consists of values, attitudes and behaviours that reflect and inspire social interaction and sharing based on the principles of freedom, justice and democracy, all human rights, tolerance and solidarity, that reject violence and endeavour to prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation and that guarantee the full exercise of all rights and the means to participate fully in the development process of their society,

Recalling its resolutions 50/173 of 22 December 1995 and 51/101 of 12 December 1996 on a culture of peace and 51/104 of 12 December 1996 on the United Nations Decade for Human Rights Education and public information activities in the field of human rights,

Noting that the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on educational activities under the project entitled "Towards a culture of peace" with elements for a draft provisional declaration and programme of action on a culture of peace, indicates that the transition from the culture of war to a culture of peace has been taken up as a priority by the United Nations Educational, Scientific and Cultural Organization and is also being promoted at many levels by the United Nations system as it enters the twenty-first century,

1. Takes note of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization, as transmitted by the Secretary-General and submitted in accordance with General Assembly resolution 51/101, which is set within the framework of United Nations actions for peace-building, including the United Nations Decade for Human Rights Education, 1995-2004, and the United Nations Year for Tolerance, as well as the programmes of action of recent United Nations world conferences;

2. Calls for the promotion of a culture of peace based on the principles established in the Charter of

the United Nations and on respect for human rights, democracy and tolerance, the promotion of development, education for peace, the free flow of information and the wider participation of women as an integral approach to preventing violence and conflicts, and efforts aimed at the creation of conditions for peace and its consolidation;

3. Notes that the report includes:

(a) Elements for a draft United Nations declaration on a culture of peace, including the historical basis, the meaning and significance of a culture of peace and the major fields and main actors for its promotion;

(b) Elements for a programme of action, including the relevant aims as well as the strategies and actions needed to implement each of those aims;

(c) A presentation of the progress of projects within the framework of the transdisciplinary project entitled "Towards a culture of peace";

4. Requests the Secretary-General, in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization and taking into account the debate in the General Assembly, the specific suggestions of Member States and the comments, if any, of member States in the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-ninth session, to submit a consolidated report containing a draft declaration and programme of action on a culture of peace to the General Assembly at its fifty-third session;

5. Decides to include in the provisional agenda of its fifty-third session an item entitled "Culture of peace".

On the same date [meeting 50], the Assembly adopted **resolution 52/15** without vote [agenda item 12].

Proclamation of the year 2000 as the International Year for the Culture of Peace

The General Assembly,

Recalling Economic and Social Council resolution 1997/47 of 22 July 1997,

Proclaims the year 2000 as the International Year for the Culture of Peace.

National institutions and regional arrangements

National institutions for human rights promotion and protection

Report of Secretary-General. In a February report [E/CN.4/1997/41], the Secretary-General provided information from six States on possible forms of participation by national institutions in UN meetings dealing with human rights. Views of national institutions were also presented. He pointed out that in view of the contribution of national institutions, it might be appropriate for the Commission on Human Rights to consider granting them a certain status or certain rights. He suggested that it might be appropriate for them to participate as a separate category of participant or even as a separate entity within official

delegations. The latter option was somewhat anomalous in view of the fact that national institutions should, according to the Principles relating to the status of national institutions, adopted by the General Assembly in resolution 48/134 [YUN 1993, p. 900], operate independently from Governments. Irrespective of the precise status granted to national institutions, it was strongly recommended that the Commission continue its practice of allocating speaking time to them.

Commission action. On 11 April [E/1997/23 (res. 1997/40)], the Commission on Human Rights requested HCHR/CHR to continue to provide technical assistance to States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions that requested them. It asked the Secretary-General to ensure that national institutions were informed of CHR activities involving national institutions; to continue to provide assistance for meetings of the Coordinating Committee, created in 1993 at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights [YUN 1993, p. 898] to promote the establishment and strengthening of national human rights mechanisms; and to provide assistance for regional meetings of national institutions. Considering it appropriate for national institutions that conformed with the Principles relating to the status of national institutions to be able to participate in their own right in its meetings and those of its subsidiary bodies, the Commission asked the Secretary-General to submit a report containing options for arrangements to implement that. The Commission reiterated its request to him to convene a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico during 1997, and to report in 1998 on the implementation of its resolution.

The Commission's requests concerning assistance for meetings of the Coordinating Committee, the provision of funds for regional meetings and the holding of a fourth international workshop were approved by the Economic and Social Council on 22 July by **decision 1997/253**.

Further reports of Secretary-General. Pursuant to General Assembly resolution 50/176 [YUN 1995, p. 719], the Secretary-General reported in October on action taken by OHCHR to establish and strengthen national institutions and on related measures taken by Governments and national institutions. In Africa, progress towards the establishment of a human rights commission was under way in Burundi, Malawi and Uganda. The focus of a technical cooperation project in South Africa was its newly established Human Rights Commission. Advice was provided to Liberia,

Madagascar, Mauritius and Zambia on the establishment or strengthening of a national institution. In Asia and the Pacific, a project to facilitate a human rights commission in Papua New Guinea began, and the Special Adviser to the High Commissioner provided assistance to Bangladesh and Mongolia and advice to Nepal, Sri Lanka and Thailand on the establishment of institutions. In Central and Eastern Europe, advice was provided on establishing national institutions in Armenia, Belarus, Georgia and the Russian Federation. Many of the activities were conducted in collaboration with UNDP. The Coordinating Committee held its second (February 1995), third (April 1996) and fourth (April 1997) meetings, all in Geneva. In 1997, discussions focused on the possible expansion of the Principles; a possible draft constitution for the Committee; the Fourth International Workshop on National Institutions (see below); regional arrangements for the establishment and strengthening of national institutions; the activities of OHCHR; and consideration of the status of national institutions in UN human rights forums.

In a December report [E/CN.4/1998/47], the Secretary-General presented options concerning arrangements for national institutions which conformed to the Principles to participate in meetings of the Commission and its subsidiary bodies. He proposed that they might be part of the delegation of their Government and be granted part of the delegation's speaking time; part of the delegation of their Government and be granted separate speaking time, in addition to that of the delegation; or participate in meetings in their own right with separate speaking time.

The Secretary-General also discussed the Fourth International Workshop on National Institutions and the second Asia-Pacific regional workshop of national institutions (see below).

Fourth International Workshop. The Fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights (Merida, 17-29 November) [E/CN.4/1998/47], organized by the National Commission on Human Rights of Mexico, focused on cooperation between national institutions; particularly vulnerable groups; migration movements and the fight against racism and xenophobia; and economic, social and cultural rights and the right to development. It adopted the Merida Declaration in which national institutions recognized that underdevelopment constituted a barrier to the enjoyment of human rights.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third

Committee [A/52/644/Add.2], adopted **resolution 52/128** without vote [agenda item 112 (b)].

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling the relevant resolutions of the General Assembly and the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest shown in all regions in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that in its resolution 48/134 of 20 December 1993 the Assembly welcomed the principles relating to the status of national institutions for the promotion and protection of human rights, annexed to that resolution,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and in their role in remedying human rights violations, in disseminating information on human rights and in education on human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women, in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Noting the diverse approaches adopted throughout the world for the protection and promotion of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

Noting with satisfaction the constructive participation of representatives of national institutions for the promotion and protection of human rights in, and their positive contribution to, the deliberations of the World Conference on Human Rights and the Commission on Human Rights, as well as international seminars and workshops on human rights organized or sponsored by the United Nations,

Welcoming the strengthening of regional cooperation among national human rights institutions and, in particular, the first African Conference of National Institutions for the Promotion and Protection of Human Rights, held at Yaounde in February 1996, the second International Workshop on Ombudsman and Human Rights Institutions, held at Chisinau in May 1996, the first meeting of the Asia-Pacific Regional Workshop of National Human Rights Institutions, held at Darwin, Australia, in July 1996, the second European Meeting of National Institutions for the Promotion and Protec-

tion of Human Rights, held at Copenhagen in January 1997, the third International Workshop on Ombudsman and National Human Rights Institutions, held at Riga in June 1997, and the second meeting of the Asia-Pacific Regional Workshop of National Human Rights Institutions, held at New Delhi in September 1997, as well as the holding of the fourth International Workshop on Ombudsman and National Human Rights Institutions, at Merida, Mexico, in November 1997,

1. Welcomes the report of the Secretary-General;
2. Reaffirms the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights contained in the annex to resolution 48/134;
3. Recognizes that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for the national institution that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;
4. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;
5. Welcomes the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights and the intensified activities of the Office of the United Nations High Commissioner for Human Rights in promoting and strengthening national institutions;
6. Encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;
7. Reaffirms the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations, and encourages national institutions to play an active role in the celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights at the national and local levels;
8. Urges the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the programme of advisory services and technical assistance in the field of human rights;
9. Welcomes the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional, earmarked funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

10. Notes the role of the Coordinating Committee created by national institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994, in close cooperation with the Office of the High Commissioner, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

11. Requests the Secretary-General to continue to provide the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

12. Also requests the Secretary-General to continue to provide, from within existing resources and from the resources of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

13. Notes the importance of resolving the question of finding an appropriate form of participation for independent national institutions in meetings of the Commission on Human Rights and its subsidiary bodies;

14. Recognizes the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for the better promotion and protection of human rights;

15. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;

16. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

Regional arrangements

Pursuant to a 1995 Commission on Human Rights request [YUN 1995, p. 720] to the Secretary-General to report in 1997 on the state of regional arrangements for the promotion and protection of human rights, the Secretary-General drew the attention of the Commission [E/CN.4/1997/35] to his 1996 report to the General Assembly [YUN 1996, p. 598] and to his report on regional arrangements in Asia and the Pacific (see below) [E/CN.4/1997/44].

Commission action. On 11 April [E/1997/23 (res. 1997/34)], the Commission asked HCHR/CHR to continue to pay attention to ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make relevant recommendations. It asked the Secretary-General to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights, and to report in 1999.

Asia and the Pacific

Reports of Secretary-General. As requested by the Commission in 1996 [YUN 1996, p. 599], the Secretary-General submitted a January report [E/CN.4/1997/44] describing regional arrange-

ments for the promotion and protection of human rights in the Asian and Pacific region. Under the UN programme of technical cooperation, fellowships were awarded to government representatives of Bhutan, Cambodia, the Democratic People's Republic of Korea, India, Jordan, Malaysia, Pakistan and the Philippines. Technical cooperation was provided to Bhutan, Cambodia, Kuwait, Mongolia, Nepal, Papua New Guinea, the Philippines and Viet Nam.

The fifth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (Amman, Jordan, 5-7 January) agreed to develop a regional technical cooperation programme to strengthen national and regional human rights capacities through the sharing of expertise, experiences and best practices; and to a process for designing the regional programme and future work in developing a regional arrangement through the establishment of a working group.

In a December report [E/CN.4/1998/47], the Secretary-General stated that the second Asia-Pacific regional workshop of national institutions (New Delhi, 10-12 September), organized by the National Human Rights Commission of India in cooperation with the Asia-Pacific Forum of National Institutions and OHCHR, reaffirmed the universal, indivisible, interdependent and interrelated nature of human rights; emphasized that the status and responsibilities of national institutions should be consistent with the Principles relating to the status of national institutions; stressed the importance of human rights jurisprudence; condemned the practice of child sexual exploitation and called on Governments to take measures to combat it; and asked the secretariat of the Asia-Pacific Forum to give prominence to the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535, GA res. 217 A (III)] in its technical cooperation and information activities. In addition, the workshop noted the proposal submitted by the Human Rights and Equal Opportunity Commission of Australia for an advisory panel to the Forum on international human rights law and agreed in principle to set one up.

Commission action. On 11 April [res. 1997/45], the Commission endorsed the conclusions of the fifth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region and asked the Secretary-General to establish an open-ended team, composed of representatives of interested Governments of the region and CHR, national institutions and NGOs, to prepare for the next

workshop and to design a regional technical cooperation programme to facilitate the development of regional arrangements. Welcoming Iran's invitation to host the sixth workshop, the Commission asked the Secretary-General to facilitate holding it in Tehran under the regular UN budget. The Secretary-General was also asked to allocate more resources from existing UN funds to enable countries to benefit from the advisory services and technical assistance programme, to support the regional technical cooperation programme and to provide resources for its implementation, and to maintain a continuing flow of human rights material to the library of the Economic and Social Commission for Asia and the Pacific. The above-mentioned requests to the Secretary-General were approved by the Economic and Social Council on 22 July by **decision 1997/256**. The Commission asked the Secretary-General to report in 1998 on progress made in implementing its resolution.

Cooperation with UN human rights bodies

In accordance with a 1996 Commission request [YUN 1996, p. 600], the Secretary-General, in a February report [E/CN.4/1997/50], summarized information covering situations in which persons had been intimidated or had suffered reprisals for having cooperated with UN human rights bodies; availed themselves of international procedures; provided legal assistance for that purpose; and/or had been relatives of victims of human rights violations.

Commission action. On 15 April [E/1997/23 (res. 1997/56)], the Commission on Human Rights urged Governments to refrain from acts of intimidation or reprisal against persons who sought to cooperate or had cooperated with representatives of UN human rights bodies, or who had provided testimony or information to them; individuals who availed themselves of UN procedures and those who had provided legal assistance to them; those who submitted communications under procedures established by human rights instruments; and relatives of victims of human rights violations. It asked representatives of UN human rights bodies and human rights treaty bodies to help prevent the hampering of access to UN human rights procedures and to continue to take urgent steps to prevent intimidation or reprisal. It also asked them to include in their reports references to allegations of intimidation or reprisal, as well as an account of action taken. The Commission asked the Secretary-General to draw its resolution to the attention of UN human rights and treaty bodies and to report in 1998.

Chapter II

Protection of human rights

In 1997, the United Nations continued to protect human rights worldwide through efforts to combat racism and racial discrimination, and religious and other forms of intolerance; to ensure the right of people to self-determination; to establish and promote democratic societies through the implementation of civil and political rights; and to secure for all people economic, social and cultural rights.

Special Rapporteurs of the Commission on Human Rights and its subsidiary body, the Sub-commission on Prevention of Discrimination and Protection of Minorities, examined, among other questions, the impunity of perpetrators of human rights violations; independence of the judicial system; conditions during states of emergency; allegations of torture; extra-legal executions; human rights and extreme poverty; the right to adequate housing; environmental issues; violence against women; practices affecting the health of women and children; sale of children, child prostitution and child pornography; and protection of indigenous heritage and indigenous land rights.

Working groups considered arbitrary detention, enforced or involuntary disappearances, as well as the administration of justice, the right to development, contemporary forms of slavery, and indigenous populations.

The General Assembly, in December, decided to proclaim 26 June as United Nations International Day in Support of Victims of Torture.

Racism and racial discrimination

Third Decade against racism

The General Assembly had proclaimed in 1993 the Third Decade to Combat Racism and Racial Discrimination (1993-2003) and adopted the Decade's Programme of Action [YUN 1993, p. 853]. The Third Decade's goals and objectives were those adopted by the Assembly in 1973 for the first Decade [YUN 1973, p. 524]. The revised Programme of Action for the Decade was adopted by the Assembly in 1994 [YUN 1994, p. 988].

Implementation of Decade

Reports of Secretary-General. In January [E/CN.4/1997/68], the Secretary-General summarized information provided by the General Assembly, Governments, the Office of the UN High Commissioner for Refugees, the UN Department of Public Information, intergovernmental organizations and non-governmental organizations (NGOs) on measures taken to combat racism and racial discrimination.

In a December report [E/CN.4/1998/77/Add.1], the Secretary-General discussed a seminar on immigration, racism and racial discrimination (Geneva, 5-9 May), organized by the United Nations High Commissioner for Human Rights/Centre for Human Rights in accordance with General Assembly resolution 49/146 [YUN 1994, p. 988]. The seminar covered contemporary forms and manifestations of racism and racial discrimination; globalization and immigration; protection of immigrants; protection of immigrants against employment discrimination; and integration and/or preservation of immigrants' cultural identities in host countries. Among the recommendations of the seminar were educational programmes to promote cultural understanding; recourse procedures for victims of racism, racial discrimination and xenophobia; measures enabling immigrants to participate in local elections; legal reforms to protect immigrants from racial discrimination; non-discrimination training for law enforcement officials; priority given by the High Commissioner to rights of immigrant children; declaring illegal and prohibiting any transmission by audio-visual or electronic media that incited racial hatred or racial violence; exerting pressure on States where flagrant human rights violations occurred; and priority to be given by the High Commissioner/Centre for Human Rights to a seminar on the role of the mass media in combating racism.

The Commission on Human Rights also considered the annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) [E/CN.4/1997/70].

Commission action. On 18 April [E/1997/23 (res. 1997/74)], the Commission on Human Rights declared that all forms of racism and racial discrimination were among the most serious viola-

tions of human rights and had to be combated. It welcomed the designation by the European Union of 1997 as European Year against Racism.

The Commission was of the view that financial contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination had proven inadequate and that the General Assembly should consider ways to finance the Programme of Action, including through the UN regular budget. It asked the Secretary-General to submit to the Assembly a report on resources required to implement the Programme and asked the Assembly to consider providing the resources. The High Commissioner for Human Rights was asked to establish a focal point to coordinate the activities of the Third Decade (see Economic and Social Council **decision 1997/293**).

Subcommission action. On 21 August [E/CN.4/1998/2 des. 1997/5], the Subcommission on Prevention of Discrimination and Protection of Minorities asked the Secretary-General to ensure the establishment of a focal point on racism within the Centre for Human Rights to coordinate activities under the Third Decade. It proposed to hold in 1998, jointly with the Committee on the Elimination of Racial Discrimination (CERD), an expert seminar that would explore the issues put forward by CERD for further study by the Subcommission [E/CN.4/Sub.2/1997/31].

Reports of Secretary-General. As requested by the Assembly in 1993 [YUN 1993, p. 853], the Secretary-General submitted to the Economic and Social Council in July his annual report on activities undertaken or planned by Governments, the UN system, intergovernmental organizations and NGOs to implement the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination [E/1997/87]. Regarding the Trust Fund for the Programme of Action, the Secretary-General stated that contributions remained below the levels hoped for. Therefore, very few of the planned 1994-1997 activities were carried out.

In his conclusions, the Secretary-General stated that the High Commissioner/Centre for Human Rights should give priority to organizing a seminar on the right to equality before the courts and other judicial institutions, including the right to compensation for injuries suffered as a result of discrimination. A seminar on the role of the media in combating racism, with particular reference to the situation of immigrants, should also be given priority.

On 22 July, the Economic and Social Council, by **decision 1997/240**, took note of the Secretary-General's July report.

In response to Assembly resolution 51/81 [YUN 1996, p. 602], the Secretary-General, in October [A/52/528], supplemented information contained in his July report to the Council. As requested by the Commission, information on the resources required to implement the Programme of Action would be issued as an addendum. The Secretary-General described activities carried out by the UN system, among them a seminar (Geneva, 10-14 November) to assess the role of the Internet in the light of the provisions of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, contained in Assembly resolution 2106 A (XX) [YUN 1965, p. 440] (see PART TWO, Chapter I).

World conference

On 18 April [res. 1997/74], the Commission on Human Rights made a series of recommendations to the General Assembly, through the Economic and Social Council, on convening a world conference on racism and racial discrimination, xenophobia and related intolerance, all of which the Council approved (**decision 1997/293**). Subsequently, some of them were adopted by the Assembly (**resolution 52/111**). In addition, the Commission asked the Secretary-General to submit a report in 1998 on the implementation of its resolution.

On 21 August [res. 1997/5], the Subcommission, expressing support for the convening of a world conference not later than 2001, called on Member States to respond positively to the proposal. It asked the High Commissioner to submit to the Commission a report on the status of preparations for the conference and ways in which the Subcommission and other bodies could contribute to the preparations.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision 1997/293** without vote [agenda item 7 (d)]. Proposed amendments to the draft [E/1997/L.47], submitted by the United States, were rejected by a roll-call vote of 27 to 1, with 21 abstentions.

Racism, racial discrimination, xenophobia and related intolerance

At its 39th plenary meeting, on 23 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/74 of 18 April 1997:

(a) Approved the following requests of the Commission:

- (i) To the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the

Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and to invite the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Decade;

- (ii) To the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;
- (iii) To the Secretary-General to provide the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;
- (b) Endorsed the Commission's decision to recommend to the General Assembly the convening of a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, whose main objectives will be:
 - (i) To review the progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;
 - (ii) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;
 - (iii) To increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;
 - (iv) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;
 - (v) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;
 - (vi) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;
 - (vii) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance;

(c) Also endorsed the Commission's recommendations to the General Assembly:

- (i) That the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance be convened not later than the year 2001;
- (ii) That when deciding on the agenda of the World Conference it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;
- (iii) That the World Conference be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;
- (iv) That it decide that the Commission on Human Rights should act as the preparatory committee for the World Conference and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;
- (v) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;
- (vi) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference;
- (vii) That it request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

(d) Approved the Commission's recommendation that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee

[A/52/642], adopted **resolution 52/111** without vote [agenda item 110].

Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference against racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Reaffirming its objectives as set forth in the Charter of the United Nations of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, in all its forms, and racial discrimination,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994, by which, respectively, it proclaimed the Third Decade to Combat Racism and Racial Discrimination and adopted the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Noting with concern that the dissemination of racist and xenophobic propaganda is also being channelled through new communication technologies, including such computer networks as the Internet,

Having considered the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action,

Firmly convinced of the need to take more effective and sustained measures at the national and interna-

tional levels for the elimination of all forms of racism and racial discrimination,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

I

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and Coordination of Activities

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Recalls with satisfaction the proclamation of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and requests the Secretary-General to make a further review of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, with a view to making it more effective and action-oriented;

3. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by constantly adapting the means provided to combat them, especially in the legislative, administrative, educational and information fields;

4. Requests the United Nations High Commissioner for Human Rights to give a high priority to the follow-up to programmes and activities for combating racism and racial discrimination;

5. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

6. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

7. Commends all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

8. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

9. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers an issue of particular gravity;

10. Requests the Secretary-General to continue the study on the effects of racial discrimination on the chil-

dren of minorities and those of migrant workers in the fields of education, training and employment and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

11. Regrets the lack of interest, support and financial resources for the Third Decade and its related Programme of Action, reflected in the fact that very few of the activities planned for the period 1994-1997 were carried out;

12. Also regrets that the contributions made by the international community to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination remain below the level required, and requests the Secretary-General to include in his report to the General Assembly at its fifty-third session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including through the United Nations regular budget and extra-budgetary sources;

13. Welcomes the convening, at Geneva from 10 to 14 November 1997, of a seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

14. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the outcome of the two seminars held on the implementation of the Programme of Action concerning migration, racism and racial discrimination and on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

15. Recommends that the activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes targeted at combating racism and racial discrimination;

16. Requests the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism for coordinating all the activities of the Third Decade;

17. Considers that voluntary contributions to the Trust Fund are indispensable for the implementation of the Programme of Action;

18. Urges the Secretary-General, United Nations bodies, the specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action, to pay particular attention to the situation of indigenous people;

19. Requests States and international organizations to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

20. Strongly underlines the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating an awareness of principles of human rights, particularly among young people, and, in this regard, renews its invitation to the United Nations Educational, Scientific

and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

21. Considers that all parts of the Programme of Action should be given equal attention in order to attain the objectives of the Third Decade;

22. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1998-1999;

23. Also requests the Secretary-General to accord high priority to the activities of the Programme of Action;

24. Further requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies, containing an analysis of information received on such activities to combat racism and racial discrimination;

25. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action;

26. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, regional organizations and interested non-governmental organizations to participate fully in the Third Decade;

27. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

II

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

28. Decides to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

29. Also decides:

(a) That the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be convened not later than the year 2001;

(b) That, when the agenda of the World Conference is decided upon, *inter alia*, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance will be taken into consideration;

(c) That the World Conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That the Commission on Human Rights will act as the preparatory committee for the World Conference and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of the specialized agencies and observers, in accordance with established practice;

30. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee, to undertake reviews, to submit recommendations concerning the World Conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the World Conference;

31. Stresses the importance of systematically taking a gender perspective into account throughout the preparations for and in the outcome of the World Conference;

32. Calls upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the World Conference, and requests the regional preparatory meetings to submit reports to the preparatory committee through the Secretary-General on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

33. Decides that the World Conference will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

34. Also decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of high priority at its fifty-third session.

Contemporary forms of racism

Reports of Special Rapporteur. Special Rapporteur Maurice Glèlè-Ahanhanzo (Benin) continued to examine incidents of contemporary forms of racism, racial discrimination and any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them.

The Commission on Human Rights considered the Special Rapporteur's January report [E/CN.4/1997/71 & Corr.1], in which he discussed his 1996 activities, including missions to Colombia and Kuwait (see below), each at the invitation of the Government. His report included submissions by Governments and public bodies on action taken to combat racism, as well as communications regarding allegations of racism, racial discrimination and xenophobia that he had sent to 12 countries and replies received. The Special Rapporteur concluded that racism and racial discrimination persisted. He recommended the convening of a world conference on racism, racial discrimination and xenophobia, and studies, research and joint action on the use of the Internet as a vehicle for racist propaganda. Following consideration of the report, the Commission, on 18 April [dec. 1997/125], expressed its indignation and protest at an offensive reference to Islam and the Holy Qur'an in the Special Rapporteur's report, which was extracted from a report of the Government of Israel. The reference stated, "The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source". The Commission affirmed that the reference should have been excluded and requested its Chairman to ask the Special Rapporteur to take corrective action.

The Special Rapporteur visited Colombia (28 June-15 July 1996) [E/CN.4/1997/71/Add.1] to study, together with the authorities, obstacles preventing the implementation of measures to combat racism and racial discrimination. He focused on the Afro-Colombian and Amerindian communities who were reportedly most exposed to racism and discrimination, and who numbered 6 million and 600,000, respectively, of an estimated total population of 37 million. There was a growing awareness among the authorities of the problems of Afro-Colombians and the indigenous populations, which had led to efforts to improve their participation and political representation and the establishment of ministerial or other departments to examine their problems and find solutions. However, serious obstacles prevented far-

reaching change, including contradictory legislation and regulations, administrative delays due to conflicts of interest, differing concepts of economic and social development, ineffective consultation with the populations concerned, notably on the use of territorial resources, and endemic violence.

The Special Rapporteur recommended adopting an act on racism and racial discrimination; banning the weekly television programme *Sábados Felices*, which contained racist content; accelerating the distribution of land to the Afro-Colombian and indigenous populations; resolving administrative problems connected with subsidies to *resguardos*, territorial entities under Amerindian authority; developing human rights awareness in the army and the police and providing training; more participation by the Afro-Colombian and indigenous populations in decisions of concern to them; showing them more respect when drawing up and implementing development plans; and protecting those populations from violence in areas of conflict.

Regarding his mission to Kuwait (17-27 November 1996), the Special Rapporteur reported in January [E/CN.4/1997/71/Add.2] that he had investigated allegations concerning racial discrimination and xenophobia towards migrant workers, particularly housekeepers from Bangladesh, India, the Philippines and Sri Lanka. The Special Rapporteur's attention had also been drawn to the situation of the Bidun, who were variously described as undocumented persons, stateless persons and illegal residents.

There were serious problems regarding the situation of foreign and, particularly, unskilled workers as their status was not governed by legislation. The estimated population of 2 million comprised some 700,000 Kuwaitis and 1.3 million foreigners, including nationals from between 100 and 145 countries. Less than 20 per cent of the country's manpower was Kuwaiti, although 10,000 graduates were unemployed. Although Kuwait needed skilled and unskilled foreign manpower, it felt crushed under the weight of foreigners.

The Special Rapporteur stated that there were no signs of discrimination against foreigners in Kuwait, but rather an unacknowledged national preference by people who were a minority in their own country and sensitive to a foreign presence that outweighed their own in employment numbers. The legislative and social systems resulted in the exploitation of workers, particularly unskilled and domestic workers. The administration had broad powers and there were no judicial guarantees to protect employees, undocumented persons and Bidun. There were suggestions of

non-violent xenophobia aimed at protecting Kuwaitis from foreigners. The Special Rapporteur recommended that the Government find an equitable solution to the problem of the Bidun; adopt legislation and a uniform labour code in conformity with international conventions; set up a national agency to employ and recruit foreign skilled and unskilled labour and domestic workers, replacing the many private agencies; offer instruction in conversational Arabic to domestic workers; adopt measures to ensure regular wage payment; provide legal protection and assistance for foreign workers; produce and broadcast cultural programmes on the countries that exported manpower; continue to promote and strengthen democracy; and ratify human rights conventions.

By a note of 16 October [A/52/471], the Secretary-General transmitted to the General Assembly a report of the Special Rapporteur, prepared in response to Assembly resolution 51/79 [YUN 1996, p. 607]. The Special Rapporteur described his activities and stated that he had received a positive response to his request to Australia to undertake a mission to that country. He had asked to visit South Africa but the Government had not yet replied. The Special Rapporteur discussed discrimination against immigrants and migrant workers; human rights violations in holding areas in France; the role of the media in inciting racial violence; racial discrimination against Roma; and the discriminatory application of the death penalty in the United States. He provided summaries of measures taken or envisaged by Governments and legislative and judicial bodies.

The Special Rapporteur noted that the use of new communication technologies, particularly the Internet, had led to new forms of racism and racial discrimination. He reiterated his recommendations regarding the convening of a world conference on racism, racial discrimination and xenophobia.

Commission action. On 18 April [res. 1997/73], the Commission expressed its profound concern at and unequivocal condemnation of all forms of racism, racial discrimination and all racist violence. It supported the efforts of Governments to eradicate such practices and called on them to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination. The Commission called on the Special Rapporteur to continue his exchange of views with Member States and relevant UN mechanisms and treaty bodies, and to make the fullest use of all appropriate sources of information. It regretted that he continued to encounter difficulties in fulfilling his mandate, owing to the lack of resources. It

asked the Secretary-General to assist in enabling the Special Rapporteur to submit an interim report to the General Assembly and a comprehensive report to the Commission in 1998. On 22 July, by **decision 1997/277**, the Economic and Social Council endorsed the Commission's request to the Secretary-General.

Also on 18 April [res. 1997/74], the Commission urged the High Commissioner to provide, at their request, advisory services and technical assistance to those countries which the Special Rapporteur visited.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/642], **adopted resolution 52/109** without vote [agenda item 110].

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 51/79 of 12 December 1996, and taking note of Commission on Human Rights resolutions 1997/73 and 1997/74 of 18 April 1997,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Having examined the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including its conclusions and recommendations,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance, as well as acts of violence, persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Deeply concerned also that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV(42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

2. Requests the Special Rapporteur to continue his exchange of views with Member States, relevant mechanisms, related United Nations organs and the specialized agencies in order to further their effectiveness and mutual cooperation;

3. Welcomes the recommendation of the Special Rapporteur to convene, without further delay, a world conference on racism, racial discrimination, xenophobia and related intolerance;

4. Affirms that acts of racist violence against others stemming from racism do not comprise expressions of opinion but rather offences;

5. Expresses its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, in particular all racist violence, and related acts of random and indiscriminate violence;

6. Also expresses its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form;

7. Expresses its profound concern about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

8. Encourages all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries;

9. Recognizes that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

10. Encourages Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

11. Categorically deplores the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred;

12. Recognizes that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance;

13. Calls upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

14. Commends non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

15. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

16. Requests the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-third session.

Right to nationality

On 11 April [res. 1997/36], the Commission on Human Rights, reaffirming the right to nationality of every person as an inalienable human right, called on States to refrain from taking measures and from enacting legislation that discriminated against persons or groups of persons on grounds of race, colour or national or ethnic origin by nullifying or impairing the exercise of their right to nationality, and to repeal such legislation if it already existed. It asked the Secretary-General to transmit its resolution to Governments, intergovernmental organizations and NGOs and the Subcommission on Prevention of Discrimination and Protection of Minorities and to request their views thereon.

On 28 August [res. 1997/31], the Subcommission, reaffirming the right of everyone to a nationality, urged all States to respect and promote the right to a nationality. It asked the United Nations High Commissioner for Refugees to take steps, in line with the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533], to ensure that refugees did not become stateless. Governments were called on to revise their citizenship laws to bring them into accord with international human rights law and the 1961 Convention.

Other forms of intolerance

On 16 April [dec. 1997/118], the Commission on Human Rights deferred until 1998 consideration of the question of tolerance and pluralism as in-

divisible elements in the promotion and protection of human rights, in order to allow time for the implementation of its 1996 resolution [YUN 1996, p. 608] on the subject.

Discrimination against minorities

Declaration

Report of Secretary-General. In a January report [E/CN.4/1997/82], the Secretary-General presented information received from Governments, UN organs and bodies, human rights treaty bodies, special rapporteurs and NGOs describing their activities to promote and give effect to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, contained in General Assembly resolution 47/135 [YUN 1992, p. 723].

Commission action. On 3 April [res. 1997/16], the Commission on Human Rights urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the 1992 Declaration. The UN High Commissioner for Human Rights was asked to continue to improve the coordination and cooperation of UN programmes and agencies that dealt with minority issues, and was called on to promote the implementation of the Declaration and to continue to engage in dialogue with Governments. States, intergovernmental organizations, NGOs and specialized agencies were called on to participate in the work of the Working Group on Minorities. The Commission invited the Working Group to submit a comprehensive report in 1998. The Secretary-General was asked to make available, at the request of Governments, qualified expertise on minority issues, including the prevention and resolution of disputes, and to report in 1998 on the implementation of the Commission's resolution.

Working Group activities. The five-member Working Group on Minorities held its third session in 1997 (Geneva, 26-30 May) [E/CN.4/Sub.2/1997/18], during which it reviewed the promotion of the 1992 Declaration and examined possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments.

The Working Group recommended to the Subcommission the preparation of a manual in minority languages that would include the text of the Declaration, a note setting out and interpreting the Declaration's principles, and procedures and mechanisms by which minorities could address regional and international or-

ganizations with their concerns. It also recommended that the Subcommission establish a database of information on good practices and another on national, regional and international recourse mechanisms. Regarding education rights for minorities, the Group recommended that the Subcommission transmit the Hague Recommendations regarding the Education Rights of National Minorities [E/CN.4/Sub.2/AC.5/1997/WP.3] to Governments, intergovernmental organizations and NGOs for their comments, and request the Chairman-Rapporteur to prepare for the Group's fifth session an analytical review of the recommendations. It decided that its future sessions would be devoted to one or more major themes. Other recommendations were made concerning human rights treaty bodies, wider use of bilateral treaties, regional mechanisms, conflict prevention, the provision of technical cooperation, multicultural and intercultural education and minority women.

Subcommission action. On 27 August [res. 1997/23], the Subcommission recommended that the Commission request the Economic and Social Council to authorize the extension of the Working Group's mandate, with a view to its holding one session annually. It asked the Commission to invite States, intergovernmental organizations and NGOs to provide their comments on the Hague Recommendations and on good practices organized according to the principles contained in the 1992 Declaration. Welcoming the 1997 seminar on multicultural and intercultural education (Geneva, 23-24 May) [E/CN.4/Sub.2/AC.5/1997/WR.5], it invited the Working Group to organize further seminars, and recommended that minority rights issues and programmes for intercultural education be made a core component of the action plans for the United Nations Decade for Human Rights Education (1995-2004), proclaimed by the General Assembly in resolution 49/184 [YUN 1994, p. 1039].

The Subcommission recommended that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, CERD and the Committee on the Rights of the Child, when considering States parties' reports, give particular attention to implementation of, respectively, article 27 of the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], and article 15 of the 1966 International Covenant; article 2 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, contained in Assembly resolution 2106 A (XX) [YUN 1965, p. 440]; and article 30 of the 1989 Convention on the Rights of the

Child, adopted by the Assembly in resolution 44/25 [YUN 1989, p. 560]. It also recommended that they include in their guidelines an item concerning minorities. UN organs and bodies, intergovernmental organizations and NGOs were asked to intensify their efforts to disseminate information on the Declaration and to continue to submit information on its application to the Working Group. The Subcommission recommended that the Office of the United Nations High Commissioner for Human Rights (OHCHR) be strengthened to enable it to provide adequate services to the Group and to undertake relevant studies, evaluation and action. It further recommended that the Group continue to consider the issue of citizenship and nationality within the context of minority rights. The Group was asked to develop and submit guidelines concerning the content and scope of the principles contained in the Declaration, including recommendations to implement them.

Report of Secretary-General. In response to General Assembly resolution 51/91 [YUN 1996, p. 611], the Secretary-General reported in October [A/52/498] on action taken to promote the Declaration through human rights technical cooperation projects; cooperation of OHCHR with UN programmes and agencies dealing with minority issues; human rights treaty bodies; and the work of special rapporteurs, special representatives and working groups of the Commission.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/123** without vote [agenda item 112 (b)].

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the States in which such persons live,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protec-

tion of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights held its third session from 26 to 30 May 1997,

1. Takes note of the report of the Secretary-General;

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the protection and promotion of the rights of persons belonging to minorities;

6. Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

8. Calls upon the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Requests the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

10. Welcomes the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

11. Urges all treaty bodies to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

12. Calls upon all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within

their respective mandates, to situations involving minorities;

13. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. Expresses its expectation that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights will further implement its mandate with the involvement of a wide range of participants;

15. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution under the item entitled "Human rights questions".

Religious intolerance

Reports of Special Rapporteur. The Commission on Human Rights considered a report [E/CN.4/1997/91] of the Special Rapporteur on religious intolerance, Abdelfattah Amor (Tunisia). He updated the status of communications sent to Governments about allegations of intolerance or discrimination based on belief and their replies. Since the Commission's 1996 session, he had sent communications to 49 States, including five urgent appeals to four States. The communications concerned violations of: the principle of non-discrimination with regard to religion and belief; the principle of tolerance; freedom of thought, conscience and religion or belief; freedom to manifest one's religion or belief; freedom to dispose of religious property; and the right to life, physical integrity and health of persons (clergy and believers). The deadline had not yet expired for 12 States to reply, and the Special Rapporteur had received 13 replies from the 34 States for which it had expired. The Special Rapporteur drew conclusions and made recommendations regarding the right to change religion; the right to conscientious objection; protection of religious freedom and human rights; religion and politics; religious freedom and religious extremism; and religious freedom and sects. He recommended setting up a documentation centre in the Centre for Human Rights and establishing a department on religious freedom and human rights.

In a September report [E/CN.4/1998/6/Add.1], the Special Rapporteur described his visit to Australia (17 February-1 March) made at the invitation of the Government. He focused on the treatment of tolerance and non-discrimination based on religion or belief in the Australian legal system in the context of the country's Constitution and of Federal laws and State and Territory laws. During the mission, the Special Rapporteur met

officials at the Federal, State and Territory levels, and held consultations with human rights NGOs and representatives of the Aboriginal, Baha'i, Christian, Hindu, Jewish and Muslim communities and with the Church of Scientology and The Family.

The Special Rapporteur considered that the situation in Australia with regard to tolerance and non-discrimination based on religion was satisfactory. However, there were a few exceptions concerning minorities and, especially, Aborigines. The construction of places of worship or religious training centres for Muslim, Hindu and Buddhist minorities faced obstacles and there were outbreaks of anti-Semitism. The intolerance manifested was not religious, however, but racial, founded on ignorance and encouraged by extremist political speeches. The Special Rapporteur proposed the development of a national education policy, coordinated at the Federal, State and Territory levels, and an educational campaign for the benefit of the media. Regarding the Aborigines, the Special Rapporteur recommended pursuing the official policy of reconciliation, with further strengthening in the area of religion. He proposed ensuring uniformity of legislation at the Federal and State levels for the protection of land and sacred sites, including religious objects, and for the return of the religious and cultural heritage. The Special Rapporteur called for special protection to the Aboriginal community, especially by encouraging a change in attitudes in order to arrive at a compromise between economic considerations and religious practice. He welcomed the application by authorities of the principle of positive discrimination.

In a December report [E/CN.4/1998/6/Add.2 & Corr.1], the Special Rapporteur discussed his visit to Germany (17-27 September), made at the invitation of the Government, during which he studied legislation relating to tolerance and non-discrimination in religion or belief, its enforcement and the policy in force. He met with Government officials and representatives of the Catholic and Protestant Churches and the Jewish, Orthodox and Muslim minorities, and with the Bhagwans, Baha'is, Hare Krishnas, Mormons, Jehovah's Witnesses, the Church of Unification and the Church of Scientology. NGOs, particularly those providing assistance to victims of sects and psycho-groups, and academics and eminent independent persons were also consulted.

The Special Rapporteur noted that the Constitution guaranteed freedom of religion and belief. He concluded that the Jewish community was satisfied with its situation. It was able to flourish as a religious minority and enjoyed ac-

tive political, institutional and financial support from the State. The situation of the Muslim minority was markedly less favourable, although on the whole it was not unsatisfactory. According to the representatives of the groups and communities, with the exception of those of the Church of Scientology, there was no obstacle to the exercise of their activities. Many representatives stated, however, that there was a climate of mistrust, or latent intolerance, towards all religious minorities. Concerning competition between the major churches and other groups and communities, the Special Rapporteur believed that there was a need for an ongoing dialogue to avoid continuing a climate of mistrust or even intolerance. The Special Rapporteur believed that the State should promote and develop a culture of tolerance and human rights, with lasting progress achieved mainly through an educational strategy. In addition, he recommended a campaign to develop awareness among the media, and the organization of a high-level intergovernmental meeting to arrive at a collective approach to sects and religions that respected human rights.

Commission action. On 11 April [res. 1997/18], the Commission on Human Rights, condemning all forms of discrimination based on religion or belief, urged States to: provide adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief; ensure that no one, because of religion or belief, was deprived of the right to life or the right to liberty and security of person, or was subjected to torture or arbitrary arrest or detention; combat hatred, intolerance and acts of violence, intimidation and coercions motivated by religious intolerance; recognize the right of all persons to worship or assemble in connection with a religion or belief; ensure that members of law enforcement bodies, civil servants, educators and other public officials respected different religions and beliefs; ensure that religious places, sites and shrines were respected and protected; and promote and encourage tolerance. The Commission called on Governments to cooperate with the Special Rapporteur and to consider inviting him to visit their countries. The Secretary-General was asked to assist the Special Rapporteur to carry out his mandate, submit an interim report to the General Assembly in 1997 and report to the Commission in 1998. The Economic and Social Council, by **decision 1997/245** of 22 July, approved the Commission's requests to the Secretary-General.

Interim report of Special Rapporteur. By an October note [A/52/477], the Secretary-General transmitted the Special Rapporteur's interim report, prepared in accordance with General As-

sembly resolution 51/93 [YUN 1996, p. 615]. The Special Rapporteur described the missions he had carried out since 1994 and updated the status of communications since the Commission's 1997 session (10 March-18 April). He had sent communications to 48 States and urgent appeals to two countries. The deadline for receiving replies had not expired for 20 States, and of the 33 States for which it had expired, 8 had replied. The communications fell into the same categories as those in his earlier report. The Special Rapporteur stressed that religious freedom included the right to change one's religion, and the importance of an inter-faith dialogue to combat all extremism and ensure religious tolerance. He considered it necessary to remind States of the right of conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion. He stated that it was essential to develop a culture of tolerance through an international school strategy to combat all forms of discrimination based on religion or belief.

By a November note [A/52/477/Add.1], the Secretary-General transmitted an addendum to the Special Rapporteur's report containing recommendations that were sent to Greece and India as follow-up to his 1996 visits [YUN 1996, pp. 614 & 615] to those countries. In addition, the report contained the responses of the Sudan to the Special Rapporteur's recommendations following his visit there in 1996 [YUN 1996, p. 614] and of Pakistan, which he had visited in 1995 [YUN 1996, p. 612].

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/122** without vote [agenda item 112 (b)].

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Reaffirming also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on

all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. Also urges States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. Further urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to

manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

1. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. Expresses its grave concern at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. Encourages the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. Also encourages Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session;

17. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge his mandate in full and on time;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-

third session under the item entitled "Human rights questions".

HIV- and AIDS-related discrimination

Commission action. On 11 April [res. 1997/33], the Commission on Human Rights, welcoming the report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights [YUN 1996, p. 617] containing 12 Guidelines for States to protect HIV-related human rights and to achieve public health goals, invited States to consider the Guidelines. It called on the UN High Commissioner for Human Rights, the Joint UN Programme on HIV/AIDS (UNAIDS), its co-sponsors and other partners to provide technical cooperation to States, upon their request, for the promotion and protection of human rights in the context of HIV/AIDS. It asked the Secretary-General to solicit the opinions of Governments, specialized agencies, international organizations and NGOs and to prepare a progress report on the follow-up to its resolution.

Subcommission action. On 28 August [res. 1997/40], the Subcommission called on special rapporteurs, representatives and working groups, as well as other UN human rights bodies, to continue to address all HIV/AIDS-related issues within their mandates, with particular attention to women, children and vulnerable groups, and to incorporate the Guidelines into their activities. It urged the Commission to ask the Secretary-General to transmit the Guidelines to heads of State and to the heads of relevant UN bodies and agencies for action, and to keep under review the issue of HIV/AIDS-related human rights violations and discrimination. The High Commissioner was asked to incorporate HIV/AIDS-related issues, as appropriate, in all the Centre's activities, including participating in a seminar on exploring ways to assess implementation of the Guidelines. UNAIDS was asked to continue the integration of a strong human rights component in all its activities.

Civil and political rights

The right to self-determination

In March [res. 1997/5], the Commission on Human Rights reaffirmed the right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514(XV) [YUN 1960, p. 49], containing

the Declaration on the Granting of Independence to Colonial Countries and Peoples. Under the item, it adopted resolutions pertaining to Palestine [res. 1997/4], Western Sahara [res. 1997/5] and the Middle East peace process [res. 1997/6], and considered information provided by the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (see below).

In an October report [A/52/485], the Secretary-General summarized action taken by the Commission on the right of peoples to self-determination.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/643], adopted **resolution 52/113** without vote [agenda item 111].

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514(XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second and fifty-third sessions,

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of

14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994, 50/139 of 21 December 1995 and 51/84 of 12 December 1996,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this question to the General Assembly at its fifty-third session under the item entitled "Right of peoples to self-determination".

Middle East peace process

On 26 March [res. 1997/6], the Commission on Human Rights, emphasized that the achievement of a comprehensive, just and lasting peace in the Middle East was vital to the full implementation of human rights. It called on all parties to protect the human rights and well-being of detained persons under their control and to work to advance a free civil society under the rule of law to the Palestinian Authority. The Centre for Human Rights was called on to make available to the Palestinian Authority, on request, its programme of advisory services and technical assistance. Governments were invited to contribute to the programme. (For details of political developments in the Middle East, see PART ONE, Chapter VI.)

Rights of Palestinians

On 26 March [res. 1997/4], the Commission on Human Rights, by a roll-call vote of 28 to 1, with 21 abstentions, reaffirmed the right of the Palestinian people to self-determination without external interference and called on Israel to comply with its obligations under the Charter of the

United Nations and the principles of international law, and to withdraw from the Palestinian and other Arab territories, including Jerusalem, in accordance with UN resolutions. It asked the Secretary-General to transmit its resolution to Israel and all other Governments, to distribute it as widely as possible, and to make available to the Commission, prior to its 1998 session, information pertaining to its implementation by the Government of Israel.

In response to a 1996 request by the Commission [YUN 1996, p. 618], the Secretary-General stated that he had received no reply to his request to Israel for information on the implementation of the Commission's 1996 resolution on the situation in occupied Palestine [E/CN.4/1997/23].

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/643], adopted **resolution 52/114** by recorded vote (160-2-6) [agenda item 111].

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Expressing deep concern over the deterioration of the Middle East peace process, including the lack of implementation of the agreements signed between the Palestine Liberation Organization and the Government of Israel,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. Reaffirms the right of the Palestinian people to self-determination;
2. Expresses the hope that the Palestinian people will soon be exercising their right to self-determination in the current peace process;
3. Urges all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

RECORDED VOTE ON RESOLUTION 52/114:

In favour. Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the

Congo, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States.

Abstain: Dominican Republic, Georgia, Marshall Islands, Micronesia, Norway, Uruguay.

Western Sahara

On 26 March [res. 1997/5], the Commission on Human Rights, expressing serious concern about the persistent obstacles to a settlement plan for Western Sahara, encouraged direct talks between the two parties concerned, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO). It expressed support for the Secretary-General's efforts to organize and supervise, in cooperation with the Organization of African Unity (OAU), a referendum for self-determination of the people of Western Sahara. (See PART ONE, Chapter II.)

Mercenaries

In response to General Assembly resolution 51/83 [YUN 1996, p. 620], the Secretary-General, by an October note [A/52/495], transmitted a report by the Special Rapporteur on the question of the use of mercenaries, Enrique Bernales Ballesteros (Peru). The Special Rapporteur described his activities, the situation regarding the use of mercenaries and the evolution of mercenary activities.

Mercenary activities had become diversified and were undergoing a transformation, acquiring characteristics that made them more of a threat to the enjoyment of human rights, the report stated. In what appeared to be a new international trend, legally registered companies were providing security and military advisory and training services to the armed forces and police of legitimate Governments. The Special Rapporteur recommended that the Assembly: reaffirm its condemnation of mercenary activities; suggest to States that they incorporate measures in their legislation to prohibit the use of their territory for the recruitment, training, assembly, transit, financing and use of mercenaries; appeal to States to ratify or accede to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted

by the Assembly in resolution 44/34 [YUN 1989, p. 825]; specify that the preservation of the territorial integrity of a State did not authorize granting to private companies functions and powers that went beyond the provision of advisory services and military assistance and included participation in combat; call for a study on ways of reinforcing international prevention, action and intervention machinery to strengthen the exercise of human rights and promote the rule of law in countries threatened or weakened by armed conflicts; and request the Special Rapporteur to investigate more closely the possible involvement of mercenaries in the international sale of military assistance and security, with a view to making proposals for a better legal classification of private companies that offered those services internationally, precluding the presence of mercenaries.

In a later report [E/CN.4/1998/31], the Special Rapporteur discussed his 1997 activities and gave an update of the mercenary situation.

In his conclusions and recommendations, the Special Rapporteur stated that the Commission on Human Rights should reaffirm its condemnation of mercenary activities; propose to Member States the adoption of legislation to prohibit mercenary activities and the use of national territory for such unlawful acts; call for a study on ways of reinforcing international prevention, action and intervention machinery to strengthen the exercise of human rights and promote the rule of law in countries threatened or weakened by armed conflicts; and formulate proposals for a better legal definition of private companies that offered security services. He also recommended the close monitoring of the evolution of private companies providing security and military advisory and training services to the armed forces and police of legitimate Governments, the relevant legislation of States and the conditions under which States agreed to conclude contracts with those companies.

As at 31 December, the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries had been ratified or acceded to by 14 States and had a total of 16 signatories. The Convention was to enter into force on the thirtieth day following the date of deposit with the Secretary-General of the twenty-second instrument of ratification or accession.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/643], adopted **resolution 52/112** by recorded vote (113-18-41) [agenda item 111].

Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994, 50/138 of 21 December 1995 and 51/83 of 12 December 1996,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or threat of use of force in international relations and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Further convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite resolution 51/83;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take appropriate legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the

planning of activities designed to destabilize or overthrow the Government or threaten the territorial integrity and political unity of sovereign States or to promote secession or to fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

8. Requests the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-third session;

9. Decides to consider at its fifty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Rights of peoples to self-determination".

RECORDED VOTE ON RESOLUTION 52/112:

In favour. Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Israel, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Micronesia, Netherlands, New Zealand, Norway, Sweden, United Kingdom, United States.

Abstain: Albania, Andorra, Argentina, Armenia, Australia, Belarus, Bulgaria, Croatia, Cyprus, Czech Republic, Equatorial Guinea, Estonia, France, Georgia, Greece, Grenada, Ireland, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Monaco, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, Uzbekistan.

Democratic processes

Periodic and genuine elections

Report of Secretary-General. In response to General Assembly resolution 50/85 [YUN 1995, p. 739], the Secretary-General submitted an October report [A/52/474] on enhancing the effective-

ness of the principle of periodic and genuine elections.

Over the previous two years, the United Nations had received a significant number of requests from Member States for electoral assistance. However, as more States had passed through the initial phase of first-time multi-party elections, the focus was shifting from the specific events surrounding election day to the consolidation of institutions and processes that were essential to viable democracies. During the period under review, electoral assistance was provided to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) [YUN 1996, p. 318] and the United Nations Observer Mission in Liberia (UNOMIL) (see PART ONE, Chapters V and II, respectively). Since October 1995, the United Nations had coordinated international observers for elections in Algeria, Azerbaijan, Chad, the Comoros, Kyrgyzstan, Mali, Sierra Leone and the United Republic of Tanzania. Advice and technical assistance, provided mostly through the UN Electoral Assistance Division, the UN Department of Economic and Social Affairs, the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights, were provided to some 17 Member States on issues such as election organization and budgets, procurement, electoral laws, registration, training, computerization and comparative electoral systems.

The Secretary-General stated that the United Nations should develop new forms of assistance to suit the more specific demands of increasingly well-informed and capable electoral administrators. More attention should be directed to ensuring that all aspects of election organization and administration were supported domestically. Indigenous capacity-building was important in terms of expertise and in procuring election materials.

The UN Trust Fund for Electoral Observation, established in 1991 [YUN 1991, p. 588] for cases in which requesting Member States were unable to finance in whole or in part the process of electoral verification, had a balance of \$1,364,262 as at 31 December 1996.

Annexed to the Secretary-General's report were details of specific assistance projects between 18 October 1995 and 16 September 1997.

International conference. The Third International Conference of the New or Restored Democracies on Democracy and Development (Bucharest, Romania, 2-4 September) [A/52/334] recommended guidelines for strengthening policies and principles to achieve the consolidation of democracy. Those guidelines, addressed to the

Governments of the new or restored democracies, included action in the areas of human rights, judicial reform, corruption, organized crime, managing globalization, decentralization, political opposition, political parties, elections, gender equality, civic education, accountability and transparency, the media and civil service reform. The Conference also made recommendations related to civil society and the private sector, and addressed others to donor countries, the international community, the UN system and international financial organizations.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/129** by recorded vote (157-0-15) [agenda item 112 (b)].

Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolutions 49/190 of 23 December 1994 and 50/185 of 22 December 1995,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Recognizing the usefulness of a comprehensive and balanced approach in the activities carried out by the United Nations in this field in order to contribute to the strengthening of both democracy and all human rights within the country concerned,

Acknowledging that United Nations electoral assistance has facilitated the holding of successful elections in several Member States, which has resulted in the orderly and non-violent assumption of office by elected officials, recognizing that elections can be free and fair only if held free of coercion and intimidation, and underlining the importance of respect for the results of elections that have been verified as free and fair,

Taking note of the progress review and recommendations adopted by the Third International Conference of the New or Restored Democracies on Democracy and Development, held at Bucharest from 2 to 4 September 1997, in particular the recognition that the organization and administration of elections in the new or restored democracies often benefit from the help of outside resources and expertise and the request that higher priority be given in resource allocation to governance, democracy and participation programmes in order to sustain the momentum of current progress in holding elections,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in particular the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections is of particular importance in the strengthening of a pluralistic civil society,

Noting the establishment of the Association of African Election Authorities, which held its founding meeting at Kampala from 14 to 16 January 1997,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Noting the continuing submission and evolving nature of requests for electoral assistance by Member States,

Noting also that first-time democratic elections have already been held in many Member States, creating a need for reassessment and adaptation of the forms of assistance routinely provided previously, in particular to meet the needs of supporting subsequent elections,

Recognizing the need for strengthening national capacity-building, electoral institutions and civic education in the requesting countries in order to consolidate and regularize the achievements of previous elections,

Having considered the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections,

1. Takes note with appreciation of the report of the Secretary-General;

2. Commends the electoral assistance provided to Member States at their request by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the guidelines on electoral assistance, recognizing that the fundamental responsibility for organizing free and fair elections lies with Governments;

3. Requests the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to continue to inform Member States on a regular basis about the requests received, responses given to those requests and the nature of the assistance provided;

4. Requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;

5. Commends the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of technical advice on such issues as, inter alia, election organization and budgets, electoral laws, domestic procurement, training, computerization and comparative electoral systems, before and after elections have taken place, as well as needs-assessment missions aimed at recommending programmes that might contribute to the consolidating of the democratization process, and requests that such efforts be strengthened;

6. Recommends that the Electoral Assistance Division continue to provide post-election assistance, as appropriate, to requesting States and electoral institutions, in order to contribute to the sustainability of their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic

consolidation that the United Nations might usefully undertake in assisting the efforts of interested States in this regard;

7. Also recommends that United Nations electoral assistance be geared towards comprehensive observation of the electoral process, beginning with registration and other pre-election activities and continuing through the campaign, election day and the announcement of the election results, in instances where more than technical assistance is required by the requesting State;

8. Requests the Secretary-General to take further steps to support States that request assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with her mandate, to support democratization activities related to human rights concerns, including human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

9. Requests the United Nations Development Programme to continue its commendable programmes of assistance for governance, in particular those for strengthening democratic institutions and participation and linkages between concerned sectors of society and Governments;

10. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

11. Stresses the importance of reinforced coordination within the United Nations system, including cooperation with all relevant departments within the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations Volunteers, which provide advisory services and technical assistance to requesting Member States, underlines the need for the prompt exchange of information concerning requests for electoral assistance by Member States directed to any of the aforementioned entities, and encourages the Electoral Assistance Division to strengthen its collaboration with those entities, including through an exchange of personnel when appropriate;

12. Notes with appreciation additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and need-specific responses to requests for electoral assistance, and expresses appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

13. Encourages the Secretary-General, through the Electoral Assistance Division, to respond to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

14. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human

and financial resources to allow it to carry out its mandate and to continue to ensure that the Office of the High Commissioner is able to respond, within its mandate and in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services;

15. Recommends that the Secretary-General consider ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Office of the High Commissioner and the United Nations system in general to respond to its increased and evolving responsibilities in the field of electoral assistance and democratization, as reflected in the present resolution, and to include his recommendations in this regard in his report to the General Assembly at its fifty-fourth session;

16. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on his efforts to enhance the Organization's support of the democratization process in Member States.

RECORDED VOTE ON RESOLUTION 52/129:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia.

Against: None.

Abstain: Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Iran, Lao People's Democratic Republic, Libya, Myanmar, Sudan, Syria, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

National sovereignty and non-interference

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/119** by recorded vote (96-58-12) [agenda item 112 (b)].

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-

determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625(XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Recalling further the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the obligation of Member States to comply with the principles of the Charter and the resolutions of the United Nations regarding the right to self-determination, by virtue of which all peoples can freely determine, without external interference, their political status and freely pursue their economic, social and cultural development,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Recognizing also that there is no single political system or single universal model for electoral processes equally suited to all nations and their peoples and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Convinced that the establishment of the necessary mechanisms and means to guarantee full and effective popular participation in electoral processes corresponds to States,

Recalling all its previous resolutions in this regard, particularly its resolution 50/172 of 22 December 1995,

Welcoming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in which the Conference reaffirmed that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Reaffirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the methods for its implementation according to their constitution and national legislation and that, consequently, States should establish the necessary mechanisms and means to guarantee full and effective popular participation in those processes;

3. Also reaffirms that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that are intended to sway the re-

sults of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. Further reaffirms that electoral assistance to Member States should be provided by the United Nations only at the request and with the consent of specific sovereign States, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States, or in special circumstances such as cases of decolonization or in the context of regional or international peace processes;

5. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

6. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. Reaffirms that all countries have the obligation under the Charter to respect the right of others to self-determination and to determine freely their political status and pursue their economic, social and cultural development;

8. Decides to consider this question at its fifty-fourth session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/119:

In favour: Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, El Salvador, Equatorial Guinea, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States.

Abstain: Afghanistan, Bolivia, Chile, Ecuador, Eritrea, Ethiopia, Guatemala, Kyrgyzstan, Senegal, Sierra Leone, Turkmenistan, Vanuatu.

Establishment of a democratic society

As requested by the Subcommission in 1996 [YUN 1996, p. 621], Osman El-Hajjé (Lebanon) in June submitted an expanded working paper on ways to promote democracy; ensure economic, social, cultural and political rights through democracy; and overcome obstacles to democracy [E/CN.4/Sub.2/1997/30]. The working paper contained possible elements for a study on the topic.

Freedom of speech

Report of Special Rapporteur. In a February report [E/CN.4/1997/31], the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hus-sain (India), described his activities and summarized the texts of communications he had sent to 10 States. The Special Rapporteur concluded that despite the rising trend in favour of defending the right to freedom of expression, violations of that right occurred in all parts of the world. He remained deeply concerned with cases brought to his attention in relation to the right to freedom of opinion and expression of women, and called on States to ensure that women were welcomed as active participants in public life. Governments were urged to ensure that measures were taken to eliminate the atmosphere of fear that often prevented many women victims of violence from communicating freely. Organizations and associations working with women's human rights were encouraged to establish closer links with NGOs, for which freedom of opinion and expression was the primary mandate, and to coordinate their communications with the two mechanisms; the Special Rapporteur asked that the Commission on Human Rights consider how the initiative could best be implemented within the United Nations and provide any additional resources for that purpose. He recommended that future discussions on the right to development take account of the need for all Governments to fully promote and protect the rights to freedom of opinion and expression and to seek and receive information. He expressed concern regarding the imbalance between the requirements of his mandate and the inadequate resources made available to him.

In later reports, the Special Rapporteur described his visits to Poland (24-28 May) [E/CN.4/1998/40/Add.2] and to Belarus (28 May-1 June) [E/CN.4/1998/40/Add.1].

Following his visit to Poland, the Special Rapporteur welcomed the reform of the legal and institutional framework for the protection of human rights, and concluded that the right to freedom of opinion and expression found the protection it warranted; any attempt at restriction was closely scrutinized by all sectors of society. He found the most prevalent concerns to be the perceived negative impact of liberalization and free market forces on freedom of expression, and the internationalization of the media. He expressed concern regarding alleged restrictions on journalists' freedom of access to information, allegations of political influence in television, and the increased level of violence on television and such matters as pornography, which had led

to calls for restrictions. The Special Rapporteur noted that the issue of insult and defamation had received increasing attention, and voiced concern over certain provisions in the Penal Code regarding insult to government institutions and officials. The Special Rapporteur urged the Government to ensure the independence of the National Broadcasting Council. He proposed avoiding legislation that provided special protection against insult or criticism of government institutions, their members, officials or the head of State; encouraging initiatives by media professionals to establish independent and voluntary professional associations; and not forcing journalists to reveal their sources except in the most limited and clearly defined circumstances.

Regarding his visit to Belarus, the Special Rapporteur expressed concern that while the right to freedom of opinion and expression was guaranteed in the Constitution and the Law on the Press, certain provisions of the latter were ambiguous and based on an unduly broad view of the legitimacy of restrictions. He was particularly concerned at the government monopoly and control over the national radio and television broadcast system and the large-circulation daily newspapers, particularly the biased coverage of the opposition and the limited access of opposition politicians to State television, especially during elections and referenda or other important political events. He noted that the decree on border controls imposed restrictions on the free flow of information and expressed concern that freedom of expression had been impeded by restrictions on demonstrations as well as on the activities of NGOs attempting to develop independent civil society. The Special Rapporteur encouraged the Government to ensure the protections promulgated in the Constitution and the Law on the Press and urged it to take measures to lift restrictions on the independent media's use of State-owned printing and distribution services and to consider liberalizing State control over those facilities; ensure the public's right to receive complete and reliable information; and provide a facilitating environment for the establishment and operation of professional associations and NGOs.

Commission action. On 11 April [res. 1997/27], the Commission on Human Rights expressed concern at the extensive occurrence of detention and extrajudicial killing, persecution and harassment of, as well as threats, acts of violence and discrimination against, persons who exercised the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs. It appealed to

States to ensure respect and support for those rights; to ensure non-discrimination against persons seeking to exercise those rights and freedoms; and to cooperate with and assist the Special Rapporteur.

The Commission expressed concern at the problem of inadequate resources for the Special Rapporteur and asked the Secretary-General to assist him. It invited the Special Rapporteur to draw the attention of the High Commissioner to those situations which were of particularly serious concern; to pay particular attention to the situation of women and the relationship between the promotion and protection of the right of freedom of opinion and expression and incidents of discrimination based on sex; to cooperate with other UN mechanisms and procedures; to develop further his commentary on the right to seek and receive information and to expand his observations and recommendations arising from communications; to seek the views and comments of the Governments and others concerned; and to consider, in his next report, the impact that the new information technology might have on the equality of opportunity of access to information and on the exercise of the right to freedom of expression as set out in the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423]. The Commission asked the Special Rapporteur to submit a report in 1998.

Conscientious objectors

In a January report [E/CN.4/1997/99], prepared pursuant to a 1995 request of the Commission on Human Rights [YUN 1995, p. 742], the Secretary-General summarized replies to his request for information from States on conscription, conscientious objection to military service, and alternative service. The report updated information contained in a 1983 report [YUN 1983, p. 850].

The Secretary-General stated that 69 States or territories had no conscription, in comparison with 67 listed in the 1983 report. However, in 13 States selective conscription existed but military service was, in principle, voluntary. The number of States in which provision was made for civilian and/or unarmed military service had increased from 15 to 24. At the same time, the number of countries in which there was conscription without alternative service had increased from 40 to 47, explained by the fact that the relevant legislation of a greater number of States was reviewed in the 1997 report than in the earlier one. Two States had conscription in law, but did not enforce it. Information was also received concerning legislation that had been developed and submitted for adoption in States where conscription existed in

order to provide for recognition of conscientious objection.

On 16 April [dec. 1997/117], the Commission deferred consideration of conscientious objection to military service until 1998.

Administration of justice

Working Group activities. The five-member sessional Working Group on the administration of justice held three meetings in 1997, on 6, 11 and 15 August in Geneva [E/CN.4/Sub.2/1997/21]. The Subcommission had decided to establish the group on 5 August [dec. 1997/102].

The Working Group considered the deprivation of the right to life, namely the death penalty, measures to give full effect to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in resolution 2200 A (III) [YUN 1948, p. 959], juvenile justice and the privatization of prisons. It also discussed habeas corpus, amparo and similar procedures, such as non-derogable rights and the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime, and recommended draft decisions on those subjects to the Subcommission, which were adopted on 27 August [decs. 1997/115 & 1997/116] (see below). The Group postponed to its 1998 session consideration of follow-up measures to the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the Assembly in resolution 47/133 [YUN 1992, p. 744].

Subcommission action. On 27 August [dec. 1997/115], the Subcommission decided to transmit to the Human Rights Committee the Working Group's report containing a recommendation that the Committee consider preparing a new general comment on article 4 of the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], reaffirming the developing consensus that habeas corpus and the related aspects of amparo, as well as cognate rights, should be considered non-derogable in all circumstances; and to call on all States to incorporate in their domestic law provisions making habeas corpus a non-derogable right in all circumstances.

On 28 August [res. 1997/26], the Subcommission requested authorization to appoint Ali Khan (India) as special rapporteur to undertake an in-depth study on all issues relating to the privatization of prisons in time for consideration by the Subcommission in 2000.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/124** without vote [agenda item 112 (b)].

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 50/181 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/32 of 19 April 1996 and decision 1997/106 of 11 April 1997 on human rights in the administration of justice, particularly with respect to children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women, in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Recalling in particular article 37 of the Convention on the Rights of the Child, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age.

Calling attention to the numerous international standards in the field of the administration of justice,

Welcoming the Guidelines for Action on Children in the Criminal Justice System, including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Welcoming also the important work of the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, and emphasizing the importance of coordinating the activities carried out under their responsibility,

Acknowledging the important role of the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field,

Aware of the need for special vigilance with regard to the vulnerable situation of children and juveniles, as well as women and girls in detention,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

4. Invites States to make use of technical assistance offered by the United Nations programmes of technical assistance in order to strengthen national capacities and infrastructures in the field of administration of justice;

5. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the fields of human rights and crime prevention and criminal justice;

7. Calls upon the United Nations High Commissioner for Human Rights, as well as mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion of human rights in the administration of justice and to provide, where appropriate, specific recommendations in this regard, including proposals for measures to provide advisory services and technical assistance;

8. Invites the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

9. Decides to consider the question of human rights in the administration of justice at its fifty-fourth session under the item entitled "Human rights questions".

Compensation for victims

Pursuant to a 1996 request of the Commission on Human Rights [YUN 1996, p. 623], the Secretary-General submitted a January report, with later addendum [E/CN.4/1997/29 & Add.1], describing legislation adopted or planned by States relating to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. The Secretary-General summarized replies from 10 States.

By a January note [E/CN.4/1997/104], the Secretary-General transmitted to the Commission the draft revised basic principles and guidelines on the right to reparation for victims of gross violations of human rights and international humanitarian law, which were prepared pursuant to a 1996 Subcommission request [YUN 1996, p. 623].

Commission action. On 11 April [res. 1997/29], the Commission called on the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights. It asked States that had not done so to provide information to the Secretary-General on legislation adopted or in the process of being adopted relating to that right and asked the Secretary-General to submit a report with additional replies in 1999. It also asked him to request all States to submit their views on the revised draft basic principles and guidelines on the subject [E/CN.4/1997/104] and to report in 1998.

Rule of law

Commission action. On 11 April [res. 1997/48], the Commission on Human Rights, affirming that the High Commissioner, with the assistance of the Centre for Human Rights, remained the focal point for coordinating system-wide attention for human rights, democracy and the rule of law, encouraged him to continue to explore the possibility of obtaining from all relevant UN institutions, including financial institutions, the technical and financial means to strengthen the Centre's capacity to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law. It asked the High Commissioner to accord high priority to the Centre's technical cooperation with regard to the rule of law. It took note of a proposal by the High Commissioner to convene a high-level meeting of UN agencies and programmes to analyse means, modalities, financing and allocation of responsibilities to implement a comprehensive UN programme of assistance for the rule of law [YUN 1996, p. 624].

Report of Secretary-General. In response to General Assembly resolution 51/96 [YUN 1996, p. 624], the Secretary-General, in an October report [A/55/475], described assistance provided by the Office of the High Commissioner for Human Rights (OHCHR) to strengthen the rule of law and UN system-wide coordination of assistance in promoting human rights, democracy and the rule of law.

The OHCHR technical cooperation programme was developed to respond to requests from Member States seeking to strengthen the rule of law. Among other things, assistance was provided in incorporating international human rights standards in national laws, policies and practices and building national capacities and regional structures to promote and protect human rights, democracy and the rule of law. As part of its efforts to develop training materials in support of rule of

law technical cooperation activities, OHCHR finalized a major training package for the police, including a training manual for police trainers, training tools, visual aids and the Pocket Guide on Human Rights Standards for the Police. Human rights training guides were also produced for civilian police and military trainers of peacekeepers and were being prepared for members of the legal professions (judges, magistrates, prosecutors and lawyers) and prison officers.

As to the coordination of assistance, OHCHR, in close cooperation with other UN entities and regional organizations, including UNDP, OAU, the UN Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the Andean Commission of Jurists, the UN Department of Peacekeeping Operations and UNESCO, was carrying out technical cooperation projects involving the rule of law in Argentina, Armenia, Bhutan, Burundi, Cambodia, El Salvador, Guinea, Malawi, Namibia, Nepal, Palestine, Rwanda, South Africa and Togo. Regarding consultations within the UN system, OHCHR deepened the ongoing dialogue with other UN entities with a view to integrating human rights concerns into all aspects of the Organization's work and to enhancing system-wide coordination in promoting human rights, democracy and the rule of law.

The report drew attention to the Secretary-General's July report on the UN programme for reform [A/51/950] (see PART FIVE, Chapter I), which stated that better coordination of human rights-related assistance among UN entities would enhance the impact of those activities and reduce their overall costs. To that end, the Secretary-General directed the High Commissioner to undertake an analysis of technical assistance provided by UN entities in areas related to human rights and to formulate proposals for improving complementarity of action.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/125** without vote [agenda item 112 (b)].

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, which was held at Vienna from 14 to 25 June 1993, that a comprehensive programme be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 51/96 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/48 of 11 April 1997,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Praises the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

3. Expresses its deep concern at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

4. Notes that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but that face economic hardship;

5. Affirms that the Office of the High Commissioner remains the focal point for coordinating system-wide attention on human rights, democracy and the rule of law;

6. Welcomes the deepening of the ongoing dialogue initiated by the United Nations High Commissioner for Human Rights with other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law;

7. Encourages the High Commissioner to continue this dialogue, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

8. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within

their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Office of the High Commissioner with regard to the rule of law;

10. Takes note with appreciation of the proposal contained in the report of the Secretary-General that an analysis be undertaken of technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, *inter alia*, assistance to States in strengthening the rule of law;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

State of siege or emergency

Commission action. On 11 April [dec. 1997/110], the Commission on Human Rights, taking note of a 1996 Subcommission resolution [YUN 1996, p. 625], requested the Special Rapporteur on the question of human rights and states of emergency to submit in his tenth annual report an updated list of States that had proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations on how the question should be dealt with in the future. On 22 July, the Economic and Social Council, by **decision** 1997/286, endorsed the Commission's request.

Report of Special Rapporteur. In June, the Special Rapporteur on the question of human rights and states of emergency, Leandro Despouy (Argentina), submitted his tenth annual report [E/CN.4/Sub.2/1997/19 & Add.1], containing information on 100 States or territories which, since 1 January 1985, had proclaimed, extended, maintained or terminated a state of emergency.

The Special Rapporteur recommended that States that had not yet done so: bring their domestic legislation into line with the norms and principles of international law in respect of states of emergency; guarantee proper implementation of the norms; use in their legislation the principles and norms prepared by the Special Rapporteur contained in the report; request assistance from the Centre for Human Rights; and continue to cooperate with him. He welcomed the new rules of procedure of the Human Rights Committee, under which Governments that had

declared a state of emergency might be requested to submit a report, and proposed that the Committee consider establishing a mechanism to maintain under consideration those countries that had adopted emergency measures. The Special Rapporteur also proposed drafting a new general comment on article 4 of the 1966 International Covenant on Civil and Political Rights, adopted by the General Assembly in resolution 2200A(XXI)[YUN1966,p.423], covering the developments that had occurred, norms and principles, monitoring criteria and the extension resulting from precedents of non-derogable rights.

The Commission might consider convening a meeting to establish more effective mechanisms for containing, preventing and attenuating the effects of crises and conflicts, and might develop minimum humanitarian norms applicable to all situations. The Special Rapporteur proposed that the Subcommission maintain the study of human rights and states of emergency as one of the highest priority items on its agenda; appoint another of its members to prepare the annual lists until the Commission appointed a special rapporteur; and organize a meeting of experts to discuss the subject and include the participation of special rapporteurs and members of working groups whose work encompassed the implementation of article 4 of the 1966 International Covenant. He suggested that the special rapporteurs and working groups pay attention to the impact of emergency situations on the specific area covered by their respective mandates and avail themselves of the collaboration provided by the on human rights and states of emergency. The Special Rapporteur suggested that the High Commissioner for Human Rights: give high priority to advisory assistance relating to states of emergency; increase the presence of human rights observers in the field and prepare for them a consistent set of guidelines; focus on activities relating to conflict prevention, peaceful settlement of conflicts, mediation and other preventive diplomacy mechanisms; consider organizing, in coordination with other UN agencies, an international seminar of experts to examine the question of conflicts; and establish a responsive mechanism for exchange of information between the Special Rapporteur on states of emergency and the Human Rights Committee, as well as the special rapporteurs and working groups whose work encompassed the implementation of article 4.

Subcommission action. On 28 August [res. 1997/27], the Subcommission recommended to the Commission that it request the Secretary-General to publish the Special Rapporteur's report in all UN official languages. The Subcommission decided to request Ioan Maxim (Roma-

nia) to serve as the new Special Rapporteur on the question of human rights and states of emergency and to submit in the eleventh annual report an updated list of States that had proclaimed or extended a state of emergency, and a list, to be submitted every five years, of States that had terminated a state of emergency, together with further recommendations on the protection of human rights during states of emergency.

Humanitarian standards

Report of Secretary-General. The Commission on Human Rights considered a report of the Secretary-General and related addenda [E/CN.4/1997/77 & Add.1,2] summarizing information provided by Governments, UN specialized agencies, intergovernmental organizations and NGOs on legislation relevant to situations of public emergency with a view to ensuring that it met the requirements of rule of law and that it did not involve discrimination on the ground of race, colour, sex, language, religion or social origin. One of the addenda [E/CN.4/1997/77/Add.1] contained the report of the International Workshop on Minimum Humanitarian Standards (Cape Town, South Africa, 27-29 September), organized by Denmark, Finland, Iceland, Norway and Sweden, in cooperation with the International Committee of the Red Cross (ICRC). The Workshop concluded that the Commission should ask the Secretary-General to undertake, in coordination with ICRC, an analytical study of the issues addressed at the Workshop.

Commission action. On 11 April [res. 1997/21], the Commission invited all States to consider reviewing their national legislation pertaining to situations of public emergency with a view to ensuring that it met the requirements of the rule of law and that it did not discriminate on the grounds of race, colour, sex, language, religion or social origin. It asked the Secretary-General, in coordination with ICRC, to submit in 1998 an analytical report on fundamental standards of humanity, taking into consideration the issues raised at the Workshop and identifying common rules of human rights law and international humanitarian law that were applicable in all circumstances. It also asked him to seek the views of and information from Governments, UN bodies, human rights treaty bodies and intergovernmental organizations, as well as regional organizations and NGOs.

Detention

Arbitrary detention

Commission action. On 15 April [res. 1997/50], the Commission on Human Rights renewed the mandate of the five-member Working Group on

Arbitrary Detention for a three-year period, and asked the Secretary-General to provide the Working Group with all the assistance it needed. The Economic and Social Council endorsed the Commission's decision and approved its request to the Secretary-General by **decision 1997/260** of 22 July. The Commission invited the Group to continue to: seek and gather information from Governments, intergovernmental organizations and NGOs, as well as from the individuals concerned, their families or their legal representatives; re-examine its methods of work; carry out its task with discretion, objectivity, impartiality and independence and respond effectively to credible and reliable information; and take gender-specificity into account in all its reports. It also asked the Group to report in 1998 and to devote all necessary attention to reports concerning the situation of immigrants and asylum seekers who were being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and include observations thereon in its next report. The Commission took note of the Group's decision to give views rather than take decisions. Governments concerned were asked to take account of the Group's views and, where necessary, to take steps to remedy the situation of persons arbitrarily deprived of their liberty and inform the Group of measures they had taken. They were also asked to give the necessary attention to the urgent appeals addressed to them. The Commission asked the Secretary-General to extend his assistance to Governments that wished to receive it, as well as to special rapporteurs and working groups.

Working Group activities. The Working Group on Arbitrary Detention held its eighteenth, nineteenth and twentieth sessions in Geneva in 1997 (May, September, November/December) [E/CN.4/1998/44]. During the year, the Working Group transmitted 26 communications concerning 119 new cases of alleged arbitrary detention to 20 Governments, of which 9 provided information on all or some of the cases transmitted to them. Regarding the sources that had reported alleged cases of arbitrary detention to the Group, 15 of the 119 individual cases were based on information communicated by the detained persons or by members of their families, 46 on information communicated by local or regional NGOs, and 58 on information provided by NGOs in consultative status with the Economic and Social Council. As to urgent appeals, the Group transmitted 55 such communications concerning 563 individuals to 37 Governments and to the Palestinian Authority. Replies to those appeals were received from 13 Governments. Decisions adopted in November/December 1996 and the

opinions adopted in May and September 1997 were contained in a separate addendum to the Group's report [E/CN.4/1998/44/Add.1].

The Working Group visited China (6-16 October) [E/CN.4/1998/44/Add.2], at the invitation of the Government, where it gathered information in Beijing, Chengdu, Lhasa (Tibet) and Shanghai. The visit was in follow-up to a preparatory mission conducted in 1996 [YUN 1996, p. 627]. The Group held talks with senior-level Government officials, local authorities, lawyers and scholars in Beijing, and visited a detention house in Shanghai. In Lhasa, the Group was received by a regional government leader and visited a prison on the outskirts.

The Group concluded that the revision of the Criminal Procedural Law had helped move China from an inquisitorial system of criminal justice towards a more adversarial system but believed that much still needed to be done in the area of criminal law. It noted with concern that many of the offences were vague and jeopardized the fundamental rights of those wishing to exercise their right to hold an opinion or exercise their freedoms of expression, the press, assembly and religion. The Group believed that the absence of an independent tribunal or a judge at the time of committing a person to re-education through labour might fall short of accepted international standards. The Group recommended that the Government revise the Criminal Law and Criminal Procedure Law and, in particular, regarding the Criminal Procedure Law, incorporate a provision stating that a person was presumed innocent until proved guilty by a court or tribunal at the end of a trial, and define the crime of endangering national security in precise terms. It also proposed incorporating in the criminal law an exception to the effect that the law would not regard as criminal any peaceful activity in the exercise of the fundamental rights guaranteed by the 1948 Universal Declaration of Human Rights, contained in Assembly resolution 217 A (III) [YUN 1948-49, p. 535], and establishing a permanent independent tribunal for, or associating a judge with, all proceedings under which authorities might commit a person to re-education through labour.

Juvenile detention

Report of Secretary-General. At its 1997 session, the Commission on Human Rights considered a report of the Secretary-General [E/CN.4/1997/26] on human rights in the administration of justice, in particular of children and juveniles in detention, providing replies received from Governments, the European Institute for Crime Pre-

vention and Control, the League of Arab States and Human Rights Watch.

The Secretary-General pointed out that in several countries either a juvenile justice system did not exist or it existed in a rudimentary state. The area of juvenile justice continued to be laden with reforms, which reflected an interest in the issue but carried a lack of coordination that risked negatively affecting the implementation of the administration of juvenile justice. Preventive measures to diminish the risk of involvement of juveniles in criminal activities included reducing the participation of juveniles in adults' criminal activities, through reinforced action against the use of juveniles by adult criminals as accomplices, and ensuring the protection of youth, through such measures as free phone lines. The age for criminal responsibility, which varied from 10 to 21 years, was still one of the main points of contention. There was an increasing trend towards a mixed composition of the courts where judges could also be welfare officers, pedagogues, psychologists, etc. The same was true of assistance extended to juveniles in detention pending trial or charge. Special training courses existed for police officers dealing with juveniles. Legislation concerning migrant workers' and/or refugees' children was reported. The disposition of a juvenile case without resorting to a formal trial was increasing but for serious crimes custodial measures were applied in all countries. The report stated that separation of adults and juveniles in detention should be guaranteed. However, in certain countries, the social contact among adults and juveniles was encouraged because it enriched the human experience of juveniles, particularly in the case of female juvenile detainees. (See also PART THREE, Chapter IX.)

Commission action. On 11 April [dec. 1997/106], the Commission asked the Secretary-General to submit an updated report in 1998. It decided to resume in 1998, on a biennial basis, consideration of children and juveniles in detention.

Subcommission action. On 27 August [res. 1997/25], the Subcommission called on States to provide for the establishment of juvenile courts. It decided to request Lucy Gwanmesia (Cameroon) to submit in 1998 a working paper on **juvenile justice**.

Detained UN staff members

Report of Secretary-General. In January, the Secretary-General submitted a report [E/CN.4/1997/25] to the Commission on Human Rights updating developments pertaining to the detention of international civil servants and their families. He stated that the arrest or detention of staff members continued to raise serious concern, in

particular in Rwanda (see PART ONE, Chapter II), where numerous locally recruited UN staff continued to be detained. The report contained a list of the status of signatures and ratifications of the 1994 Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly in resolution 49/59 [YUN 1994, p. 1288] (see PART FOUR, Chapter III), and a list of 10 staff members killed on duty since 1 July 1995. Annexed to the report was a consolidated list of staff members under arrest and detention or missing. In an addendum [E/CN.4/1997/25/Add.1], the Secretary-General expressed his sorrow at the death of five staff members of the Human Rights Field Operation in Rwanda who were killed in an attack carried out on 4 February.

Commission action. On 11 April [res. 1997/25], the Commission called on States to consider becoming parties to the 1994 Convention on the Safety of United Nations and Associated Personnel. States and others concerned were called on to: ensure respect for the rights of UN and other personnel acting in fulfilment of the mandate of a UN operation and to ensure their safety and security, as well as the inviolability of UN premises; provide adequate and prompt information concerning their arrest or detention; grant immediate access to such personnel by representatives of international organizations; allow independent medical teams to investigate the health of detained UN and other personnel acting to fulfil the mandate of a UN operation and afford them medical assistance; allow representatives of international organizations to attend hearings; ensure the speedy release of arrested or detained UN and other personnel; and ensure that the perpetrators of unlawful acts against them were held accountable.

The Commission asked the Secretary-General to: ensure full respect for the human rights, privileges and immunities of UN and other personnel acting to fulfil the mandate of a UN operation and, when violations occurred, ensure that such personnel were restored to their organization and could seek redress and compensation; implement the recommendations contained in a 1992 report [YUN 1992, p. 739] of the Special Rapporteur on the protection of the human rights of UN staff members, experts and their families; seek in negotiations on headquarters and other mission agreements concerning UN and associated personnel the inclusion of the relevant principles on protection in the 1946 Convention on the Privileges and Immunities of the United Nations, contained in General Assembly resolution 22 A (I) [YUN 1946-47, p. 100], the 1947 Convention on the Privileges and Immunities of the Specialized Agencies, contained in Assembly resolution

179 C (II) [YUN 1947-48, p. 190], and the 1994 Convention on the Safety of United Nations and Associated Personnel; submit to the Assembly, at its fifty-second (1997) session, a report on the situation of UN and other personnel carrying out activities in fulfilment of the mandate of a UN operation who were imprisoned, missing or held in a country against their will, on new cases that had been successfully settled and on the implementation of the measures in its resolution; and to commission a study on the safety and security problems faced by such personnel.

Report of Secretary-General. As requested by the Commission, the Secretary-General, in an October report [A/52/548 & Corr.1] covering the period from 1 July 1995 to 9 June 1997, discussed the situation of UN and other personnel carrying out activities in the fulfilment of a mandate of a UN operation who were imprisoned, missing or held in a country against their will, on new cases that had been successfully settled and on the implementation of the measures referred to in the Commission's resolution. There remained unresolved 98 cases of staff members detained, imprisoned, missing or presumed dead.

Impunity

As requested by the Subcommission in 1996 [YUN 1996, p. 628], the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (civil and political), Louis Joinet (France), submitted his final report in June [E/CN.4/Sub.2/1997/20], containing a revised set of principles for the protection of human rights through action to combat impunity. The set of principles was based on three fundamental rights of victims: the right to know, the right to justice and the right to reparation. Those rights comprised three of the five parts of the set of principles, and were the main substance of the text. The other two parts included a preamble and definitions essential for the interpretation of the principles. The Special Rapporteur recommended that the Commission on Human Rights and the Economic and Social Council propose to the General Assembly adoption of the set of principles as a broad strategic framework for the campaign against impunity and as an aid to those negotiating peace agreements. On 28 August [res. 1997/28], the Subcommission transmitted the revised set of principles to the Commission's 1998 session, with a view to its possible transmission to the Assembly, through the Council.

In October [E/CN.4/Sub.2/1997/20/Rev.1], the Special Rapporteur submitted the text of the set of principles, revised in the light of comments received.

In June, the Special Rapporteur on the question of the impunity of perpetrators of human rights violations (economic, social and cultural), El Hadji Guissé (Senegal), submitted his final report [E/CN.4/Sub.2/1997/8]. The report dealt with violations of economic, social and cultural rights and of so-called collective rights, such as the right to development and the right to a healthy environment. He also discussed the campaign against impunity for violations of those rights, encompassing both preventive action, which included political, economic, legislative and administrative measures, and repressive and/or remedial action, which aimed at penalizing violations that had already been committed.

The Special Rapporteur suggested cancelling part of the debt and debt-servicing of the States that were colonized or subjected to slavery as compensation for the injury suffered; declaring violations of economic, social and cultural rights to be international crimes; drawing up an optional protocol on economic, social and cultural rights requiring States to report on measures adopted or planned for genuine implementation and improved protection of those rights; ensuring that States that had not done so ratify the International Labour Organization (ILO) conventions and recommendations concerning the rights to work, to social security and to secure and stable employment, thereby providing workers and their families with conditions for a decent life; proposing more elaborate standards to States to combat impunity in cases of corruption, misappropriation of public or private funds, abuse of trust by public officials, and tax and customs fraud, and giving greater consideration to the harm suffered by victims; and establishing and improving machinery for monitoring the management of public affairs. He also suggested holding a high-level international meeting on the impunity of perpetrators of violations of economic, social and cultural rights and encouraging NGOs to create a body for monitoring implementation and protection of economic and social rights.

On 27 August [res. 1997/20], the Subcommission asked the Secretary-General to transmit the Special Rapporteur's report to the Commission and recommended that the Commission consider appointing a special rapporteur on the impunity of perpetrators of violations of economic, social and cultural rights.

Independence of the judicial system

Reports of Special Rapporteur. The Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy (Malaysia), submitted in February his third annual report

[E/CN.4/1997/32], in which he discussed his 1996 activities.

The Special Rapporteur transmitted 17 communications to 14 countries and 21 urgent appeals to 16 countries. Replies to urgent appeals were received from 11 countries. The report contained summaries of the communications and urgent appeals, as well as replies received from the Governments to allegations. The Special Rapporteur concluded that the threat to the independence of judges and lawyers was evident in both underdeveloped and developed countries and needed constant international vigilance. He stressed the importance of preparing a standard global training manual for judges and lawyers that would be acceptable in all regions of the world.

The Special Rapporteur visited Peru (9-15 September 1996) [E/CN.4/1998/39/Add.1] to study the use of "faceless" judges for civil and military courts to try civilians charged with terrorist-related crimes and treason. In civil "faceless" tribunals, defence attorneys claimed that they had restricted access to evidence. Furthermore, they were not allowed to cross-examine police or military witnesses whose identities were not revealed prior to, during or after the trial. The Special Rapporteur also studied aspects of the ongoing judicial reform, including procedures for appointing judges, their security of tenure, discipline and dismissal, remuneration, and the role of lawyers and the extent of their independence.

The Special Rapporteur welcomed the establishment by the Government of the Ad Hoc Commission for Pardons in an attempt to correct the wrong done to people who were tried and sentenced by "faceless" civil and military tribunals. He made a series of recommendations, including restoration of the authority of the judiciary, elimination of impunity, establishment of mechanisms to depoliticize the appointment and dismissal of judges, security of tenure for judges, provision of continuing legal education for judges during their tenure, and training in national and international human rights standards for members of the judiciary.

The Special Rapporteur visited Colombia (15-27 September 1996) [E/CN.4/1998/39/Add.2] to study the regional courts system created by the Government to prosecute civilians charged with terrorist-related crimes and drug trafficking in the light of accepted international standards concerning the independence and impartiality of the judiciary, and the right to due process. He also addressed the problem of impunity, in particular in military tribunals in cases concerning human rights violations by members of the

armed forces, and of intimidation of the judiciary.

In the regional court system, witnesses for the prosecution were anonymous, as were judges and prosecutors. It was alleged that the system of regional courts was used to persecute social and political activists, as well as human rights defenders. The Special Rapporteur felt that the procedures of the regional courts fell short of international standards on the independence of the judiciary and the use of secret witnesses was of serious concern. The Government intended to discontinue the system by 30 June 1999. Regarding conditions of service for the judiciary, the lack of security of judges created a situation in which judges were intimidated and could not render impartial judgements. Similarly, prosecutors needed security to conduct fair, independent and impartial investigations. As for impunity, given the 99.5 per cent rate of impunity at military tribunals, the Special Rapporteur felt that the Government had failed to punish members of the army who committed human rights violations, as required by international law.

The Special Rapporteur recommended the implementation of recommendations made by the Human Rights Committee in April 1997, as well as those of the Special Rapporteur on the question of torture and of the Special Rapporteur on extrajudicial, summary or arbitrary executions contained in their joint report on their visit to Colombia. The recommendations, which were excerpted in the Special Rapporteur's report, dealt with impunity, the abolition of the regional judicial system, strengthening the justice system, and the independence, impartiality and competence of the military justice system.

Based on a fact-finding mission to Belgium (14-17 October 1997) [E/CN.4/1998/39/Add.3], the Special Rapporteur concluded that, as a result of a 1996 case involving child prostitution, kidnapping and murder, a series of events concerning the judiciary demonstrated that there was a crisis of public confidence in the administration of justice. The Special Rapporteur considered that the root cause was the neglect of the judicial system by successive Governments. Public confidence should be restored by a reform process under way to ensure an independent and impartial judiciary. As the process was ongoing, the Special Rapporteur could not draw final conclusions or make recommendations. Accordingly, he would continue to monitor developments.

The Special Rapporteur carried out a fact-finding mission to the United Kingdom (20-31 October 1997) [E/CN.4/1998/39/Add.4] to examine reports of alleged systematic abuse of defence

lawyers in Northern Ireland and in England and other abuses within the judicial system.

The Special Rapporteur concluded that the Royal Ulster Constabulary (RUC) had engaged in activities that constituted intimidation, hindrance, harassment or improper interference. Accordingly, he recommended an independent and impartial investigation of those threats to legal counsel in Northern Ireland; Government protection in cases of threats to solicitors or barristers, and investigation of those threats; defence of solicitors by the Bar Council and the Law Society for those subjected to harassment and intimidation; the lodging of formal complaints by lawyers; and the organization by RUC of training seminars for police officers on the role of defence lawyers in the administration of justice. Other recommendations called for: respect for the right to immediate access to counsel; the presence of a solicitor during police interrogations and an end to the practice of closed visits in England and Wales; the installation of video and audio-recording equipment in holding centres in Northern Ireland; an independent judicial inquiry into the murder of Patrick Finucane, a Belfast solicitor; respect for privileged communications between an attorney and client; adequate provision of resources to the Police Ombudsman; and training programmes on international human rights standards and on the jurisprudence of international human rights bodies.

The United Kingdom submitted a response [E/CN.4/1998/153] to the Special Rapporteur's report, providing details on Government action as to the issues raised and requesting further information.

Commission action. On 11 April [res. 1997/23], the Commission on Human Rights extended the Special Rapporteur's mandate for a three-year period and asked him to submit a report in 1998. The High Commissioner for Human Rights was invited to continue to provide technical assistance to train judges and lawyers and to assist the Special Rapporteur in developing a manual on the training of judges and lawyers in human rights. The Secretary-General was asked to assist the Special Rapporteur.

The Economic and Social Council, by **decision 1997/246**, endorsed the Commission's decision to extend the mandate of the Special Rapporteur and its request that he submit a report in 1998.

Right to a fair trial

On 11 April [dec. 1997/109], the Commission on Human Rights endorsed a 1996 Subcommission request [YUN 1996, p. 630] that Special Rapporteurs Stanislav Chernichenko (Russian Federation) and David Weissbrodt (United States) compile

and update the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening" so that it could be published in all official UN languages. On 22 July, by **decision 1997/285**, the Economic and Social Council approved the Commission's decision.

Capital punishment

By a roll-call vote of 27 to 11, with 14 abstentions, the Commission on Human Rights, on 3 April [res. 1997/12], urged States that still maintained the death penalty to comply with their obligations under the 1966 International Covenant on Civil and Political Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], and the 1989 Convention on the Rights of the Child, adopted by the Assembly in resolution 44/25 [YUN 1989, p. 560], notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons under the age of 18, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence. It called on States parties to the 1966 International Covenant that had not yet done so to consider acceding to or ratifying the Second Optional Protocol, aimed at the abolition of the death penalty, contained in Assembly resolution 44/128 [YUN 1989, p. 484]. States that still retained the death penalty were called on to: observe the 1984 safeguards guaranteeing protection of the rights of those facing the death penalty [YUN 1984, p. 710]; restrict the number of offences for which the death penalty might be imposed; consider suspending executions; and make available to the public information regarding the imposition of the death penalty. The Secretary-General was asked to submit a yearly supplement of changes in law and practice concerning the death penalty worldwide to his quinquennial report [YUN 1996, p. 630] on capital punishment, containing information on the implementation of the 1984 safeguards.

Other issues

Terrorism

Notes by Secretary-General. The Commission on Human Rights had before it a 1996 note of the Secretary-General [E/CN.4/1997/39], in which he provided views concerning human rights and terrorism submitted by nine Governments and one UN body. The Secretary-General had sought information from States and relevant UN bodies, in accordance with the Commission's 1996 request [YUN 1996, p. 630].

By a note of October 1997 [A/52/483], the Secretary-General transmitted the 1996 note to the General Assembly.

Commission action. On 11 April [res. 1997/42], the Commission, by a roll-call vote of 28 to none, with 23 abstentions, condemned all acts, methods and practices of terrorism in all its forms and manifestations, as well as incitement to ethnic hatred, violence and terrorism. The Secretary-General was asked to continue to collect information on terrorism and to make it available for consideration by special rapporteurs and working groups concerned and to the Commission.

Subcommission action. As requested by the Subcommission in 1996 [YUN 1996, p. 630], Kalliopi Koufa (Greece) submitted in June a working paper on terrorism and human rights [E/CN.4/Sub.2/1997/28]. She presented issues that would need to be examined in a study on the subject, including the nature of contemporary terrorism, the criminal aspects of terrorism, the human rights dimension of terrorism and the definition of international terrorism. Other issues could be addressed, such as the connection between terrorist groups and transnational organized crime, or the growth in the post-cold-war era of terrorist activity by ethnic and national minorities.

On 28 August [res. 1997/39], the Subcommission, condemning all acts, methods and practices of terrorism, called on Governments to take measures to prevent, combat and eliminate terrorism. It recommended that the Commission authorize the appointment of Ms. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. It asked her to submit a preliminary report in 1998, a progress report in 1999 and a final report in 2000. The Secretary-General was asked to assist her and to invite Governments, UN bodies, specialized agencies, intergovernmental organizations and NGOs to provide her with information.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/133** by recorded vote (115-0-57) [agenda item 112 (b)].

Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Recalling further its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994 and 50/186 of 22 December 1995,

Recalling previous resolutions on human rights and terrorism of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities,

Taking into account the fact that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and that every individual should strive to secure their universal and effective recognition and observance,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between the terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Reaffirming that all measures to counter terrorism must be in strict conformity with the relevant provisions of international law including international human rights standards,

1. Expresses its solidarity with the victims of terrorism;
2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;
3. Reiterates its unequivocal condemnation of the acts, methods and practices of terrorism, in all its forms and manifestations, as aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

4. Calls upon States to take all necessary and effective measures in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

5. Urges the international community to enhance cooperation at regional and international levels in the

fight against terrorism, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. Condemns incitement of ethnic hatred, violence and terrorism;

7. Requests the Secretary-General to continue to seek the views of Member States on the possible establishment of a voluntary fund for the victims of terrorism, as well as ways and means to rehabilitate the victims of terrorism and to reintegrate them into society;

8. Also requests the Secretary-General to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of all human rights and fundamental freedoms and to submit a report on the subject to the General Assembly at its fifty-fourth session;

9. Decides to consider this question at its fifty-fourth session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/133:

In favour Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstain: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Syria, Ukraine, United Kingdom, United States, Uzbekistan, Vanuatu.

Hostage-taking

On 11 April [res. 1997/28], the Commission on Human Rights strongly condemned all acts of hostage-taking and demanded that all hostages be released immediately and without any preconditions. It called on States to take all measures necessary to prevent, combat and punish acts of hostage-taking, and invited relevant NGOs to join States in condemning such acts. All thematic special rapporteurs and working groups were urged to address the consequences of hostage-taking in their forthcoming reports.

Extra-legal executions

Report of Special Rapporteur. The Commission on Human Rights had before it a report [E/CN.4/1997/60 & Add.1] submitted by its Special Rapporteur on summary or arbitrary executions, Bacre Waly Ndiaye (Senegal), updating his activi-

ties since his 1996 report [YUN 1996, p. 630]. He discussed his mandate and activities, and described situations covering the period from 25 November 1995 to 1 November 1996, where urgent appeals and other communications alleging violations of the right to life had been transmitted to Governments, together with replies or observations received from them. Issues of special concern to the Special Rapporteur related to capital punishment, impunity, and cooperation with the High Commissioner for Human Rights and with other UN bodies.

The Special Rapporteur stated that the persistent magnitude of the occurrence of extrajudicial, summary or arbitrary executions was reflected in the transmission of 131 urgent appeals and allegations of violations of the right to life on behalf of more than 1,300 individuals, as well as follow-up communications to more than 50 countries. One of the most prevalent targets of such executions continued to be persons involved in struggles to secure rights to land or to prevent or combat racial, ethnic or religious discrimination and ensure respect for social, cultural, economic, civil and political rights. He made a series of recommendations to States and to the Commission regarding capital punishment, death threats, death in custody, excessive use of force by law enforcement officials, violations of the right to life during armed conflict, genocide, the imminent expulsion of persons to countries where their lives were in danger, impunity and victims' rights.

Commission action. On 16 April [res. 1997/61], the Commission, strongly condemning all extrajudicial, summary or arbitrary executions, demanded that Governments end those practices and take action to combat and eliminate them. It asked the Special Rapporteur to: continue examining situations of extrajudicial, summary or arbitrary detention and to report annually; respond to information he received; enhance his dialogue with Governments and follow up on his recommendations after country visits; continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning the right to life; pay special attention to executions where the victims were carrying out peaceful activities in defence of human rights and fundamental freedoms; continue monitoring the implementation of international standards on safeguards and restrictions relating to the imposition of capital punishment; and apply a gender perspective in his work. Governments were urged to assist the Special Rapporteur and to respond to communications he transmitted to them.

The Secretary-General was asked to assist the Special Rapporteur and to continue to ensure that personnel specialized in human rights and humanitarian law issues formed part of UN missions in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions. Those requests to the Secretary-General were approved by the Economic and Social Council in **decision 1997/270** of 22 July. The Commission also asked the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the 1966 International Covenant on Civil and Political Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], appeared not to be respected.

Freedom of movement

In July, the Special Rapporteur on the right to freedom of movement, Volodymyr Boutkevitch (Ukraine), submitted a working paper [E/CN.4/Sub.2/1997/22] in which he reviewed the right to freedom of movement and related issues contained in international legal instruments, including the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535], the 1965 International Convention on the Elimination of All Forms of Racial Discrimination [YUN 1965, p. 440], the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character [YUN 1975, p. 880] and the 1989 Convention on the Rights of the Child [YUN 1989, p. 560]. He also discussed the right at the national level and examined the situation during the last 10 years.

The Special Rapporteur called for a new study on the basis of those previously conducted. The scope of the study should not extend beyond the limits of articles 12 and 13 of the 1966 International Covenant on Civil and Political Rights [YUN 1966, p. 423].

On 28 August [res. 1997/30], the Subcommission recommended to the Commission on Human Rights and the Economic and Social Council the appointment of Mr. Boutkevitch as Special Rapporteur to prepare an analysis of current trends and developments in respect of the right to leave any country, including one's own, and to return, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12 of the 1966 International Covenant on Civil and Political Rights. It asked the Special Rapporteur to submit a preliminary report in 1999.

On the same date [res. 1997/31], the Subcommission reaffirmed the fundamental right of refu-

gees and internally displaced persons to return voluntarily to their country of origin and/or within it to their place of origin or choice.

Mass exoduses

Report of High Commissioner. In a January report [E/CN.4/1997/42], the UN High Commissioner for Human Rights provided information on solutions that Governments, specialized agencies, intergovernmental organizations and NGOs had found to be effective regarding mass exoduses. He presented a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home. Information on international co-operation was provided by Governments, intergovernmental organizations and NGOs.

The High Commissioner stated that efforts were being made to develop a system-wide approach to fill gaps in the existing response to the needs of victims in emergency situations. An increasing role was being given to regional organizations, which was often necessary as mass exoduses rarely affected one country in isolation. He recommended strengthening cooperation between international agencies, focusing on the mobilization of a response to early-warning signals, preventing ethnic conflicts, and preventing and resolving crises of displacement.

Commission action. On 18 April [res. 1997/75], the Commission on Human Rights, strongly deploring ethnic and other forms of intolerance as one of the major causes of migratory movements, urged States to ensure respect for human rights. It invited special rapporteurs, special representatives and working groups of the Commission and UN human rights treaty bodies to seek information on problems resulting in mass exoduses of populations or impeding their voluntary return home, to include such information, together with recommendations, in their reports, and to bring that information to the attention of the High Commissioner for Human Rights. All UN bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations were asked to cooperate with all Commission mechanisms and to provide them with information on human rights situations creating or affecting refugees and displaced persons. The Secretary-General was urged to give high priority and to allocate resources to strengthening the system for undertaking early-warning activities to identify all human rights abuses that contributed to mass outflows of persons, and to invite comments on the issue. On 22 July, the Economic and Social Council, by **deci-**

sion 1997/278, approved the Commission's request to the Secretary-General.

The Commission asked the High Commissioner to pay attention to situations that caused or threatened to cause mass exoduses and to address them effectively through emergency preparedness and response mechanisms. The High Commissioner was also asked to invite Governments, specialized agencies, intergovernmental organizations and NGOs to provide information and to submit in 1998 an update of his report.

Report of Secretary-General. In response to General Assembly resolution 50/182 [YUN 1995, p. 751], the Secretary-General submitted an October report [A/52/494] on human rights and mass exoduses in which he described efforts instituted to enhance the UN capacity to avert new refugee flows and to tackle the root causes of such outflows. He stated that steps had been taken to include in a more systematic manner all UN entities that possessed expertise or the capacity to contribute to a comprehensive response. Specific entities at Headquarters had been made responsible for ensuring that a response was mobilized and for facilitating decision-making in the field. Increased authority and responsibility had been delegated at the field level to formulate strategies and set priorities for action.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/132** without vote [agenda item 112 (b)].

Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, as well as those of the Commission on Human Rights, in particular Commission resolution 1997/75 of 18 April 1997, and the conclusions of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to the displacement of people,

Noting with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the United Nations system aimed at evolving a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, vio-

lence, poverty and environmental degradation, indicating that comprehensive approaches, in particular early warning, require an intersectoral and multidisciplinary approach to enable a coherent response, particularly at the international and regional levels,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities for addressing human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, *inter alia*, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms of the United Nations system as a whole, should be encouraged and further developed and coordinated at both the international and regional levels, with priority given to the systematization of early-warning information collection,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving in both prevention of and preparedness for humanitarian emergencies,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action and that the work of humanitarian agencies makes an important contribution to the achievement of human rights,

Welcoming the cooperation between the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other relevant United Nations entities to ensure effective coordination of activities within their mandates and expertise with respect to returnee promotion and monitoring, technical advice, institution-building and rehabilitation activities,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information on the implementation of the Convention to the Office of the United Nations High Commissioner for Refugees, as was recalled by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in its general conclusions 77(XLVI) of 1995, 79(XLVII) of 1996 and 81(XLVIII) of 1997 on international protection,

Distressed by the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and by reports indicating that large numbers of refugees and asylum-seekers have been subjected to refoulement and expelled in highly dangerous situations, and recalling that the principle of non-refoulement is not subject to derogation,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights,

the principles of international protection for refugees, the above-mentioned general conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection and the fact that asylum applicants should have access to fair and expeditious status-determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries, in safety and dignity,

1. Takes note of the report of the Secretary-General;

2. Recalls with satisfaction its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying them because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Again invites all Governments and regional, inter-governmental and humanitarian organizations concerned, where appropriate, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons and the causes of such exoduses;

5. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing countries, affected by mass exoduses of refugees and displaced persons, and calls on Governments and the United Nations High Commissioner for Human Rights to continue to respond to the assistance needs of countries hosting large numbers of refugees until durable solutions are found;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems which may result in mass exoduses of populations or impede their voluntary return home, to include, where appropriate, such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the human rights treaty bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide

them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, emergency preparedness and response mechanisms, including information sharing with the United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation in countries of origin as well as in host countries;

10. Welcomes the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights, broad-based programmes of human rights education and strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. Urges the Secretary-General to give high priority and to allocate the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early-warning activities in the humanitarian area, for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons and to invite comments on this issue;

12. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations by the Commission on Human Rights at its fifty-third session and to other international human rights bodies and mechanisms and the Commission's invitation to her to address its fifty-fourth session;

13. Encourages States that have not already done so to consider acceding to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and to other relevant regional refugee instruments, as applicable, and to relevant international human rights instruments;

14. Notes with appreciation that a number of States not parties to the 1951 Convention and the 1967 Protocol continue to maintain a generous approach to asylum;

15. Encourages States parties to the 1951 Convention to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. Calls upon States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement;

17. Requests the Secretary-General to prepare and submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, including detailed information on

the programmatic, institutional, administrative, financial and management efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such flows;

18. Decides to continue its consideration of this question at its fifty-fourth session.

Internally displaced persons

Commission action. On 11 April [res. 1997/39], the Commission on Human Rights, expressing concern about the number of internally displaced persons who received inadequate protection and assistance, recalled the compilation and analysis of legal norms [YUN 1996, p. 633] submitted by the Secretary-General's representative, which concluded that there were several significant areas in which the law failed to provide sufficient protection. The Commission asked the Secretary-General to publish the compilation and analysis in all UN working languages and to disseminate it widely and encouraged Governments to translate it into other languages. The Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons and other organizations were urged to continue to focus on problems relating to and solutions for internally displaced persons, including the setting up of a more comprehensive and coherent system of collecting data on their situation, and to strengthen their collaboration with the representative. Welcoming the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of international displacement, the Commission called on them to continue to seek information on situations that had already created or could create internal displacement and to include relevant information and recommendations in their reports and make them available to the representative. It called on the High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Secretary-General's representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation. The Secretary-General was asked to assist his representative, and the representative was encouraged to seek the contribution of local, national and regional institutions.

The Economic and Social Council, on 22 July, approved the Commission's request for publication of the compilation and analysis (**decision 1997/252**).

Report of Secretary-General's representative.

In a February report [E/CN.4/1997/43], the Secretary-General's representative, Francis M. Deng (Sudan), provided an update of his activi-

ties regarding the development of a legal framework for addressing the needs of the internally displaced, the promotion of effective institutional arrangements for protecting and assisting the internally displaced and undertaking country visits.

The representative had studied the specific form for a legal framework and was in the process of drafting guiding principles. Regarding institutional arrangements, there was no institution with exclusive responsibility for the internally displaced. The representative urged the Commission to strengthen the Centre for Human Rights to allow it to take a more active approach to addressing the protection concerns of the internally displaced in the field. Humanitarian agencies should collaborate with human rights organizations to ensure an integrated and comprehensive approach that addressed both assistance and protection concerns. Country visits deepened understanding of the various dimensions of internal displacement and helped to develop global and region-specific standards and strategies towards its resolution. They also provided an opportunity for a constructive exchange of views with Governments and for raising the level of awareness within the country affected. The representative stated that he intended to continue to focus on developing a legal framework, improving institutional arrangements and visiting countries.

In accordance with Economic and Social Council decision 1995/273 [YUN 1995, p. 753], the Secretary-General transmitted, by a November note [A/52/506], his representative's report on internally displaced persons to the General Assembly.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/130** without vote [agenda item 112 (b)].

Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, of international humanitarian law

and analogous refugee law, and emphasizing the need for their better implementation with regard to internally displaced persons,

Recalling also the emphasis in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on the need to develop global strategies to address the problem of internal displacement,

Noting the progress made thus far by the representative of the Secretary-General on internally displaced persons in developing a legal framework, analysing institutional arrangements, undertaking dialogue with Governments and issuing a series of reports on particular country situations, together with proposals for remedial measures,

Welcoming the request made by the Commission on Human Rights, in its resolution 1997/39 of 11 April 1997, to the Secretary-General to ensure the rapid publication and the wide dissemination of the compilation and analysis of legal norms prepared by his representative,

Welcoming also the decision by the Inter-Agency Standing Committee to extend a standing invitation to the representative of the Secretary-General on internally displaced persons to participate in its meetings and those of its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 50/195 of 22 December 1995,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons;

2. Commends the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play in raising the level of consciousness about the plight of internally displaced persons;

3. Encourages the representative of the Secretary-General to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to increase protection, assistance and solutions for internally displaced persons;

4. Also encourages the representative of the Secretary-General to continue to pay specific attention in his review to the protection and assistance needs of women and children, bearing in mind the relevant strategic objective in the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women;

5. Looks forward to the comprehensive study being prepared by the representative of the Secretary-General to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons;

6. Welcomes Commission on Human Rights resolution 1997/39, in which the Commission encouraged the representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to develop a comprehensive framework for the protection of internally displaced persons, and takes note of his preparations for guiding principles to this end;

7. Calls upon all Governments to continue to facilitate the activities of the representative of the Secretary-General, in particular Governments with situations of internal displacement, encourages them to give serious consideration to inviting the representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

8. Invites Governments to give due consideration, in dialogue with the representative of the Secretary-General, to his recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

9. Urges all relevant United Nations humanitarian assistance and development organizations concerned to enhance their collaboration with the representative of the Secretary-General by developing frameworks of cooperation to promote protection, assistance and development for internally displaced persons and to provide all possible assistance and support to him;

10. Also urges those organizations, especially through the Inter-Agency Standing Committee, to develop a more comprehensive and coherent system of collecting data on the situation of internally displaced persons, in cooperation with the representative of the Secretary-General;

11. Requests the Secretary-General to give all necessary assistance to the representative to carry out his mandate effectively;

12. Decides to continue its consideration of this question at its fifty-fourth session.

Population transfer

Report of Special Rapporteur. The Special Rapporteur on human rights and population transfer, Awn Shawkat Al-Khasawneh (Jordan), submitted in June his final report [E/CN.4/Sub.2/1997/23 & Corr.1]. He discussed the views and recommendations of an expert seminar on population transfer and the implantation of settlers (Geneva, 17-21 February); the findings of the seminar on the principles violated by population transfer and the human rights standards that population transfers and the implantation of settlers violated; outstanding issues concerning the impact of territorial changes on population transfers and the implantation of settlers; State succession and nationality upon the dissolution of States; the problem of military necessity in relation to the issue; violations of economic, social and cultural rights in instances of population transfer; and civil remedies for situations of population transfer and the implantation of settlers. Annexed to the report was a draft declaration on population transfer and implantation of settlers developed by the experts for the Subcommittee's consideration.

The Special Rapporteur recommended that the Subcommittee consider preparing an international instrument to set or codify international standards applicable to population transfer and

the implantation of settlers; establishing a working group to monitor compliance with the declaration; using a flexible, investigative and monitoring process for population transfers; and establishing an international trust fund for the rehabilitation of the survivors of population transfer. Other options were the development of an additional protocol to the 1966 International Covenants on Human Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, pp. 419 & 423], setting forth the right to one's homeland and the right to voluntary repatriation, or a convention on the prevention and punishment of the crime of mass expulsion.

Subcommission action. On 28 August [res. 1997/29], the Subcommission decided to convene a further expert seminar, and recommended to the Commission that it publish and widely disseminate the Special Rapporteur's final report.

Disappearance of persons

Working Group on Enforced or Involuntary Disappearances

Report of Secretary-General. In a January report [F/CN.4/1997/103], the Secretary-General described action taken by him to disseminate and promote the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, contained in General Assembly resolution 47/133 [YUN 1992, p. 744].

Commission action. On 11 April [res. 1997/26], the Commission on Human Rights deplored the fact that some Governments had never provided substantive replies concerning cases of enforced disappearances in their countries or acted on the recommendations concerning them made by the Working Group on Enforced or Involuntary Disappearances, established in 1980 [YUN 1980, p. 843]. Governments were urged to cooperate with the Group and invited to take steps to implement the 1992 Declaration on the Protection of All Persons from Enforced Disappearance and provide information on measures taken to give effect to the Declaration, as well as obstacles encountered.

The Commission reminded the Group: that its primary role was to act as a channel of communication between families of disappeared persons and the Governments concerned; to observe UN standards and practices regarding the handling of communications and the consideration of government replies; to continue to consider the question of impunity; to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons; and to apply a gender perspective in its reporting process. The Commission asked the Group to re-

port in 1998. The Secretary-General was asked to assist the Group and keep it and the Commission informed of steps taken to disseminate and promote the 1992 Declaration.

Working Group activities. In 1997, the Working Group on Enforced or Involuntary Disappearances held three sessions: its fifty-first in New York (12-16 May) and its fifty-second and fifty-third in Geneva (18-22 August, 12-21 November) [E/CN.4/1998/43]. In addition to its original mandate, which was to act as a channel of communication between families of disappeared persons and Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases were investigated and the whereabouts of the disappeared persons clarified, the Working Group monitored States' compliance with the 1992 Declaration.

The total number of cases under active consideration stood at 44,940 in 1997 and the number of countries with outstanding cases of alleged disappearance was 63. During the period under review—up to 21 November, the last day of the Group's third annual session—the Group had received 1,111 new cases of disappearance in 26 countries. The Group sent urgent action appeals to Governments regarding 140 cases.

In order to make the 1992 Declaration better known and draw Governments' attention to their responsibilities, the Group adopted general comments on article 19, concerning the right to compensation for victims and for dependants in the case of the death of the victim, in which it stressed that the right to obtain redress for acts of enforced disappearance included not only punishment of the perpetrators and monetary compensation, but also medical, psychological, legal and social rehabilitation; restoration of personal liberty, employment and property; and other forms of restitution, satisfaction and reparation that might remove the consequences of the enforced disappearance.

The Group followed progress made in the drafting of an international convention on the prevention and punishment of enforced disappearance. It believed that one of the existing treaty-monitoring bodies or the Group should be entrusted with monitoring compliance.

The Group pointed out that, since its establishment in 1980, it had transmitted a total of 47,758 cases to 76 Governments. Out of those, only 2,801 cases could be clarified (1,822 by Governments and 979 by non-governmental sources); 17 cases had been discontinued. At the date of clarification, 1,681 persons were at liberty, 442 were in detention, and 678 had died. Many of the unresolved disappearances, particularly in Latin America, dated back to the 1970s or the 1980s.

Most of the victims had probably been dead for a long time. Therefore, the Group had intensified efforts to mediate between the families of missing persons and the respective Governments to find a solution to the old cases that might be acceptable to all sides concerned, by means of a judicial declaration of presumption of death, with the concurrence of the families, and the payment of adequate compensation to them. Another way to clarify old cases was the exhumation and identification of remains from mass graves and other places where victims of enforced disappearances had been clandestinely buried.

The Group, stressing that impunity was one of the root causes of enforced disappearances and a major obstacle to clarifying past cases, recommended that Governments comply with their obligations under the 1992 Declaration not to impede investigations by enacting amnesty laws. It also recommended that the Commission take action in relation to countries that did not cooperate with the Group.

Missing persons in the former Yugoslavia

The expert member of the Working Group in charge of the special process on missing persons in the territory of the former Yugoslavia resigned on 26 March, stating as the cause a lack of support by the international community for his efforts to clarify cases of disappearance by all available means, including exhumation. Since the discontinuation of the special process, the Group decided that cases of disappearance that occurred in Croatia and in Bosnia and Herzegovina until 14 December 1995, the date of entry into force of the Dayton-Paris Peace Agreement [YUN 1995, p. 544], would not be dealt with by the Group. However, the Group would examine cases in other successor States of the former Yugoslavia and cases that occurred in Croatia and Bosnia and Herzegovina after 14 December 1995.

Commission action. On 15 April [res. 1997/57], the Commission expressed its appreciation to the expert member of the Working Group on Enforced or Involuntary Disappearances for his contribution to the problem of missing persons in the former Yugoslavia and asked, in consideration of his resignation, that the Special Rapporteur on the human rights situation in the former Yugoslavia (see PART TWO, Chapter III), the International Committee of the Red Cross (ICRC), the Office of the High Representative (see PART ONE, Chapter V), the International Commission on Missing Persons in the Former Yugoslavia [YUN 1996, p. 638] and other parties consult the expert so that arrangements could be made for those organizations to assume his functions.

The Commission called on the countries under the mandate of the Special Rapporteur to release all individuals held as a result of any conflict between or among them; release immediately to ICRC and other relevant organizations information, including but not limited to all medical, dental and autopsy records necessary to resolve the fate of missing persons as a result of the conflict; and to cooperate with the International Commission on Missing Persons in the Former Yugoslavia, the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the ICRC Working Group on Missing Persons.

On 27 March, the Federal Republic of Yugoslavia (Serbia and Montenegro) transmitted to the Commission its comments [E/CN.4/1997/133] on the expert's report on the 1996 situation of missing persons in the former Yugoslavia [YUN 1996, p. 638].

Torture and cruel treatment

Reports of Special Rapporteur. In January, Special Rapporteur Nigel S. Rodley (United Kingdom) submitted his annual report [E/CN.4/1997/7] to the Commission on Human Rights concerning torture and other cruel, inhuman or degrading treatment or punishment. He made urgent appeals on behalf of persons who were allegedly being tortured or whom it was feared might be and transmitted 130 such appeals to 45 Governments concerning 490 individuals, of whom at least 50 were known to be women and 10 minors, as well as several groups of persons with regard to whom fears of torture had been expressed. The Special Rapporteur also sent 68 letters to 61 Governments containing some 669 cases or incidents of alleged torture, about 67 of which were known to be women and 55 minors. In addition, 42 countries provided the Special Rapporteur with replies on some 459 cases for 1996, whereas 24 did so regarding some 363 cases submitted in previous years. The Special Rapporteur provided brief summaries of general allegations, statistics of numbers of individual cases transmitted and responses received, as well as his observations where applicable. More complete summaries were contained in an addendum to his report [E/CN.4/1997/7/Add.1].

In 1997, the Special Rapporteur visited Mexico (7-16 August) [E/CN.4/1998/38/Add.2], where he met with government officials and with persons who or whose relatives allegedly had been tortured. He interviewed prisoners who claimed they had been tortured and received verbal and written information from NGOs.

The Special Rapporteur stated that torture and similar ill-treatment were frequent occurrences in many parts of Mexico, although the in-

formation he received would not allow him to conclude that it was systematically practised in all parts of the country. Torture was inflicted mainly for the purpose of eliciting confessions or information. Sometimes, it was attendant on brutally executed arrests. The practice continued to occur despite the fact that Mexico had in place an important array of legal safeguards that should make torture a rare event. The Special Rapporteur urged Mexico to ratify the Optional Protocol to the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200A (XXI) [YUN 1996, p. 419], and to make the declaration provided for in article 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in Assembly resolution 39/46 [YUN 1984, p. 813] (see below). He also recommended: independent inspection of places of detention by experts and respected community members; videotaping of interrogations; requiring statements by detainees to be made before a judge in order to have probative value; overhauling the public defender system; monitoring the database of dismissed police officers to ensure they had not transferred to another jurisdiction; establishing a system of rotation among police and of the Public Prosecutor's Office; subjecting to civilian justice cases of serious crimes committed by military personnel; employing doctors independently of the institution in which they practised; improving the law on compensation for victims of human rights violations; establishing an independent prosecution service; enacting legislation to enable victims to challenge, before the judiciary, the failure of the Public Prosecutor's Office to initiate proceedings on human rights cases; legally establishing a limit to the duration of investigations on human rights cases; taking measures to ensure that the recommendations of human rights commissions were complied with; and investigating threats and intimidation against human rights defenders.

Commission action. On 11 April [res. 1997/38], the Commission on Human Rights asked the General Assembly, in preparing for the fiftieth anniversary of the 1948 Universal Declaration of Human Rights (see PART TWO, Chapter I), to proclaim 26 June a UN international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Economic and Social Council, by **decision** 1997/251 of 22 July, approved the Commission's request.

The Commission called on Governments to prohibit torture and other cruel, inhuman or de-

grading treatment or punishment and reminded them that corporal punishment could amount to inhuman or degrading punishment or even torture. It also reminded them that prolonged incommunicado detention might facilitate the perpetration of torture and could constitute a form of cruel, inhuman or degrading treatment.

The Special Rapporteur was invited to continue to examine questions concerning torture directed against women and children and conditions conducive to such torture. It approved the methods of work used by the Special Rapporteur and called on him to include in his report information on the follow-up by Governments to his recommendations, visits and communications. The Commission asked the Special Rapporteur to report in 1998.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly adopted **resolution 52/149** [draft: A/52/L.66] without vote [agenda item 12].

United Nations International Day in Support of Victims of Torture

The General Assembly,

Recalling Economic and Social Council decision 1997/251 of 22 July 1997, in preparing for the fiftieth anniversary of the Universal Declaration of Human Rights,

Proclaims 26 June United Nations International Day in Support of Victims of Torture, with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987.

Voluntary Fund for torture victims

Commission action. On 11 April [res. 1997/38], the Commission on Human Rights called on the Board of Trustees of the Voluntary Fund for Victims of Torture, established in 1981 [YUN 1981 p. 906], to present in 1998 an updated assessment of the global need for international funding for rehabilitation services for torture victims. It expressed appreciation for previous contributions to the Fund, and appealed to all Governments, organizations and individuals in a position to do so to contribute annually to it. The Secretary-General was asked to continue to include the Fund among the programmes receiving donations at the annual UN Pledging Conference for Development Activities; transmit to Governments Commission appeals for contributions; ensure an adequate level of staffing and technical facilities for the Fund; and continue to keep the Commission informed of the Fund's operations on an annual basis.

By decision 1997/251 of 22 July, the Economic and Social Council approved the Commission's requests.

Report of Secretary-General. In his annual report on the status of the Fund [A/52/387], submitted in September, the Secretary-General stated that contributions received from 31 countries between September 1996 and August 1997 totalled \$3,210,267.

The Board of Trustees held its sixteenth session in Geneva (20-30 May). The total amount then available for grants to assist victims of torture came to \$3,036,054, of which \$100,000 was earmarked for urgent grants falling between the Board's annual sessions. In 1997, \$6.8 million was requested for 117 projects in 64 countries. On 9 June, the High Commissioner for Human Rights, on behalf of the Secretary-General, approved the Board's recommendations on grants to 104 projects submitted by 94 humanitarian organizations. Grants totalling \$2,936,854 were distributed in Western Europe (30 projects, 11 countries, \$938,907); Latin America and the Caribbean (21 projects, 11 countries, \$561,000); Asia, Pacific and the Middle East (15 projects, 10 countries, \$534,000); Africa (14 projects, 14 countries, \$384,947); North America (14 projects, 2 countries, \$383,000); and Central and Eastern Europe (10 projects, 8 countries, \$135,000). On 12 December, the General Assembly took note of the Secretary-General's report by **decision 52/423**.

In a December report [E/CN.4/1998/37], the Secretary-General stated that, since 15 August, the Fund had received additional contributions totalling \$536,489 from seven countries.

Weapons of mass destruction

Report of Secretary-General. As requested by the Subcommission in 1996 [YUN 1996, p. 642], the Secretary-General submitted a June report with later addendum [E/CN.4/Sub.2/1997/27 & Add.1] summarizing information received from Governments, UN bodies and NGOs on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing uranium, on their consequential and cumulative effects, and on the danger they presented to life, physical security and other human rights.

Subcommission action. On 28 August [res. 1997/36], the Subcommission urged States to be guided in their national policies by the need to curb the testing, production and spread of weapons of mass destruction. It decided to authorize Clemencia Forero Ucos (Colombia) to prepare a working paper assessing the utility, scope and structure of a study on weapons of mass destruc-

tion or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.

On the same date [res. 1997/37], the Subcommission authorized the inclusion of the question of the prevention and control of the illicit transfer of arms, in the context of human rights and humanitarian norms, in the preliminary document on weapons of mass destruction.

Anti-personnel landmines

On 28 August [res. 1997/33], the Subcommission urged States that had not yet done so to sign and ratify the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocol thereto [YUN 1980, p. 76], including Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996 [YUN 1996, pp. 484 & 485]. Governments were urged to participate in the Diplomatic Conference to Negotiate a Total Prohibition of Anti-Personnel Mines, and to sign an international treaty banning anti-personnel mines (see PART ONE, Chapter VII). Encouraging Governments, organizations and individuals to contribute to the UN mine-clearance programme, the Subcommission asked the Secretary-General to transmit to Governments its appeal for contributions to the programme and to the Voluntary Trust Fund for Assistance in Mine Clearance, established in 1994 [YUN 1994, p. 823].

Economic, social and cultural rights

Right to development

Reports of Secretary-General. In a February report [E/CN.4/1997/21], the Secretary-General described measures taken to implement General Assembly resolution 51/99 on the right to development [YUN 1996, p. 644]. He stated that the High Commissioner for Human Rights had requested information relating to the implementation of the 1986 Declaration on the Right to Development, adopted by the Assembly in resolution 41/128 [YUN 1986, p. 717]. The report contained replies to the High Commissioner's request received from several UN bodies. Regarding coordination of activities in relation to the implementation of the Declaration, the High Commissioner was continuing to promote inter-agency cooperation and coordination throughout the UN system.

By an October note [A/52/473], the Secretary-General stated that, pursuant to Assembly resolution 51/99, the Secretariat had sent a note verbale seeking information relevant to the implementation of the 1986 Declaration and that the Commission in 1997 had before it the Secretary-General's report [E/CN.4/1997/21] containing the replies to his request.

Commission action. On 16 April [res. 1997/72], the Commission on Human Rights, reaffirming the importance of the right to development for everyone, urged States to eliminate obstacles to development by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing development programmes and promoting international cooperation. It asked the High Commissioner to examine ways to provide the 1986 Declaration on the Right to Development with a profile commensurate with its importance and to invite the views of Governments, intergovernmental organizations, NGOs, members of treaty bodies and academic institutions on ways to do so, including the Declaration's relationship with important human rights instruments. The High Commissioner was asked to continue to accord priority to the right to development and to ensure widespread dissemination and promotion of the Declaration. The Commission, noting that the High Commissioner had initiated a dialogue with the World Bank with regard to the right to development, called on him to inform Member States regularly through informal meetings on progress made. Welcoming the High Commissioner's initiative to organize regional seminars, the Commission called on him to ensure that the seminars focused on all aspects of the realization of the right to development.

The Commission called on the Intergovernmental Group of Experts on the Right to Development, established in 1996 [YUN 1996, p. 643], to: encourage participation of Member States, international institutions and NGOs in its deliberations, through a greater use of public meetings; continue to consider recommendations for the elimination of obstacles already identified to the realization of the right to development; continue to explore ways to promote international cooperation, dialogue and partnership for the realization of that right; and consider establishing a follow-up mechanism, or enhancing existing ones, to the Declaration.

The Secretary-General was asked to submit to the General Assembly and the Commission in 1998 a report on the implementation of the Commission's resolution. The Commission's request was approved by the Economic and Social Council by **decision** 1997/276 of 22 July.

Subcommission action. On 22 August [dec. 1997/109], the Subcommission, recalling its 1996 resolution [YUN 1996, p. 643] requesting the Secretary-General to invite all relevant UN bodies and specialized agencies to step up their activities aimed at international cooperation for the realization of the right to development in the context of the UN Decade for the Elimination of Poverty (1997-2006) (see PART THREE, Chapter I) and to provide him with information, noted that it had not received the requested information. It decided to transmit the full text of its 1996 resolution to the Secretary-General for action.

Intergovernmental Group of Experts. The Intergovernmental Group of Experts on the Right to Development held its second session in Geneva from 29 September to 10 October [E/CN.4/1998/29]. The Group discussed suggestions for a global strategy for the promotion and implementation of the right to development, the elements of a global strategy and the establishment of a follow-up mechanism to ensure promotion and implementation of the 1986 Declaration. On 10 October, the Group adopted its suggestions for a global strategy.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/136** by recorded vote (129-12-32) [agenda item 112 (b)].

Right to development

The General Assembly,

Reaffirming the Declaration on the Right to Development, which it proclaimed at its forty-first session, and noting that the Declaration represents a landmark and a meaningful instrument for countries and people worldwide;

Reaffirming also the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Recalling its previous resolutions and those of the Commission on Human Rights relating to the right to development,

Also recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reaffirms the right to development as a universal and inalienable right and as an integral part of fundamental human rights and reaffirms that the human person is the central subject of development,

Emphasizing that development-oriented approaches to the promotion of human rights, as expressed by the Declaration on the Right to Development, constitute an important contribution to the development and strengthening of alternative approaches to the promotion and protection of all human rights,

Recalling that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protec-

tion of civil, political, economic, social and cultural rights, and recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Also recalling that democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance in all sectors of society, as well as effective participation by civil society, are essential parts of the necessary foundation for the realization of social and people-centred sustainable development,

Further recalling the principles proclaimed in the Rio Declaration on Environment and Development of 14 June 1992, and taking note of the deliberations of the General Assembly at its nineteenth special session,

Acknowledging that, in this regard, a number of positive results have been achieved, but deeply concerned that the overall trends with respect to sustainable development are worse today than they were in 1992,

Mindful that the Commission on Human Rights continues to consider this matter and that the second session of the Intergovernmental Group of Experts established by the Commission on Human Rights to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, was held at Geneva from 29 September to 10 October 1997, with a view to further enhancement and implementation of the right to development,

Noting the need for improved coordination and co-operation throughout the United Nations system for more effective promotion and realization of the right to development,

Recognizing that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and realization of the right to development, including in seeking enhanced support from the relevant bodies of the United Nations system for this purpose,

Reaffirming that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Recognizing that the implementation of the Declaration on the Right to Development requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations system and non-governmental organizations active in this field,

Expressing its concern about the lack of participation of developing countries at the global level in the decision-making process on macroeconomic policy issues, with far-reaching impacts on the world economy and with negative implications for the exercise of the right to development in developing countries,

Reaffirming the need for action by all States at the national and international levels for the realization of all human rights and the need for relevant evaluation mechanisms to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Also reaffirming that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control and to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries,

Noting that aspects of the Programme of Action of the International Conference on Population and Development, adopted by the Conference on 13 September 1994, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, adopted by the Summit on 12 March 1995, the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) at Istanbul, Turkey, on 14 June 1996, are relevant to the universal realization of the right to development, within the context of promoting and protecting all human rights,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia, by ensuring that women play an active role in the development process,

Expressing concern that, more than ten years after the adoption of the Declaration on the Right to Development, obstacles to the realization of the right to development still persist at both the national and international levels and that new obstacles to the rights stated therein have emerged, including, inter alia, the negative effects of globalization on the right to development, particularly in developing countries,

Expressing further concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies and activities of international organizations,

Having considered the note by the Secretary-General on the right to development, prepared pursuant to General Assembly resolution 51/99 of 12 December 1996,

1. Takes note of the note by the Secretary-General;
2. Reaffirms the importance of the right to development for every human person and for all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;
3. Recognizes that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;
4. Reiterates its commitment to implementing the results of the World Conference on Human Rights, which reaffirm that all human rights are universal, indivisible, interdependent and interrelated and that de-

mocracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing;

5. Also reiterates that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as an equitable economic environment at the international level;

6. Reaffirms the need for States to cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all, without any distinction as to race, sex, language or religion;

7. Stresses that human rights should not be used as an instrument of trade protectionism;

8. Takes note of the importance given to human rights by the Secretary-General in his measures and proposals for the reform of the United Nations, and urges him to give high priority to the promotion and realization of the right to development;

9. Calls upon the Commission on Human Rights to consider carefully the report of the second session of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multi-dimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development established by the Commission on Human Rights in its resolution 1993/22 of 4 March 1993 and the conclusions of the World Conference on Human Rights, the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the second United Nations Conference on Human Settlements (Habitat II);

10. Notes the efforts made by the High Commissioner, within her mandate, and encourages her to continue the coordination of various activities with regard to the implementation of the right to development;

11. Notes also that measures taken for the promotion and realization of the right to development should be more effective, and calls upon the High Commissioner to explore further ways and means to achieve this objective;

12. Requests the High Commissioner, within her mandate, to continue to take steps for the promotion, protection and realization of the right to development by, *inter alia*, drawing on the expertise of the funds, programmes and the specialized agencies of the United Nations system related to the field of development;

13. Requests the Secretary-General to inform the Commission on Human Rights at its fifty-fourth session and the General Assembly at its fifty-third session of the activities of the organizations, funds, programmes and the specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

14. Calls upon all Member States to make further concrete efforts at the national and international levels to remove obstacles to the realization of the right to development;

15. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, the reports of the Working Group on the Right to Development and the report of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development;

16. Notes that the fiftieth anniversary of the Universal Declaration of Human Rights is an ideal occasion for the international community to assess the progress achieved in:

(a) Realizing freedom from fear and freedom from want as the highest aspiration of the common people;

(b) Promoting the advent of a world where the inherent dignity of all members of the human family is recognized;

17. Affirms, in the above regard, that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights;

18. Encourages all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, the elements for the promotion and protection of the principles of the right to development as set out in the Declaration on the Right to Development;

19. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session;

20. Decides to consider this question at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

RECORDED VOTE ON RESOLUTION 52/136:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia,* Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova,* Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Canada, Czech Republic, Denmark, Finland, Iceland, Japan, Luxembourg, Netherlands, Norway, Sweden, United Kingdom, United States.

Abstain: Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Croatia, Estonia, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy,

Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Micronesia, Monaco, New Zealand, Poland, Portugal, Republic of Korea, San Marino, Slovakia, Slovenia, Spain, Tajikistan, Uzbekistan.

*Later advised the Secretariat it had intended to abstain.

Effects of debt on living standards

Report of Secretary-General. The Commission on Human Rights considered a report [E/CN.4/1997/17] of the Secretary-General containing the views of Governments, UN specialized agencies and NGOs on measures to be implemented in order to achieve a durable solution to the debt crisis of developing countries. The information provided included a discussion of consultations held in July 1996 between the World Bank and the High Commissioner.

Working group activities. The open-ended working group on structural adjustment programmes and economic, social and cultural rights, established in 1996 [YUN 1996, p. 646] to formulate policy guidelines on the subject, held its first session (Geneva, 3-7 March) [E/CN.4/1997/20]. The group based its work on a 1995 report of the Secretary-General [YUN 1995, p. 760] containing a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights. It identified the principles that might be relevant and might be the subject of future discussion, with a view to establishing clear linkage between those principles and structural adjustment programmes as they impinged on economic, social and cultural rights.

The group made a series of recommendations to the Commission regarding its work, which the Commission, on 3 April [dec. 1997/103], recommended to the Economic and Social Council (see Council **decision 1997/283** below).

Commission action. On 3 April [res. 1997/10], by a roll-call vote of 34 to 15, with 3 abstentions, the Commission stressed the importance of continuing to implement immediate actions for alleviating the debt and debt-service burdens of developing countries within the framework of the realization of economic, social and cultural rights. It considered that to find a durable solution to the debt crisis, a political dialogue within the UN system was needed between creditor and debtor countries, based on the principle of shared interests and responsibilities. The Commission asked the Secretary-General to submit in 1998 a report on the international debt strategy containing an analysis of the effects of the phenomenon on the enjoyment of human rights of the people of the developing countries, particularly of the most vulnerable and low-income groups. The High Commissioner was asked to continue to pay particular attention to the problem of the debt burden of developing countries,

and especially the social impact of the measures arising from foreign debt. The Commission asked that within the Centre for Human Rights a unit be established to promote economic, social and cultural rights, in particular to implement the right to development, bearing in mind aspects relating to the debt burden of developing countries.

On 3 April [dec. 1997/103], the Commission, taking note of the report of the open-ended working group, by a vote of 36 to 13, with 3 abstentions, authorized the group to meet for a period of one week prior to its 1998 session to gather and analyse information on the effects of structural adjustment programmes on economic, social and cultural rights and to develop basic policy guidelines on the programmes and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and to report in 1998. It asked its Chairman to appoint an independent expert to update previous work done on the subject and to submit in 1998 a consolidated study, including a draft set of guidelines. The Commission asked the Secretary-General to: circulate the study to Governments, UN bodies, specialized agencies, intergovernmental organizations, NGOs, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments at the group's next session; invite NGOs involved in development and working in the field to participate actively in the group's session; and to assist the working group and the independent expert.

ECONOMIC AND SOCIAL COUNCIL ACTION

In July [meeting 38], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision 1997/241** by recorded vote (27-17-4) [agenda item 7 (d)].

Effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/10 of 3 April 1997, approved the Commission's request that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries.

RECORDED VOTE IN COUNCIL AS FOLLOWS:

In favour. Bangladesh, Brazil, Cape Verde, Chile, China, Colombia, Cote d'Ivoire, Cuba, Djibouti, El Salvador, India, Jamaica, Jordan, Lebanon, Malaysia, Mexico, Mozambique, Nicaragua, South Africa, Spain, Sri Lanka, Sudan, Thailand, Togo, Tunisia, Turkey, Uganda.

Against: Australia, Belarus, Canada, Czech Republic, Finland, France, Germany, Iceland, Japan, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Sweden, United Kingdom, United States.

Abstain: Argentina, Gabon, Philippines, Republic of Korea.

On the same date [meeting 38], the Council, also on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision 1997/283** by recorded vote (29-19-1) [agenda item 7 (d)].

Effects of structural adjustment policies on the full enjoyment of human rights

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights decision 1997/103 of 3 April 1997, endorsed the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate to gather and analyse information on the efforts of structural adjustment programmes on economic, social and cultural rights and to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and to report to the Commission at its fifty-fourth session. To enable the working group to carry out its mandate, the Council decided:

(a) To request the Chairman of the Commission on Human Rights, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on the subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General to invite and encourage, in particular, non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his or her mandate.

RECORDED VOTE IN COUNCIL AS FOLLOWS:

In favour Bangladesh, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Djibouti, El Salvador, Gabon, India, Jamaica, Jordan, Lebanon, Malaysia, Mexico, Mozambique, Nicaragua, Philippines, Republic of Korea, South Africa, Sri Lanka, Sudan, Thailand, Togo, Tunisia, Turkey, Uganda, Zambia.

Against: Australia, Belarus, Canada, Czech Republic, Finland, France, Germany, Iceland, Japan, Latvia, Luxembourg, Netherlands, Poland, Romania, Russian Federation, Spain, Sweden, United Kingdom, United States.

Abstain: Argentina.

Income distribution

Commission action. On 15 April [dec. 1997/115], the Commission on Human Rights, taking note of a 1996 Subcommission resolution on the impact of the enjoyment of human rights on income distribution [YUN 1996, p. 647], deferred a decision on the Subcommission's request to the Economic and Social Council that the Secretary-General organize a seminar of experts to develop appropriate indicators and to monitor the implementation of commitments made by Governments.

Report of Special Rapporteur. In June, Special Rapporteur Jose Bengoa (Chile) submitted his final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution [E/CN.4/Sub.2/1997/9]. He discussed various aspects of globalization; income distribution at the international and national levels; and income distribution, exclusion, poverty and discrimination.

The Special Rapporteur stated that sustainable human development had to become the first priority of the international community. Globalization of the market risked having no meaning if its benefits were not shared among all sectors of the population. He emphasized the need to review and increase the level of international cooperation and appealed to governments, international agencies and NGOs to press for free trade agreements and treaties to include a chapter or special protocol on international cooperation. The Special Rapporteur also appealed for an increase in self-sustaining development programmes and in training and education of local management capacities. Countries were asked to step up their labour regulation controls to prevent new covert forms of slavery, and Governments that had not yet done so were asked to ratify International Labour Organization (ILO) conventions.

The Special Rapporteur recommended that the Subcommission establish a Forum on Economic, Social and Cultural Rights (Social Forum) to which the following might be invited: representatives of observer governments, members of the Commission and other interested observer Governments; representatives of UN specialized agencies; representatives of international, regional and national organizations of workers,

salaried staff, professionals and employers' organizations; and NGOs accredited to the Economic and Social Council and international development and cooperation agencies that were not accredited and would be offered a special accreditation procedure. The purpose of the Social Forum would be to: exchange information on the enjoyment of economic, social and cultural rights and its relationship with globalization; follow up on the relationship between income distribution and human rights; follow up on situations of poverty; propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the Working Group on the Right to Development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other bodies of the UN system; and follow up to agreements reached at the 1995 World Summit for Social Development [YUN 1995, p. 1113] and the 1992 UN Conference on Environment and Development [YUN 1992, p. 672] on the fulfilment of questions relating to economic, social and cultural rights. The Subcommission should discuss whether to appoint a Special Rapporteur for economic, social and cultural rights, whose principal function would be to submit an annual report to the Social Forum.

Subcommission action. On 22 August [dec. 1997/107], the Subcommission, noting that it did not have enough time for a comprehensive discussion of the Special Rapporteur's final report, postponed until 1998 the Special Rapporteur's presentation of the report. It asked the Special Rapporteur to complete his report by preparing a supplementary document on the subject and decided to give full consideration in 1998 to the recommendation regarding the establishment of a social forum within the Subcommission.

Transnational corporations

Subcommission action. On 22 August [res. 1997/11], the Subcommission entrusted El-Hadji Guissé (Senegal) with preparing a background document on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission in 1998.

Unilateral coercive measures

Commission action. By a roll-call vote of 37 to 8, with 7 abstentions, the Commission on Human Rights, on 3 April [res. 1997/7], called on States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the UN Charter, particularly those of a coercive nature with extraterritorial effects,

which created obstacles to trade relations among States, thus impeding realization of the rights set out in the 1948 Universal Declaration of Human Rights, adopted by the General Assembly in resolution 217 A (III) [YUN 1948-49, p. 535], and other international human rights instruments, in particular the right to development. Rejecting the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, the Commission urged the Intergovernmental Group of Experts on the Right to Development to take into account the negative impact of unilateral coercive measures in its work on the implementation of the right to development. The Commission asked the High Commissioner for Human Rights to urgently consider its resolution.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 12], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/120** by recorded vote (91-46-26) [agenda item 112 (b)].

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolution 51/103 of 12 December 1996,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it is declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995, the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted on 14 June 1996 by the second United Nations Conference on Human Settlements (Habitat II),

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and at recent major United Nations conferences and contrary

to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, inter alia, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

Noting the continuing efforts of the Working Group on the Right to Development, and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. Urges all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. Requests the Secretary-General to bring the present resolution to the attention of all Member States, to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit accordingly a report thereon to the General Assembly at its fifty-third session;

8. Decides to examine this question on a priority basis at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

RECORDED VOTE ON RESOLUTION 52/120:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea,

Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Malaysia, Mali, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States.

Abstain: Argentina, Armenia, Belarus, Belize, Bolivia, Cape Verde, Dominican Republic, Equatorial Guinea, Georgia, Jordan, Kazakhstan, Kyrgyzstan, Madagascar, Malawi, Malta, Marshall Islands, Mauritania, Mauritius, Mongolia, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Turkmenistan, Ukraine, Vanuatu.

Extreme poverty

Commission action. On 3 April [res. 1997/11], the Commission on Human Rights asked the Secretary-General to ensure that the final report of the Special Rapporteur on human rights and extreme poverty (Leandro Despouy, Argentina), issued in 1996 [YUN 1996, p. 649], was published by the United Nations in all official languages and widely distributed, and to convey the report to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the UN Conference on Trade and Development, the Executive Boards of the UN Development Programme (UNDP)/UN Population Fund and the UN Children's Fund (UNICEF), and the Executive Committee of the UN High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considered it should be communicated. The Council approved the Commission's requests to the Secretary-General by **decision 1997/242** of 22 July. The Commission also asked him to make the report available to NGOs that wished to reproduce it in languages accessible to the greatest number of persons living in extreme poverty.

The High Commissioner for Human Rights was asked to: give high priority to human rights and extreme poverty within UN human rights bodies; ensure better cooperation between institutions and bodies involved in developing policies and strategies for protecting human rights and combating poverty; invite Governments, specialized agencies and intergovernmental organizations to take account of the contradiction between the existence of situations of extreme poverty and exclusion from society and the duty

to guarantee full enjoyment of human rights; collaborate closely with all organizations concerned; regularly inform the Assembly of the evolution of the question of human rights and extreme poverty; submit in 1998 a report, to be prepared by the Centre for Human Rights and the UN Division for the Advancement of Women, on the obstacles encountered and progress achieved in women's rights relating to economic resources, the elimination of poverty and economic development, particularly for women living in extreme poverty; submit information on human rights and extreme poverty at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the Assembly devoted to conclusions of the World Summit for Social Development (see PART THREE, Chapter IX), scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first UN Decade for the Eradication of Poverty (1997-2006) (see PART THREE, Chapter I); and continue discussions with the World Bank and report in 1998 on the creation of microcredit programmes.

Right to adequate housing

Forced evictions

In July [E/CN.4/Sub.2/1997/7], the Secretary-General reported on the expert seminar on the practice of forced evictions (Geneva, 11-13 June).

The experts had drafted guidelines, which were annexed to the report, that addressed the human rights implications of the practice of forced evictions associated with development-based displacement. They outlined preventative obligations, the rights of all persons, including the integrity of the home and assurances of security of tenure, legal remedies, and monitoring of the guidelines.

Subcommission action. On 22 August [res. 1997/6], the Subcommission, urging Governments to eliminate the practice of forced eviction and to confer legal security of tenure on all persons, recommended that they provide immediate restitution, compensation and/or appropriate alternative accommodation or land to persons and communities that had been forcibly evicted. It asked the High Commissioner to give attention to the practice and take measures to persuade Governments to comply with relevant international standards, to prevent planned forced evictions, and to ensure the provision of adequate compensation. The Commission on Human Rights was asked to invite States to consider for their approval the human rights guidelines on development-based displacement.

Women and housing

On 27 August [res. 1997/19], the Subcommission asked the High Commissioner for Human Rights to take initiatives to promote the right of women to adequate housing and to land and property. It recommended that the Special Rapporteur on violence against women include in her next report an analysis of the relationship between violence against women and violations of the right to adequate housing and to land and property, including forced evictions. It also recommended that special rapporteurs and the special representative of the Secretary-General on internally displaced persons take into account the question of the housing, land and property rights of women in preparing their reports. The Subcommission asked Governments, UN bodies and organizations and specialized agencies to support initiatives, including the development of human rights indicators, aimed at assessing and improving the housing and living conditions of women.

(For other issues concerning women and human rights, see below under "Vulnerable groups".)

Right to food

Commission action. On 3 April [res. 1997/8], the Commission on Human Rights reaffirmed that hunger constituted a violation of human dignity and, therefore, required the adoption of urgent measures to eliminate it. It stressed the need to mobilize and optimize technical and financial resources to reinforce national actions to implement sustainable food security policies. Encouraging the Committee on Economic, Social and Cultural Rights to pay further attention to those rights recognized in article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], the Commission endorsed a request made in the World Food Summit Plan of Action [YUN 1996, p. 1129] to the High Commissioner for Human Rights to define better the rights related to food in article 11, and to propose ways to implement and realize those rights. The High Commissioner was asked to report in 1998.

Subcommission action. On 22 August [dec. 1997/108], the Subcommission, recalling its 1996 resolution on the subject [YUN 1996, p. 651], requested Asbjørn Eide (Norway) to review and update his 1987 study on the right to food [YUN 1987, p. 773] and to submit the updated study in 1998.

Scientific concerns

Human rights and the environment

Report of Secretary-General. The Commission on Human Rights considered a report of the Secretary-General [E/CN.4/1997/18] summarizing the views of Governments, UN bodies and specialized agencies, an intergovernmental organization and an NGO on the issues raised in the final (1994) report of the Special Rapporteur on human rights and the environment [YUN 1994, p. 1123].

Commission action. On 3 April [dec. 1997/102], the Commission invited the Secretary-General to bring his 1996 [YUN 1996, p. 652] and 1997 (see above) reports on human rights and the environment and its consideration of the item to the attention of the General Assembly at its nineteenth special session (see PART THREE, Chapter I), the Commission on Sustainable Development, the UN Environment Programme (UNEP), UNDP and other relevant international bodies and organizations, and requested him to prepare a consolidated report for submission in 1999.

On 22 July, the Economic and Social Council, by **decision** 1997/282, approved the Commission's decision.

Toxic wastes

Report of Special Rapporteur. In a February report [E/CN.4/1997/19], the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Fatma Zohra Ksentini (Algeria), described her 1996 activities and summarized general comments received from Angola, Germany, Jordan, Nigeria, the Philippines, Slovakia and the United Kingdom. She reviewed information provided by States parties to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal [YUN 1989, p. 420], as well as further information received from States, some of which concerned allegations of human rights violations, such as the right to safe and healthy working conditions, the right to form and join trade unions, the right to strike and the right to bargain collectively. The Special Rapporteur concluded that there had been an increase in the movement of waste from the developed countries to the developing countries in the form of recycling or recovery operations. States parties to the 1989 Basel Convention had amended it in 1995 [YUN 1995, p. 1333] to prohibit the export of hazardous wastes, even for recycling, from Organisation for Economic Cooperation and Development (OECD) members to non-members. The ban was to enter into force at the

end of 1997. She recommended the promulgation of strict legislation to control transboundary movements of dangerous wastes; provision to developing countries of legal aid and assistance to train magistrates and agents in drawing up relevant legislation; and consolidation of the role of NGOs, local communities and associations, trade unions, workers and victims. States should develop penal legislation and introduce administrative, civil and penal sanctions. In the case of transboundary movements of toxic wastes that had proved harmful to residents of a State other than the exporting country, the victims should have access to the administrative and judicial procedures of that country.

Commission action. On 3 April [res. 1997/9], by a roll-call vote of 32 to 12, with 8 abstentions, the Commission on Human Rights, condemning the increasing rate of dumping toxic and dangerous products and wastes in developing countries, urged Governments to take legislative and other measures to prevent illegal trafficking. It asked the Special Rapporteur to undertake a study of existing problems of and solutions to illicit traffic in the transfer and dumping of toxic wastes and dangerous products and wastes in African and other developing countries, with a view to making recommendations, in her next report, on adequate measures to control, reduce and eradicate those problems. The Special Rapporteur was also asked to include in her report information on countries and enterprises engaged in such illicit movement and dumping, as well as information on persons killed, maimed or otherwise injured in developing countries through those acts. The Secretary-General was asked to continue to assist her.

Water and sanitation services

On 27 August [res. 1997/18], the Subcommission, affirming that the global and multidimensional approach, as defined in the 1986 Declaration on the Right to Development, adopted by the General Assembly in resolution 41/128 [YUN 1986, p. 717], should constitute a basis for work to be carried out on the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services, decided to entrust El-Hadji Guissé (Senegal) with preparing a working paper on the question. It asked him to report in 1998.

Bioethics

Report of Secretary-General. The Commission on Human Rights examined a report of the Secretary-General [E/CN.4/1997/66] covering legislation and other measures taken to ensure that

the life sciences developed in a manner respectful of human rights, based on information received from 10 Governments, the United Nations Population Fund, one NGO and one academic institution. He discussed legislative, administrative and other measures aimed at protecting human rights in the bioethical context, including medical treatment, medical research involving humans and experiments on humans, organ and tissue transplants, and family planning, including artificial insemination and abortion. The Secretary-General also presented information received by Governments regarding developments in biotechnology and methods to promote ethical standards.

The Secretary-General concluded that legislation re-enforcing certain ethical principles had been introduced by an increasing number of States, which had also established machinery to implement legal rules and give effect to ethical standards. The report contained comments and recommendations made by the Government of Jordan.

Commission action. On 16 April [res. 1997/71], the Commission invited Governments, the specialized agencies and other UN organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences developed in a manner respectful of human rights and benefiting humanity as a whole. Governments were invited to inform the Secretary-General of legislative or other measures taken to that end and to consider establishing committees to assess the ethical, social and human questions raised by the biomedical research undergone by humans and, in particular, research relating to the human genome and its applications, and to inform the Secretary-General of the establishment of such bodies with a view to promoting exchanges of experience. The Subcommission was asked to consider ways to ensure that the life sciences developed in a manner fully respectful of human rights and beneficial to humanity and to make recommendations to that effect. The Commission asked the Secretary-General to report in 1999.

Scientific progress and human rights

In accordance with a 1996 Subcommission decision [YUN 1996, p. 652], Osman El-Hajjé (Lebanon) submitted a July working paper [E/CN.4/Sub.2/1997/34] on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual. He identified medicine and health, computer technology and over-exposure to radiation as research areas that might produce undesirable effects. He discussed the need for scien-

tific research to be free from limitations, the provision of ethical principles to researchers, State support for scientific research and the legal aspects of scientific and technical activity.

Mr. El-Hajjé recommended the drafting of universal legislation, beginning with guidelines for researchers, establishing limits they should not transgress. He advocated setting up ethics committees to supervise scientific activity, foresee possible excesses, alert the authorities and public opinion, and act in an advisory capacity to assist public authorities as well as scientific researchers and their professional organizations. An international committee on ethics should report to the General Assembly annually on the state of science and technology.

Subcommission action. On 28 August [res. 1997/42], the Subcommission recommended that the Commission authorize it to appoint Mr. El-Hajjé as Special Rapporteur to carry out a study on the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual.

Computerized personal files

Report of Secretary-General. In a January report [E/CN.4/1997/67], the Secretary-General summarized information received from Governments and UN organs, bodies and specialized agencies on the application of the guidelines for the regulation of computerized personal files, adopted by the General Assembly in resolution 45/95 [YUN 1990, p. 621].

Commission action. On 16 April [dec. 1997/122], the Commission on Human Rights requested States and intergovernmental, regional and non-governmental organizations to cooperate with the Secretary-General by providing him with information on the application of the guidelines. The Secretary-General was asked to continue to ensure the implementation of the guidelines in the UN system and to report in 1999, based on information collected from States, intergovernmental and regional organizations and NGOs, concerning the follow-up to the guidelines at the national and regional levels.

Slavery and related issues

Commission action. On 11 April [res. 1997/20], the Commission on Human Rights, expressing grave concern at manifestations of contemporary forms of slavery, asked the Secretary-General to continue to examine the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to report in 1999 in order to enable the Commis-

sion to decide whether it should continue paying attention to the issue. He was also asked to designate the High Commissioner as the focal point to coordinate activities in the UN system for the suppression of contemporary forms of slavery.

States were asked to consider taking action to protect groups of persons particularly vulnerable to slavery and slavery-like practices, such as children and women; consider adopting legal and administrative measures to protect, rehabilitate and reintegrate victims of contemporary forms of slavery; and to consider ratifying the ILO Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age Convention, 1973 (Convention No. 138) [YUN 1973, p. 885].

Working Group activities. The Working Group on Contemporary Forms of Slavery, at its twenty-second session (Geneva, 2-11 June) [E/CN.4/Sub.2/1997/13], reviewed developments in the area of contemporary forms of slavery and measures to prevent and repress all its forms, including the suppression of traffic in persons and exploitation of the prostitution of others, illegal and pseudo-legal adoptions aimed at exploiting children, traffic in human organs and tissues, bonded labour and child labour, forced labour and migrant workers—particularly domestic workers (see below, under "Vulnerable groups"). It discussed the activities of the Special Rapporteur on the sale of children, child prostitution and child pornography and the 1996 World Congress against Commercial Sexual Exploitation of Children [YUN 1996, p. 660], as well as the activities of the Special Rapporteur on violence against women. Other matters considered by the group focused on early marriages, incest and detained juveniles. The Group concluded that despite the progress made in human rights protection, various forms of slavery still existed and new insidious forms were emerging. The Group made a series of recommendations on the issues considered by it during the session.

Reports of Secretary-General. In a February report [E/CN.4/1997/78], the Secretary-General summarized information received from two UN specialized agencies and one NGO on the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes. The Commission on Human Rights in 1996 [YUN 1996, p. 653] had requested him to seek information to enable it to decide on possible follow-up to the matter.

The Secretary-General, in May [E/CN.4/Sub.2/AC.2/1997/5], summarized information he had received from Governments, UN bodies and specialized agencies, intergovernmental organizations and NGOs regarding measures they had

taken to prevent and repress contemporary slavery.

Subcommission action. On 27 August [res. 1997/22], the Subcommission adopted a resolution on issues of concern to the Working Group. It addressed the prevention of traffic in persons and exploitation of the prostitution of others; the sale of children, child prostitution and child pornography; traffic in human organs and tissues; exploitation of child labour; the eradication of bonded labour; forced labour; migrant workers; illegal adoptions; and the elimination of violence against women.

The Subcommission asked the Secretary-General to seek the views of Member States, intergovernmental organizations and NGOs on proposals for the Group's future action. He was also asked to designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the UN system for the suppression of contemporary forms of slavery.

Fund on slavery

Commission action. On 11 April [res. 1997/20], the Commission on Human Rights asked the Secretary-General to appeal to Governments for contributions to the UN Voluntary Trust Fund on Contemporary Forms of Slavery, established by the General Assembly in 1991 [YUN 1991, p. 563].

Note by Secretariat. A May note by the Secretariat contained recommendations adopted by the Board of Trustees of the UN Voluntary Fund on Contemporary Forms of Slavery at its third session (Geneva, 17-19 March) [E/CN.4/Sub.2/AC.2/1997/4]. The recommendations, which had been approved by the Secretary-General on 27 March, dealt with travel and project grants, fund-raising, organization of the Board's sessions, cooperation with the Working Group, recommendations of the Board during the inter-sessional period and assistance to NGOs attending the Group's sessions.

Subcommission action. On 27 August [res. 1997/21], the Subcommission urged all Governments, NGOs and individuals to respond favourably to requests for contributions to the Trust Fund to enable the Fund to fulfil its mandate.

Sexual exploitation during periods of armed conflict

A June note by the Secretariat [E/CN.4/Sub.2/1997/12] stated that the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict had informed the High Commissioner/Centre for Human Rights that she was not

in a position to submit her final report as requested by the Subcommission in 1996 [YUN 1996, p. 654]. She also informed the Secretariat of her resignation.

On 27 August [dec. 1997/114], the Subcommission decided to entrust Gay J. McDougall (United States) with the task of completing the study for submission in 1998.

Vulnerable groups

Women

Violence against women

Reports of Special Rapporteur. In a February report [E/CN.4/1997/47], the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy (Sri Lanka), focused on all forms of violence against women in the community. She discussed State responsibility and human rights law; rape and sexual violence against women, including sexual harassment; trafficking in women and forced prostitution; violence against women migrant workers; and religious extremism.

The Special Rapporteur made a series of recommendations to States on those issues, which included: ratifying, without reservations, international instruments relating to the human rights of women; complying with their reporting obligations under human rights treaties and including gender-disaggregated data and information on the situation of women; amending their penal codes regarding sexual violence; implementing gender-sensitization and awareness-raising programmes for police and the judiciary; incorporating gender-sensitizing and awareness training in medical and legal education and changes in school curricula to create attitudes to help combat violence against women; allocating funds for victim support services; and lifting restrictions on women's reproductive rights, such as abortion, in cases of rape. Concerning trafficking and forced prostitution, she recommended that States formulate social policies to ensure that marginalized women were given alternative means for their livelihood; ensure that the police and judiciary were sensitized to those issues; ensure that special services were available to women victims of trafficking and prostitution; strengthen health education programmes, including awareness-raising on HIV/AIDS; and develop mechanisms to combat complicity by police and immigration officers.

As to violence against women migrant workers, she advocated that all States ratify the 1990 International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families, as contained in General Assembly resolution 45/158 [YUN 1990, p. 594]; establish migrant desks in embassies or consulates to assist migrant workers; prosecute employers abusing women migrant workers; and combat racist laws and attitudes that dehumanized immigrant populations. Regarding religious extremism, the Special Rapporteur stated that States should not invoke custom, religion or tradition to justify violence against women. Furthermore, they should make compatible with international standards laws relating to the criminal process, and ensure the elimination of traditional practices that violated women's human rights. Violations of women's reproductive health should be eliminated, and States should adopt legislation regulating prenatal sex determination. The Special Rapporteur recommended that studies should be commissioned to assess the impact of new technology on violence against women. States, in collaboration with NGOs, should raise awareness about how certain types of pornography were violent towards women and unacceptable within the community. States, research institutions and NGOs should collect data on violence against women regularly.

In an addendum to her report [E/CN.4/1997/47/Add.4], the Special Rapporteur provided summaries of communications concerning specific cases of alleged violence against women that she had transmitted to five Governments.

In a later report [E/CN.4/1998/54/Add.1] dealing with the genocide that took place in Rwanda in April 1994 [YUN 1994, p. 283] and its aftermath, the Special Rapporteur described her visit to the country (27 September-1 November 1997), made at the invitation of the Government, to study the issue of violence against women in wartime and in post-conflict situations. She also visited the International Criminal Tribunal for Rwanda (ICTR) (see PART FOUR, Chapter II) in Arusha, United Republic of Tanzania (23-25 September), where she observed the testimony of a witness in the first trial to contain sexual violence in the indictment and met with the President of the Court, judges, the Registrar and other staff. In Rwanda, she gathered information on violence against women during the genocide, the status of women post-genocide, progress achieved in punishing perpetrators, and the conditions of women in detention.

The Special Rapporteur presented individual cases of women victims of violence resulting from the hostilities in Rwanda. Concerning the issue of punishing the perpetrators, she noted that the first indictment on the grounds of sexual violence at ICTR was issued only in August 1997.

There were few prosecutions for sexual violence, she stated, because the Office of the Prosecutor was not pro-active, women seemed hesitant to come forward with their testimonies, and women were frightened of repercussions and reprisals.

According to data provided by the UN Human Rights Field Operation in Rwanda (HRFOR), 126,216 persons were detained in Rwanda, the vast majority of whom were charged under the Genocide Act. In the 19 central prisons in Rwanda, 2,687 prisoners out of a total of 77,349 (3.7 per cent) were women. HRFOR had also registered 158 detention centres around the country, where some 3.4 per cent of inmates were women (1,585 women out of 48,867 persons in custody). The Special Rapporteur expressed concern about the sanitary conditions for women and their children and overcrowding in the prisons and detention centres she had visited. There were reports of violence and sexual harassment of women by law enforcement officials during arrests and in detention. On the positive side, she observed that, in some instances, women were offered general medical services and social assistance.

Recommendations for action at the international level included ensuring the effective functioning of ICTR and the cooperation of States with the Tribunal by gathering evidence and by arresting and transferring individuals indicted by the Tribunal. Within those recommendations, the Special Rapporteur proposed measures for the Victims and Witness Protection Programme of ICTR, the Office of the Prosecutor in The Hague (Netherlands) and in Kigali (Rwanda), the Deputy Prosecutor's Office and the ICTR Office of Public Relations. She also recommended revising the HRFOR mandate to give it the dual role of monitoring and providing technical assistance. At the national level, the Special Rapporteur recommended that the Government of Rwanda should: implement the 1993 Arusha Peace Agreement [YUN 1993, p. 284] signed between the Government and the Rwandese Patriotic Front; stop arbitrary arrests; call on the international community to assist in training lawyers and the judiciary; amend its Genocide Act to meet international standards, including the right of the court to consider mitigating circumstances and to allow a full right of appeal; and, together with the international community, continue special programmes aimed at empowering women economically. She also recommended the prosecution of cases of sexual violence, setting up an interministerial task force on sexual violence during the genocide, and conducting the process of investigation and prosecution of perpetrators of geno-

cide according to international human rights standards.

NGOs were urged to: sensitize women victims on the need to speak out to bring perpetrators to justice and coach women witnesses in legal procedures and in giving testimonies before courts; monitor conditions of women in detention; and provide free legal assistance for women accused of having participated in the genocide.

Communication. On 11 August [E/CN.4/Sub.2/1997/41], the Democratic People's Republic of Korea submitted its views on the provision of "comfort" women for members of the Japanese Imperial Army during the Second World War, following the Special Rapporteur's report on her 1995 visit to the two countries [YUN 1996, p. 655].

On 27 August [res. 1997/22], the Subcommission invited the Government of Japan to continue to cooperate with the United Nations and the specialized agencies in the matter and decided to continue to consider the issue in 1998.

Commission action. On 11 April [res. 1997/44], the Commission on Human Rights condemned all acts of gender-based violence against women, and emphasized the duty of Governments to refrain from engaging in violence against women and to prevent, investigate and punish those acts. It also condemned all violations of the human rights of women in situations of armed conflict and called for an effective response to them, particularly murder, systematic rape, sexual slavery and forced pregnancy. Stressing the Special Rapporteur's conclusions and recommendations in her report on violence against women, the Commission called on States to ratify and implement relevant international human rights instruments; include in reports information pertaining to violence against women and measures taken to implement the 1993 Declaration on the Elimination of Violence against Women, adopted by the Assembly in resolution 48/104 [YUN 1993, p. 1046] and the 1995 Beijing Platform for Action [YUN 1995, p. 1170]; cooperate with all other mechanisms in the UN system in relation to violence against women; condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid obligations to eliminate such violence; take action to eradicate violence in the family and in the community; enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who were subjected to violence; enact or reinforce legislation protecting girls from all forms of violence; create, improve or develop, and fund training programmes for judicial, legal, medical, social, educational and police and immigrant personnel; enact and enforce legislation, and

amend penal codes, to ensure protection against rape, sexual harassment and all other forms of sexual violence against women and support the efforts of NGOs and community organizations to eliminate such practices; and consider implementing the recommendations of the Special Rapporteur. The Commission asked Governments to support initiatives of women's organizations and NGOs to raise awareness of violence against women and to contribute to its elimination. It decided that the Special Rapporteur's mandate should be renewed for another three years and asked her to report annually beginning in 1998. The Secretary-General was asked to continue to ensure that her reports were brought to the attention of the Commission on the Status of Women and of the Committee on the Elimination of Discrimination against Women (see PART THREE, Chapter X).

The Commission's decision to renew the Special Rapporteur's mandate was approved by the Economic and Social Council by **decision** 1997/255 of 22 July.

On 15 April [res. 1997/52], the Commission invited the Special Rapporteur to consider the invitation of the Government of Haiti to visit the country.

Subcommission action. On 27 August [res. 1997/22], the Subcommission invited Governments, intergovernmental organizations and NGOs to disseminate widely the Special Rapporteur's report.

On 12 December, the General Assembly, by **resolution** 52/86, adopted Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (see PART THREE, Chapter IX).

Violence against women migrant workers

Commission action. On 3 April [res. 1997/13], the Commission on Human Rights encouraged States in their legislation to punish and redress the wrongs done to women and girls who were subjected to violence, and to consider signing and ratifying or acceding to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594], as well as the 1926 Slavery Convention. It reiterated the need for States to identify problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them. The High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against

women, as well as all relevant UN bodies and programmes, were requested to give particular attention to the issue of violence perpetrated against women migrant workers. Regional commissions and the ILO regional offices were invited to examine ways, within their mandates, of dealing with concerns pertaining to women migrant workers. The Secretary-General was asked to report in 1998 on the implementation of the Commission's resolution, including information received from UN organs and bodies, Member States, intergovernmental organizations and other concerned bodies.

Traditional practices affecting the health of women and children

Report of Special Rapporteur. In June, the Special Rapporteur on traditional practices affecting the health of women and children, Halima Embarek Warzazi (Morocco), submitted a report [E/CN.4/Sub.2/1997/10&Add.1] containing information received from Governments, UN bodies and specialized agencies, and NGOs on progress achieved and obstacles encountered in implementing the 1994 Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children [YUN 1994, p. 1123].

Commission action. On 11 April [dec. 1997/108], the Commission on Human Rights, recalling a 1996 Subcommission resolution [YUN 1996, p. 658], endorsed the Subcommission's decision to extend the Special Rapporteur's mandate for an additional two years.

The Commission's decision was approved by the Economic and Social Council by **decision** 1997/284 of 22 July.

Subcommission action. On 22 August [res. 1997/8], the Subcommission, regretting the low number of replies received from Governments on the implementation of the 1994 Plan of Action, urgently appealed to them to implement it. It asked the Special Rapporteur to submit a follow-up report in 1998.

On 12 December, by **resolution** 52/99, the General Assembly asked the Commission to address the issue of traditional practices affecting the health of women and girls. The Secretary-General was asked to make available to the Commission in 1998 the outcome of the discussions on the matter in the Commission on the Status of Women (see PART THREE, Chapter X).

Traffic in women and girls

Commission action. On 19 April [res. 1997/19], the Commission on Human Rights called on Governments of origin, transit and destination, and

regional and international organizations, to implement the Platform for Action of the Fourth (1995) World Conference on Women [YUN 1995, p. 1170] by: ratifying and enforcing international conventions on trafficking in persons and on slavery; addressing the root factors of trafficking in women and girls; stepping up cooperation by relevant law enforcement authorities; allocating resources to provide programmes to rehabilitate victims of trafficking; and developing educational and training programmes and considering legislation aimed at preventing sex tourism and trafficking. It invited Governments, with UN support, to develop training manuals for personnel who received and/or held in temporary custody victims of gender-based violence, including trafficking, and encouraged UN bodies and organizations to contribute to the preparation of guidelines, in cooperation with intergovernmental organizations and NGOs, including those concerned with traumatic stress. The Subcommission was asked to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of traffic in women and girls.

Report of Secretary-General. The Secretary-General, in a September report on traffic in women and girls [A/52/355], described steps taken to implement General Assembly resolution 51/66 [YUN 1996, p. 1072], based on reports received from Member States, UN bodies and intergovernmental organizations. He reviewed national laws and policies, and highlighted measures to address trafficking taken by Member States, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice. The Secretary-General noted that the Ministerial Conference of the European Union to prepare the European Code to Prevent and Combat Trafficking in Women (The Hague, 24-26 April) adopted The Hague Ministerial Declaration on European Guidelines to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation.

The Secretary-General concluded that information received revealed evidence of significant trafficking activity and that further data were required before effective strategies could be designed and implemented.

On 12 December, the General Assembly, in **resolution 52/98**, called on Governments to criminalize trafficking in women and girls and to condemn and penalize all offenders. It invited them to develop training manuals for law enforcement, medical personnel and judicial officers who handled cases of trafficking in women and girls.

Women in the UN

Report of Secretary-General. The Commission on Human Rights considered a report of the Secretary-General [E/CN.4/1997/40] on steps taken to integrate the human rights of women into the UN system. The report reviewed the background to the question of the human rights of women by examining the relevant recommendations of the 1993 Vienna Declaration and Programme of Action [YUN 1993, p. 908], adopted at the World Conference for Human Rights, and considered the main activities of the human rights monitoring bodies and the gender dimension reflected in the activities of the Commission and its Subcommission. In addition, it presented violations of women's rights as documented in the 1996 reports of thematic and country special rapporteurs and working groups. The report noted some progress in promoting and protecting women's human rights, as well as progress in integrating women's rights into existing mechanisms and procedures. Nevertheless, steps taken to mainstream the human rights of women into the human rights programme had been experimental and ad hoc. Strategies for mainstreaming needed to be formalized with guidelines, such as those developed by the 1995 expert group meeting on guidelines for integration of gender perspectives into UN human rights activities [YUN 1995, p. 767].

Treaty bodies were encouraged to: develop a gender analysis of each article of each treaty, cross-referenced to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, contained in General Assembly resolution 34/180 [YUN 1979, p. 895], including the development of gender-sensitive model questions to be used in the review of State parties' reports; develop a common strategy towards mainstreaming the human rights of women into their work; and prepare general comments that reflected a gender perspective. With regard to comprehensive recommendations, reference should be made to the recommendations of the 1995 expert group meeting.

UNIFEM report. By a letter of 21 March, the Director of the United Nations Development Fund for Women (UNIFEM) submitted a report [E/CN.4/1997/131] suggesting steps that might be taken by the special rapporteurs, special representatives, independent experts and working groups towards the goal of full integration of women's human rights into their reporting and other activities. It summarized general trends in reporting on women's human rights and presented recommendations concerning reporting and working methods. The report was prepared for a 1996 meeting [E/CN.4/1997/3] of special rap-

porteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission and of the advisory services programme.

Commission action. On 11 April [res. 1997/43], the Commission on Human Rights, welcoming UNIFEM's report on the integration of women's human rights in the work of the special rapporteurs and others, urged the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis. It called for strengthened cooperation between the Commission on Human Rights and the Commission on the Status of Women (see PART THREE, Chapter X) and between the Centre for Human Rights and the UN Division for the Advancement of Women through regular inter-secretariat cooperation to ensure that the joint work plan of the Centre and the Division reflected all aspects of work under way and identified obstacles and areas for further collaboration. It asked that the plan be made available to both Commissions in 1998. Relevant UN entities and human rights bodies were urged to provide training in the human rights of women for all UN personnel and officials, especially those in human rights and humanitarian relief activities, and to promote their understanding of the issue. The Commission asked the High Commissioner for Human Rights to ensure the availability of expertise on gender issues and the human rights of women in order to provide advice on integrating the human rights of women throughout the Centre, as well as to liaise with other relevant UN bodies. The Secretary-General was asked to report in 1998.

Subcommission action. On 22 August [res. 1997/9], the Subcommission urged the Secretary-General, in cooperation with the Office of the Special Adviser on Gender Issues and the Advancement of Women, to strengthen the function of the Focal Point for Women, ensure the full implementation of the strategic action plan for the improvement of the status of women in the Secretariat, and fulfil his target of having women hold 50 per cent of managerial and decision-making positions by the year 2000.

The girl child

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights called on States to take measures and institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective action against violations, and to eliminate all forms of discrimination

against girls and the root causes of son preference. States, international organizations and NGOs were called on to set goals and develop and implement gender-sensitive strategies to address the rights and needs of children, and to take into account the rights and needs of girls.

Subcommission action. On 22 August [res. 1997/9], the Subcommission called on Governments to eliminate biases in educational systems to counteract gender segregation of the labour market, improve women's skills and broaden their access to career choices. It also called on them to criminalize trafficking in women and girls and to condemn and penalize all offenders.

On 12 December, the General Assembly, in **resolution 52/106**, asked the Secretary-General to ensure that all UN organizations and bodies took into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against her.

Children

Sale of children, child prostitution and child pornography

Report of Special Rapporteur. A February report [E/CN.4/1997/95 & Corr.1] of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ofelia Calcetas-Santos (Philippines), focused on the commercial sexual exploitation of children, including its causes, characteristics and effects on children. She reviewed national and international initiatives taken to combat the sale and commercial sexual exploitation of children. The Special Rapporteur's report contained an analysis of and recommendations on problem areas of the criminal justice system, which were reproduced from her 1996 report to the General Assembly [YUN 1996, p. 660]. The Special Rapporteur set out proposals for follow-up to the Declaration and Agenda for Action adopted at the 1996 World Congress against Commercial Sexual Exploitation of Children [YUN 1996, p. 660]. In that regard, she endorsed the call by the Congress for States to urgently strengthen cross-sectoral and integrated measures with a view to developing by the year 2000 national agendas for action to eliminate the commercial sexual exploitation of children; urged States to develop implementation and monitoring mechanisms; and emphasized the recommendations made by the Congress that focused on mobilizing the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children and on encourag-

ing the media to strengthen their role in providing high-quality information. Proposals for consideration by the Commission on Human Rights urged States to gather data reflecting various types of commercial sexual exploitation distinct from sexual abuse, and the gender and the age of victims; and to consider convening an international convention for media and child psychologists/psychiatrists to address the issue. The Special Rapporteur proposed involving private computer and information technology companies, as well as Internet service providers, as sponsors in initiatives to eliminate and raise awareness of the problem.

In a later report [E/CN.4/1998/101/Add.1], the Special Rapporteur described her visit to Kenya (25 August-1 September) to study the commercial sexual exploitation of children in the country. During her mission, she met with high-level government officials, law enforcement officials and representatives of children's organizations and NGOs, tourism associations and the Regional Child Rights Representative of UNICEF and the ILO International Programme for the Elimination of Children Labour. The Special Rapporteur also interviewed child victims of sexual exploitation.

The Special Rapporteur stated that, according to Human Rights Watch, a human rights organization, 40,000 Kenyan children were living on the streets; 38 per cent of all children were sexually abused by the age of 18; and 11 per cent of sexual abuse was perpetrated by a stranger, 29 per cent by a family member and 60 per cent by a person known to the victim. She examined the causes of the phenomenon and attributed it mainly to poverty, as well as abuse or rejection within families, which caused the increase in street children and the consequent vulnerability to commercial sexual exploitation. Other contributors were single-parent families; gender discrimination, which made girls more vulnerable; substance abuse; and persuasion or deception by adults. The lack of a sound legal basis in Kenyan national legislation further compounded the problem, as did under-reporting. In addition, there was a lack of high-level coordination among government ministries that provided services for children in different circumstances.

Steps taken by the Government included the initiation of projects focusing on rural development strategies, poverty alleviation and raising living standards of the rural poor to reduce migration from rural to urban areas; education and awareness-raising campaigns to discourage early marriages; the establishment of a crisis desk to handle cases of child abuse and neglect, as well as commercial sexual exploitation; the setting up of

a National Coalition on Child Rights and Child Protection; and strengthening of the educational system. NGOs were actively working with street children and rehabilitation centres for child victims of commercial sexual exploitation had been set up by the Child Welfare Society of Kenya. However, police lacked training in how to address child victims, legislation did not distinguish between a child needing discipline and a child needing protection, and there was no training for members of the judiciary, including justices and magistrates, on juvenile issues.

The Special Rapporteur made recommendations to the Government on ways to revise its legislation. Other recommendations dealt with: empowering the family; sensitizing the public to the dangers of the problem; sensitizing law enforcement personnel and the judiciary; increasing the percentage of female law enforcement officials; establishing a hotline and contact centres with trained personnel; examining traditional practices, such as early marriage; instituting sex education programmes within the school as part of the compulsory curriculum; and retaining girl children in schools by providing educational subsidies. NGOs were urged to forge a strong partnership between Government, NGOs, parents and children, appraise the numerous umbrella organizations and networks of organizations working on children's issues, and provide a directory of NGOs working with child victims to police officers.

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights, welcoming the Special Rapporteur's report, asked the Secretary-General to assist her to discharge her mandate fully and to enable her to submit an interim report to the General Assembly in 1997 and a report to the Commission in 1998. The Economic and Social Council, by **decision 1997/281** of 22 July, approved the Commission's request to the Secretary-General.

Report of Secretary-General. In a May report [E/CN.4/Sub.2/1997/11], the Secretary-General presented information received from Governments on action they had taken to implement the 1992 Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography [YUN 1992, p. 814].

Interim report of Special Rapporteur. By an October note [A/52/482], the Secretary-General transmitted the Special Rapporteur's interim report to the General Assembly. She provided information on developments that had come to her attention regarding the commercial sexual exploitation of children throughout the world, and described the role of the media and education as catalysts in preventing the problem.

The Special Rapporteur urged Governments to: publicize laws to protect children; give prominent visibility to convictions of child sex offenders; promote a culture of rights and positive moral values for society; sensitize and educate children to identify aberrant behaviour; educate the public on the consequences of any form of sexual abuse; raise awareness among the communications and entertainment industries; conduct public information campaigns to encourage child victims or potential victims of sexual abuse to seek help, and publicize offices and agencies extending such assistance; sensitize policy makers, legislators, civic and professional groups and religious leaders and communities of the necessity of including sex education in school curricula, as well as HIV/AIDS awareness-raising; provide free compulsory primary and secondary education for children; establish a monitoring body to approve programmes intended to protect and assist child victims of sexual abuse and exploitation; and take steps to minimize the dangers of Internet use for the purposes of commercial sexual exploitation of children. Persons involved in the media and education sectors were urged to: publicize mechanisms for reporting crimes against children; publicize existing response mechanisms, organizations and agencies providing assistance; design and implement training programmes for all those involved with children to detect early signs of physical or sexual abuse; ensure informed and sensitive reporting of cases of child sexual abuse; encourage the public to inform authorities of suspicious activities potentially endangering children; and make available hotlines to enable users to report potentially harmful materials on the Internet.

Regarding the recovery and reintegration into society of child victims, the Special Rapporteur recommended ensuring that rehabilitation and reintegration programmes were evaluated by child psychologists and psychiatrists or other qualified persons or organizations; providing free counselling services for child victims and their families; and enlisting the cooperation of teachers and other child victims to facilitate the return of child victims to school. The Special Rapporteur concluded with an outline of obstacles to effective networking between Governments and NGOs and among NGOs themselves.

(For details of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, see PART TWO, Chapter I.)

Child labour

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights called on States, among other things, to support the drafting by ILO of an instrument aimed at eradicating the most intolerable forms of child labour, to provide for a minimum age or minimum ages for admission to employment, and to set target dates for eliminating all forms of child labour that were contrary to accepted international standards. It asked the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77 [YUN 1996, p. 665], to cooperate closely with UN specialized agencies, particularly ILO and UNICEF.

Report of Secretary-General. As requested by the Assembly in resolution 51/77, the Secretary-General reported in October [A/52/523] on the exploitation of child labour. He described the phenomenon of child labour, stating that recent surveys indicated that the number of working children worldwide, aged between 5 and 14 years, was 250 million, of whom at least 120 million worked full time and were doing work that was hazardous and exploitative. The Secretary-General reviewed instruments and mechanisms aimed at eliminating the phenomenon, particularly those of the Commission and its Subcommittee, the Office of the High Commissioner for Human Rights, ILO and UNICEF.

The Secretary-General proposed national and international action and mechanisms for coordinating policies with regard to protecting children from economic exploitation.

On 12 December, the Assembly, by **decision 52/421**, took note of the Secretary-General's report.

Children and armed conflict

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights asked the Secretary-General to follow up the General Assembly recommendation in resolution 51/77 [YUN 1996, p. 665] to appoint for a three-year period a special representative on the impact of armed conflict on children.

(For information on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, see PART TWO, Chapter I.)

Street children

Commission action. On 18 April [res. 1997/78], the Commission on Human Rights called on States to seek solutions to problems of children on the street; ensure their reintegration into society; provide adequate nutrition, shelter, health

care and education; take measures to prevent the killing of street children and combat torture and violence against them; and ensure that legal and juridical processes respected children's rights. The international community was called on to support the efforts of States to improve the situation of children needing special protective measures.

Subcommission action. On 27 August [res. 1997/24], the Subcommission asked the Commission to consider appointing a special rapporteur on the human rights situation of street children.

Rights of the child

Subcommission action. On 28 August [res. 1997/32], the Subcommission, expressing its conviction that it could best play a constructive role in promoting, realizing and protecting the rights of children and youth by drawing on the expertise of various UN organs, bodies and legal instruments, as well as of intergovernmental organizations and NGOs, decided to review in 1998 the promotion, full realization and protection of the rights of children and youth.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, following consideration of a broad range of issues relating to children's rights (see also PART TWO, Chapter I, and PART THREE, Chapters X and XI) and acting on the recommendation of the Third Committee [A/52/640], adopted **resolution 52/107** without vote [agenda item 108].

The rights of the child

The General Assembly,

Recalling its resolutions 51/76 and 51/77 of 12 December 1996, 51/186 of 16 December 1996 and Commission on Human Rights resolution 1997/78 of 18 April 1997,

Also recalling the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, notably the solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual

abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability and drug abuse, and convinced that urgent and effective national and international action is called for,

Inviting Member States to promote the values of peace, understanding and dialogue in the education of children, as well as awareness of the urgent need to combat poverty, malnutrition and illiteracy worldwide,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, in order to achieve these objectives,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of one hundred and ninety-one States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Once again urges all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children and reiterated in the Vienna Declaration and Programme of Action;

3. Recognizes the important role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

4. Invites the Committee to enhance further the constructive dialogue with the States parties to the Convention and the transparent and effective functioning of the Committee;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, and takes note of the Plan of Action of

the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention;

6. Calls upon States parties to implement the Convention fully, to cooperate closely with the Committee and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

7. Also calls upon States parties to the Convention to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

8. Recalls that the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts, was adopted by the Conference of States Parties to the Convention on the Rights of the Child on 12 December 1995, that this amendment was approved by the General Assembly in its resolution 50/155 of 21 December 1995, and, therefore, calls upon States parties to the Convention to take appropriate measures so that acceptance of the amendment by a two-thirds majority of States parties may be reached as soon as possible in order that the amendment may enter into force;

9. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, *inter alia*, towards the development of respect for human rights and fundamental freedoms, the Charter of the United Nations and for different cultures and towards the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

10. Also calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike, and further calls upon States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical co-operation in the field of human rights;

11. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children, as emphasized in the report of the Secretary-General on the progress at mid-decade on implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children;

12. Encourages the Committee, in monitoring the implementation of the Convention, to continue to pay attention to the needs of children in especially difficult circumstances;

II

Children with disabilities

1. Welcomes the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child;

2. Calls upon all States to take all necessary measures to ensure the full and equal enjoyment of all human

rights and fundamental freedoms by children with disabilities and to develop and enforce legislation against discrimination against children with disabilities;

3. Also calls upon all States to promote a full and decent life for children with disabilities, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community;

4. Emphasizes the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development and to adopt an integrated approach to providing adequate support and appropriate education for such children;

5. Welcomes the decision by the Economic and Social Council to request the Special Rapporteur on Disability of the Commission for Social Development, in monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, to pay special attention to children with disabilities and the invitation to enhance the cooperation between the Special Rapporteur and the Committee on the Rights of the Child, and requests the United Nations High Commissioner for Human Rights and the United Nations Children's Fund to work closely with him;

6. Calls upon all States, in complying with their reporting obligations to the Committee under paragraph 1 of article 44 of the Convention on the Rights of the Child, to include, in accordance with the Committee's guidelines on the rights of the child, information on the situation and the needs of children with disabilities, including desegregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

III

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

1. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, and expresses its support for her work in examining, all over the world, the question of the sale of children, child prostitution and child pornography;

2. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fourth session;

3. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing that work before the tenth anniversary of the Convention;

4. Calls upon all States parties to the Convention to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at

adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children;

5. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation and sexual abuse, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

6. Calls upon States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. Also calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation of children, including commercial sexual exploitation;

8. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

9. Stresses the need to combat the existence of a market that encourages such criminal practices against children;

10. Urges States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination and to share relevant data;

11. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

12. Invites States to allocate resources to provide comprehensive programmes designed to heal and to rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

IV

Protection of children affected by armed conflict

1. Expresses grave concern at the numerous damaging effects of armed conflict on children, including the use of children as combatants in such situations, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. Invites all States to accede to relevant international human rights and humanitarian law instru-

ments, and urges them to implement those instruments to which they are parties;

3. Calls upon all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva from 3 to 7 December 1995, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

4. Calls upon States and United Nations bodies and organizations to treat children during conflict and in post-conflict situations as a priority concern in human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to ensure effective protection for children affected by armed conflict;

5. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations, which, *inter alia*, promote peace, prevent and resolve conflicts and implement peace agreements;

6. Underlines the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, formal, informal or non-formal education, physical and psychological recovery and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

7. Stresses the need for Governments and other parties to armed conflict to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflict;

8. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work;

9. Urges States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

10. Welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and, in this regard, takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the

amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II) of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

11. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

12. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

13. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

14. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exceptions be child-focused and formulated with clear application guidelines;

15. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

16. Calls upon all States, in accordance with the norms of international humanitarian law, to integrate in their armed forces' training and education programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, in particular women and children;

17. Welcomes the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary-General on the impact of armed conflict on children, in accordance with General Assembly resolution 51/77 of 12 December 1996;

18. Invites Governments, the specialized agencies, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, to cooperate with the Special Representative and to contribute to his work, including to his annual report;

19. Recommends that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

20. Invites Member States and relevant United Nations bodies and non-governmental organizations to consider how the subject of the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention on the Rights of the Child;

V

Refugee and internally displaced children

1. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and international humanitarian organizations;

2. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education and psycho-social rehabilitation;

3. Expresses its deep concern about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

4. Calls upon all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms and to involve women and youth in the design, delivery and monitoring of measures taken to this effect;

5. Invites the representative of the Secretary-General on internally displaced persons to take into account the situation of internally displaced children in his preparation of guiding principles which are to form part of a comprehensive framework for the protection of internally displaced persons;

VI

Elimination of exploitation of child labour

1. Reaffirms the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's

health or physical, mental, spiritual, moral or social development;

2. Welcomes the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

3. Also welcomes the recent holding of various international conferences on various forms of child labour;

4. Further welcomes the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations, and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

5. Calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. Calls upon all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. Calls upon all States to support the negotiation, with a view to its early finalization, by the International Labour Organization of a future instrument aimed at eradicating the most intolerable forms of child labour;

8. Also calls upon all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. Further calls upon all States to recognize the right to education by making primary education compulsory and by ensuring that all children have access to free primary education as a key strategy in preventing child labour;

10. Calls upon all States to systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and to access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

11. Calls upon all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

VII

The plight of children living and/or working on the streets

1. Expresses grave concern about the large number of children living and/or working on the streets and at the continued growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;

2. Welcomes the continuing efforts of Governments, the United Nations system and civil society to tackle this multifaceted problem;

3. Calls upon Governments to continue actively to seek comprehensive solutions for the problems of children living and/or working on the streets, including by helping to alleviate the poverty of such children, their families or guardians, by taking measures to ensure their reintegration into society and by providing, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. Emphasizes that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, in particular the right to life, to take urgent measures to prevent the killing of children living and/or working on the streets, to combat torture and violence against them and to ensure strict compliance with the Convention and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of children living and/or working on the streets, and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

VIII

Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-third session containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General on the impact of armed conflict on children to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-third session under the item entitled "Promotion and protection of the rights of the child".

Indigenous populations

Commission action. On 11 April [res. 1997/32], the Commission on Human Rights, urging the Working Group on Indigenous Populations of the Subcommission to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, recommended that the Economic and Social Council authorize the Group to meet for five working days prior to the Subcommission's 1997 session. It invited the Group to continue to consider how the contribution of expertise from indigenous people to the work of the Working Group might be enhanced. The Commission welcomed the Group's proposal to highlight in its future sessions specific themes of the International Decade of the World's Indigenous People (1994-2004), proclaimed by the General Assembly in resolution 48/163 [YUN 1993, p. 865]. The Secretary-General was asked to assist the Group and to transmit its reports to Governments, organizations of indigenous people, intergovernmental organizations and NGOs for specific comments and suggestions.

By **decision 1997/249** of 22 July, the Council authorized the Working Group to meet five days prior to the Subcommission's 1998 session and approved the Commission's requests to the Secretary-General.

Working Group activities. The Working Group on Indigenous Populations, at its fifteenth session (Geneva, 28 July-11 August) [E/CN.4/Sub.2/1997/14], reviewed developments pertaining to the promotion and protection of human rights and fundamental freedoms. Among the documents before it was a working paper on the concept of "indigenous peoples" [E/CN.4/Sub.2/AC.4/1997/2], submitted by the Chairperson-Rapporteur, Erica-Irene A. Daes (Greece), and a note by the Secretariat regarding health and indigenous peoples [E/CN.4/Sub.2/AC.4/1997/4]. The Group recommended that the Subcommission invite Governments, the UN system, indigenous organizations and NGOs, as well as relevant academic institutions, to contribute information concerning land rights to the Special Rapporteur on the study on indigenous people and their relationship to land prior to the Group's 1998 session. The Group decided to highlight in 1998 the issue of indigenous peoples: education and language. Expressing its concern about the financial status of the UN Voluntary Fund for the International Decade, the Group recommended that the High Commissioner for Human Rights consider holding a special fund-raising meeting with interested Permanent Missions to the United Nations and with members of the Advisory Group for the Fund to

encourage financial contributions. Annexed to the report were guidelines relating to transnational corporations and indigenous peoples, submitted in July by the Indigenous Preparatory Meeting. The guidelines dealt with prior informed consent and consultation with indigenous peoples, written agreements, compensation, monitoring and recourse, transparency, and the full application of corporate environmental policies. Financial support was requested from the High Commissioner/Centre for Human Rights in order to develop, adopt and implement the guidelines by the year 2000.

Subcommission action. On 22 August [res. 1997/14], the Subcommission asked the Secretary-General to transmit the Working Group's report on its 1997 session to indigenous organizations, Governments, concerned intergovernmental organizations and NGOs, as well as to all thematic rapporteurs, special representatives, independent experts and working groups. It expressed its appreciation to the Chairperson-Rapporteur for her supplementary working paper on the concept of "indigenous peoples" [E/CN.4/AC.4/1997/2]. The Subcommission recommended that, in 1998, the Group continue to address health and land rights issues and to include "indigenous peoples: education and language" as the principal item on its agenda. The Secretary-General was asked to invite Governments, intergovernmental organizations, indigenous organizations and NGOs to provide information and data, particularly on matters relating to "indigenous peoples: education and language", as well as health and land rights, to be made available as background papers at the session. It also asked him to prepare an annotated agenda with the following items: standard-setting activities, with a sub-item on possible future standard-setting activities, including guidelines or codes of conduct for private sector energy and mining concerns; review of developments, including sub-items on "indigenous peoples: education and language" and "review of recent developments: health and indigenous peoples"; a study on indigenous peoples and their relationship to land; a permanent forum for indigenous peoples; the International Decade; and a study on treaties, agreements and other constructive arrangements between States and indigenous peoples.

The High Commissioner for Human Rights was asked to encourage studies regarding the rights to food and adequate nutrition of indigenous peoples as they related to their access to land, cultural heritage and health, and to call for an international workshop on the theme.

International Decade of
the World's Indigenous People

Commission action. On 11 April [res. 1997/32], the Commission on Human Rights, recommending that the High Commissioner for Human Rights assume responsibility for coordinating the International Decade of the World's Indigenous People, asked him to consider organizing a workshop for research and higher education institutions focusing on indigenous issues in education, in consultation with indigenous people and in collaboration with UNESCO and other relevant UN bodies. It also asked the High Commissioner to report in 1998 on activities within the UN system under the programme of activities for the Decade. The Commission recommended that the High Commissioner give due regard to developing human rights training for indigenous people and encouraged him to cooperate with the UN Department of Public Information in preparing and disseminating information on the Decade. The Working Group on Indigenous Populations was invited to continue its review of activities undertaken during the Decade.

Governments were encouraged to consider contributing to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean. UN financial and development institutions, operational programmes and specialized agencies were asked to: give increased priority and resources to improve the conditions of indigenous peoples; launch special projects to strengthen their community-level initiatives and facilitate the exchange of information and expertise among indigenous people and other relevant experts; and designate focal points of other mechanisms to coordinate with the High Commissioner/Centre for Human Rights activities relating to the Decade.

By **decision 1997/249** of 22 July, the Economic and Social Council approved the Commission's recommendation that the High Commissioner assume responsibility for coordinating the Decade and its request to him to consider organizing a workshop for research and higher education institutions.

Reports of High Commissioner. The Commission had before it a report [E/CN.4/1997/101] of the High Commissioner and the Coordinator of the Decade containing a review of activities undertaken in 1995 and 1996 to promote the Decade.

In a December report [E/CN.4/1998/107], the High Commissioner described activities carried out in 1997 for the Decade. She discussed action taken relating to the protection of the heritage of indigenous people and described the activities of the Voluntary Fund for the International Decade

(see below). As to NGO activities, the Office of the High Commissioner for Human Rights (OHCHR) participated in a meeting organized by the Kanak indigenous people of New Caledonia (September) and a meeting of the Advisory Board of the International Training Center of Indigenous Peoples (Copenhagen, Denmark, December).

The High Commissioner stated that governments, indigenous organizations, NGOs and other participants should submit annually information on their activities during the Decade in order to assess the Decade's progress. She noted that, at the time, little information was being received.

Subcommission action. On 22 August [res. 1997/15], the Subcommission recommended that special attention be given to improving indigenous peoples' participation in planning and implementing Decade activities, and that the draft UN declaration on the rights of indigenous peoples be adopted as early as possible in the Decade. Expressing its appreciation to Spain for its offer to host a workshop of indigenous journalists in Madrid in 1998, the Subcommission urged the High Commissioner/Centre for Human Rights, in consultation with the Government, to hold the workshop early in 1998, with the participation of government representatives, indigenous journalists and competent UN agencies, including the Information Service of the UN Office at Geneva, the Chairperson-Rapporteur of the Working Group on Indigenous Populations and the International Press Institute. The Working Group was asked to make preparations for the mid-point review of the Decade in 1999.

Report of Secretary-General. In an October report [A/52/509], the Secretary-General discussed action taken to implement the programme of activities for the Decade adopted by the General Assembly in resolution 50/157 [YUN 1995, p. 772]. He also described the observance of the International Day of the World's Indigenous People (9 August) at Headquarters and in Geneva.

Within the UN system, ILO held consultations (25 July) with UN organizations on work relating to indigenous people. OHCHR launched a pilot programme on 1 July, which consisted of a six-month fellowship programme for indigenous people. The programme offered training for four interns in the High Commissioner's Office and other agencies such as the World Health Organization (WHO) and ILO. Preparations were under way for a draft manual on the UN system for indigenous and tribal people and an international workshop for indigenous journalists. UNESCO was developing a project in Guatemala, entitled "Mundo Maya" (Mayan World), in the

areas of education, science and human rights. The WHO World Health Assembly adopted resolutions encouraging member States to develop health programmes for indigenous people. The World Bank was implementing a project on the compilation of laws concerning cultural property in China and Pakistan, which could be expanded to include such countries as Bangladesh, India, the Lao People's Democratic Republic and the Philippines. A second workshop was held on establishing a permanent forum for indigenous peoples in the UN system (Santiago, Chile, 30 June-2 July) (see below).

As to the activities of regional organizations, the Inter-American Commission on Human Rights of the Organization of American States completed a draft inter-American declaration on the rights of indigenous people. The activities of Member States included: the convening by Bolivia, with the support of the Voluntary Fund, of the First Course on Indigenous Law (Sucre, 31 March-2 April), and the International Seminar on the Administration of Justice and Indigenous People (Sucre, 2-4 April); the establishment by Spain of a policy of cooperation with Ibero-American indigenous peoples; and consultations by Canada with local aboriginal leaders on the draft declaration. The Indigenous Parliament of America, the European Parliament Intergroup for Indigenous People, the UNESCO Institute of Education and the World Council of Churches held activities to advance the Decade.

The Secretary-General recommended strengthening the fellowship programme in OHCHR and other UN agencies, discussing the Decade's objectives at high-level international conferences, and developing mechanisms in the United Nations to give representation to indigenous organizations and people. He urged Governments, governmental organizations, NGOs, financial institutions and other bodies to contribute to the Voluntary Fund for the Decade.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/641], adopted **resolution 52/108** without vote [agenda item 109].

International Decade of the World's Indigenous People

The General Assembly,

Recalling its previous resolutions on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and co-operation with indigenous people in planning and implementing the programme of activities for the International Decade of the World's Indigenous People, the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate co-ordination and communication channels,

1. Takes note of the report of the Secretary-General on the implementation of the programme of activities for the International Decade of the World's Indigenous People;

2. Affirms its conviction of the value and diversity of the cultures and forms of social organization of indigenous people and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

3. Emphasizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems, recommends once again, for these purposes, that the United Nations University consider the possibility of sponsoring, in each region, one or more existing institutions of higher education as centres of excellence and the diffusion of expertise, inter alia, by conducting relevant studies, and invites the Commission on Human Rights to recommend appropriate means of implementation;

4. Notes that the programme of activities for the Decade may be reviewed and updated throughout the Decade and that, at the mid-point of the Decade, the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to the achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

5. Decides to appoint the United Nations High Commissioner for Human Rights as coordinator for the International Decade of the World's Indigenous People, and requests the High Commissioner, in that capacity:

(a) To promote the objectives of the Decade, taking into account, in the fulfilment of her functions, the special concerns of indigenous people;

(b) To consider organizing a workshop for research and higher education institutions, as outlined in Commission on Human Rights resolution 1997/32 of 11 April 1997, focusing on indigenous issues, in consultation with indigenous people and the relevant United Nations bodies;

(c) To give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

(d) To submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities for the Decade;

6. Reaffirms the adoption of a declaration on the rights of indigenous people as a major objective of the Decade, and underlines the importance of effective participation by indigenous representatives in the open-ended inter-sessional working group of the Commission on Human Rights established pursuant to Commission on Human Rights resolution 1995/32 of 3 March 1995;

7. Also reaffirms, among the objectives of the Decade listed in the programme of activities, the consideration of the establishment of a permanent forum for indigenous people within the United Nations system;

8. Welcomes the holding of the second workshop on the establishment of a permanent forum for indigenous people within the United Nations system at Santiago, from 30 June to 2 July 1997, takes note of the report thereon, and recommends that the Commission on Human Rights at its fifty-fourth session take into account the outcome of the workshop and the comments received by the United Nations High Commissioner for Human Rights from Governments, the relevant United Nations bodies and organizations, the specialized agencies, non-governmental organizations and indigenous organizations in its further consideration of the possible establishment of a permanent forum for indigenous people within the United Nations system;

9. Also welcomes the holding of the workshop on traditional knowledge and biological diversity at Madrid, from 24 to 28 November 1997, convened to address the implementation of article 8 (j) of the Convention on Biological Diversity with regard to the role of traditional knowledge, innovations and practices of indigenous and local communities in the sustainable use of biological diversity;

10. Encourages Governments to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(d) Contributing to the United Nations Trust Fund for the International Decade for the World's Indigenous People;

(e) Contributing, together with other donors, to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and the open-ended inter-sessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people;

(f) Considering contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

(g) Identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people and intergovernmental and non-governmental organizations;

11. Invites the United Nations financial and developmental institutions, operational programmes and the specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with par-

ticular emphasis on the needs of those people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, to strengthen their community-level initiatives and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points for coordination of activities related to the Decade with the Office of the United Nations High Commissioner for Human Rights;

12. Recommends that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant world conferences, namely, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995;

13. Requests the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, a report on the implementation of the programme of activities of the Decade to the General Assembly at its fifty-third session;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

Draft declaration

Commission action. On 11 April [res. 1997/31], the Commission on Human Rights recommended that the Working Group established to elaborate a draft UN declaration on the rights of indigenous peoples meet for 10 working days prior to the Commission's 1998 session, and asked the Group to submit a progress report. It encouraged indigenous people's organizations to participate in the Working Group.

On 22 July, the Economic and Social Council, by **resolution 1997/50**, authorized the Working Group to meet prior to the Commission's 1998 session and asked the Secretary-General to assist the Group.

Working Group activities. The Working Group established to consider a UN draft declaration on the rights of indigenous peoples held its third session in Geneva from 27 October to 7 November [E/CN.4/1998/106 & Corr.1] and adopted two articles for the draft declaration by consensus at first reading. One article related to guaranteeing equally to indigenous men and women the rights contained in the declaration, and the other

to the right of every indigenous person to a nationality.

Voluntary Fund

Commission action. On 11 April [res. 1997/32], the Commission on Human Rights appealed to Governments, organizations and individuals in a position to do so to consider contributing to the UN Voluntary Fund for Indigenous Populations.

Note by Secretariat. A June note by the Secretariat [E/CN.4/Sub.2/AC.4/1997/5] contained guidelines for project proposals and applications to the Indigenous Fellowship Programme adopted by the Fund's Advisory Group at its second meeting (16-18 April).

Subcommission action. On 22 August [res. 1997/14], the Subcommission asked the Chairperson-Rapporteur of the Working Group on Indigenous Populations to inform the Fund's Board of Trustees that, in 1998, the Working Group would highlight education and language issues, so that the Board could bear that in mind when it met.

On the same date [res. 1997/15], the Subcommission recommended that the Coordinator of the Decade consider holding a special fund-raising meeting with interested permanent missions and the Advisory Group to encourage financial contributions to the Fund, as well as the secondment of qualified staff, including indigenous persons, to assist with the work of the High Commissioner/Centre for Human Rights relating to the programme for indigenous peoples.

Report of Secretary-General. The Secretary-General reported in August [A/53/282] on the activities of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations at its tenth session (Geneva, 21-25 April). The Fund provided financial assistance to representatives of indigenous communities and organizations who wished to participate in the deliberations of the Working Group on Indigenous Populations and the Working Group to elaborate a UN draft declaration on the rights of indigenous peoples.

Having examined 47 applications with regard to the former Working Group and five for the latter, the Board recommended 22 grants (\$77,924) and five grants (\$24,760), respectively.

The Secretary-General stated that in 1997 the Fund had received contributions totalling \$222,551, of which \$206,434 had been received from eight Governments and \$16,117 from two NGOs.

Permanent forum for indigenous people

Report of Secretary-General. In a January report [E/CN.4/1997/100], the Secretary-General de-

scribed activities undertaken and information received in pursuance of a 1996 Commission resolution [YUN 1996, p. 675] on a permanent forum for indigenous people in the UN system.

Commission action. On 11 April [res. 1997/30], the Commission on Human Rights, taking note of a 1995 General Assembly recommendation in resolution 50/157 [YUN 1995, p. 772] that the Commission, drawing on the results of the first workshop on the possible establishment of a permanent forum for indigenous people [YUN 1995, p. 779], consider holding a second workshop, welcomed Chile's offer to host the workshop. The High Commissioner was asked to convene the workshop for a three-day period prior to the 1997 session of the Working Group on Indigenous Populations, to transmit its report to the Working Group, and to submit the report, together with comments arising from the discussions in the Working Group, to the Commission in 1998. The Economic and Social Council approved the Commission's request on 22 July by **decision** 1997/248. The Commission also asked the High Commissioner to transmit the report of the workshop to Governments, relevant UN bodies, organizations and specialized agencies, and indigenous organizations for their comments.

Workshop. The second workshop on a permanent forum for indigenous people within the UN system (Santiago, 30 June-2 July) [E/CN.4/1998/11] discussed the Secretary-General's 1996 review of UN mechanisms [YUN 1996, p. 676], and procedures and programmes concerning indigenous people. It also considered questions relating to the establishment of a forum. Participants suggested that the Commission should consider in 1998 how to further the process of establishing a permanent forum through, among other things, the drafting of concrete proposals, and the possibility of submitting the matter to the Economic and Social Council.

A September addendum to the report [E/CN.4/1998/11/Add.1] contained an outline of a permanent forum based on a working paper presented by Denmark; a concise indigenous perspective submitted by the Grand Council of the Crees; a statement submitted by the Saami Council; and the Declaration of the First International Indigenous Conference on a Permanent Forum in the UN system (Temuco, Chile, 6-9 May).

In a later addendum [E/CN.4/1998/11/Add.2], the Chairperson-Rapporteur of the Working Group on Indigenous Populations presented proposals for the establishment of a permanent forum, including a suggested mandate and functions.

Subcommission action. On 22 August [res. 1997/10], the Subcommission recommended that a permanent forum be established in the early part

of the International Decade of the World's Indigenous People and that its mandate include questions relating to all areas included in the Decade's programme of activities. It endorsed the recommendation that the Commission consider in 1998 how to further the process of establishing a permanent forum.

Study on treaties, agreements and other constructive arrangements

Commission action. On 11 April [dec. 1997/113], the Commission on Human Rights endorsed the Subcommission's 1996 recommendation [E/CN.4/1997(dec. 1996/118)] that Special Rapporteur Miguel Alfonso Martinez (Cuba) be asked to submit his final report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations in time for it to be considered in 1997 by the Working Group on Indigenous Populations and by the Subcommission. The Secretary-General was asked to assist the Special Rapporteur, in particular by providing specialized research assistance and special consultations with the Centre for Human Rights. The Commission's endorsement of the Subcommission's 1996 decision and its request to the Secretary-General were approved by the Economic and Social Council by **decision** 1997/288 of 22 July.

Subcommission action. On 22 August [dec. 1997/110], the Subcommission took note of the Special Rapporteur's explanation for not submitting his final report to the 1997 session and urged him to submit it, preferably before year's end, so that it could be discussed by the Working Group on Indigenous Populations in 1998. The Subcommission asked the Secretary-General to assist him.

Protection of indigenous heritage

Commission action. On 11 April [dec. 1997/112], the Commission on Human Rights, having considered the recommendations submitted in 1996 by Erica-Irene A. Daes (Greece), Special Rapporteur on the protection of the heritage of indigenous people [YUN 1996, p. 677], decided to entrust her with a continuing mandate to exchange information with all parts of the UN system involved in activities concerned with the heritage of indigenous people. The Secretary-General was asked to assist her.

The Economic and Social Council, by **decision** 1997/287 of 22 July, endorsed the Commission's decision and approved its request to the Secretary-General.

Technical meeting. In accordance with a 1996 Subcommission request [YUN 1996, p. 678], a techni-

cal meeting on the protection of the heritage of indigenous people (Geneva, 6-7 March) [E/CN.4/Sub.2/1997/15] took place between representatives of the Food and Agriculture Organization of the United Nations, ILO, UNDP, UNEP, UNESCO, the World Bank, the World Intellectual Property Organization and the World Trade Organization and the Special Rapporteur. The meeting considered the draft principles and guidelines for the protection of the heritage of indigenous people prepared by the Special Rapporteur in 1995 [YUN 1995, p. 780].

The meeting recommended that the Special Rapporteur continue to collect information and data relating to the indigenous heritage from national, regional and international organizations and submit them annually to the Commission and the Subcommission, with a view to suggesting the adoption of additional measures for more effective protection of indigenous heritage. It was proposed that the Commission take action on the principles and guidelines and invite the Special Rapporteur to present and analyse them before the Commission. The meeting further recommended that the Special Rapporteur develop the draft mandate and scope of a trust fund to be established by the General Assembly to act as a global agent for the recovery of compensation for indigenous heritage. It also suggested that the concepts of "heritage of mankind" and "national sovereignty", which were not always compatible, should be analysed and considered.

Subcommission action. On 22 August [res. 1997/13], the Subcommission asked the Special Rapporteur to continue to exchange information with Governments, indigenous peoples and the UN system on the heritage of indigenous people. The High Commissioner was asked to convene, prior to the 1998 session of the Working Group on Indigenous Populations and of the Subcommission, a seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples [YUN 1994, p. 1003] with the participation of the Special Rapporteur and representatives of Governments, UN bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons.

Indigenous land rights

Commission action. On 11 April [dec. 1997/114], the Commission on Human Rights approved the appointment of Erica-Irene A. Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting measures to address ongoing problems. It asked her to: submit a preliminary working paper to the Subcommission's 1997

session; transmit the working paper to Governments and indigenous organizations for their views; and submit her final working paper to the Working Group on Indigenous Populations in 1998. The Secretary-General was asked to assist her.

The Economic and Social Council, by **decision** 1997/289 of 22 July, endorsed the Commission's decision and approved its request to the Secretary-General.

Note by Secretariat. A June note by the Secretariat [E/CN.4/Sub.2/AC.4/1997/3/Add.1] contained information received from indigenous peoples and NGOs on matters relating to environment, land and sustainable development.

Report of Special Rapporteur. In June, the Special Rapporteur submitted to the Subcommittee a preliminary working paper on indigenous people and their relationship to land [E/CN.4/Sub.2/1997/17 & Corr.1]. She discussed information on the relationship of indigenous peoples to their lands, territories and resources; the dispossession and expropriation of indigenous peoples' lands; contemporary problems regarding the issue; and efforts to resolve indigenous land issues.

The Special Rapporteur concluded that there was an urgent need to find solutions to the long-standing problems that existed between Governments and indigenous peoples. She recommended that the working paper be transmitted to Governments and indigenous communities and organizations, as well as to UN bodies and organs, with the request to provide further information and submit comments to her for her final working paper.

On 18 August [E/CN.4/Sub.2/1997/42], Australia requested that updated information submitted by it relating to the paragraphs in the preliminary working paper concerning the situation in Australia be circulated as a background document to the Subcommittee.

Subcommission action. On 22 August [res. 1997/12], the Subcommission asked the Secretary-General to transmit the working paper to Governments, indigenous peoples, intergovernmental organizations and NGOs for their comments and suggestions. The Special Rapporteur was asked to prepare her final working paper and to submit it to the Working Group on Indigenous Populations and to the Subcommittee in 1998.

Migrant workers

Commission action. On 3 April [res. 1997/15], the Commission on Human Rights established a five-member working group consisting of intergovernmental experts to meet for two periods of

five working days prior to the Commission's 1998 session to gather information from Governments, NGOs and other sources on obstacles to the protection of the human rights of migrants and to develop recommendations to strengthen the promotion, protection and implementation of such rights.

The Economic and Social Council, by **decision** 1997/243 of 22 July, approved the Commission's decision to establish the working group and its request to submit a report.

Intergovernmental working group. The working group of intergovernmental experts on the human rights of migrants held its first session in Geneva from 17 to 21 November [E/CN.4/1998/76]. The main issues discussed were information-gathering, the main trends and developments relating to migration in various regions, the definition of migrants and the vulnerability of migrants.

Subcommission action. On 21 August [res. 1997/4], the Subcommission, condemning acts of violence against migrant workers, appealed to the States concerned to study the possibility of granting migrant workers dual nationality, which would constitute a positive factor for integration. It appealed to Governments to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594] (for information on the status of the Convention, see PART TWO, Chapter I).

Family reunification

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted **resolution 52/121** by recorded vote (94-1-73) [agenda item 112 (b)].

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development, family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 51/89 of 12 December 1996,

1. Once again calls upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. Reaffirms that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. Also calls upon all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. Decides to continue its consideration of this question at its fifty-third session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/121:

In favour: Algeria, Angola, Armenia, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Fiji, Gabon, Ghana, Grenada, Guate-

mala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

Abstain: Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia, Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom.

Persons with disabilities

Commission action. On 11 April [dec. 1997/107], the Commission on Human Rights, noting a 1996 report [YUN 1996, p. 1124] of the Special Rapporteur on disability to the Commission for Social Development, decided to resume consideration of the question in 1998 and to invite the Special Rapporteur to be present. (See also PART THREE, Chapter IX.)

Chapter III

Human rights violations

Alleged violations of human rights on a large scale in a number of countries were examined during 1997 by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Subcommittee on Prevention of Discrimination and Protection of Minorities, as well as by special bodies, special rapporteurs and independent experts appointed to examine some of those allegations.

General aspects

Under a procedure established by the Economic and Social Council in 1970 to deal with communications alleging denial or violation of human rights [YUN 1970, p. 530, ESCres. 1503(XLVIII)], the Commission on Human Rights held closed meetings to study confidential documents and a confidential report by a working group established by Council resolution 1990/41 [YUN 1990, p. 648]. The documents dealt with human rights situations in Antigua and Barbuda, Botswana, Chad, the Czech Republic, Estonia, the Gambia, Kyrgyzstan, Latvia, Lebanon, Lithuania, Saudi Arabia, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania, the United States and Uzbekistan. The Commission discontinued consideration of the human rights situations in Antigua and Barbuda, Botswana, the Czech Republic, Estonia, Latvia, Lebanon, Lithuania, the Syrian Arab Republic, the United Republic of Tanzania, the United States and Uzbekistan.

Regarding the recognition of gross and massive human rights violations as perpetrated on the orders of Governments or sanctioned by them as an international crime, the Subcommittee had before it, as requested in 1996 [YUN 1996, p. 681], an expanded working paper [E/CN.4/Sub.2/1997/29] by Stanislav Chernichenko (Russian Federation). Previous working papers were submitted in 1992 [YUN 1992, p. 810] and 1993 [YUN 1993, p. 962].

Mr. Chernichenko discussed international crimes as a special category of violations of international law; international crimes and human rights violations; and the responsibility of the

State and of individuals for human rights violations recognized as international crimes. He concluded that it would be appropriate to state in a General Assembly declaration that any gross and massive human rights violations perpetrated on the orders of a Government or with its sanction constituted an international crime. Annexed to the report was a draft declaration on the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime.

The Subcommittee, on 27 August [E/CN.4/1998/2 (dec. 1997/116)], requested the sessional working group on the administration of justice (see PART TWO, Chapter II, under "Administration of justice") to continue to consider Mr. Chernichenko's working paper and to transmit it to the International Law Commission for comments, which would be considered at the working group's next session.

In other action, the Subcommittee, on 28 August [res. 1997/34], concerned by continued allegations of human rights violations by UN contingents engaged in peacekeeping operations, emphasized that the conduct of such military contingents should always be in conformity with international humanitarian law and international human rights law. It recommended that the rules of engagement applicable to UN peacekeeping operations should contain explicit references to those obligations and asked the Secretary-General to disseminate the Guidelines for United Nations Forces Regarding Respect for International Humanitarian Law, drafted in 1996 by the United Nations in consultation with the International Committee of the Red Cross (ICRC). (See also PART TWO, Chapter I, under "Technical co-operation programme" (Somalia).)

Africa

Burundi

Report of Special Rapporteur. In a February report [E/CN.4/1997/12 & Corr.1], Special Rapporteur Paulo Sergio Pinheiro (Brazil) described the human rights situation in Burundi during the last three months of 1996, stating that the

conflict and fighting had escalated between Burundi's two main ethnic communities—the Hutus and the Tutsis. Intensified fighting in November and December fuelled the constant stream of killings and massacres, and targeted assassinations, arbitrary arrests, enforced disappearances, looting and acts of banditry and the destruction of private property by both parties to the conflict. The Special Rapporteur described alleged cases of enforced disappearances and presented an overview of allegations regarding obstacles to the right to freedom of movement and freedom to choose one's residence; obstacles to freedom of expression and freedom of the press; violations of the right to an adequate standard of living and the right to health; and violations of the right to education. Allegations of the violations of the right to life and to physical integrity were so numerous that they were issued as a separate addendum [E/CN.4/1997/12/Add.1].

The Special Rapporteur appealed to the Burundi leaders to restore democracy and urgently requested the de facto authorities to end the violence and massacres and find and prosecute those responsible. He also urged them to prevent the Burundi army and security forces from carrying out extrajudicial or summary executions, enforced disappearances or arbitrary arrests accompanied by ill-treatment. The de facto Government was asked to lift restrictions on political freedoms and to take measures to prevent violations of the rights to life, physical integrity and freedom of opinion; defer 89 death sentences and 36 sentences of life imprisonment handed down during the first part of 1996, as well as 23 death sentences and 13 sentences of life imprisonment handed down in November; and ensure the right to a fair trial. At the international level, the Special Rapporteur requested an immediate embargo on the sale of arms to the country. He also urged the United Nations to convene a regional conference on peace, security and development in the Great Lakes region (see also PART ONE, Chapter II).

Commission action. On 18 April [E/1997/23 (res. 1997/77)], the Commission on Human Rights, strongly condemning civilian massacres, summary, arbitrary and extrajudicial executions, enforced disappearances, arbitrary arrests and detention, violence and restrictions on movement committed by all parties, urged them to end the cycle of violence and killing, notably the indiscriminate violence against refugees, women, children and the elderly. It also condemned the illegal sale and distribution of weapons and related materials. The Government of Burundi was urged to respect the principles and rules of international humanitarian law and to facilitate the

activities of the International Committee of the Red Cross (ICRC). The Commission called on the Government to continue to cooperate with the UN Human Rights Field Operation in Burundi and urged the full deployment of 35 observers to that Operation.

The Commission extended the Special Rapporteur's mandate for another year and asked him to submit an interim report to the General Assembly in 1997 and a report to the Commission in 1998. The Special Rapporteur was further asked to apply a gender perspective in his work. On 22 July, the Economic and Social Council, by **decision** 1997/280, endorsed those decisions.

Reports of Special Rapporteur. In October, the Secretary-General transmitted to the General Assembly the Special Rapporteur's report [A/52/505] covering the period from 15 April to 31 August 1997.

He noted that a framework agreement was signed on 10 May between the Government and the Conseil national pour la defense de la démocratie concerning the negotiations to be held with a view to restoring peace and democracy (see PART ONE, Chapter II). The willingness of the Government to hold peace negotiations with all parties to the conflict set off a wave of protest. In several provinces, confrontations between rebels and soldiers continued, resulting in dozens of civilian deaths. The situation became particularly alarming in southern Burundi following violent clashes between military and rebel forces and army sweeps of the collines. At least 50,000 people were moved to "regroupement" camps, where they were cut off from all humanitarian assistance and exposed to cholera, malaria and dysentery epidemics. Towards the end of July, the community of humanitarian organizations in Burundi expressed concern that the policy of population regroupement might lead not to the return of those populations to their collines of origin but to their transfer and resettlement along some of the country's major roads in an attempt at enforced "villagization". It was estimated that 600,000 Burundians were living far from their homes, scattered around the country. More than half of them were thought to be in regroupement camps; the other 300,000 were displaced persons taking refuge in camps. Furthermore, over 100,000 displaced children received no assistance, according to the United Nations Children's Fund. The vast majority of those populations did not have the minimum food-stuffs to avoid malnutrition and diseases. The World Health Organization estimated that some 600,000 people in 10 of Burundi's 16 provinces were threatened with typhus. Sanctions had caused a substantial increase in the prices of

goods and services and had a direct impact on education, agriculture, employment, industry, health services and the balance of payments.

The Special Rapporteur drew attention to a number of specific allegations transmitted to him during the reporting period concerning violations of the right to life and physical integrity, arbitrary arrest and detention, and torture or cruel, inhuman or degrading treatment.

At the national level, the Special Rapporteur urged the implementation of the reforms that he had proposed in his previous reports concerning the reconstruction of the country's judicial system and the formulation of strategies for ending impunity; the reorganization of the functions of the army and security forces along separate lines; and unimpeded access by the majority of the people, who were excluded from the country's elite, to the major State institutions, such as education, justice and the army. He reiterated his appeal to the Burundian authorities to defer death sentences and sentences of life imprisonment, at least until the peace negotiations had been completed and a reformed judicial system established. He urgently appealed to the authorities to suspend the opening of new regroupement camps and to enable the population in the camps to return to their homes. The Burundian authorities were further requested to protect the physical security of those regrouped, to refrain from using constraints against them and to prevent them from being subjected to enforced or involuntary disappearances, arbitrary detention or extrajudicial or summary execution. The Special Rapporteur strongly encouraged the authorities to conduct independent investigations into alleged human rights violations committed during the process of regroupement, and appealed to the rebel groups to refrain from perpetrating attacks against civilians.

Recommendations to the international community included that sanctions should be eased once the Government had committed itself to the peace process; reintegration strategies for the regrouped population that promoted the reconstruction of housing in the places of origin of the population should be supported; UN agencies should continue to support local communities; an immediate embargo should be placed on the sale of arms to Burundi; and those involved in arms trafficking should be prosecuted.

In a later report [E/CN.4/1998/72], the Special Rapporteur described the human rights situation based on his visit to Burundi from 7 to 20 December. He noted that serious violations of human rights and international humanitarian law attributable to members of the army or law enforcement agencies were still common. However,

the victims no longer numbered in the hundreds as they had in the incidents of a few months earlier. The Burundian prison population had reached 10,000, causing a deterioration of conditions in the main prisons. Violence attributed to rebel groups included extorting money from the local population, stealing livestock, seizing crops, indiscriminately attacking civilians, kidnapping young men, who were enrolled by force in the rebel groups, and attacking local officials. The Special Rapporteur found that efforts had been made by the civilian and military authorities to involve the population more closely in rebuilding decent housing, especially for displaced persons. In general, however, living conditions for displaced or regrouped persons were still poor. Although there were still a number of obstacles to the process of democratization, the Special Rapporteur observed positive developments in the gradual implementation of the legal assistance programme operating since February and in the appointment of a new Minister for Human Rights, Institutional Reform and Relations with the National Assembly. There were also more regular contacts between the authorities and the human rights Observer Mission. Despite contradictory measures such as the suspension in December of the *Front démocratique pour la défense du Burundi*, the dialogue between the Government and the National Assembly had made progress.

The Special Rapporteur again appealed to the authorities to defer death sentences and terms of life imprisonment until the reform of the judicial system. He also recommended that they improve conditions of detention of those sentenced to death; complete judicial proceedings against the former President and the President of the National Assembly; improve and expedite investigation procedures in cases of summary execution, sexual abuse, torture or excessive use of force by the Burundian army and by the police, and initiate proceedings against the offenders; end strikes against civilians during military operations, indiscriminate attacks on them and the pillaging and arbitrary destruction of their property; resettle persons from regroupement sites and camps for displaced persons to their home collines; not recruit people under 18 years of age for the army or mandatory civic service and ensure that recruitment was never imposed by force; and prosecute the instigators of practices comparable with forced labour and the use of regroupement camp residents in tasks of a military nature. As to the rebels, the Special Rapporteur appealed to them to cease using mines and to demine the territories they frequented. The international community was called on to evaluate the utility of main-

taining economic sanctions against the country, taking into account the authorities' concrete efforts to initiate an internal dialogue and a nationwide peace process. Other recommendations to the international community dealt with support for: social rehabilitation of the affected populations; the legal assistance programme; the human rights Observer Mission; and an international embargo on the sale of arms, military materiel and services to all parties to the conflict. The Special Rapporteur urged the Office of the United Nations High Commissioner for Refugees (UNHCR), in conjunction with the Tanzanian authorities, to move the refugee camps near the frontier with Burundi further into the United Republic of Tanzania, the refugees' presence being, in his view, a permanent factor of tension between the two countries. He proposed that the United Nations consider the question of an international criminal tribunal following a ceasefire, internal dialogue, the successful conclusion of negotiations and institutional reform in Burundi.

(For details on the political situation in Burundi, see PART ONE, Chapter II.)

Congo (Republic of the Congo)

By a secret ballot of 13 votes to 10, with 2 abstentions, the Subcommission, on 20 August [res. 1997/1], welcoming the mid-July ceasefire and the discussions in Libreville, Gabon, within the framework of the International Committee of Mediation for the Negotiated Resolution of the Conflict (see PART ONE, Chapter II), expressed concern at the reports of hundreds of deaths in the intercommunal strife that had occurred since early June 1997 and the continuing loss of life in Brazzaville; at the reports of thousands of people forced to leave their homes in Brazzaville during the intercommunal strife; at the allegations of torture by parties to the conflict; at the difficulties experienced by the Government of the Congo and humanitarian organizations in providing medical care and other social services in Brazzaville; and that the presidential elections could not be held. It called on the Government and all parties to the conflict to, among other things, abide by their obligations under international human rights and humanitarian law and to cease abuses. The Subcommission recommended that the Commission consider the situation of human rights in the Congo in 1998 and, if the Commission was unable to take action thereon, to consider the matter itself in 1998.

Democratic Republic of the Congo (Zaire)

Reports of Special Rapporteur. In January 1997 [E/CN.4/1997/6], Special Rapporteur Roberto Garreton (Chile) described the human rights situation in Zaire (renamed the Democratic Republic of the Congo (DRC) in May (see PART ONE, Chapter II)) and his visit to the country from 14 to 26 October 1996.

The Special Rapporteur stated that, with regard to civil and political rights, there had been no progress towards respect for the right to life, physical and mental integrity or freedoms; there had even been some regression. The country's economic decline had had a negative impact on economic, social and cultural rights. Concerning other human rights violations, the Special Rapporteur noted that deprivation of nationality was a way of punishing political dissent; ethnic groups were the target of arbitrary political discrimination; and the Government had not guaranteed the security of Rwandan refugees and Zairean refugees and displaced persons in the refugee camps. The Special Rapporteur recounted violations of human rights and international humanitarian law in respect of article 3 common to the four Geneva Conventions of 12 August 1949 (international treaties designed for protection of victims of war, including wounded and sick military personnel, prisoners of war, and the civilian population in areas of conflict). The violations, committed by the Zairian Armed Forces, the rebel forces and former members of the Rwandan Armed Forces and the Interhamwe militia, involved killings, assault, mutilation, torture and cruel treatment or punishment; hostage-taking; arbitrary arrests and convictions without trial; attacks on civilians; and poor treatment of prisoners of war. In addition, children were used in the conflict.

The Special Rapporteur recommended that the Zairian authorities, among other actions, speed up the democratization process; ensure civil and political rights and economic, social and cultural rights; cooperate with the Commission on Human Rights; respect international humanitarian law; ratify Additional Protocols I and II to the 1949 Geneva Conventions [YUN 1977, p. 706]; and participate in the peace process. The international community was urged to provide assistance for the return to democracy; support the Office of the High Commissioner for Human Rights; assist with the return of refugees and with rehabilitating the environment; and support non-governmental organizations (NGOs). As for action to be taken by the United Nations, the Special Rapporteur emphasized the need for greater coordination among UN bodies and suggested that the Economic and Social Council re-

quest the International Court of Justice to give an advisory opinion on the nationality of the Banyarwanda who were granted Zairian nationality collectively in 1972 and then stripped of their citizenship by a law adopted in 1981. The Special Rapporteur proposed holding an extraordinary session of the Commission on Human Rights to deal with the situation in the Great Lakes region. Alternatively, he suggested that one day of the Commission's 1997 session be devoted to the situation in Burundi, Rwanda and Zaire.

In an April report [E/CN.4/1997/6/Add.2], the Special Rapporteur discussed his 25-29 March mission, carried out at the request of the High Commissioner for Human Rights, to an area occupied by rebels in eastern Zaire. The mission was to investigate allegations of massacres of Hutu refugees in areas of Northern and Southern Kivu occupied by rebels from the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL). The Special Rapporteur described specific incidents of mass murders, summary executions and enforced disappearances and discussed other human rights violations, including torture and other cruel, inhuman or degrading treatment or punishment, violations of freedom of expression and of the right to property, rebel enlistment of children and impediments to humanitarian action. He concluded that AFDL was far from fulfilling its commitments to respect human rights. He noted that his mission was to investigate the alleged massacres of Hutu refugees but that the brevity of the mission had not allowed him to investigate violations of the right to life committed by the refugees themselves.

The Special Rapporteur recommended that the Commission on Human Rights investigate violations of the right to life in eastern Zaire against refugees and the local population by establishing a commission that comprised a member of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on extrajudicial executions, on the question of torture and on human rights in Zaire.

Commission action. On 15 April [res. 1997/58], the Commission on Human Rights expressed concern at the lack of improvement in the human rights situation in Zaire in general; the continuing violations of human rights and fundamental freedoms; the situation of human rights defenders; the armed conflict in eastern Zaire and the high number of civilian casualties; the continued use of force against civilians by the army and the Security forces and their enjoyment of impunity; discriminatory measures based on ethnic grounds; occurrences of arbitrary deprivation of nationality; the delay in the process of demo-

cratic transition and in the organizing of free and multi-party elections; and at the lack of follow-up to the Special Rapporteur's previous recommendations.

The Commission decided to: ask the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights that arose from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission in 1998; ask the High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, and to provide appropriate technical expertise; extend the mandate of the Special Rapporteur for an additional year, and ask him to submit an interim report to the General Assembly in 1997 and to report to the Commission in 1998, and also request him to continue to apply a gender perspective in his work; and ask the Secretary-General to continue to assist the Special Rapporteur. The Commission's decision was endorsed by the Economic and Social Council by decision 1997/267 of 22 July.

Reports of joint mission. In July, the Secretary-General transmitted to the General Assembly the report of the joint mission [A/51/942] charged with investigating allegations of massacres and other human rights violations that occurred in eastern Zaire (renamed the DRC) since September 1996. The report described the origins and mandate of the joint mission and its activities on the ground. It presented the objections of AFDL to the Special Rapporteur's report on his March mission (see above), to the composition of the joint mission, particularly the inclusion of the Special Rapporteur on the situation of human rights in Zaire, and to the mission's mandate with regard to time-frame and methods of investigation. Since the joint mission was refused entry into the DRC, it considered it difficult to regard its findings as definitive, even if there was supporting information. The mission was denied access by AFDL on the grounds that the Special Rapporteur had shown a lack of objectivity and had lied in the report describing his March mission.

In addition to the incidents detailed in that report, the joint mission received testimony and information on the perpetration of massacres and other serious violations of human rights and international humanitarian law. Since March, the number of allegations of massacres and mass grave sites had quadrupled. In addition, the mission noted the absence of prisoners of war and at-

tacks on hospitals and medical centres. It concluded that the massacres and violations were the result of indiscriminate attacks on refugee camps; the systematic blockade of humanitarian assistance intended for the camps; the policy of war without quarter, which precluded the taking of prisoners; and intimidation measures aimed at forcing refugees to flee into the forests and towards hostile areas where access by humanitarian missions was impossible. According to the mission, the violations of international humanitarian law occurring between early September 1996 and 17 May 1997 were committed mainly by AFDL, the Banyamulenge and their allies (68.02 per cent of the allegations received); the Zairian armed forces (16.75 per cent); the former Rwandan armed forces and the Interahamwe (9.64 per cent); the Rwandan Patriotic Army (2.03 per cent); the armed forces of Burundi (2.03 per cent); and mercenaries fighting on the side of the Kinshasa Government (1.52 per cent). Some 30 cases remained in which the perpetrators could not be determined.

The mission recommended to the Government of the DRC that it condemn the atrocities described and pledge to end them; end the blockade of humanitarian assistance intended for refugees and displaced persons and take steps to end the suffering of the most disadvantaged refugees, particularly dispersed refugees, women, the elderly and children; guarantee the security and the right to life and physical integrity of anyone in the territory under its jurisdiction; cooperate unreservedly with the mission; order official, impartial investigations conforming to UN standards on the prevention and investigation of extrajudicial, arbitrary and summary executions and other applicable norms; promote the rule of law; establish a genuine civil service, particularly a civilian police force separate from the AFDL military forces; and enable UN agencies and other humanitarian organizations to carry out their work.

Recommendations to the United Nations and the international community included a proposal that the Security Council dispatch military and/or police observers to areas in need of security; that the investigation of massacres and other human rights violations be carried out with the Government, using all necessary technical and human resources; either the retention of the existing mission and the addition of professional investigators or the establishment, under the aegis of the Security Council, of a standing commission whose experts would be able to remain in the field for as long as their mandate required; the convening of a special session of the Commission on Human Rights; the establishment of hu-

manitarian corridors so that refugees hiding in the forests could have access to humanitarian organizations and be repatriated to their own countries; efforts to ensure that persons accused of participating in the genocide in Rwanda (see PART ONE, Chapter II) and were currently mingled with the refugees appeared before the competent international criminal tribunal; and taking steps to halt arms trafficking in the Great Lakes region.

The joint mission recommended that the Governments of neighbouring countries take in refugees in their territory; protect them and disarm asylum-seekers who might be armed; and prevent their territory from being used to infiltrate and destabilize neighbouring countries. It proposed that the Government of Rwanda take in Rwandan refugees, particularly those repatriated from the DRC; order in-depth and impartial investigations in accordance with UN rules and bring the alleged perpetrators before the courts; and condemn the atrocities described in the report of the joint mission.

In a later report [E/CN.4/1998/64] to the Commission on Human Rights, the joint mission described acts of intimidation, arrest and other human rights violations committed by AFDL leaders and the DRC authorities against persons who cooperated with an established investigative team appointed by the Secretary-General on 15 July with a mandate similar to the joint mission (see PART ONE, Chapter II). The mission stated that without the determination of the international community to shed light on those serious allegations, the tradition of impunity in the DRC and in the Great Lakes region was likely to continue. It repeated the recommendations made in its earlier report.

Reports of Special Rapporteur. By an October note [A/52/496], the Secretary-General transmitted to the General Assembly the interim report of the Special Rapporteur, as requested by the Commission on Human Rights in April. The Special Rapporteur requested permission to visit the DRC in August but had received no reply from the Government. He stated that, following his report on his March mission, the then rebel forces of AFDL refused to cooperate with him in any way. Once they were in power, the AFDL authorities declared the Special Rapporteur *persona non grata*.

The Special Rapporteur noted that, because the joint mission was refused entry into the DRC, the Secretary-General in July had established a team to investigate the serious violations of human rights and international humanitarian law allegedly committed in the DRC since 1 March 1993 (see PART ONE, Chapter II). The joint mis-

sion learned that that investigative team encountered several obstacles set up by the Congolese authorities, with the result that it was not able to complete its work by the scheduled date and the submission of its report was postponed until 31 May 1998.

The Special Rapporteur described a series of events that had led to a new power structure in May. Following the occupation by AFDL troops of the capital city of Kinshasa and the fall of the city to the rebels, Laurent-Désiré Kabila, the AFDL leader, announced that he was assuming the office of the President of the Republic, citing as statutory authority the AFDL charter of October 1996. The name of the country was changed from the Republic of Zaire to the Democratic Republic of the Congo. In addition to the conflicts arising out of the aftermath of the war and the change of Government, other armed conflicts continued, some of them on the wane, others in full swing and yet others in preparation.

The new State structure, based on an omnipresent State party, the absence of a short-, medium- or long-term democratic project, and the fact that nobody was capable of controlling the exercise of power led the Special Rapporteur to conclude that the Congolese people did not enjoy, and would not enjoy in the foreseeable future, the human right to democracy. The regime had eliminated the civil rights to life, liberty and physical integrity; the rights of political participation had been suspended; there were no measures to ensure the enjoyment of economic, social and cultural rights; and announcements of free elections were contradictory and no effort was being made to put them into effect. President Kabila exercised executive and legislative power and judges and magistrates were answerable to him; all laws that contradicted the new precepts laid down by the President had been repealed; one ethnic group predominated over hundreds of others, often resulting in conflict; discriminatory practices existed; the new armed forces and police were at the service of the political and ethnic power group in the Government and committed abuses against opponents and enemies; the courts were subject to the executive branch; political parties were banned, except for one that was identified with the State; and there was no freedom of information on radio and television. Violations of the right to life took the form of political murders, police brutality and disappearances; the use of torture and other cruel, inhuman or degrading treatment or punishment; attacks on the dignity of women; and restrictions on the freedoms of assembly, association, opinion and expression. Positive aspects of the arrival of

AFDL were an end to extortion and looting, increased security in the cities and a drop in ordinary crime. However, the many negative aspects included the refusal of the current Government to cooperate with the mechanisms of the Commission on Human Rights or with those established by human rights treaties.

The Special Rapporteur recommended that the Government begin the process of building democracy; agree on electoral timetables; implement an effective separation of powers; guarantee the independence of the judiciary and give it jurisdiction over the investigation of property misappropriated by the former Government; investigate crimes committed during the former regime and the current one, and ensure cooperation by the executive branch with the judicial branch; adopt measures to end impunity; stop summary executions, enforced disappearances, looting and torture; lift measures that restricted freedom of expression and opinion; permit NGOs to enjoy complete freedom in establishing themselves, electing their authorities, receiving contributions, determining their mandates and exercising their functions; recognize persons belonging to non-native ethnic groups as Congolese nationals; guarantee an end to legal, cultural and educational discrimination against women; and settle the ethnic conflicts in Kivu in conditions of justice and equality (see PART ONE, Chapter II).

The Special Rapporteur proposed that the international community provide assistance for internally displaced persons and environmental rehabilitation.

In a later report [E/CN.4/1998/65], the Special Rapporteur described the human rights situation in the DRC under the new power structure. The real power, he stated, rested with AFDL, which was dominated by members of the Tutsi ethnic group, including the Banyamulenge, and by people who lived in exile in Belgium, South Africa and the United States.

In addition to the recommendations in his earlier report, the Special Rapporteur recommended that the Government nationalize the army and the police; reintegrate AFDL child soldiers and put an end to their crimes; and change its attitude towards the United Nations. The international community was again urged to help rehabilitate the environment of the DRC and provide assistance to internally displaced persons.

Equatorial Guinea

Report of Special Rapporteur. In January [E/CN.4/1997/54], Special Rapporteur Alejandro Artucio (Uruguay) described the human rights situation in Equatorial Guinea based on his sixth

official visit to the country from 1 to 8 December 1996.

The Special Rapporteur's general impression was that there had been a slight improvement on the conditions described in his previous report [YUN 1996, p. 683] but that situations causing concern about the realization of human rights still existed. There were no substantial changes in the legal structure of the State that would enable the institutions to function more democratically. Similarly, the failure periodically and regularly to publish laws, decrees and governmental acts continued to be a source of uncertainty about the law. The excessive encroachment of military jurisdiction into criminal matters continued to lead to arbitrary acts and excesses, and jurisdiction by military courts over civilians charged with offences against the head of State curtailed freedom of expression and limited the exercise of political pluralism. The Special Rapporteur continued to be disturbed at the harmful discrimination against people belonging to ethnic minorities. The situation of children was extremely worrisome due to the social and economic situation of large sectors of the population who lived in extreme poverty. On the positive side, the Special Rapporteur noted that at the time of his visit no prisoners were being held on political or ideological grounds; improvements had been made in the conditions of imprisonment and the inmates' regimen; and efforts had been made to improve the situation of women and their position in society.

The Special Rapporteur recommended that the Government publish periodically and regularly laws, decrees and governmental acts; improve the functioning of the judiciary; limit the jurisdiction of the military courts to trying military offences committed by military personnel; ensure that forces of order and security not make arbitrary arrests and respect the right of the individual to security, integrity and freedom; end all acts of torture and cruel, inhuman or degrading treatment or punishment and impose criminal and disciplinary penalties on those responsible; dismantle the police and military checkpoints throughout the interior of Equatorial Guinea; terminate impunity; reform the Electoral Act; oppose discrimination against ethnic minorities; continue to improve prison conditions and the situation of women and children; and ensure the enjoyment by the whole population of economic, social and cultural rights.

The Special Rapporteur stated that it was extremely important for the Commission on Human Rights to ask the Secretary-General to continue to provide, through the Office of the High Commissioner/Centre for Human Rights, tech-

nical assistance and advisory services. He congratulated and encouraged the Government for the progress already achieved.

Commission action. On 16 April [res. 1997/67], the Commission on Human Rights encouraged the Government of Equatorial Guinea to implement the Special Rapporteur's recommendations. It asked the High Commissioner/Centre for Human Rights to establish a technical cooperation programme to strengthen the national capacities of Equatorial Guinea in human rights and to continue their technical assistance projects in partnership with the Government and in cooperation with the United Nations Development Programme (UNDP) and other UN agencies. Deciding to renew the Special Rapporteur's mandate, the Commission asked him to report in 1998 and asked the Secretary-General to assist him.

The Economic and Social Council, by **decision** 1997/275 of 22 July, endorsed the Commission's decision and requests.

Nigeria

Report of Special Rapporteurs. In February, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye (Senegal), and the Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy (Malaysia), submitted their final report on the human rights situation in Nigeria [E/CN.4/1997/62], an earlier report having been submitted in 1996 [YUN 1996, p. 685]. The reports summarized information received from the Nigerian Government on allegations of extrajudicial, summary or arbitrary executions and allegations sent by the Special Rapporteur on the independence of judges and lawyers. The Special Rapporteurs postponed formulating final conclusions until such time as they could undertake a fact-finding mission to Nigeria. In their preliminary observations, they stated that, while they welcomed the invitation extended by the Government, they deeply regretted that no agreement had been reached on the dates of the visit and that the Government had not yet accepted the standard terms of reference.

In a March addendum [E/CN.4/1997/62/Add.1], the Special Rapporteurs deeply regretted that they were unable to report their findings based on a visit to the country. A mission was agreed upon and an advance party travelled to Nigeria in February, but it became obvious that the Government was not prepared to allow the Special Rapporteurs to meet certain detainees, which the Special Rapporteurs considered a violation of the standard terms of reference for fact-finding missions. Accordingly, they informed the Gov-

ernment that they would not carry out the mission under those circumstances. Their findings and recommendations were based on Nigerian legislation, international human rights instruments and the findings of other UN bodies, as well as credible and reliable information from NGOs and private individuals.

In their conclusions, the Special Rapporteurs noted that under the military Government the rule of law was on the verge of collapse in Nigeria. Power was vested solely in the hands of the military Government and it was impossible for an independent and impartial judiciary to exist as an institution and for independent judges and lawyers to function. The Bar Association of Nigeria had been seriously marginalized. Nigeria continued to violate provisions of the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], and the African Charter on Human and Peoples' Rights to which it had voluntarily acceded. Death sentences had been passed by the courts, in particular by special tribunals, without the safeguard of fair trial required by the International Covenant. Furthermore, the death sentence was imposed for offences that did not constitute "the most serious crimes", as required by article 6 of the Covenant. The excessive use of force and firearms by law enforcement officials while carrying out their duties also constituted a violation of article 6. Poor conditions in places of detention contributed to an unacceptably high level of death in custody and constituted a violation of article 10, as well of the 1955 Standard Minimum Rules for the Treatment of Prisoners [YUN 1955, p. 209].

The Special Rapporteurs recommended that the Government abrogate decrees revoking or limiting guarantees of fundamental rights and freedoms; have all courts and tribunals comply with the standards of fair trial and guarantees of justice under article 14 of the International Covenant; abrogate decrees that established special tribunals or ousted the jurisdiction of ordinary courts; pardon and release from detention those convicted and sentenced by special tribunals and compensate them; take effective measures to prevent extrajudicial, summary or arbitrary executions, as well as torture, ill-treatment and arbitrary arrest and detention, by members of the security forces; investigate allegations against law enforcement officials; restore the independence of the Nigerian Bar Association; take measures to avoid further incidents of communal violence; reduce overcrowding in prisons and poor conditions of detention; allow detainees to have visits by family members and their attorneys, and grant them access to adequate medical care; consider

the abolition of the death penalty; amend its Constitution concerning the right to life to conform with article 6 of the International Covenant; and fully implement the recommendations of the Secretary-General's fact-finding mission [YUN 1996, p. 684] concerning the implementation of the programme of transition to democracy.

The Special Rapporteurs recommended that the Commission on Human Rights renew the mandate on the situation of human rights in Nigeria and appoint a country-specific special rapporteur to monitor and report on human rights violations.

Commission action. The Commission on Human Rights on 15 April [res. 1997/53], by a roll-call vote of 28 to 6, with 19 abstentions, expressed deep concern at continuing violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to report due process of law. It called on the Government to ensure the observance of human rights and fundamental freedoms; ensure that all trials were held fairly and promptly; ensure the independence of the National Human Rights Commission; cooperate with the Commission on Human Rights and its mechanisms; and restore democratic government without delay.

The Commission invited its Chairman to appoint a special rapporteur on the situation of human rights in Nigeria, who would report to the General Assembly in 1997 and to the Commission in 1998; and asked the Secretary-General to continue his discussions with the Government and to report on progress made in implementing its present resolution and on possibilities for the international community to lend practical assistance to the country in restoring democratic rule and the full enjoyment of human rights and fundamental freedoms. The Commission's decision was endorsed by the Economic and Social Council in **decision 1997/263** of 22 July.

Notes of Secretary-General. By a note of 6 November [A/52/583], the Secretary-General informed the General Assembly that on 24 June the Chairman of the Commission on Human Rights had appointed Tiyanjana Maluwa (Malawi) as Special Rapporteur on the situation of human rights in Nigeria. Following Mr. Maluwa's resignation, on personal grounds, on 12 August, the Chairman appointed on 16 October Soli Jehangir Sorabjee (India) as his replacement. In view of the fact that the Special Rapporteur was only recently appointed, the Assembly would not have before it an interim report in 1997. Instead, a report would be submitted to the Commission in 1998.

In a note to the Assembly of 19 November [A/52/688], the Secretary-General stated that his

good offices mission regarding Nigeria continued at the highest levels. He would consult with the Government of Nigeria, the Secretary-General of the Commonwealth and the High Commissioner for Human Rights on ways in which the international community might offer practical assistance to Nigeria to achieve the full enjoyment of human rights. Based on the fact that the Special Rapporteur was only recently nominated and that the principle of an in situ mission appeared to have a chance of materializing, the Special Rapporteur would submit a full report to the Commission in 1998.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/644/Add.3], adopted **resolution 52/144** by recorded vote (81-18-64) [agenda item 112 (c)].

Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the positive contribution which Nigeria has recently been making through the Economic Community of West African States in support of democratic government within the West African region, and expressing the hope that this reflects a determination to pursue the same aim in its domestic policies,

Noting that the Commonwealth has been concerned about the continued existence of a military government and the failure to observe fundamental human rights and has decided that Nigeria should remain suspended from the Commonwealth,

1. Welcomes:

(a) The declared commitment of the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, and recalling, in this regard, the declaration by the Government of 1 October 1995 which the Government recently confirmed;

(b) The decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria;

(c) The note by the Secretary-General concerning the discharge of his good offices mandate, and requests him, in cooperation with the Commonwealth, to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the

possibilities for the international community to offer practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

(c) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(d) At the lack of preparatory steps by the Government of Nigeria to secure the reinstallation of a representative government following elections characterized by genuine popular participation in a multi-party context;

(e) At the past refusal of the Government of Nigeria to cooperate with the Commission on Human Rights and its mechanisms;

3. Calls upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners, including those detained in connection with the 1993 presidential elections, among them Chief M. K. O. Abiola, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(c) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments, and notes with interest, in this regard, the recommendations of the Human Rights Committee to the Government of Nigeria;

(d) To take concrete and credible steps to restore democratic government without delay, to end rule by decree and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;

(e) To ensure the independence of the National Human Rights Commission, including in its investigations of human rights abuses;

(f) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the mission sent to Nigeria by the Secretary-General;

(g) To implement its obligations under the Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), of the International Labour Organization, while noting the special paragraph in the report of the International Labour Conference Committee of Experts on the Application of Conventions and Recommendations, as adopted by the International Labour Conference at its

85th session, on Nigeria's failure to comply with that Convention;

(h) To cooperate fully with the Commission on Human Rights and its mechanisms;

4. Decides to consider this question at its fifty-third session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/144:

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zimbabwe.

Against: Benin, Chad, China, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, Ghana, Iran, Liberia, Libya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Swaziland, Syria, Togo.

Abstain: Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Comoros, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Namibia, Nepal, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, Sri Lanka, Suriname, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

Rwanda

Commission action. On 16 April [res. 1997/661, the Commission on Human Rights strongly condemned the crime of genocide, crimes against humanity and all other human rights violations perpetrated in Rwanda in 1994 [YUN 1994, p. 1070] and expressed its concern at the continuation of human rights violations there. It called on the Government to investigate, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide and to extend an invitation to the Special Rapporteur on violence against women to visit the country. The Commission expressed grave concern at the deterioration in the human rights situation since the beginning of January 1997, particularly the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces armées rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces.

The Chairman of the Commission was asked to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission, and to make recommendations on situations in which technical assistance to the Gov-

ernment might be appropriate. The special representative was asked to report to the General Assembly in 1997 and to the Commission in 1998. The High Commissioner for Human Rights was asked to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda (HRFOR), and to make those reports available to the Commission and the General Assembly. The High Commissioner was also asked to report on the implementation of the Commission's resolution to the Commission in 1998 and to the Assembly in 1997. Those requests were approved by the Economic and Social Council in **decision 1997/274** of 22 July. The Commission called on all States to respond to the High Commissioner's appeal to contribute urgently to the costs of HRFOR and to work for lasting solutions to the problem of its financing.

On 20 June, Michel Moussalli (Switzerland) was named Special Representative [A/52/522].

Reports of Special Representative. By an October note [A/52/522], the Secretary-General transmitted to the General Assembly the report of the Special Representative on his first visit to Rwanda (26 July-4 August).

The Special Representative observed that, in his meetings in Rwanda, he had sensed a willingness on the part of the Government to bring its practices into better conformity with international human rights standards, as was demonstrated in its agreement with the High Commissioner to accept the presence of HRFOR, which entailed the deployment of human rights field officers. HRFOR was charged with, among other things, implementing human rights technical cooperation programmes, particularly in the area of the administration of justice. The Special Representative pointed out that, following the worsening security situation in the north-western prefectures (see PART ONE, Chapter II) caused by armed insurgent groups and the assassination of five HRFOR members, the situation in those prefectures, as well as in parts of Byumba, Gikongoro, Gitarama, Kibungo and Kigali Rural, required security regulations that prohibited UN staff from visiting those areas and monitoring activities.

HRFOR's 1997 Action Programme pursued activities in the administration of justice and legal reform, penitentiary administration, training and institutional support, and genocide response and vulnerable groups. In August, HRFOR produced a global technical cooperation project document covering human rights education and training for the judiciary, the military, the gendarmerie, the police, prison administration personnel, other civil servants and members of local human rights NGOs; capacity-building in civilian

and military justice; capacity support for human rights NGOs; the popularization of human rights through education and promotion activities; and support for genocide victims and vulnerable groups.

The Special Representative expressed deep concern at the conditions of detention and the large number of persons who were detained without dossiers setting out substantiated grounds for their arrest and detention. He noted, however, that efforts were under way to relieve the harshness of those conditions.

The Special Representative recommended enhanced cooperation between the Government and the international community to develop the most suitable conditions for promoting and protecting human rights; technical assistance for human rights projects; a lead role for the High Commissioner for Human Rights in establishing a strengthened framework of cooperation and a timetable of priority projects; adequate financial support for the priority projects and the effective functioning of HRFOR; assistance to the Government in establishing urgently a dossier for every detainee, improving conditions of detention and speeding up genocide trials; and the establishment of an independent and credible national human rights commission.

In a later report [E/CN.4/1998/60], the Special Representative discussed his second visit to the country from 1 to 8 November. By the beginning of November, the Government had arrived at a draft proposal for establishing a National Human Rights Commission, which was formally established by a Presidential Order of 11 November.

The Special Representative reiterated his earlier recommendations. He also recommended that: the international community condemn the insurgent forces, which had shown signs of resuming the genocide they had launched in 1994; all States cooperate with the International Criminal Tribunal for Rwanda, established by Security Council resolution 955(1994) [YUN 1994, p. 299], concerning the arrest and transfer of any person sought by the Tribunal; Government efforts to prosecute violations committed by some elements of its armed forces be encouraged and supported; a survey be conducted to identify the specific needs of genocide survivors and Member States contribute to a fund for them; the human rights component of all school curricula be strengthened; the international community provide development assistance to the countries of the Great Lakes region; and the international community initiate an assistance programme to support the Government's efforts to promote and

protect human rights and provide for the people of Rwanda to live in peace and security.

Report of High Commissioner. In an overview of the human rights situation in Rwanda since March 1997 [E/CN.4/1998/61], the High Commissioner stated that in 1997 HRFOR had documented 5,952 killings compared with 1,575 reported killings in 1996. Of the 1997 figures, 3,140 were attributed to State agents, 1,536 to members of armed groups and 87 to members of the population carrying out "private justice". The perpetrators of the remaining 1,169 killings were unknown. The 1997 figure included attacks in which at least 269 genocide survivors and old-caseload returnees were killed. Attacks in August and in December resulted in the killing of at least 457 Congolese refugees of Tutsi origin by armed groups in northern Gisenyi prefecture. There were numerous other attacks in Gisenyi and Ruhengeri prefectures.

Military operations by the Rwandese Patriotic Army (RPA) resulted in the killing of 137 civilians in March and 2,022 persons in May and June, all in Ruhengeri prefecture. According to official sources, during May and June, 200 to 300 civilians, 1,800 members of armed groups and 90 RPA soldiers were killed during confrontations in the course of counter-insurgency operations conducted in Ruhengeri prefecture by RPA. In August, large-scale confrontations occurred between armed groups and RPA in Gisenyi prefecture. By 12 September, 29 RPA soldiers had been arrested for various crimes allegedly committed during those incidents.

As at 31 December, the detainee population in Rwanda's 19 central prisons totalled 77,439, compared with some 72,000 in August. HRFOR estimated the detainee population in cachots (communal detention centres) and gendarmerie brigades at around 48,863.

Conditions of detention remained poor in the majority of cachots, which lacked adequate light and ventilation and were severely overcrowded. Shortages of food, lack of access to water and health care, and inadequate hygiene were widely noted. In some places, however, overcrowding was eased by the work of itinerant judicial investigative personnel deployed by the Ministry of Justice to carry out preliminary investigations into genocide cases and to open case files for detainees.

As to genocide trials, between 3 January and 31 December 1997, the Specialized Chambers of the Courts of First Instance handed down judgments in respect of 322 defendants. By 5 December, 321 trials had been completed.

Progress had been made since the beginning of the genocide trials, including an increased

number of witnesses testifying in court, an increase in legal representation, a growing use of the Confession and Guilty Plea Procedure, and an increase in granting reasonable requests for adjournment. However, several aspects of the proceedings remained cause for concern, particularly the lack of full respect for fair trial guarantees. Military trials were taking place and HRFOR awaited the completion of investigations and the beginning of additional military trials in cases of significant reported RPA abuses.

The High Commissioner called on the international community to strengthen its assistance to the Government to protect civilians of north-west Rwanda and to end the ongoing violence, and proposed that the Government should ensure that all security force members were well trained in the use of force and firearms during military operations and in the relevant international standards on the use of force. The High Commissioner encouraged the Government to ensure thorough, prompt and impartial investigations into allegations that members of the security forces and other State agents had violated domestic law and international human rights standards, particularly regarding the right to life. A moratorium on the use of the death penalty was urged and it was suggested that the Government seek alternatives to detention. The High Commissioner noted that the Government could also be provided with assistance in strengthening the judicial system.

Human Rights Field Operation

In March [F/CN.4/1997/52], the High Commissioner for Human Rights updated information on the activities of the Human Rights Field Operation in Rwanda (HRFOR) since the previous report in October 1996 [YUN 1996, p. 688]. The High Commissioner visited the country on 18 February to assess the status, activities and future strategy of HRFOR, and to decide on measures that might be necessary to adapt the Operation to the deterioration in security conditions (see PART ONE, Chapter II).

HRFOR carried out investigations into alleged violations of human rights and humanitarian law, including possible acts of genocide; monitored the ongoing human rights situation; cooperated with other international agencies to re-establish confidence and thus facilitate the rebuilding of civil society; and implemented programmes of technical cooperation in human rights, particularly in the administration of justice.

In November and December 1996, there was a massive return to Rwanda of refugees [YUN 1996, p. 54], most of whom had fled to neighbouring

countries during or shortly following the 1994 genocide and civil war. The mass return from the United Republic of Tanzania was characterized by a higher degree of tension than that experienced during the massive influx of returnees from Zaire. In January, the number of killings in Rwanda escalated and the general security situation deteriorated severely. The influx of criminals who had mingled with the legitimate refugees resulted in increased attacks against genocide survivors. There were also reported killings of returnees and other attacks against and cases of ill-treatment of them. In addition, from the beginning of 1997, there was a serious increase in security incidents involving expatriates working in Rwanda. A number of attacks were carried out against international observers, including the murder of five HRFOR personnel on 4 February. The Government explained the acts of violence against HRFOR staff and other expatriates by the fact that elements of the ex-FAR (former Rwandan Army soldiers) and Interahamwe militia among the returning refugees had established sufficient roots to carry out targeted terrorist activities. HRFOR was temporarily evacuated to Kigali and the Operation was restructured at the end of February.

On 27 December 1996, the first court proceedings began before Rwandan courts against persons accused of genocide or crimes against humanity. By mid-February, 18 judgements had been handed down, of which 11 were death sentences, 6 were life imprisonments and 1 was an acquittal.

As to the costs and financing of the Operation, for 1997 the HRFOR Trust Fund received \$6,033,200 over and above the positive balance of \$2,529,300 received in 1996, which together totalled \$8,562,500. The amount would enable HRFOR to continue until the end of September 1997 at a level of 105 personnel.

As requested in General Assembly resolution 51/114 [YUN 1996, p. 688], the Secretary-General, by an October 1997 note [A/52/486], transmitted the report of the High Commissioner covering the human rights situation in Rwanda since February 1997 and the activities of HRFOR since November 1996.

HRFOR had received reports of ethnically motivated attacks against persons on public buses and against schools. Numerous attacks on judicial personnel had become a cause for concern. In May and June, a further deterioration was seen in the security and human rights situation in Ruhengeri prefecture, where at least 2,022 persons were killed during RPA operations in several communes. In August, numerous large-scale confrontations took place between armed groups

and RPA in communes in Gisenyi prefecture. At the end of that month, armed groups carried out the largest-scale attack against civilians since the 1994 genocide at a UNHCR-administered camp in northern Gisenyi prefecture, which reportedly claimed the lives of 128 Congolese refugees and resulted in the wounding of 102 others.

Regarding conditions of detention in Rwanda, the High Commissioner stated that the number of detainees registered by ICRC had reached 122,000 by mid-September, excluding an updated tally of detainees in Ruhengeri prefecture, which neither ICRC nor HRFOR had been able to visit since January. According to official figures, the total detainee population, which did not include detainees in communal cachots or military prisons, had reached 71,000 by the end of June. HRFOR noted improvements in a number of prison facilities but continued to receive reports of ill-treatment in others.

Progress had been made since the beginning of the genocide trials on 27 December 1996, including an increased number of witnesses testifying in court; improved access by detainees to case files; and an increase in granting reasonable requests for adjournments. However, several aspects of the proceedings remained cause for concern, particularly the lack of full respect for some fair trial guarantees and the lack of legal representation in many cases.

The High Commissioner concluded that although HRFOR had made significant progress in implementing its mandate, the human rights situation had worsened in Rwanda. Only a fraction of the number of persons accused of participating in the genocide had been brought to trial and the continued detention of persons without trial constituted a major human rights concern. HRFOR had documented the killings by State agents of numerous unarmed civilians, including the elderly, women and children, who took no part in hostilities. The indications were that RPA soldiers had not followed the most basic norms of international humanitarian law in carrying out cordon-and-search operations to flush out insurgents.

By a November note [A/52/486/Add.1/Rev.1], the Secretary-General transmitted an addendum to the High Commissioner's report containing the results of an expert assessment of the work of HRFOR, which was conducted to chart the future direction of the Operation. The High Commissioner had requested the former Chief of the Operation from October 1995 to September 1996 to visit Rwanda from 6 to 11 October 1997 to make the assessment.

The assessment mission recommended that the Operation should continue to combine a dis-

suasive local presence and monitoring with technical cooperation and capacity-building, and that monitoring should be conceived as a means of assisting the Government to address problems. Other recommendations included changing the Operation's reporting methods to contain more analytical material; continuing to investigate violations of international human rights and humanitarian law in a situation of internal armed conflict, making every effort to interview military commanders; enhancing the Operation's capacity-building and promotional role; according high priority to training and support to the military justice system; developing collaboration with Rwandan human rights NGOs; focusing on guarantees of a fair trial, the independence of the judiciary and other legal professionals, respect for lawful arrest and detention procedures, safeguards for the right to life and to physical integrity, and popular access to effective remedies for human rights violations; strengthening field teams; bringing greater professional experience and expertise to the Operation; and strengthening HRFOR security teams.

In a later report [E/CN.4/1998/61], the High Commissioner described the structure and state of operations of HRFOR since March 1997. Under the technical cooperation programme, which involved the principal elements of the administration of justice and legal reform, penitentiary administration, training and institutional support, and assistance to genocide survivors and vulnerable groups, human rights field officers had participated in the training of 150 new judicial police inspectors and 900 new communal police constables. On 24 April, HRFOR launched a series of seminars for judicial personnel organized jointly with UNHCR, the Ministry of Justice and the Supreme Court, with UNHCR funding. Also in April, the Operation conducted a seminar for all levels of military justice personnel. A conference on the role and responsibilities of the National Assembly in the protection and promotion of human rights (4-6 September) was organized jointly by HRFOR and the Transitional National Assembly. Two training sessions were organized for human rights NGOs on investigative methods, reporting techniques and the principles of international humanitarian law in the context of present-day Rwanda. HRFOR pursued its ongoing programme of human rights education and promotion through seminars, conferences and workshops to create widespread awareness of human rights among the population. Special emphasis was placed on rights relating to the genocide trials, such as fair trial guarantees and procedures for civil claimants. HRFOR continued to pay attention to the survivors of the 1994 geno-

cide by focusing on providing assistance to certain local communities wishing to document and publish the history of the genocide in their communes; increasing awareness of the Rwandan legal system among genocide survivors; and monitoring and reporting on the current human rights situation of genocide survivors and vulnerable groups. It held a seminar on support for victims' rights to increase genocide survivors' knowledge of the Rwandan judicial system.

(For details of political developments in Rwanda, see PART ONE, Chapter II.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/146** without vote [agenda item 112 (c)].

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 51/114 of 12 December 1996 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997,

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. Takes note of the reports of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were perpetrated in Rwanda in 1994, and expresses its concern at the continuation of human rights violations and violations of international humanitarian law in Rwanda;

3. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955(1994) of 8 November 1994 and 978(1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

4. Notes with interest the recommendations made in the report of the Special Representative, in particular the recommendation that there is a need for greater co-ordination in the provision of human rights technical assistance;

5. Notes the commitment of the Government of Rwanda to investigate reports of extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct those investigations promptly and with all due rigour;

6. Welcomes the start of the trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, and stresses the need for continued efforts by the Government of Rwanda to further strengthen fair trial guarantees and to ensure access to legal representation, which are of particular importance given that those found guilty may face the death penalty;

7. Affirms the urgent need to complete a dossier for every detainee, with a view to identifying those who should be released immediately, early or conditionally, and the need for continued efforts by the Government of Rwanda, with the assistance of the international community, to bring about further improvements in conditions of detention;

8. Appeals to the international community to contribute further assistance to the Government of Rwanda in its efforts to strengthen Rwanda's judicial system, reconstruct human rights infrastructure and build national capacity in the field of human rights;

9. Welcomes the work of the Human Rights Field Operation in Rwanda, whose objectives were described in General Assembly resolution 50/200 of 22 December 1995, and the agreement signed between the Government of Rwanda and the Field Operation;

10. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, and pays tribute to the memory of those killed;

11. Encourages continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda, the Human Rights Field Operation in Rwanda and the Government of Rwanda;

12. Calls upon all States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

13. Requests the United Nations High Commissioner for Human Rights to report on the activities and findings of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-third session.

Sudan

Report of Special Rapporteur. In a February report [E/CN.4/1997/58], Special Rapporteur Gáspár Bíró (Hungary) described human rights violations by the Government of the Sudan. The

report was based on his mission to Asmara and Tesseney, Eritrea, and to Cairo, Egypt (4-12 January), where he met Sudanese citizens residing in those countries, Sudanese refugees who had recently fled the Sudan and UNDP and UNHCR representatives. On 13 January, he arrived in Khartoum and met with the Prosecutor General, representatives of the Ministry of Justice and the Consultative Council for Human Rights.

The Special Rapporteur presented a chronology of events between April 1996 and January 1997 detailing cases of slavery, the slave trade and similar practices; continuous bombardments by government aircraft in southern Sudan; interrogation under torture; the resumption of the amputation of hands of convicted thieves; arrests, torture and lack of due process of law; hostage-taking; arbitrary detention and summoning to the security offices; summary executions; violation of the right of freedom of the press; killings resulting from inter-tribal clashes; indiscriminate killings of Sudanese refugees and abductions from camps in northern Uganda; violent clashes between security forces and university students; the rounding up of street children and their transfer to isolated camps; violations of the rights of women; violations of religious freedom; and indiscriminate killings of civilians and devastation of villages in Blue Nile province.

The Special Rapporteur continued to receive reports and information on grave and widespread violations of human rights and fundamental freedoms by government agents, and abuses and atrocities committed against the life, liberty and security of individuals by members of different parties to the armed conflict in the country other than the Government in the areas under their control.

He recommended that the Government comply with its human rights obligations under international law and take steps to give effect to General Assembly and Commission on Human Rights resolutions; cease aerial bombardments of civilian targets; release all political detainees and prisoners, cease torture and cruel, inhuman and degrading punishment, close down secret detention centres, ensure accused persons due process of law and allow them visits by lawyers and family members, and ratify, accede to or sign UN human rights instruments; ensure proper training for security forces, army and police forces and paramilitary or civil defence groups; stop the rounding up of children from the streets, release them from special camps and other places where they were being held and make efforts to reunite them with their families; provide free access to all areas of the country to humanitarian organiza-

tions and representatives of human rights organizations; investigate reported cases of slavery and institutions and practices similar to slavery; agree on a ceasefire; and address the problem of displaced persons and Sudanese refugees in neighbouring countries. The Special Rapporteur recommended that priority be given to placing human rights field officers in the country as monitors in order to facilitate improved information flow and assessment and to help in the independent verification of reporting.

By a 21 March response to the Special Rapporteur's report [E/CN.4/1997/126], the Sudan noted, among other things, that it was continuing its efforts to investigate human rights violations.

Commission action. On 15 April [res. 1997/59], the Commission on Human Rights expressed deep concern at continued serious human rights violations by the Government of the Sudan and called on it to comply with applicable international human rights instruments, to bring its national legislation into accord with those instruments to which it was a party, and to ensure that individuals in its territory and subject to its jurisdiction fully enjoyed the rights recognized in those instruments. All parties to the hostilities were called on to respect fully the applicable provisions of international humanitarian law.

The Commission extended the Special Rapporteur's mandate for an additional year and asked the Secretary-General to assist him. It asked the Special Rapporteur to report on the future need for human rights field officers, with the understanding that the Commission would reassess that need in 1998. He was also asked to report to the General Assembly in 1997 and to the Commission in 1998.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 38], the Economic and Social Council, acting on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision** 1997/268 by a roll-call vote (31-3-14) [agenda item 7 (d)].

Situation of human rights in the Sudan

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997, endorsed the Commission's decision to extend for an additional year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, approved its request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate, and also approved the Commission's request to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that at its fifty-fourth session the Commission

would reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session.

ROLL-CALL VOTE ON DECISION 1997/268:

In favour Argentina, Australia, Belarus, Brazil, Canada, Cape Verde, Chile, Colombia, Czech Republic, El Salvador, Finland, France, Germany, Iceland, Jamaica, Japan, Latvia, Luxembourg, Mexico, Netherlands, Nicaragua, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Turkey, Uganda, United Kingdom, United States.

Against: China, Cuba, Sudan.

Abstain: Bangladesh, Djibouti, Gabon, India, Jordan, Lebanon, Malaysia, Mozambique, Philippines, Republic of Korea, Sri Lanka, Thailand, Togo, Tunisia.

Reports of Special Rapporteur. By an October note [A/52/510], the Secretary-General transmitted to the General Assembly the Special Rapporteur's report describing his visit to the Sudan (2-10 September) to discuss with government officials and other parties the human rights dimensions of the Sudan Peace Agreement (known also as the Khartoum Agreement) signed on 21 April between the Government and representatives of several southern political organizations and rebel groups. He also examined information on the latest measures taken by the Government through its Consultative Council for Human Rights.

The Special Rapporteur stated that the Khartoum Agreement's provisions on fundamental human rights and freedoms were in accordance with international human rights standards. From a legal perspective, the regulation of the institution of citizenship in accordance with the principles laid down in the Agreement and contained in a 1997 constitutional decree was of crucial importance in giving effect to Commission on Human Rights resolution 1997/59 (see above).

As to the general human rights situation, the Special Rapporteur continued to receive reports and information on human rights violations, which indicated that government agents were responsible for a broad range of violations in the areas controlled by them. Following the escalation of fighting between January and August, the human rights situation in the conflict zones had deteriorated. Reports continued of the displacement of tens of thousands fleeing the war and of massive civilian casualties. In areas of armed conflict, indications were that all parties were responsible for human rights violations, including the right to life, liberty and personal security of civilians, especially women, children and the elderly. On the positive side, the Consultative Council for Human Rights had established subcommittees dealing with detentions without trial, arrests, torture and lack of due process of law; religious persecution; forced displacement and bombardments; extrajudicial killings; access for relief organizations and humanitarian law; slav-

ery and disappearances; women's rights; children's rights; freedom of expression and peaceful assembly; and the report of the Juba Commission (a judicial commission established to investigate and report to the President on the fighting between the Government of the Sudan army and the Sudanist People's Liberation Army that took place in Juba in 1992 and resulted in reports of extrajudicial killings and summary executions).

The Special Rapporteur noted that the Juba report did not address the treatment of detainees during detention and investigation, despite continuous public reports and information on torture, degrading and inhuman treatment, including testimonies received from victims of those practices, who were subsequently not sentenced, nor did it address in a convincing manner allegations of extrajudicial killings and summary executions. Also, the Special Rapporteur believed that further details on the creation, regulations and functioning of the special courts in 1992 in Juba should have been addressed by the Juba report.

Some positive developments were reported regarding the situation of street children, including the closing of one of the camps and the introduction of a new practice centred on rehabilitation and family reunification. The situation of women continued to raise questions, especially with regard to legislation in force on the status of women and its implementation by local authorities. Most of the reports and information, including testimonies received by the Special Rapporteur during his September 1997 mission to Khartoum, indicated that members of the Popular Defence Forces were responsible for the violations and abuses, especially the arbitrary roundup of women from the streets of Khartoum, the verbal harassment of them and the lashings carried out at the Khartoum Popular Police Forces Headquarters.

The Special Rapporteur recommended that the Government ensure wide publicity of the activities of its Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery; ensure full transparency of the Committee by encouraging all civic groups to participate in its fact-finding activities; give free and unimpeded access to international human rights and humanitarian organizations and independent observers to all areas where enforced or involuntary disappearances or cases of slavery, slave trade and similar institutions and practices had been reported; and consider international participation in addressing reported cases of enforced or involuntary disappearances in the Nuba Mountains area. He also recom-

mended establishing periodical contacts in Khartoum between representatives of the High Commissioner for Human Rights and the Government to ensure a prompt exchange and verification of information or reports. Regarding the conflict zones, he again requested the placement of human rights field officers as monitors.

On 20 November [A/C.3/52/10], the Government of the Sudan responded to the Special Rapporteur's report, noting, among other things, that it disagreed with his main conclusion that the human rights situation had not improved.

In a later report [E/CN.4/1998/66], the Special Rapporteur stated that until 13 December he had been receiving detailed information on all categories of human rights violations and abuses addressed in his previous reports. As in past years, torture and other cruel, inhuman and degrading treatment of detainees at the hands of security forces were reported throughout the year. Reports were received concerning arbitrary arrests and lack of due process of law; the abduction of people from southern Sudan; allegations concerning the demolition of Catholic centres by government authorities and other forms of religious intolerance; the abduction of young children by a rebel group; and violations of the rights of women.

Regarding children, the Special Rapporteur had not received any communication from the Government on steps taken to liberate and reunite children with their families, especially girls abducted from northern Uganda by a rebel group, nor on any measures taken by the Government to stop the practice and bring those responsible to justice. As to the Juba Commission, the Special Rapporteur believed that its report did not answer satisfactorily the problems raised by the reports of gross and mass human rights violations allegedly committed in Juba in 1992. The situation of women continued to raise questions.

The Special Rapporteur recommended support by the international community to implement measures to end human rights violations and abuses. He reiterated his previous recommendations and proposed the establishment of a field office of the Office of the High Commissioner for Human Rights in Khartoum.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/140** by recorded vote (93-16-58) [agenda item 112 (c)].

Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Interna-

tional Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling the obligation of all parties to respect international humanitarian law,

Also recalling its resolution 51/112 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997,

Noting with deep concern the human rights violations and breaches of international humanitarian law outlined in resolution 1997/59, including the aerial bombardment of civilians, slavery, slave trade, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, forced displacement of persons, systematic torture and denial of the freedoms of religion, expression, association and peaceful assembly,

Expressing serious concern about continuing reports of religious persecution, including forced conversion of Christians and animists in Government-controlled areas of the Sudan,

Welcoming the visit to the Sudan by the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief,

Especially concerned about the continuing reports of the abuse of children, including slavery, sexual abuse, forced conversion and the use of children as soldiers, despite repeated calls from the international community to put an end to this practice, as described in the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Gravely concerned about reports that those practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged in previous General Assembly resolutions,

Welcoming new practices regarding street children, which centre on rehabilitation and family reunification and the increasing involvement of the United Nations Children's Fund in projects with the Government of the Sudan,

Also welcoming the invitation extended by the Government of the Sudan to the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the

Commission on Human Rights, and urging that the visit to the Sudan by the Special Rapporteur take place as soon as possible,

Further welcoming the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights in December 1996,

Noting the establishment by the Government of the Sudan of national committees for human rights education, and encouraging the Office of the United Nations High Commissioner for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help those committees to improve the observance of human rights in the Sudan,

Welcoming the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law, religious persecution, forced displacement and bombardments, extrajudicial killings, access for relief organizations and humanitarian law, slavery and disappearances, the rights of women, the rights of the child and freedom of expression and peaceful assembly,

Taking note of the long-overdue report by the Government of the Sudan on the summary execution of aid workers in Juba in 1992, and regretting that it did not provide any evidence that a fair trial was given,

Also noting the work of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Concerned that the continuation of civil war in the Sudan has caused the internal displacement of a large number of persons, including ethnic minorities, has resulted in the indiscriminate bombing and shelling of civilian targets and has been marked by gross violations of human rights by the Government of the Sudan and by lack of respect of international humanitarian law by all parties to the conflict,

Encouraged by the joint announcement by the Government of the Sudan and the Sudanese People's Liberation Movement that they are engaged in peace talks, scheduled to resume early in 1998 under the sponsorship of the Intergovernmental Authority on Development, and the acceptance by all parties of the Declaration of Principles as the basis for negotiation,

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions, detentions without due process, violations of the rights of women and children, forced displacement of persons, enforced or involuntary disappearances, torture and other forms of cruel and unusual punishment, slavery, practices similar to slavery and forced labour, denial of the freedoms of expression, association and peaceful assembly and discrimination based on religion;

2. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

3. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the Inter-

national Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

4. Encourages the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery to redouble its efforts to comply with previous General Assembly resolutions in which the Assembly urged the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to those practices;

5. Urges the Government of the Sudan to publicize the existence and activities of the Special Investigation Committee, to guarantee that those who provide information to it will not suffer any negative consequences as a result and to involve local authorities in its activities;

6. Also urges the Government of the Sudan to provide adequate security for all special rapporteurs and to live up to its pledge to provide logistical support to national, regional and international organizations that join the investigations of alleged cases of involuntary disappearance and slavery;

7. Further urges the Government of the Sudan and all parties to the conflict to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where violations have been reported;

8. Continues to urge the placement of human rights monitors, within existing resources, in such locations as will facilitate improved information flow and assessment and independent verification of reports, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all parties to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance;

11. Expresses its hope that all parties to the civil war will negotiate seriously at the peace talks sponsored by the Intergovernmental Authority on Development

when they resume at Nairobi early in 1998, with the view that an end to the civil war would be an important first step towards the elimination of human rights violations in the Sudan;

12. Urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them and to ensure that such persons receive prompt, just and fair trials under internationally recognized standards;

13. Again urges Sudanese authorities to take all steps necessary to respect the human rights of persons belonging to the most vulnerable groups in the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;

14. Calls for an immediate halt to the inhumane and unjustified practice of aerial bombardment of civilian targets by the Government of the Sudan;

15. Welcomes the promise given by the Government of the Sudan to the Special Envoy of the Secretary-General for Humanitarian Affairs in the Sudan to allow relief flights unimpeded access to people in need, and expresses its hope that such flights will now be permitted to take place without danger or obstacles;

16. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women;

17. Welcomes the most recent visit by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan and his interim report on the situation of human rights in the Sudan;

18. Extends its full support to the Special Rapporteur, and encourages him to continue to pursue a broad dialogue with the Government of the Sudan and all other parties which he deems relevant to the situation of human rights in the Sudan, with a view to addressing the concerns expressed in the relevant resolutions of the General Assembly and the Commission on Human Rights, and to visit the Sudan and to travel in the Sudan, as necessary;

19. Encourages visits to the Sudan by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, who have both been invited by the Government of the Sudan, and requests both to report to the Commission and to the General Assembly on their findings;

20. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year;

21. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, within existing resources, in the discharge of his mandate;

22. Recommends the continued monitoring of the serious human rights situation in the Sudan, urges continuation of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-fourth session, to give urgent attention to the situation of human rights in the Sudan;

23. Decides to continue its consideration of this question at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/140:

In favour Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zimbabwe.

Against: Afghanistan, China, Comoros, Cuba, India, Indonesia, Iran, Libya, Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syria, Viet Nam.

Abstain: Algeria, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Colombia, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Panama, Papua New Guinea, Philippines, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Senegal, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Zambia.

Asia and the Pacific

Afghanistan

Report of Special Rapporteur. In February [E/CN.4/1997/59], Special Rapporteur Choong-Hyun Paik (Republic of Korea) reported on the situation of human rights in Afghanistan based on his visit to that country (7-13 January) and to Pakistan (6-7 and 13-14 January).

Having outlined the country's political situation since the submission of his last report in 1996 [YUN 1996, p. 695], the Special Rapporteur stated that Afghanistan was in a state of civil war (see PART ONE, Chapter IV). It continued not to have a legitimate, effective and functioning central government; an independent, impartial and unified judicial system; a constitution; institutions of civil society; rule of law; and accountability for human rights violations and mechanisms to provide redress to victims. The economy was virtually non-existent and unemployment had been rising steadily. Opium production was the main economic activity. Specific human rights problems in Afghanistan were summary or arbitrary executions; retaliation and individual acts of re-

venge; violations of the right to life, including torture and other cruel, inhuman or degrading treatment, capital punishment and corporal punishment; violations of the right to liberty and security of the person, including arbitrary arrest and detention; kidnapping and disappearances; and violation of the freedoms of thought, expression, peaceful assembly and association. Violations of economic and social rights centred on the right to work; the right to education; gender-based discrimination; cultural issues; and self-determination. As to the refugee situation, it was estimated that 1.4 million Afghan refugees were in Iran and almost 900,000 were in Pakistan. Some 10 million landmines were scattered throughout the country, jeopardizing the right to life.

The Special Rapporteur stated that certain minimum internationally accepted human rights standards had to be respected at all times. He recommended that the Taliban authorities take measures to ensure women's rights; halt the production of dry opium; and provide assistance to displaced populations. The United Nations was urged to strengthen system-wide coordination to devise a strategy to promote and protect human rights in Afghanistan. The international community should make efforts to educate persons in authority about human rights.

Commission action. On 16 April [E/1997/23 (res. 1997/65)], the Commission on Human Rights, noting the intensification of armed hostilities in Afghanistan and the deterioration of the human rights situation, called on all Afghan parties to respect fully all human rights and fundamental freedoms. It extended the Special Rapporteur's mandate for another year and asked him to report in 1998 and to consider reporting to the General Assembly in 1997. The Secretary-General was asked to assist him. The Commission asked the High Commissioner for Human Rights to ensure a human rights presence in Afghanistan.

The Economic and Social Council, by **decision 1997/273** of 22 July, endorsed the Commission's decision, and approved its requests to the Special Rapporteur, the Secretary-General and the High Commissioner.

Reports of Special Rapporteur. In October [A/52/493], the Secretary-General transmitted to the General Assembly an interim report in which the Special Rapporteur described his visits to Afghanistan (27 July-3 August) and Pakistan (27 and 31 July and 1-2 August).

The Special Rapporteur stated that the political and military situation in Afghanistan remained extremely volatile and had negatively affected the human rights situation. The human-

itarian crisis was chronic and the economy heavily dependent on international aid. The conflict had prevented the population from exercising its right to self-determination as well as its right to development. The situation of women had deteriorated further, particularly in areas controlled by the Taliban. The Special Rapporteur welcomed an amnesty decree for Afghan refugees living in Iran, Pakistan and other countries, issued by the Supreme Court of the Taliban in June, which provided guarantees for their safe and dignified return, respect for their basic human rights and exemption from prosecution for non-personal criminal offences committed before leaving the country. He also welcomed Taliban efforts to curb the cultivation and production of narcotics. He observed that the measures taken by the Taliban indicated they had realized that support for their movement had eroded further. Among those measures were forced displacement of populations, pre-emptive arbitrary arrests of persons based on their ethnic origin or political affiliation, stricter enforcement of the behaviour and dress code and preventing international aid from reaching areas not under its control.

The Special Rapporteur proposed deploying a human rights resource person in the field who would advise the resident coordinator and the United Nations on human rights issues; organizing information dissemination workshops for local authorities, project staff and NGOs; and identifying programme activities that would positively impact governance and human rights. He urged the Afghan authorities to act in accordance with international human rights instruments to which Afghanistan was a party. The Special Rapporteur recommended that education for all should be restored immediately; that awareness about the problem of landmines be maintained; that ICRC be granted access to all prisoners in Afghanistan; and that greater gender awareness be created. The international community was asked to pay greater attention to the implications of educational policies in Afghanistan; safeguard basic human rights; work within the constraints encountered in the country without compromising its non-derogable principles; examine the human rights record of the Taliban movement; and contribute to the betterment of orphans and disabled persons. The Special Rapporteur called for voluntary contributions to the Society for the Preservation of Afghanistan's Cultural Heritage and urged Afghanistan to sign the Convention for the Protection of the World's Cultural and Natural Heritage adopted by the United Nations Educational, Scientific and Cultural Organization in 1972 [YUN 1972, p. 759].

In a later report [E/CN.4/1998/71], the Special Rapporteur discussed his visits to Afghanistan (2-3 and 7-12 December) and Pakistan (30 November and 1, 5-6 and 13 December). He stated that the human rights situation in Afghanistan had deteriorated throughout 1997 and the armed hostilities had taken on the features of violent confrontation with ethnic and religious attributes. The right to life was under constant serious threat and was accompanied by flagrant violations of human rights such as executions, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detention, looting and unfounded persecution. The situation had led to unprecedented violence resulting in massive loss of life. The non-observance of the international laws of war and humanitarian norms in and outside the battle zones in Afghanistan was widespread.

In December, the Special Rapporteur visited a number of sites containing so-called "mass graves" in northern Afghanistan. The burial sites were reported to contain the remains of villagers allegedly killed by Taliban forces in a number of communities around Mazar-i-Sharif in September 1997. In November, sites were discovered where numerous people were buried, some of whom might have been summarily executed. A further thorough investigation of all the sites concerned was expected.

The Special Rapporteur noted that the infringements on women's rights were such that they posed serious threats to their enjoyment of even the most basic rights, including the right to life, particularly in Taliban-controlled areas where women continued to be denied access to education and employment. He further noted that the production, processing and export of narcotics in and from Afghanistan posed serious obstacles to the control of narcotics worldwide.

The Special Rapporteur recommended that all parties to the conflict in Afghanistan should refrain from committing human rights violations, in particular those amounting to extrajudicial, summary and arbitrary executions and to torture and other cruel, inhuman or degrading treatment or punishment. All armed hostilities should cease immediately and a negotiated solution be sought. The international community should consider how to conduct a campaign of awareness and education about the international obligations and duties under the laws of war and international humanitarian law. The international community, including UN agencies and NGOs, should continue efforts to implement a policy of "constructive engagement" with their Afghan interlocutors concerning such issues as the right to equal opportunity and gender equal-

ity. A thorough and full-scale investigation of all killings, including the "mass graves" in northern Afghanistan, should be undertaken by the United Nations in order to seek out and punish those responsible. An assessment needed to be made by a neutral team of independent investigators to establish the identity and category of the victims, as well as the manner and cause of death.

(For details of the political situation in Afghanistan, see PART ONE, Chapter IV.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/644/Add.3], adopted **resolution 52/145** without vote [agenda item 112 (c)].

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling the deep concern expressed by the Security Council at the continuing discrimination against girls and women and other violations of human rights, as well as violations of international humanitarian law in Afghanistan,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with all the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein;

2. Notes with deep concern the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on grounds of ethnicity, and calls upon all parties involved immediately to cease such hostilities and

to engage in a political dialogue aimed at achieving national reconciliation and the voluntary return of displaced persons to their homes in safety and dignity;

3. Also notes with deep concern the ongoing further deterioration of the situation of human rights in Afghanistan, including the situation of women, as reported by the Special Rapporteur, and condemns the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement;

4. Expresses in particular its deep concern about the frequent practice of arbitrary arrest and detention and summary trials throughout the country, which have resulted in summary executions, as well as the application of forms of punishment prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Calls upon all the Afghan parties fully to respect all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

6. Urges all the Afghan parties to bring an end to discrimination on the basis of gender and to the deprivation of human rights of women without delay and, in particular, to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work and their reintegration in employment;

(c) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(d) Respect for the right of women to security of person and to ensure that those responsible for physical attacks on women are brought to justice;

(e) Respect for freedom of movement for women and their effective access to the facilities necessary for the protection of their right to the highest attainable standards of physical and mental health;

(f) Equal access for women to health facilities;

7. Also urges all the Afghan parties to work closely and to cooperate with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and to the establishment of a democratic Government elected through free and fair elections, based on the right to self-determination of the people of Afghanistan;

8. Further urges all the Afghan parties to ensure that United Nations programmes are carried out without discrimination against women either as participants or as beneficiaries;

9. Demands that all the Afghan parties fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, including their premises in Afghanistan, and that they cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

10. Urges all the Afghan parties to provide efficient and effective remedies to the victims of grave violations

of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and, therefore, invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen their mutual consultation and cooperation;

12. Urges all the Afghan parties fully to respect international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from storing munitions in residential areas, to prohibit the drafting and recruitment of children as para-combatants, to ensure their reintegration into society and to stop the practice of using people as human shields;

13. Invites all the Afghan parties to support the International Committee of the Red Cross, in particular by providing access to all prisoners, and to release all non-criminal civilian prisoners;

14. Expresses its deep concern about reports that, despite continuing demining programmes by the international community, new landmines have been laid, and appeals to all parties to stop deploying such devices, which kill or maim hundreds of people every week, mostly innocent and defenceless civilians, especially children;

15. Urges all States to respect the full national unity, sovereignty and territorial integrity of Afghanistan;

16. Appeals to Member States and to the international community to provide, on a non-discriminatory basis, adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in neighbouring countries, pending, and with a view to encouraging, their voluntary repatriation, and requests all the parties in Afghanistan to lift the restrictions imposed on the international aid community and to allow the free transit of food and medical supplies to all populations of the country;

17. Expresses its deep concern about reports of the deterioration of the cultural heritage of Afghanistan, notes that all the parties share the historical responsibility to protect and safeguard this common heritage, and requests Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

18. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and to its Special Rapporteur;

19. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

20. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-third session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

Bahrain

On 21 August [E/CN.4/1998/2 (res. 1997/2)], the Subcommission, by a secret ballot of 12 votes to 11, with 1 abstention, noting that Bahrain had been without an elected legislature for 22 years,

that there were no democratic institutions there and that Bahrain was facing problems of internationally assisted terrorism, condemned all acts of terrorism in the country. Further noting information concerning a deterioration of the human rights situation in Bahrain, the Subcommission expressed deep concern about the alleged gross and systematic violations. It urged the Government to comply with international human rights standards and asked the Commission on Human Rights to consider in 1998 the situation of human rights in Bahrain.

Cambodia

For information on the human rights situation in Cambodia, see PART TWO, Chapter I.

China

On 15 April, the Commission on Human Rights, by a roll-call vote of 27 to 17, with 9 abstentions, accepted a motion by China that no action be taken on a draft resolution concerning the human rights situation in that country [E/1997/23].

By the text, the Commission would have called on China to ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it was a party; improve the impartial administration of justice; release political prisoners; preserve and protect the cultural, ethnic, linguistic and religious identity of Tibetans and others; and cooperate with the Commission's thematic special rapporteurs and working groups and engage in a dialogue with the United Nations High Commissioner for Human Rights.

Democratic People's Republic of Korea

By a secret ballot of 13 votes to 9, with 3 abstentions, the Subcommission, on 21 August [res. 1997/3], expressing concern at the persistent allegations that grave human rights violations were being committed in the Democratic People's Republic of Korea (DPRK), including mass internments in administrative detention centres, and at serious restrictions on the right of everyone to leave any country, including his own, and to return to his country, urgently called on the Government to ensure full respect for article 13 of the 1948 Universal Declaration of Human Rights, contained in Assembly resolution 217 A (III) [YUN 1948-49, p. 535], and article 12 of the 1966 International Covenant on Civil and Political Rights, adopted by the Assembly in resolution 2200 A (XXI) [YUN 1966, p. 423], both of which related to that right. It asked the international com-

munity to devote greater attention to the situation of human rights in the country and to furnish increased assistance to the DPRK to help it to overcome its food shortage and the suffering caused by it.

East Timor

Reports of Secretary-General. In a February report [E/CN.4/1997/51], the Secretary-General updated his good-offices activities aimed at achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. He also described action taken in 1996 by the Special Rapporteurs on the question of torture [E/CN.4/1997/7 & Add.1] and on extrajudicial, summary or arbitrary executions [E/CN.4/1997/60/Add.1], and by the Working Groups on Arbitrary Detention [YUN 1996, p. 626] and on Enforced or Involuntary Disappearances [Ibid., p. 635].

Annexed to the report was information on the human rights situation in East Timor provided by the Governments of Indonesia and Portugal and NGOs.

In a March addendum [E/CN.4/1997/51/Add.1], the Secretary-General transmitted information provided by the Government of Indonesia concerning initiatives and measures taken to improve human rights in East Timor.

Commission action. On 16 April [res. 1997/63], the Commission on Human Rights, by a roll-call vote of 20 to 14, with 18 abstentions, expressed deep concern at the continuing reports of human rights violations in East Timor and at the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken at previous sessions of the Commission [YUN 1994, p. 1086; YUN 1995, p. 798]. It also expressed concern that Indonesia had not yet invited the Commission's thematic rapporteurs and working groups to East Timor and at the policy of systematic migration of persons to East Timor. The Commission called on Indonesia to ensure full respect for the human rights and fundamental freedoms of the people of East Timor; to ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in 1991 [YUN 1991, p. 798]; to ensure that all East Timorese in custody were treated humanely and that all trials were conducted in accordance with international standards; to cooperate with the Commission and its thematic rapporteurs and working groups and to invite them to visit the country; to undertake action to upgrade the memorandum of intent of 1994 on technical cooperation into an envisaged memorandum of understanding; to bring about

the assignment of a programme officer of the High Commissioner/Centre for Human Rights to the UNDP Jakarta office; and to provide access to East Timor for human rights organizations.

The Commission decided to consider the situation of East Timor in 1998 and encouraged the Secretary-General to continue his good-offices mission.

Iran

Report of Special Representative. In a February report [E/CN.4/1997/63], the Special Representative of the Commission on Human Rights, Maurice Copithorne (Canada), discussed the state of human rights in Iran. He had asked to make a second visit to Iran, the first having been made in 1996 [YUN 1996, p. 697], but his request was denied.

The Special Representative stated that the death sentence and/or its implementation seemed to continue at a high rate. There were widespread allegations that Iranian jails housed prisoners of conscience, those detained because of their race, religion, politics, language, beliefs or for similar reasons and who had neither used nor advocated violence. Allegations regarding the detention of religious clerics warranted further inquiry. Regarding extrajudicial groups, the Special Representative continued to receive reports of groups resorting to violence and threats of violence upon private individuals as a means of coercion. The status of women was not equal to that of men in very many ways. However, public debate on the subject seemed to be growing more vigorous and some change seemed to be occurring in the legal system. According to information received by the Special Representative, the number of disciplinary actions against newspapers and magazines, their editors and publishers had increased. The Special Representative received information that 12 Baha'is continued to be held in Iranian prisons allegedly because of their beliefs, and cases of discrimination against Baha'is in the court system continued to be reported. Private ownership of property by Baha'is was generally disregarded.

The Special Representative's recommendations stressed improving the status of women; introducing greater certainty and transparency in the press law; paying attention to the question of religious intolerance; accelerating consideration of Iranian requests for international technical assistance; and transferring to the general courts charges against a number of clerics and granting them the right to independent legal representation.

Annexed to the report was an exchange of letters between Iran and the Special Representative dealing with individual cases of human rights violations.

Commission action. By a roll-call vote of 26 to 7, with 19 abstentions, the Commission on Human Rights, on 15 April [res. 1997/54], expressed concern at the continuing human rights violations in Iran and at the lack of continuity in the Government's cooperation with the Commission. It called on the Government, among other things, to abide by its freely undertaken obligations under international human rights instruments; to implement the recommendations of the Special Representative; to eliminate discrimination against women; to refrain from violence against members of the Iranian opposition living abroad; and to ensure that capital punishment would not be imposed for apostasy or non-violent crimes.

The Commission decided to extend the Special Representative's mandate for another year and asked him to submit an interim report to the General Assembly in 1997 and to the Commission in 1998. The Secretary-General was asked to assist him. The Economic and Social Council, by **decision 1997/264** of 22 July, endorsed the Commission's decision to extend the Special Representative's mandate and approved its requests to him and to the Secretary-General.

Note by Secretary-General. In a May note [E/CN.4/Sub.2/1997/5], the Secretary-General, in response to a 1996 request [YUN 1996, p. 698], informed the Subcommission of relevant reports issued in 1996 and 1997 and of UN measures to prevent human rights violations in Iran.

Reports of Special Representative. By an October note [A/52/472], the Secretary-General transmitted to the General Assembly the interim report of the Special Representative on the situation of human rights in Iran.

A major event in Iran was the May election of the new President. The Special Representative highlighted the declaration of the intentions of the new Government in most, if not all, areas of human rights. He planned to observe how the policy statements were implemented.

The Special Representative stated that there were boundaries to the right to freedom of expression, with the rights of the press and the media, the film industry, authors, publishers and bookstores being significantly circumscribed. Within the legal system, the use of the death penalty had increased, apostasy was considered an offence and there were continuing reports of the use of cruel, inhuman or degrading treatment or punishment. While discrimination against women still existed, the new President had ap-

pointed a woman as one of eight Vice-Presidents. The Special Representative continued to receive reports of human rights violations against the Baha'is, including extrajudicial executions, arbitrary detentions, refusal of entry to universities, confiscation of property and dismissal from employment. The Special Representative again condemned the threat on the life of British writer Salman Rushdie that had been in effect since 1989. He also cited incidents of extraterritorial violence outside Iran and discrimination against religious minorities, namely the Sunnis.

Appended to the report was an exchange of correspondence between the Special Representative and Iran covering the period from February to August 1997, which dealt with individual cases.

In a later report [E/CN.4/1998/59], covering the period from September to December, the Special Representative stated that the new Government was making efforts to give substance to its commitments to develop a society that valued the rule of law and personal freedoms. The area in which that was most evident was freedom of expression, with the Government attempting to move towards a more liberal view of dissent. As to the status of women, all the indicators seemed to point towards change. The legal system was showing the least signs of change; the number of executions continued to grow and the use of cruel, inhuman or degrading treatment or punishment continued unabated. The treatment of religious dissidents and the activities of extrajudicial groups remained of serious concern. There was little, if any, progress on the fatwa against Salman Rushdie. The situation of the Baha'is continued to violate accepted international norms.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/142** by recorded vote (74-32-56) [agenda item 112(c)].

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the sub-

ject, and taking note of the most recent, Commission on Human Rights resolution 1997/54 of 15 April 1997,

1. Welcomes the report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;

2. Notes with interest that presidential elections were held in the Islamic Republic of Iran in 1997, and calls upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of all individuals;

3. Expresses its concern:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large and increasing number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including stoning, amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is, the discrimination against members of other religious minorities, including Christians, and the death sentences pronounced against Dhabihullah Mahrami, Musa Talibi and Ramadan-Ali Dhulfagari, on the charge of apostasy, and against Bihnam Mithaqi and Kayvan Khalajabadi because of their beliefs;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threats to the life of Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, as well as at the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the sentencing of the writer Faraj Sarkuhi being only the most recent example of such unacceptable practices;

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative to allow him to continue his inquiry at first hand and to continue his dialogue with the Government;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms

of religious intolerance and of discrimination based on religion or belief relating to the Baha'is and to other minority religious groups, including Christians, until they are completely emancipated;

(d) To take effective measures to eliminate human rights violations against women, including all discrimination in law and in practice against them;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes or in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards;

5. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

RECORDED VOTE ON RESOLUTION 52/142:

In favour. Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom, United States, Uruguay, Vanuatu, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran, Kuwait, Libya, Malaysia, Maldives, Myanmar, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syria, Tajikistan, Viet Nam, Zimbabwe.

Abstain: Albania, Angola, Bahrain, Belarus, Benin, Bhutan, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Colombia, Cote d'Ivoire, Cyprus, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Fiji, Grenada, Guatemala, Guinea, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Mali, Mauritania, Mozambique, Namibia, Nepal, Panama, Papua New Guinea, Republic of Korea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania.

Iraq

Report of Special Rapporteur. In a February report [E/CN.4/1997/57], Special Rapporteur Max van der Stoep (Netherlands) described the human rights situation in Iraq based on his visit to Jordan and Kuwait (20-27 January) and on information he had received from a variety of sources. Despite Iraq's lack of cooperation, the Special Rapporteur had benefited considerably from information gathered by staff members of the UN Centre for Human Rights who had travelled to neighbouring countries.

The Special Rapporteur stated there was no improvement in the human rights situation in Iraq; all power was in the hands of a dictatorship. He cited violations of the rights to life, liberty and personal security, and of the right to freedom of opinion and expression. The Working Group on Enforced or Involuntary Disappearances had recorded 16,199 unresolved cases of disappearances, excluding the more than 600 Kuwaiti and third-country nationals who disappeared following the Iraqi occupation of Kuwait [YUN 1990, p. 189]. The Government had finally accepted the "food-for-oil" agreement, which authorized States to permit the limited import of Iraqi petroleum and petroleum products to provide for the humanitarian needs of the Iraqi people (see PART ONE, Chapter IV); that augured well for an improvement in the enjoyment of the rights to food and health. However, significant change in the human rights situation would be possible only following a general process of democratization. To that end, the Government should abrogate all laws prescribing cruel, unusual, disproportionate and other violative penalties, and all laws that repressed the free expression and exchange of views and ideas. Also, the security apparatus and all other forms of government, including the executive branch, should be brought under the rule of law.

In addition to proposals contained in his earlier reports, the Special Rapporteur recommended that the Government cooperate in the search for missing Kuwaiti and third-country nationals by allowing ICRC full access to places of detention throughout Iraq. He also recommended that the Government cooperate in implementing Security Council resolution 986(1995) [YUN 1995, p. 475] on the "food-for-oil" programme, in particular by ensuring the free movement of observers designated to monitor the distribution of humanitarian supplies throughout the country.

On 4 February [E/CN.4/1997/114] and 13 October [A/C.3/52/4], Iraq commented on the Special Rapporteur's 1996 report [YUN 1996, p. 702] and his 1997 report, respectively. In both letters, Iraq attested that the Special Rapporteur had relied on unsubstantiated testimonies.

Commission action. By a roll-call vote of 31 to none, with 22 abstentions, the Commission on Human Rights, on 16 April [res. 1997/60], strongly condemned the Government of Iraq's massive and extremely grave violations of human rights and international humanitarian law. It called on the Government to: abide by its obligations under international human rights treaties and international humanitarian law; bring its military and security forces into conformity with standards of international law; cooperate with UN human

rights mechanisms; restore independence of the judiciary and abrogate laws granting impunity; ensure the end of torture and cruel punishment or treatment; cooperate to resolve the fate of missing persons; cease its repressive practices aimed at ethnic and religious groups; cooperate with aid agencies and NGOs to provide humanitarian assistance; release all detained Kuwaitis and other nationals; ensure equitable distribution of humanitarian supplies purchased with the proceeds of Iraqi oil; and cooperate in identifying minefields in the country.

The Commission extended the Special Rapporteur's mandate for another year, and asked him to submit an interim report to the General Assembly in 1997 and to the Commission in 1998. The Secretary-General was asked to assist the Special Rapporteur and to approve the allocation of resources to send human rights monitors to locations that would facilitate improved information on the human rights situation in Iraq. By **decision 1997/269** of 22 July, the Economic and Social Council endorsed the Commission's decision.

Subcommission action. On 28 August [res. 1997/351, the Subcommission, expressing concern about the adverse consequences of economic sanctions on human rights, appealed to States concerned to reconsider their adoption of or support for such measures if, after a reasonable period, they appeared not to be bringing about the desired changes in policy.

On the same date [dec. 1997/119], the Subcommission, noting with concern the delay in the supply of food and medicines to Iraq, appealed to the international community and to Governments to alleviate the suffering of the Iraqi population by facilitating the supply of those items.

Reports of Special Rapporteur. In October, the Secretary-General transmitted to the General Assembly the Special Rapporteur's interim report on the situation of human rights in Iraq [A/52/476], based on information received as at 31 August 1997.

The Special Rapporteur presented details of alleged violations of civil and political rights, including cases of summary, arbitrary and extrajudicial executions, arbitrary arrest and detention, forced displacement and violations of the right to freedom of expression. Concerning the food-for-oil agreement, the Government was cooperating with the United Nations in ensuring the relatively free and unobstructed movement of observers; however, the Special Rapporteur expressed concern that they were not based permanently throughout the country with free access to any location and citizen without prior notification. In addition, while on duty the observers

were always accompanied by local agents who were civil servants. As to the distribution of foodstuffs and medicines, a very complex and time-consuming registration process was required in order to receive rations. It was alleged that the system was being widely used by the Government to reward political supporters and to silence opponents. As at 31 August, a total of 1,831,101 tons of food and other items had reached Iraq, accounting for some 82 per cent of the total allocation, and 1,516,378 tons had been distributed to governorates.

The Special Rapporteur again recommended that Iraq should: bring its law into line with accepted international standards; take steps to facilitate the enjoyment of the freedoms of opinion, expression and association; give particular attention to prison conditions and allow international humanitarian organizations access; cease all discriminatory policies that interfered with the frequent and equal enjoyment of property; take urgent steps to end the enforced displacement of persons; continue to cooperate fully in implementing all relevant Security Council resolutions; ensure equitable distribution without discrimination of humanitarian supplies purchased with the proceeds of Iraqi oil; and accept the stationing of UN human rights monitors throughout the country.

In a later report [E/CN.4/1998/67], the Special Rapporteur stated that since August 1997 he had received numerous allegations of violations of civil and political rights perpetrated by the Government of Iraq, including reports of large-scale executions in prisons and violations of the rights of minorities. He had also received numerous reports confirming allegations of systematic forced displacements. As to economic and social rights, he expressed particular concern about the rights of children, especially the effect of the food situation on them, the growing number of children who were not in school, the disparities in the levels and extent of education enjoyed by girls and boys, and the increase in child labour. He recalled that, whatever the difficulties, the Government of Iraq remained responsible for implementing its obligations relating to the rights to food and health care to the maximum of its available resources. He reiterated his earlier recommendations and added that the Government should cooperate with the Secretary-General in devising a distribution plan that differentiated on the basis of the real needs of the most vulnerable and would allow for adequate food and medicines to flow to the intended beneficiaries.

Commenting on the Special Rapporteur's October report in a 14 November letter [A/C.3/52/7], Iraq stated that the Special Rapporteur, if he was

fair and objective, would have demanded that the embargo be lifted, as that was the only way to ensure that the Iraqi people could enjoy their human rights.

(For political developments in Iraq, see PART ONE, Chapter IV.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/141** by recorded vote (99-3-60) [agenda item 112 (c)].

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1997/60 of 16 April 1997,

Taking note of the concluding observations of the Human Rights Committee following the Committee's consideration of the fourth periodic report of Iraq under the International Covenant on Civil and Political Rights,

Recalling Security Council resolution 688(1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686(1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687(1991) of 3 April 1991 and 986(1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as Security Council resolutions 1111(1997) of 4 June 1997 and 1129(1997) of 12 September 1997,

1. Welcomes the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and noting that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, which have resulted in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and the diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692(1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To put an end without delay to the enforced displacement of persons;

(j) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(l) To ensure equitable distribution, without discrimination, to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolutions 986(1995), 1111(1997) and 1129(1997) and the memorandum of understanding on this issue concluded with the Secretary-General in May 1996, and to cooperate with international humanitarian agencies for the provision, without discrimination, of relief to those in need throughout Iraq;

(m) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

(n) To continue to cooperate in the implementation of Security Council resolutions 986(1995) and 1111(1997) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

5. Decides to continue the examination of the situation of human rights in Iraq at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

RECORDED VOTE ON RESOLUTION 52/141:

In favour Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia.

Against: Libya, Nigeria, Sudan.

Abstain: Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, China, Colombia, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Fiji, Ghana, Grenada, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Pakistan, Panama, Papua New Guinea, Philippines, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Suriname, Syria, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

Myanmar

Report of Special Rapporteur. In February [E/CN.4/1997/64], Special Rapporteur Rajsamoor Lallah (Mauritius) reviewed the human rights situation in Myanmar based on information he had received through 31 December 1996. He noted that since his appointment in June 1996 he had not been allowed by the Government of Myanmar to observe the situation on the ground, despite requests by the General Assembly and the High Commissioner for Human Rights that he have direct access to the Government and the people of the country.

The Special Rapporteur observed that the lack of respect for the rights pertaining to democratic governance was at the root of all major human rights violations in Myanmar. Detailed reports and photographs seen by the Special Rapporteur led him to conclude that extrajudicial, summary or arbitrary executions, the practice of torture, portering and forced labour continued to occur, particularly in the context of development programmes and of counter-insurgency operations in minority-dominated regions. He concluded that a significant percentage of all arrests and detentions were arbitrary and expressed deep concern over the continued detention of many political prisoners. There was essentially no freedom of thought, opinion, expression or association. There were also violations of freedom of movement and residence, including the right to leave and re-enter one's own country.

The Special Rapporteur recommended that the Government fulfil its obligations under the United Nations Charter; consider acceding to the relevant international human rights instruments; bring Myanmar law concerning the protection of the right to physical integrity into line with accepted international standards; allow citizens to participate in the political process; accelerate the process of transition to democracy; try by an independent civilian court in an open and internationally accessible judicial process all political leaders and others arrested or detained under martial law after the 1988 and 1990 demonstrations or as a result of the 1993 National Convention; repeal laws rendering human rights violations legitimate; pay attention to prison conditions and allow humanitarian organizations access; take steps to facilitate and guarantee the freedoms of opinion, expression and association; remove restrictions on freedom of movement, association and assembly and on those relating to the entry and exit of citizens into and out of the country, as well as their movement within the country; cease discriminatory policies that interfered with the free and equal enjoyment of property; fulfil its obligations under the 1948 Interna-

tional Labour Organization Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize [YUN 1947-48, p. 823]; prohibit the practice of forced portering and forced labour; bring the acts of soldiers into line with accepted international human rights and humanitarian standards; end forced displacement; train military and law enforcement personnel as to their responsibilities in accordance with international human rights instruments and under humanitarian law; condemn acts by authorities involving human rights violations; and end impunity.

On 19 March [E/CN.4/1997/123], Myanmar presented its comments on the Special Rapporteur's report, noting, among other things, that little recognition had been given to positive changes in the country. On 20 March [E/CN.4/1997/124], Myanmar submitted a report explaining its human rights situation.

Report of Secretary-General (March). In response to General Assembly resolution 51/117 [YUN 1996, p. 705], the Secretary-General reported to the Commission on Human Rights [E/CN.4/1997/129] on the good-offices activities he had undertaken to assist Myanmar to respond to human rights concerns and to achieve national reconciliation. The Director of the East Asia and the Pacific Division of the UN Department of Political Affairs visited the country from 17 to 21 February 1997; he held consultations with senior members of the Ministry of Foreign Affairs and other high-level government officials and with leaders of political parties. Discussions focused on the National Convention, which had not met since March 1996; the resolution of the insurgencies that had plagued Myanmar since independence; military operations against the Karen National Union, considered to be the last remaining armed ethnic group; and cooperation with the Special Rapporteur. The Secretary-General expressed disappointment that he could not report progress on issues of concern to the Assembly and the Commission.

Commission action. On 16 April [res. 1997/64], the Commission on Human Rights expressed deep concern at the continuing human rights violations in Myanmar, the absence of significant steps towards the establishment of a democratic government following the democratic elections of 1990, and the restrictions placed on Daw Aung San Suu Kyi and other political leaders. The Commission extended the Special Rapporteur's mandate for another year and asked him to report to the Assembly in 1997 and to the Commission in 1998. The Secretary-General was asked to assist the Special Rapporteur and to continue his discussions with the Government and with anyone in

Myanmar he might consider appropriate to assist in implementing Assembly resolution 51/117 [YUN 1996, p. 705] as well as the Commission's current resolution. The Commission decision and request were approved by the Economic and Social Council by **decision** 1997/272 of 22 July.

Reports of Special Rapporteur. In October, the Secretary-General transmitted to the General Assembly the Special Rapporteur's interim report [A/52/484], in which he stated that there was no improvement in the overall human rights situation in Myanmar and that, therefore, his previous conclusions remained valid. He had received well-documented reports, photographs and testimony leading him to conclude that extrajudicial, summary or arbitrary executions continued to occur, as well as the practice of torture, portering and forced labour. In addition, there was no freedom of thought, opinion, expression or association, or freedom of movement and residence. Laws relating to citizenship appeared to be discriminatory on the basis of religion, ethnicity, equality before the law and special measures of protection to which children were entitled.

In addition to his earlier recommendations, the Special Rapporteur urged the Government to re-establish constitutionality and the rule of law; cease discriminatory policies that interfered with the free and equal enjoyment of property; refrain from actions that contributed to insecurity affecting the population; and revise citizenship laws.

In a later report [E/CN.4/1998/70], the Special Rapporteur described developments based on information received up to 19 December 1997. He observed that, except for the easing of restrictions on political parties, especially the National League for Democracy (NLD)—the party that had won the majority of votes at the last general election in 1990—there had been no change in the human rights situation.

The Special Rapporteur reiterated his previous recommendations and added that the Government should ensure the safe return and resettlement of Myanmar Muslims and other minorities in their villages of origin; amend its laws, orders or decrees to ensure that its obligations regarding the rights of women were implemented; and guarantee the right of trade unions to exist and operate freely.

Report of Secretary-General (November). In a November report [A/52/587], the Secretary-General updated his good-offices activities. His Envoy, Alvaro de Soto, visited the country from 7 to 10 May; he held consultations with the Secretary of the State Law and Order Restoration Council, the Foreign Minister and Chief Justice, and with authorities from various ministries and

services, as well as with leaders of political parties, including NLD and its General Secretary, Daw Aung San Suu Kyi, the National Unity Party and the Shan Nationalities League for Democracy. The Secretary-General and his representatives held discussions with the Minister for Foreign Affairs on 27 June in New York, focusing on the main issues stressed by the General Assembly. A further round of talks took place on 1 October, also in New York, between the Minister for Foreign Affairs and the Secretary-General's Envoy.

The Secretary-General expressed gratification at the visits to Myanmar by his representatives in the first half of 1997 and welcomed the contacts between the Government and NLD. He noted that NLD had been able to hold a party congress and hoped that the same tolerance would be shown in future towards other NLD events. He regretted that he could not report progress in other areas of concern to the Assembly and the Commission.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/137** without vote [agenda item 112 (c)].

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 51/117 of 12 December 1996,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, *inter alia*, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997, in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also about the travel and other restrictions placed on Aung San Suu Kyi and other political leaders, the continued arrests and harassment of members and supporters of the National League for Democracy, trade unionists and students for peacefully exercising their right to freedom of expression, assembly and association, the forced resignations of elected representatives and the long closure of all universities and colleges following the student demonstrations in December 1996,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy, late in 1995,

Welcoming the contact between the Government of Myanmar and political parties, in particular the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedom of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour of children as well as adults, including portering for the military, abuse of women and children by government agents and the imposition of oppressive measures directed, in particular, at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report, and urges the Government of Myanmar to cooperate fully with the Special Rapporteur and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate;

2. Also expresses its appreciation to the Secretary-General for his report;

3. Deplores the continuing violations of human rights in Myanmar;

4. Notes that Nobel Peace Prize Laureate Aung San Suu Kyi was allowed to travel to the Thaketa township office of the National League for Democracy to peacefully conduct normal political activities on 21 October 1997, but was subsequently prevented from attending party meetings of the League, on 5 November 1997 in

Tamwe township and on 13 November 1997 in Hlaing township, and requests the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders by members and supporters of the League and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release, immediately and unconditionally, detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to pursue its contacts with the National League for Democracy with a view to engaging, at the earliest possible date, in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the visits to Myanmar in the first half of 1997 by the Envoy of the Secretary-General and the Director of the East Asia and the Pacific Division of the Department of Political Affairs of the Secretariat for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders, and encourages the Government of Myanmar to broaden its dialogue with the Secretary-General and to facilitate access by his representatives to the political leaders in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people, as expressed in the democratic elections held in 1990, and to ensure that political parties and non-governmental organizations can function freely;

9. Welcomes the holding of the Ninth Anniversary Conference of the National League for Democracy on 27 and 28 September 1997;

10. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of the objectives of the Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State, notes also with concern that the composition and working procedures of the National Convention do not permit the elected representatives of the people freely to express their views, and concludes that the National Convention does not appear to constitute the necessary step towards the restoration of democracy;

11. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

12. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture,

abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, to fulfil its obligation to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

13. Calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

14. Welcomes the accession by the Government of Myanmar, on 22 July 1997, to the Convention on the Elimination of All Forms of Discrimination against Women;

15. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Strongly urges the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child, as set out in the concluding comments of the Committee on the Rights of the Child in its report on its fourteenth session;

17. Also strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

18. Stresses the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

19. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail itself of such services as may be offered by impartial humanitarian bodies;

20. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

21. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session;

22. Decides to continue its consideration of this question at its fifty-third session.

Europe and the Mediterranean

Cyprus

In response to a 1996 Commission on Human Rights decision [YUN 1996, p. 707], the Secretary-General submitted a February report on the question of human rights in Cyprus [E/CN.4/1997/48]. He described action taken through his good offices mission and by the Security Council, as well as the activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP) (see PART ONE, Chapter V).

On 16 April [E/1997/23 (dec. 1997/121)], the Commission decided to retain the item on its agenda, on the understanding that actions required by previous resolutions would continue to remain operative, including its request to the Secretary-General to report on their implementation.

The former Yugoslavia

By a 5 March letter [E/CN.4/1997/118], the Federal Republic of Yugoslavia (Serbia and Montenegro) (FRY) transmitted to the Commission on Human Rights its comments on the Special Rapporteur's October 1996 report on the human rights situation in the former Yugoslavia [YUN 1996, p. 708] and on her 1996 special report on minorities in FRY [ibid., p. 709].

Commission action. On 15 April [res. 1997/57], the Commission on Human Rights reaffirmed in the strongest terms its previous condemnations of past human rights violations in Bosnia and Herzegovina, Croatia, FRY and the former Yugoslav Republic of Macedonia (FYROM) and expressed its concern over continuing human rights violations within those countries and delays in fully implementing the human rights provisions of the 1995 Peace Agreement [YUN 1995, p. 544] (see also PART ONE, Chapter V). It called on all States and parties to the Peace Agreement to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (see PART FOUR, Chapter II), established by the Security Council in 1993 [YUN 1993, p. 440], and urged all States and the Secretary-General to support the Tribunal.

The Commission called on the authorities in Bosnia and Herzegovina to comply with the human rights provisions of the country's Constitution, to prevent human rights violations and to ensure that persons under their control who committed violations were held accountable. The

Government of Croatia was asked to make greater efforts to adhere to democratic principles and the highest level of standards of human rights and fundamental freedoms and to respect the protection of free and independent media. The Commission called on the Government of FRY to make greater efforts to institute and implement democratic norms, especially regarding respect for the principle of free and fair elections and protection of free and independent media, and to ensure full respect for human rights and fundamental freedoms. It reminded FRY of its responsibility to investigate enforced disappearances, to enhance its cooperation with Croatia and Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on the subject.

Regarding missing persons, the Commission, considering the resignation of the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process on missing persons in the territory of the former Yugoslavia (see PART TWO, Chapter II), asked the Special Rapporteur to act on behalf of the United Nations in dealing with those missing and to report to the Commission thereon.

The Commission made a number of requests to the Special Rapporteur concerning her work, which were approved by the Economic and Social Council in **decision** 1997/266 (see below). The Commission extended the Special Rapporteur's mandate for another year and asked her to submit periodic reports to the General Assembly. The Secretary-General was asked to continue to make the Special Rapporteur's reports available to the Security Council and the Organization for Security and Cooperation in Europe (OSCE), and urged him to assist her. The Commission decided to discontinue consideration of the human rights situation in FYROM, unless the Special Rapporteur recommended otherwise.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 38], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision** 1997/266 without vote [agenda item 7 (d)].

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/57 of 15 April 1997:

(a) Approved the Commission's request to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and

the Federal Republic of Yugoslavia (Serbia and Montenegro), in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994 and 1996/71 of 23 April 1996:

- (i) To focus her future activities on the prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;
- (ii) To continue to support the efforts of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to report on the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Peace Agreement;
- (iii) To contribute to the efforts for the building of democratic institutions and the improvement of the administration of justice, for the prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension, and for the protection of the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;
- (iv) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumation and Missing Persons of the Office of the High Representative and the Working Group on the Process for Tracing Persons Unaccounted For, chaired by the International Committee of the Red Cross, and attendance at meetings of the International Commission on Missing Persons in the Former Yugoslavia, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;
- (v) To provide the Commission at its fifty-fourth session with her overview of the human rights situation in the territories covered by her mandate, as requested in Commission resolution 1996/71;

(b) Endorsed the Commission's decision to extend the mandate of the Special Rapporteur for one year, as revised in Commission resolution 1997/57, and its request that she continue her vital efforts, especially by continuing to carry out missions to Bosnia and Herzegovina, the Republic of Croatia, including Eastern Sla-

vonja, Baranja and Western Sirmium, and the Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina, and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

(c) Also endorsed the Commission's decision:

- (i) To request the Special Rapporteur to submit a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of that report;
- (ii) To request the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council and the Organization for Security and Cooperation in Europe;
- (iii) To urge the Secretary-General to make available, from within existing resources, all necessary resources for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

Reports of Special Rapporteur. In an October report [E/CN.4/1998/13], Special Rapporteur Elizabeth Rehn (Finland) reported on the human rights developments from January to September in Bosnia and Herzegovina, which comprised two entities, the Federation of Bosnia and Herzegovina and Republika Srpska. She conducted three missions to the country in March, July and August/September.

The Special Rapporteur described political developments and noted that progress made in implementing the human rights provisions of the 1995 Peace Agreement had been far from satisfying. The same was true of the Agreement's other non-military aspects (for political aspects, see PART ONE, Chapter V). Under the Agreement, Bosnia and Herzegovina was bound by 21 international human rights instruments, and three national institutions dealing with human rights issues were established: the Human Rights Ombudsman and the Human Rights Chamber (which constituted the Commission on Human Rights), and the Commission for Real Property Claims. All three institutions and the office of the Federation Ombudsmen, established in 1994, had been hampered in their work by a low level of cooperation from the authorities. In addition, the Constitution provided for a Federation Human Rights Court, which had not yet started to function. The situation of the judiciary in both entities that made up the country was characterized by problems inherent in an ethnically di-

vided State and a justice system in transition. Regarding criminal law, in January the Federation established an expert team which presented a draft code of criminal procedure and a criminal code complying with the minimum requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In the Republika Srpska, pre-war criminal and criminal procedure codes were still applicable.

As to human rights violations, the right to life was endangered because of a slow demining process, reports of ethnically motivated killings and the use of the death penalty. The right to liberty and security of person continued to be jeopardized by police involvement in beatings. Illegal arrests and detentions continued to occur. Within the legal system, the right to a fair trial had not been satisfactorily implemented and the principle of an independent judiciary had not been achieved. A large number of war criminals enjoyed impunity, with a number of them holding positions of power. Although some improvements were noted concerning respect for freedom of movement, serious restrictions remained. There were obstacles to the right to return, including violence against returnees and their properties, as well as administrative measures such as illegal demands for visas and taxes. Legal regulations affecting occupancy rights and the right to private property were among factors preventing the return of refugees and displaced persons. Freedom of expression was seriously restricted. Regarding missing persons, the parties had failed to respect their obligations to take all possible measures to determine the fate of the missing. Although there had been positive developments in restructuring the police in the Federation of Bosnia and Herzegovina, a similar agreement had not been reached in Republika Srpska.

The Special Rapporteur recommended that the Government: accelerate the demining process, eliminate the death penalty and revoke all death sentences; try and prosecute police officials, with proceedings to be monitored by the international community; release those detained without legal grounds; order retrials where the rights of the defendant were violated; change the procedures for appointing judges in order to ensure judicial independence; arrest and extradite to The Hague those indicted for war crimes by the International Tribunal, with the international Stabilization Force intensifying its efforts to apprehend those indicted; cease all practices that limited freedom of movement, adopt a uniform car-registration system and punish law enforcement officials responsible for violating freedom of movement; facilitate the return of people

to their homes; amend property laws; end pressure on the media and broaden telecommunications links between the entities; involve the International Police Task Force (IPTF) in exhumation activities; establish strict control of the prisons, including inspections by qualified inspectors and systematic registration of detainees; resolve outstanding issues in the Federation to enable a restructured police force to start functioning efficiently, and entry by Republika Srpska into a restructuring agreement with IPTF; support human rights institutions and comply with their findings and recommendations; comply with reporting obligations to UN treaty bodies; and adopt a law covering NGOs and remove provisions hampering their activities. The international community was asked to provide more support to conduct exhumations and identifications and to place additional pressure on parties to conduct exhumations. International agencies were urged to establish an efficient and transparent mechanism to respond systematically to allegations of secret detention. The Special Rapporteur proposed that the Security Council consider further strengthening the IPTF mandate by expanding its authority to impose sanctions for non-compliance with its recommendations.

Annexed to the report was a review of the Special Rapporteur's past recommendations and an assessment of their implementation between 3 November 1995 and 29 January 1997. She noted that overall the human rights situation had improved but that institutional paralysis and a lack of political will had prevented its positive evolution. All parties had re-committed themselves to the protection and promotion of human rights, but implementation had to take place without delay.

Also in October, the Special Rapporteur reported on the human rights situation in Croatia [E/CN.4/1998/14], covering the period from January to September 1997 and based on four fact-finding missions to the country. Major human rights concerns relating to the region of Eastern Slavonia, Baranja and Western Sirmium (henceforth called "the Region"), still under UN administration at the time of the report, were included.

The security situation in the former Sectors North, South and West remained unstable, and acts of looting, harassment, discrimination and killings, sometimes by explosive devices, continued to be reported. The ongoing violence remained one of the main impediments to the return of Croatian Serb refugees and displaced persons. There had been minimal progress on returns. The situation in the former Sectors was aggravated by difficult economic circumstances, especially for Croatian Serbs who were often

victims of discriminatory practices. Despite the establishment of bilateral commissions, little progress had been achieved in establishing the fate of missing persons. The Special Rapporteur had been informed of possible measures that could indicate a weakening of judicial independence; she called on the authorities to ensure that competent judges were never dismissed because of their political opinion or ethnicity. As to freedom of the media, she expressed concern about continuing publication of materials advocating nationality-based hatred; the Government had to show clearer support for social reconciliation in its statements to the media. The Special Rapporteur recommended that the Croatian police further increase its activity in the former Sectors to restore law and order. She urged the immediate suspension of the Law on the Temporary Takeover and Administration of Specified Property, and urged the Government and local housing commissions to accelerate the return of Croatian Serbs to their homes or to ensure just compensation where such return was not possible. Missing persons should be dealt with as a top priority.

In the Region, some progress had been made regarding its reintegration into Croatia but many obstacles remained. The Special Rapporteur recommended the cessation of discrimination against ethnic Serbs by Croatian officials, the continuation of reconstruction, and implementation of legislation regarding reintegration of the local judiciary. With the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UN-TAES) possibly coming to an end, she urged the deployment of an international presence, including the possible participation of the Office of the UN High Commissioner for Human Rights, OSCE, the Council of Europe and other international organizations.

The Special Rapporteur hoped for the early initiation of a technical cooperation project planned by the Office of the High Commissioner in consultation with the Government of Croatia that would emphasize human rights training for professionals involved in law enforcement and the rule of law, as well as universal human rights education.

In another October report [E/CN.4/1998/15], the Special Rapporteur considered human rights developments in FRY from January to September 1997; she had conducted three missions to the country during that period. The Special Rapporteur continued to receive reports of torture and ill-treatment, of which the most serious came from Kosovo. Prosecutions against police for such practices were extremely rare. On the other

hand, Montenegro appeared to pursue an active policy against perpetrators of police abuse. As to the administration of justice, judges were appointed for a life term by a parliamentary panel, from a list drawn up by the Ministry of Justice. In Serbia, a new draft law, if adopted, would draw judges and legal experts into the nomination procedure, thereby enhancing potential for an independent judiciary. Fair trial standards were particularly at risk in cases connected with political activities and access to lawyers was a major problem. In reviewing the situation of freedom of expression and the media, the Special Rapporteur noted that, by July, 77 radio and television stations, privately owned or owned by local municipalities, had been closed by the Government. The vast majority of them had operated in cities where opposition parties had won local elections.

Regarding the situation of minorities, the Special Rapporteur focused on the areas of Kosovo, Sandzak, Vojvodina and Montenegro. She continued to receive reports of serious ill-treatment and torture committed in Kosovo against persons in police custody and had also received allegations of "hostage" arrests, in which the police had detained relatives or family members of persons being sought by the police. Violent attacks against Serbian police and persons employed by the local authorities in Kosovo continued. Regarding repatriation, under an agreement between FRY and Germany on the return of rejected asylum seekers and other persons without legal residence, concluded at the end of 1996, as at 31 July 1997, 1,600 persons had been forcibly repatriated, some 90 per cent of them Albanians from Kosovo. The agreement included a human rights clause, under which returns were to be carried out with respect for the returnees' human rights and dignity. The return programme had proceeded without serious incidents but there were reports that the returnees had been verbally abused or summoned for "informative talks" by the police, while others had been temporarily detained upon arrival. The Government of Switzerland concluded a similar agreement with FRY in July, which provided for the repatriation of some 12,000 FRY citizens, almost all Kosovo Albanians, whose applications for political asylum had been rejected. Inequalities existed in the right to education for Kosovo Albanians, and ethnic Albanians and other minorities faced discrimination in property transactions.

In the Sandzak area, the security situation had improved in recent years. However, the Special Rapporteur was informed of some violent attacks against Muslims in early 1997. A long-standing issue in Sandzak was the situation of internally displaced persons in Pljevlja and Priboj. While the

majority of the families in Pljevlja appeared to have left due to fear of the war in neighbouring Bosnia and Herzegovina, some were forced to leave because of violence and harassment, mainly by Bosnian Serb army and paramilitary units passing through the area. However, reservists of the Yugoslav National Army were also said to bear responsibility for some of those acts. Homes left behind by the fleeing Muslims were badly damaged by the military and looting neighbours. A group of 217 internally displaced persons in Priboj was still waiting to return to their homes in the Sjeverin-Kukurovici area. The majority of them felt that the Serbian authorities had not taken adequate measures to make their return home safe.

In the northern province of Vojvodina, minority groups encountered problems of representation in public offices and companies, the use of minority languages in official matters and education, as well as refugee settlement in the region. There were reports of "informative talks" with the State Security Service, which included verbal abuse and threats. In Montenegro, minority problems involved the Roma community.

Major humanitarian problems existed throughout FRY, with large parts of the population struggling for survival in a depleted post-war economy. Educational, health and other public sector staff faced delayed salary payments and had increasingly resorted to strikes. The situation of refugees, 561,000 of whom were officially registered, had not improved. Food aid for refugees, mostly from foreign sources, was drastically cut during the year. Only a small number of refugees had been able to return to their homes from FRY. UNHCR reported that, as at the end of August 1997, only 959 refugees had been repatriated to Bosnia and Herzegovina and no more than 1,030 to Croatia.

The Special Rapporteur recommended that the Government should review her previous recommendations, most of which had gone unimplemented. In particular, the Government should: ratify the Optional Protocol to the International Covenant on Civil and Political Rights, contained in Assembly resolution 2200 A (XXI) [YUN 1966, p. 431]; create an accessible, independent and impartial supervisory institution, such as an ombudsman; establish a programme of human rights education in schools and academic and legal institutions, as well as police training institutions; revise the current legal system; grant lawyers prompt access to their clients after arrest; ensure that procedural requirements in criminal and administrative law were enforced; bring to justice those responsible for torturing or ill-treating persons in custody and those who had

ordered or participated in using force against peaceful demonstrators in early 1997; end police abuse in Kosovo; ensure the independence of the judiciary; and create conditions for the free and safe return of refugees and the return of their property or just compensation. The Special Rapporteur urged all parties to find peaceful means to solve the problems in Kosovo and recommended that the Government investigate acts of violence or vandalism directed against the Muslim community in Sandzak. The Government of Serbia should permit all major political parties access to State-run television and should provide conditions for balanced reporting on their activities.

Communications. In a 25 March letter [E/CN.4/1998/152], the Government of FRY presented its comments on sections of the Special Rapporteur's report to the Commission on Human Rights. It expressed surprise that the Special Rapporteur had complained of unsatisfactory cooperation from FRY authorities, drawing attention to the fact that federal and republican authorities had offered maximum assistance.

In a joint letter [E/CN.4/1998/171] regarding the Special Rapporteur's report on the human rights situation in FRY, Bosnia and Herzegovina, on behalf of itself, Croatia, FYROM and Slovenia, stated that the former Socialist Federal Republic of Yugoslavia had ceased to exist and that FRY, as a new State, could not automatically continue the membership of the former State in the United Nations. All States that had emerged from the dissolved predecessor State had equal succeeding rights and legal status, including legal status regarding international instruments. Consequently, FRY should give notification of its succession to all relevant international instruments, including human rights instruments.

Periodic and final reports of Special Rapporteur. By an October note [A/52/490], the Secretary-General transmitted to the General Assembly, the Security Council and OSCE a periodic report prepared by the Special Rapporteur, which was an abridged version of the separate country reports on Bosnia and Herzegovina [E/CN.4/1998/13], Croatia [E/CN.4/1998/14] and FRY [E/CN.4/1998/15] (see above).

In her final report [E/CN.4/1998/63], the Special Rapporteur described the main achievements made in the area of human rights in Bosnia and Herzegovina, Croatia and FRY since 1995 when she accepted the position of Special Rapporteur. She also indicated the problems remaining. Her appointment as the Special Representative of the Secretary-General in Bosnia and Herzegovina would become effective on 16 January 1998.

The return of some 2 million people from Bosnia and Herzegovina who were refugees or internally displaced had been slow and difficult. Since 1995, some 400,000 refugees and displaced persons had returned, including 110,000 from abroad. However, it was estimated that over 600,000 Bosnians remained abroad and over 800,000 were still displaced. Those returns were mostly majority returns. Suitable conditions for minority returns needed to be ensured, including respect for freedom of movement and general respect for human rights. Further improvement in the human rights situation in Bosnia and Herzegovina would require the restructuring of the local police and the reform of the judiciary. The process for establishing the cantonal judicial structure in the Federation of Bosnia and Herzegovina was nearing completion. However, judicial appointments continued to be based on ethnic or political criteria rather than on professional merit. Progress had been made in the Federation in bringing its criminal legislation into general compliance with the standards of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. The Special Rapporteur drew attention to the plight of the families of the nearly 20,000 persons estimated to be missing in Bosnia and Herzegovina. She stressed that those guilty of war crimes should be brought to justice.

While still more needed to be accomplished in Croatia, there were good reasons for optimism, said the Special Rapporteur. According to recent information received from the Government, as at October 1997 a total of 5,580 criminal proceedings had been carried out in relation to military operations in the former Sectors North and South, of which 559 were at the investigative stage, 3,785 were in the first instance proceedings, and 1,236 had been brought through to final decisions. Incidents of violence against remaining Croatian Serbs in the former Sectors gradually decreased. The Region would be the last of the former Sectors to revert to Croatian government control, on 15 January 1998, when the mandate of UNTAES would come to an end. The question of returns continued to be a contentious issue in Croatia. Factors inhibiting returns had been not only bureaucratic but had also stemmed from legal and financial obstacles to the recovery of property, as well as the occupation of homes by newly arrived Croat immigrants, unrealistic government deadlines for Croatian Serbs to apply for reconstruction assistance, delays in funding for reconstruction, and the dire economic situation of the former Sectors. The failure to resolve the issue of property rights had been a major obstacle to return. Concern also re-

mained over discriminatory practices applied in granting Croatian citizenship papers, and discrimination by employers against Croatian Serbs continued to be reported. Identifying the fate of some 2,000 missing persons was one of the most urgent humanitarian problems facing Croatia. The extent of mine contamination in Croatia was enormous and presented the serious threat of many deaths and injuries. Regarding other humanitarian and social issues, the Government had restored basic infrastructure such as electricity and water systems, although imbalances remained in providing reconstruction assistance for destroyed houses, with priority still given to ethnic Croats. On the positive side, Croatia had signed various human rights instruments and had strengthened the office of the Croatian Ombudsman. Late in the year, Croatia surrendered to the International Criminal Tribunal 10 war-crime suspects who had been indicted for alleged involvement in atrocities committed in central Bosnia and Herzegovina in 1993.

With respect to FRY, the Special Rapporteur was concerned that the Government had still not authorized the Office of the High Commissioner for Human Rights to establish an office in Pristina. An office had been opened in Belgrade in 1996[YUN1996,p.715],buttheneedforsuchapresence in Pristina was becoming increasingly urgent with tensions and violence mounting in Kosovo. Other areas of concern were the absence of strong national mechanisms for redress, such as an Ombudsman; allegations of police abuse, torture and ill-treatment in custody; weak safeguards for an independent judiciary; and violations of the right to a fair trial. In Kosovo, armed attacks against the police and private individuals had claimed several lives and left many people wounded. The continuing occurrence of serious abuses by the police and security forces was alarming. Following international pressure, the so-called 3+3 Commission for the implementation of the September 1996 memorandum of understanding on education in Kosovo met in Pristina and Belgrade in October 1997. It appeared that the talks were inconclusive, with both parties adhering to their original positions. The Albanian side claimed that the Serbians refused to agree on a timetable for the return of Albanian students to schools and university premises, and that they demanded integration into the Serbian educational system as a precondition. The Albanian side insisted on a comprehensive approach, demanding the return of all students to all levels of education at the same time. The Serbian side favoured a step-by-step approach, starting with the normalization of the primary and secondary schools. The situation in Sandzak was currently

relatively stable, and serious abuses were reported only sporadically. However, the Special Rapporteur continued to receive information indicating that Muslims experienced discrimination, especially in employment and education, and that laws were unevenly and selectively applied depending on a person's ethnicity. Montenegro had shown an increased willingness to cooperate with the Special Rapporteur. The challenges ahead for the area were legislative reform, the rule of law and the issue of accountability and transparency in the work of State bodies. The Special Rapporteur recommended that the Government strengthen legal and other safeguards for the protection of human rights; end police brutality, ill-treatment and torture in detention, particularly in Kosovo; reconsider its refusal to authorize the opening of an office of the High Commissioner for Human Rights in Kosovo; and allow equal access of all main political parties to State-run electronic media. Alarmed by the escalating violence in Kosovo, she called on the parties to refrain from the use of force and to end all armed activities.

In a 25 March letter [E/CN.4/1998/152] transmitting its comments on parts of the Special Rapporteur's report, FRY did not deny that the situation in Kosovo and Metohija was complex but averred that the situation had been brought about by the secessionist aspirations of the Albanian national minority in those areas (see below).

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/147** by recorded vote (133-2-27) [agenda item 112(c)].

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 on the protection of victims of war and the Additional Protocols thereto, of 1977, as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the human rights instruments to which they are party, and reaffirming the obligation of all to respect international humanitarian law,

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders,

Welcoming the entry into force and the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), initialled at Dayton, United States of America, on 21 November 1995, and signed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, representing also the Bosnian Serb party, in Paris on 14 December 1995, which, inter alia, committed the parties in Bosnia and Herzegovina fully to respect human rights,

Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia,

Expressing its concern for the fostering of democracy and the rule of law in the area, noting the recommendations made by the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe on the situation in the Federal Republic of Yugoslavia, and expressing its disappointment that those recommendations have not been followed,

Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, including her most recent report, of 17 October 1997,

Recalling all relevant General Assembly resolutions, especially its resolution 51/116 of 12 December 1996, Commission on Human Rights resolution 1997/57 of 15 April 1977 and all relevant resolutions of the Security Council and statements by the President of the Security Council, in particular resolution 1009(1995) of 10 August 1995 and the President's statement of 20 October 1997,

1. Calls for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), initialled at Dayton, United States of America, on 21 November 1995, and signed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, representing also the Bosnian Serb party, in Paris on 14 December 1995, and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"), signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb representatives;

2. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

3. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina and the practice of destroying the homes of those forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

4. Also condemns the continuing restrictions on freedom of movement between the Republika Srpska and the Federation, as noted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in her report, and urges all parties to guarantee the freedom of movement of returnees and residents of Bosnia and Herzegovina;

5. Urges all parties in Bosnia and Herzegovina immediately to create conditions conducive to the safe and voluntary return of refugees and internally displaced persons to their pre-war homes, and calls upon all entities to repeal property laws which prevent pre-war residents from returning to their homes, in accordance with annex 7 of the Peace Agreement, and to ensure the passage of non-discriminatory legislation as soon as possible;

6. Encourages all parties in Bosnia and Herzegovina to cooperate with and support the work of the Commission for Real Property Claims of Displaced Persons and Refugees to resolve outstanding property claims;

7. Expresses concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

8. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

9. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychological and other assistance;

10. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, that they act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement, and that the parties in Bosnia and Herzegovina comply with the human rights provisions of their national Constitution;

11. Calls upon all parties and States in the region to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement, as promised at the Peace Implementation Conference held in London on 4 and 5 December 1996 and at the Ministerial Meeting

of the Steering Board of the Peace Implementation Council and the Presidency of Bosnia and Herzegovina held at Sintra, Portugal, on 30 May 1997;

12. Calls upon the Government of the Federal Republic of Yugoslavia to undertake substantially greater efforts to institute democratic norms, especially in regard to the promotion and protection of free and independent media, and full respect for human rights and fundamental freedoms;

13. Also calls upon the Government of the Federal Republic of Yugoslavia to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees and to ensure the arrest and punishment of those responsible for those acts;

14. Further calls upon the Government of the Federal Republic of Yugoslavia to allow for the return of Federal Republic of Yugoslavia nationals and refugees currently outside its territory;

15. Urgently demands that the authorities of the Federal Republic of Yugoslavia take immediate action to put an end to the repression of, and prevent violence against, non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority and to allow the immediate, unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, the Sandjak and Vojvodina, as called for in Security Council resolution 855(1993) of 9 August 1993;

16. Calls upon the Government of the Federal Republic of Yugoslavia to respect the democratic process and to act immediately to allow freedom of expression and assembly and full and free participation by all residents in Kosovo in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

17. Strongly urges the Government of the Federal Republic of Yugoslavia to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

18. Calls upon the Government of the Republic of Croatia to undertake greater efforts to strengthen its adherence to democratic norms, especially in regard to the promotion and protection of free and independent media, to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including those belonging to minorities, and for their right to remain, leave or return in safety and dignity and to enable refugees to return, as agreed by the Government of the Republic of Croatia, on 5 August 1997;

19. Strongly condemns instances of harassment of displaced Serbs and reports of collusion or active participation in such acts by Croatian members of the Transitional Police Force of the Region of Eastern Slavonia,

Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia to strengthen and to take continuing measures to end all forms of discrimination by Croatian authorities in, inter alia, the areas of employment, promotion, education, pensions and health care;

20. Welcomes the recent establishment by the Government of the Republic of Croatia of the national programme for the re-establishment of trust, and calls for its full and prompt implementation;

21. Insists that all authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under annex 6 of the Peace Agreement, in particular by providing information and resource reports requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Republika Srpska cease its pattern of non-cooperation with the Commission;

22. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights or alleged or apparent discrimination of any kind;

23. Urges the parties to implement the results of recent municipal elections without delay, through the constitution of councils in all municipalities of Bosnia and Herzegovina;

24. Calls for the continuing implementation by the Republic of Croatia of the new general amnesty law, enacted on 20 September 1996 and intended in part to promote confidence on the part of the local Serb population;

25. Welcomes the signing of a cross-border agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on 15 September 1997 and the easing of border crossing between Bosnia and Herzegovina and the Republic of Croatia;

26. Calls upon the Government of the Federal Republic of Yugoslavia to undertake a consistent border regime with all neighbouring countries;

27. Strongly urges the Government of the Republic of Croatia to allow the expeditious voluntary return of all refugees, including those from the Federal Republic of Yugoslavia, and of displaced persons, to take all appropriate measures to secure their safety and human rights, to resolve, in the framework of the rule of law, in conformity with international standards, the issue of property rights, to make a sustained effort to ensure the provision of equal access to protection and to social and housing reconstruction assistance regardless of ethnicity and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

28. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827(1993) of 25 May 1993, including with respect to surrendering persons sought by the International Tribunal, urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal

stand trial before it, and urges all States to consider providing the Tribunal with legal and technical expertise not available to the organization, as provided for in General Assembly resolution 51/243 of 15 September 1997;

29. Strongly condemns the continuing refusal of the authorities of the Republika Srpska and the Government of the Federal Republic of Yugoslavia to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do;

30. Welcomes with satisfaction the measures recently taken by the Government of the Republic of Croatia to facilitate the voluntary return of ten persons indicted by the International Tribunal, in accordance with the Peace Agreement, and welcomes in this regard the increased cooperation with the Tribunal by the Republic of Croatia and the central authorities of Bosnia and Herzegovina, which have enacted implementing legislation and have transferred indictees to the Tribunal;

31. Demands that the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

32. Welcomes the reports on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia submitted by the Special Rapporteur, and commends her and the United Nations Human Rights Field Operation in the Former Yugoslavia for their continuing efforts;

33. Urges all parties to implement fully the recommendations of the Special Rapporteur;

34. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are taking to implement her recommendations;

35. Welcomes technical cooperation and assistance programmes planned by the Office of the United Nations High Commissioner for Human Rights in consultation with the Government of Croatia, and calls upon the Office of the High Commissioner to initiate, at the earliest possible opportunity, projects emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as human rights education;

36. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, emphasizes, in that context, the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the Ministerial Meetings of the Steering Board of the Peace Implementation Council and the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996 and Sintra, Portugal, on 30 May 1997;

37. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of that assistance, while noting that such assistance should be conditioned on full compliance by the parties with the agreements that have been made;

38. Welcomes also the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening respect for human rights and fundamental freedoms in Bosnia and Herzegovina and in the region, and welcomes the Republic of Croatia's adherence to, and firm and formal commitment to abide by, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its additional protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Charter of Local Self-Government, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;

39. Calls for an immediate end to illegal and/or hidden detention by all parties, and requests that the Special Rapporteur investigate allegations of hidden detainees;

40. Calls upon the parties to the Peace Agreement to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, inter alia, near Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, the Special Rapporteur, the Working Group on the Process for Tracing Persons Unaccounted For, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, and stresses the importance of coordinating work in this area;

41. Encourages all Governments to respond favourably to the appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Displaced Persons and Refugees for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the Office of the United Nations High Commissioner for Human Rights and other institutions of reconciliation, democracy and justice in the region;

42. Encourages the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission, the United Nations High Commissioner for Human Rights and other relevant international organizations to coordinate closely their efforts in the field of human rights, with a view to contributing to the implementation of the present resolution;

43. Decides to continue its examination of this question at its fifty-third session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/147:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland,

France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali,* Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Against: Belarus, Russian Federation.

Abstain: Angola, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, India, Kenya, Lao People's Democratic Republic, Liberia, Namibia, Nigeria, Papua New Guinea, Philippines, Sierra Leone, Uganda, United Republic of Tanzania, Zimbabwe.

*Later advised the Secretariat it had intended to abstain.

Kosovo

Report of Special Rapporteur. In a September report [E/CN.4/1998/9], the Special Rapporteur reviewed two trials held in Pristina involving 35 Kosovo Albanians charged with offences against the State of FRY. An observer from the Belgrade office of the High Commissioner attended major parts of the trials.

In the first trial (19-30 May), 20 Kosovo Albanian men and women were tried and sentenced by the Pristina District Court. Two were tried in absentia. The accused were charged with preparing to conspire to participate in activities endangering the territorial integrity of FRY. Six of the defendants were also charged with using dangerous or violent means in attempts to threaten the constitutional order or security of FRY. All the accused, many of whom denied the charges against them or parts thereof, in particular the charge of terrorism, were found guilty. The second trial, held for five days in June/July, tried 15 Kosovo Albanian men, 12 of them in absentia. According to the indictment, the accused, having received military training in Albania, had formed a terrorist organization active in Kosovo with the aim of endangering the constitutional order and security of the State and of forming a separate State joined to Albania. They were charged with preparing violent acts and with carrying out several attacks, killing four persons and attempting to kill 16 others. All of the accused were found guilty.

The trials were conducted in public and in both cases the courts generally respected Yugoslav procedural rules for trial conduct. Major breaches, however, occurred during the period of pre-trial detention. Both trials failed to meet important minimum guarantees for fair trial provided in UN standards. The absence of credible material evidence linking the accused to the crimes they allegedly committed was a matter of

grave concern. By international standards provided in human rights instruments to which FRY was party, the accused were denied a fair trial. In addition, the independence and impartiality of the judicial process was questionable.

Based on the UN trial observer's report, the Special Rapporteur recommended that the Government: order an impartial investigation into the claims of defendants and their lawyers that statements relied upon by the prosecution were extracted under torture or duress; ensure that statements so obtained were not admitted into evidence and were removed from the record; ensure that judges were impartial and independent; review legal provisions that permitted broad restrictions on free communication between lawyers and their clients; introduce clear rules for the duration of interrogation of arrested persons, for intervals between interrogations and for recording the identity of the persons conducting the interrogation; provide arrested persons with prompt access to a lawyer; conduct an independent investigation into allegations that the authorities refused to acknowledge that two defendants in the second trial were held for 16 days in September 1996 in secret detention and tortured; ensure that those responsible were brought to justice if those allegations were true; ensure that statements obtained from an accused person in violation of the law were not admitted into evidence; grant lawyers access to medical records of examinations of clients in custody; ensure that sanctions were imposed when procedural requirements for taking and recording evidence were not met; provide a court interpreter when the defendant did not speak the language of the court; and guarantee the rights of defendants tried in absentia.

Report of Secretary-General. In October [A/52/502], the Secretary-General reviewed access granted or denied by FRY to UN human rights missions and OSCE missions.

Having described the establishment of the office of the High Commissioner for Human Rights in Belgrade [YUN 1996, p. 715], the Secretary-General noted that, although the office had unimpeded access to Kosovo, its inability to establish a permanent presence in the area continued to hamper monitoring activities. Regarding the reinstatement of the OSCE monitoring mission, which had ceased in 1993 [YUN 1993, p. 495], FRY had consistently denied OSCE access to the region for general monitoring purposes. It did, however, grant OSCE permission to send an electoral observer mission to monitor presidential and parliamentary elections in Serbia in September.

The Secretary-General concluded that, in view of the continuing widespread human rights violations in Kosovo as reported by the Special Rapporteur, the opening of an office of the High Commissioner in Pristina, as well as an increased presence of other international organizations, would be indispensable for gathering reliable information on future human rights developments.

(See also the reports of the Special Rapporteur above.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/139** by recorded vote (106-2-56) [agenda item 112 (c)].

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Taking note with concern of the reports on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, which describe the continuing grave human rights situation in Kosovo,

Noting with regret that a memorandum of understanding on the educational system in Kosovo, signed in 1996, has not yet been implemented, and calling for full and immediate implementation of that memorandum,

Noting with concern the use of force by Serbian police against peaceful Albanian student protesters of Kosovo on 1 October 1997 and the failure of the Government of the Federal Republic of Yugoslavia to make reasonable accommodation to address the legitimate grievances of the students,

1. Expresses its deep concern about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo;

2. Calls upon the authorities of the Federal Republic of Yugoslavia:

(a) To take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) To release all political prisoners and to cease the persecution of political leaders and members of local human rights organizations;

(c) To allow the return in safety and dignity of Albanian refugees from Kosovo to their homes;

(d) To allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and to respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(e) To allow the reopening of the educational, cultural and scientific institutions of the ethnic Albanians;

3. Urges the authorities of the Federal Republic of Yugoslavia to pursue constructive dialogue with the representatives of the ethnic Albanians of Kosovo;

4. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia and her relevant reports, and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to that matter in her reporting;

5. Urges the authorities of the Federal Republic of Yugoslavia to allow the immediate unconditional return of the mission of long duration of the Organization for Security and Cooperation in Europe to Kosovo, as called for in Security Council resolution 855(1993) of 9 August 1993;

6. Welcomes the report of the Secretary-General on the situation of human rights in Kosovo, submitted pursuant to General Assembly resolution 51/111 of 12 December 1996, and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the Assembly at its fifty-third session;

7. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

8. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

9. Also emphasizes that improvements in the promotion and protection of human rights and fundamental freedoms in Kosovo will assist the Federal Republic of Yugoslavia to establish the full range of relations with the international community;

10. Decides to continue the examination of the situation of human rights in Kosovo at its fifty-third session under the item entitled "Human rights questions".

RECORDED VOTE ON RESOLUTION 52/139:

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Brazil, Brunei Darussalam, Canada, Cape Verde, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Fiji, Fin-

land, France, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: India, Russian Federation.

Abstain: Angola, Antigua and Barbuda, Belarus, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Chad, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Israel, Jamaica, Kenya, Lao People's Democratic Republic, Liberia, Malawi, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Panama, Papua New Guinea, Peru, Philippines, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Singapore, Slovakia, Sri Lanka, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

FYROM

In a September report [E/CN.4/1998/12], the Special Rapporteur submitted a final report on FYROM, as requested by the Commission on Human Rights in April [res. 1997/57]. The Commission had decided that unless the Special Rapporteur recommended otherwise, it would discontinue consideration of FYROM upon submission of her report. She visited the country in August when she met with high-level government officials, representatives of local authorities, the Macedonian Helsinki Human Rights Committee and the media, among others.

Based on her observations and on commitments from the Government, the Special Rapporteur recommended that the Commission remove FYROM from her mandate. She recommended that she retain the right to comment on any developments in the country that might occur between September 1997 and the date of the beginning of the Commission's 1998 session (16 March). She also recommended that the Office of the High Commissioner maintain its presence in Skopje to work on implementing its technical cooperation project with the Government.

The Special Rapporteur observed slow but steady achievements in legislative reform. She was encouraged by the creation of the Office of the Ombudsman and the passage of a new Law of Criminal Procedure. The Government had implemented policies that had protected and advanced minority rights, while at the same time preserving the rights of all citizens. Positive developments were seen in freedom of the media. The Special Rapporteur remained concerned by the abuse of police authority and urged the Government to prevent those abuses in future. She had proposed a strengthened training programme for police, which was favourably received by the Government. Underlining the importance of peace for human rights protection, the Special Rapporteur urged the Government to

maintain a constructive dialogue in its bilateral relations with its neighbours, particularly with Albania.

Rape and abuse of women

In response to General Assembly resolution 51/115 [YUN 1996, p. 716], the Secretary-General submitted an October report [A/52/497] on the rape and abuse of women in the areas of armed conflict in the former Yugoslavia. He discussed action taken by the Commission on Human Rights, the Special Rapporteur, UNHCR and the International Criminal Tribunal to gather information and report on those practices, assist victims and prosecute perpetrators.

The Secretary-General stated that incidents of rape were no longer reported as a widespread phenomenon. Although the international community had responded to the need for investigation, continuing attention should be given to preventive and curative measures. Protection and assistance for victims and witnesses should continue, as the effects of rape and sexual violence continued to traumatize the victims well beyond the act itself.

On 12 December, by **decision** 52/425, the General Assembly took note of the Secretary-General's report.

Russian Federation

Republic of Chechnya

Report of Secretary-General. In response to a 1996 request [YUN 1996, p. 718], the Secretary-General submitted to the Commission on Human Rights a March report on the human rights situation in Chechnya [E/CN.4/1997/10], based on information submitted by the Russian Federation; information available under UN human rights mechanisms and procedures; and that received from UN bodies and programmes, and from intergovernmental and non-governmental organizations.

The Secretary-General described the activities of the High Commissioner for Human Rights, stating that in February the High Commissioner and the Government of the Russian Federation agreed on a third visit of the High Commissioner's envoy to the Russian Federation to hold consultations with the Secretary of the Russian Security Council.

The situation in Chechnya was discussed in reports of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture. The Committee against Torture considered a report of the Russian Federation and in its concluding observations expressed

concern regarding widespread reported abuses of human rights in the conflict in Chechnya.

The report stated that ICRC had been providing protection and assistance to civilians. However, following the murder of six ICRC expatriate delegates, it had suspended part of its operation. After 17 December 1996, all programmes requiring the presence of expatriates were suspended in the region. Several limited programmes continued.

The Secretary-General summarized information received from the Russian Federation and noted the signing by the President of a 23 November 1996 decree on measures to ensure further peaceful settlement in the Chechen Republic and an agreement on principles of cooperation between the sides until the election of the president and parliament of the Chechen Republic.

Following an August 1996 ceasefire, reports from NGOs focused on accountability for past abuses, the need for demining, and the general need for increased law enforcement and advisory services on legislative initiatives.

An annex described assistance provided to Chechnya by the UN Department of Humanitarian Affairs, UNHCR, the World Food Programme and the World Health Organization.

Latin America and the Caribbean

Colombia

Communications. By a 21 March letter [E/CN.4/1997/128], Colombia transmitted to the Chairman of the Commission on Human Rights a memorandum on action taken by the Government to establish an office of the High Commissioner for Human Rights in Santa Fé de Bogotá.

On 18 April [E/CN.4/1997/149], Colombia transmitted to the Chairman a statement by the Government regarding the High Commissioner's report on the country [YUN 1996, p. 719]. The Government stressed that it had taken the initiative to establish the office in Colombia, and it stated that there were several omissions and inaccuracies in the High Commissioner's report.

Commission action. On 16 April [E/1997/23], the Chairman of the Commission on Human Rights, on behalf of the Commission, made a statement welcoming the opening of the office of the High Commissioner in Santa Fé de Bogotá. The office would assist the Colombian authorities in developing policies and programmes to promote and protect human rights and to observe human rights violations.

Expressing concern at the persistence of thousands of violations of the right to life, the practice of enforced disappearances and torture, the increasing involvement in the conflict of paramilitary groups and the persistence of an alarming level of impunity, the Commission urged the Government to continue to strengthen its support for those promoting the defence of human rights. The Commission urged guerrilla groups in Colombia to respect the norms of international law and especially to abandon the use of kidnapping, hostage-taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population.

The High Commissioner was asked to present a report in 1998 on the establishment and activities of the office and on developments in the human rights situation in Colombia.

Report of High Commissioner. In a report on the human rights situation in Colombia [E/CN.4/1998/16], the High Commissioner stated that the office in Santa Fé de Bogotá became operational on 6 April 1997. State and government institutions had cooperated with the office, which had been able to conduct its activities without any impediment. The High Commissioner was deeply concerned at the gravity and scale of the human rights violations and breaches of international humanitarian law reported by the office. Particularly deplorable were the massacres, extrajudicial executions, murders, practice of torture, enforced disappearances and kidnappings, threats and the enforced displacement of the population. She condemned the practice of abduction, which was widespread and provided a livelihood for armed groups.

The High Commissioner noted that the internal armed conflict was a major cause of human rights violations, but that many violations of the right to life, due process and freedom of opinion, association and assembly occurred outside that context. She regretted that the office's recommendations on the draft legislation on enforced disappearances submitted to the Colombian Congress had not been incorporated in the final draft. Draft legislation on the reform of the Military Penal Code did not include all the international recommendations for ensuring that the military criminal courts met the requirements of the human rights Covenants. Although the Government had taken measures to deal with the obstruction of the enjoyment of human rights and there were human rights monitoring institutions and agents, not all the initiatives followed international recommendations or those made by the Office of the High Commissioner.

The High Commissioner urged the Government to ensure the recognition of the rights con-

tained in the international instruments that Colombia had ratified; eradicate the practice of abduction and arrest those responsible; remove from its armed forces and police those who supported paramilitary groups; improve prison conditions in conformity with international standards; guarantee economic, social and cultural rights; and support institutions relating to human rights, the rule of law and the administration of justice. She recommended that parties to the conflict abide by international humanitarian law and refrain from recruiting children. The Colombian State was urged to ensure that the draft legislation characterizing the offence of enforced disappearances conformed to the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, contained in Assembly resolution 47/133 [YUN 1992, p. 744]; ensure that the Penal Military Code reform bill conformed to international norms; and abolish the regional justice system so that proceedings were conducted impartially and in public, with full observance of the guarantees of due process. The Colombian authorities were asked to guarantee the full operation of the justice system; take more effective measures against impunity; ensure that human rights advocates could conduct their activities without interference or unlawful hindrance; guarantee effective exercise of political rights, freedom of thought and expression, and trade-union freedom; seek measures to prevent enforced displacement; and take account of the recommendations of treaty bodies and special mechanisms of the Commission on Human Rights. The High Commissioner urged the Government, armed groups and society to ensure that children enjoyed the rights accorded to them in international treaties, and to continue to explore ways to bring about national reconciliation and a just and stable peace based on the observance of human rights and compliance with the international instruments recognizing and guaranteeing them.

Cuba

Report of Special Rapporteur. In a January report [E/CN.4/1997/53], Special Rapporteur Carl-Johan Groth (Sweden) reported on the human rights situation in Cuba. As the Government had not responded to his requests to visit the country, the Special Rapporteur had met with experts on the situation in Cuba, people who had recently left the country and had suffered human rights violations and representatives of various organizations and groups. He received written material from human rights NGOs and communications from individuals sent from Cuba and abroad.

The Special Rapporteur continued to receive information about persons who had been imprisoned and harassed and subjected to house searches, threats, temporary arrest, loss of employment or other kinds of reprisal connected with exercise of the freedom of expression and association or due to discrimination on political grounds. Nevertheless, the number of trials and sentences had been reduced and the length of prison sentences had decreased. The situation regarding the right to leave and to return to the country had not changed. The authorities maintained their policy of forcing dissidents out of the country by threatening them with prosecution or releasing them on the condition that they left the country immediately. Concerning violations of the right to life, the Special Rapporteur referred to the sinking of the tugboat *13 de Marzo* in the Straits of Florida on 13 July 1994, in which 40 people died and no investigation took place. He also cited an incident that occurred in 1996 when Cuban Air Force pilots shot down two civil aircraft, registered in the United States, which were on a mission for Brothers to the Rescue, a Miami-based (Florida, United States) volunteer organization. The Special Rapporteur considered that the shooting down of the aircraft was a premeditated act and that it constituted a violation of the right to life of four people. The severity of the economic crisis continued to have a serious effect on the enjoyment of economic, social and cultural rights.

The Special Rapporteur recommended that Cuba: cease persecution for reasons relating to the exercise of freedom of peaceful expression and association; release unconditionally persons serving sentences on grounds related to the exercise of the rights provided for in international human rights instruments; permit legalization of independent associations without interference from authorities; ratify the principal human rights instruments to which it was not a party; delete from penal legislation offences for which citizens might be tried for exercising their right to freedom of expression and association; review legal provisions relating to "social danger", defined in Cuba's Penal Code as a state of habitual inebriation and dipsomania, drug addiction or antisocial behaviour, which might warrant security measures involving therapy, re-education or surveillance by the National Revolutionary Police; repeal legal provisions that implied discrimination between citizens on political grounds and that barred citizens from exercising their right to enter and leave the country freely; reform trial law to safeguard the guarantees of due process; investigate incidents involving violations of the

right to life; ensure greater transparency and guarantees in prisons; and allow human rights NGOs to enter the country more frequently. The Special Rapporteur recommended that the international community continue to support the establishment of a process of peaceful political transition in Cuba to accompany the ongoing economic reforms. It should also provide humanitarian assistance and facilitate multilateral and bilateral technical and financial cooperation with Cuba. He urged the Government to consider requesting the establishment of a programme of advisory services and technical assistance to facilitate the dissemination of information on human rights.

Commission action. By a roll-call vote of 19 to 10, with 24 abstentions, the Commission on Human Rights, on 16 April [res. 1997/62], regretting the numerous reports of violations of human rights and fundamental freedoms described by the Special Rapporteur, urged the Government to ensure freedom of expression and assembly and freedom to demonstrate peacefully. It called on the Government to allow the Special Rapporteur to visit the country and to carry out his recommendations. It also called on the Government to release persons detained for political reasons and to safeguard workers' rights. The Government was asked to consider requesting the establishment of a programme of advisory services.

The Commission decided to extend the Special Rapporteur's mandate for one year and asked him to maintain direct contacts with the Government and citizens of Cuba, to submit an interim report to the General Assembly in 1997 and to report to the Commission in 1998. The Secretary-General was asked to assist the Special Rapporteur.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 38], the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision 1997/271** by a roll-call vote (20-8-21) [agenda item 7 (d)].

Situation of human rights in Cuba

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/62 of 16 April 1997, endorsed the Commission's decision to extend for one year the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba, approved its request to the Secretary-General to provide all necessary assistance to the Special Rapporteur, and also approved the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its

fifty-fourth session on the results of his endeavours pursuant to Commission resolution 1997/62.

ROLL-CALL VOTE ON DECISION 1997/271:

In favour: Australia, Canada, Chile, Czech Republic, Finland, France, Germany, Iceland, Japan, Luxembourg, Netherlands, Nicaragua, Poland, Republic of Korea, Romania, Spain, Sweden, Turkey, United Kingdom, United States.

Against: Belarus, China, Cuba, India, South Africa, Sudan, Uganda, Zambia.

Abstain: Argentina, Bangladesh, Brazil, Cape Verde, Colombia, Djibouti, El Salvador, Gabon, Jamaica, Jordan, Latvia, Lebanon, Malaysia, Mexico, Mozambique, Philippines, Russian Federation, Sri Lanka, Thailand, Togo, Tunisia.

Reports of Special Rapporteur. By an October note [A/52/479], the Secretary-General transmitted to the General Assembly the Special Rapporteur's interim report on the human rights situation in Cuba. The Special Rapporteur stated that, faced with the lack of cooperation by the Government, he continued to base his report on information from non-governmental sources, much of it originating in Cuba and disseminated by groups of Cuban exiles in the United States.

Since his previous report, the Special Rapporteur had noted no significant changes in the human rights situation or in the pattern of repression engaged in by the security forces, which had kept up an intensive campaign of harassment against all those whose attitude differed in any way from the official line. There was no change with regard to the rights to non-discrimination on political grounds and freedom of expression, assembly and association. Nor had any changes been observed in the lack of independence in the administration of justice, prison conditions, the lack of trade union freedoms or the precarious working conditions caused by the economic situation. The Special Rapporteur presented comments on various aspects, both positive and negative, of human rights in Cuba made by UN bodies, including the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the International Labour Organization.

The Special Rapporteur reiterated most of his previous recommendations and added that international human rights NGOs should be allowed to enter the country frequently to evaluate the human rights situation and assist in making improvements.

In a later report [E/CN.4/1998/69], the Special Rapporteur stated that since his January report there had been no significant changes in the human rights situation in Cuba or in the pattern of repression engaged in by the security forces, which harassed those whose attitude differed from the official line. The ongoing United States embargo against Cuba contributed to the rigidity of the system, serving as a pretext for keeping the population under strict control and for punish-

ing or suppressing those who worked for political change. The Special Rapporteur continued to be concerned by the labour situation, particularly the lack of free trade unions and regulations governing self-employment, which were based on support for government policies. The Special Rapporteur reiterated his previous recommendations.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.3], adopted **resolution 52/143** by recorded vote (64-29-75) [agenda item 112 (c)].

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1997/62 of 16 April 1997, in which the Commission commended the Special Rapporteur on the situation of human rights in Cuba for his report and for his efforts to carry out his mandate, and extended his mandate for one year,

Expressing concern about continuing violations of human rights and fundamental freedoms in Cuba, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, in particular members of the Dissident Working Group and the independent press, for peacefully seeking to exercise their civil and political rights,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolutions 1992/61 of 3 March 1992, 1993/63 of 10 March 1993, 1994/71 of 9 March 1994, 1995/66 of 7 March 1995, 1996/69 of 23 April 1996 and 1997/62, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba for his interim report;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur submit-

ted to the Commission on Human Rights and in his interim report submitted to the General Assembly;

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the interim report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/143:

In favour Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: Angola, Belarus, Benin, Burundi, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ghana, India, Indonesia, Iran, Lao People's Democratic Republic, Lesotho, Libya, Myanmar, Namibia, Niger, Nigeria, Pakistan,* Papua New Guinea, South Africa, Sudan, Syria, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstain: Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Colombia, Comoros, Congo, Cote d'Ivoire, Cyprus, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Liberia, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Oman, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Venezuela.

*Later advised the Secretariat it had intended to abstain.

in the occupied zone in southern Lebanon and West Bekaa and called on Israel to end those practices, which included the abduction and arbitrary detention of civilians, the destruction of their dwellings, confiscation of their property, expulsion from their land, and the bombardment of peaceful villages and civilian areas. Israel was also called on to comply with the Geneva Conventions of 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), and to release all Lebanese who had been abducted and imprisoned and other detainees. The Commission asked the Secretary-General to bring its resolution to Israel's attention and to invite Israel to provide information on its implementation. He was also asked to report to the General Assembly in 1997 and to the Commission in 1998.

ECONOMIC AND SOCIAL COUNCIL ACTION

In July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/1997/23], adopted **decision 1997/265** by roll-call vote (46-1-1) [agenda item 7 (d)].

Human rights situation in southern Lebanon and West Bekaa

At its 38th plenary meeting, on 22 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/55 of 15 April 1997, approved the Commission's request to the Secretary-General:

(a) To bring the resolution to the attention of the Government of Israel and to invite that Government to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in that regard.

ROLL-CALL VOTE ON DECISION 1997/265:

In favour: Argentina, Australia, Bangladesh, Belarus, Brazil, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Djibouti, El Salvador, Finland, France, Germany, Iceland, India, Jamaica, Japan, Jordan, Latvia, Lebanon, Luxembourg, Malaysia, Mexico, Mozambique, Netherlands, Nicaragua, Philippines, Poland, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Kingdom.

Against: United States.

Abstain: Gabon.

Reports of Secretary-General. As requested by the Commission in 1996 [YUN 1996, p. 721], the Secretary-General reported [E/CN.4/1997/49] that he had asked Israel for information on efforts made to implement the Commission's 1996 resolution on the situation of human rights in southern Lebanon, but had received no reply.

In an October report [A/52/527], the Secretary-General informed the General Assembly that he had asked Israel for information on the imple-

Middle East

Lebanon

Commission action. By a roll-call vote of 51 to 1, with 1 abstention, the Commission on Human Rights, on 15 April [res. 1997/55], deplored continued Israeli practices that violated human rights

mentation of the Commission's 1997 resolution and had received no reply to his June request.

Territories occupied by Israel

During 1997, the question of human rights violations in the territories occupied by Israel as a result of the 1967 hostilities in the Middle East was again considered by the Commission on Human Rights. Political and other aspects were considered by the General Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and other bodies (see PART ONE, Chapter VI).

Reports of Secretary-General. As requested by the Commission on Human Rights in 1996 [YUN 1996, p. 723], the Secretary-General submitted a report [E/CN.4/1997/13] stating that he had brought the Commission's 1996 resolution concerning the occupied Syrian Golan to the attention of all Governments, the Committee on Israeli Practices, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights), the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations. He also stated that UN press coverage was provided for all meetings of the Committee on Israeli Practices, and information was distributed through documents, press releases and UN information centres and services.

In response to a 1996 Commission request [YUN 1996, p. 723], the Secretary-General submitted a further report [E/CN.4/1997/14] in which he indicated that he had brought the resolution on the violation of human rights in the occupied Arab territories to the attention of the same bodies. He had received no reply from Israel regarding efforts to implement the Commission's 1996 resolution.

The Secretary-General also submitted to the Commission in February 1997 [E/CN.4/1997/15] a list of all General Assembly and other UN reports issued since 26 April 1996 on the situation of the population living in the occupied Arab territories.

Report of Special Rapporteur. In a February report [E/CN.4/1997/16], Special Rapporteur Hannu Halinen (Finland) discussed the human rights situation in the occupied Palestinian territories.

The Special Rapporteur observed that the issue of settlements was emerging as the greatest preoccupation of the inhabitants of the occupied

territories, especially in the West Bank. Settlement expansion presupposed the confiscation of Arab-owned land in the occupied territories. He stated that settler violence, particularly in Hebron, had been observed repeatedly and there were reports that excessive and indiscriminate force was used by Israeli forces against civilians. Closure imposed by Israeli authorities on the occupied territories in the wake of security incidents remained the principal human rights concern of those living in the Gaza Strip. Closures had continued to devastate the fragile Palestinian economy, maintaining unemployment at some 40 per cent in the Gaza Strip and 30 per cent in the West Bank. The deterioration of the situation of women had been reported as one of the hidden effects of closure. Another adverse effect was an increase in the rate of divorce. In addition, closure affected the mental well-being of some segments of the population, had a detrimental effect on the health situation, and seriously impacted education since 1,200 Gaza students were unable to attend classes in the West Bank institutions where they were enrolled.

A development regarding the treatment of Palestinian detainees that had given rise to concern was the permission granted to the General Security Service by the Israeli High Court of Justice regarding the use of force in interrogating suspects in connection with security matters such as the prevention of terrorist attacks. Persons were also believed to have died as a result of torture and ill-treatment in detention centres under the control of the Palestinian Authority due to the overwhelming pressure reportedly placed on the Authority to deal with its own and Israeli security concerns.

The Special Rapporteur concluded that despite the serious incidents reported to him, both Israel and the Palestinian Authority were showing concern and making efforts to advance respect for human rights. He noted the recent decision by the Government of Israel to release all Palestinian women prisoners. The Special Rapporteur welcomed the decision of the Israeli authorities to increase to 55,000 the number of work permits issued to Palestinians allowing them to work in Israel, and called for further increases in the near future.

The Special Rapporteur proposed implementation of a recommendation made by the Committee against Torture to end interrogation practices and grant victims access to rehabilitation and compensation measures. Other recommendations to Israel called for the release or granting of a fair trial to persons being held in administrative detention; increasing the number of work permits issued to Palestinians; ceasing to build

new settlements and not expanding existing ones; and discontinuing closure.

Commission action. By a roll-call vote of 25 to 1, with 23 abstentions, the Commission on Human Rights, on 26 March [res. 1997/1], condemned the continued human rights violations in the occupied Palestinian territories since the signing in 1993 of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization [YUN 1993, p. 521], and called on Israel to stop committing the violations immediately. It also called on Israel to abolish the use of torture against Palestinians during interrogation; cease its policy of enforcing collective punishments; and desist from all human rights violations in the Palestinian and other occupied Arab territories and respect the bases of international law, the principles of international humanitarian law and its commitments to the UN Charter and UN resolutions. The Secretary-General was asked to bring the Commission's resolution to the attention of the Government of Israel and all other Governments, competent UN organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report in 1998 on its implementation by Israel. He was also asked to provide the Commission with all UN reports issued between its sessions that dealt with conditions in which the Palestinians were living under Israeli occupation.

On the same date [res. 1997/2], by a roll-call vote of 26 to 1, with 23 abstentions, the Commission called on Israel to comply with UN resolutions on the Syrian Golan and demanded that it rescind its decision to impose its laws, jurisdiction and administration on that occupied territory. It also called on Israel to desist from imposing Israeli identity cards on citizens of the Syrian Golan and to desist from its repressive measures against them. The Secretary-General was asked to bring the Commission's resolution to the attention of all Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to give the resolution wide publicity and to report in 1998.

Also on 26 March [res. 1997/3], by a roll-call vote of 47 to 1, with 2 abstentions, the Commission expressed its deep concern at Israeli settlement activities, which were illegal and therefore constituted a violation of the relevant provisions of the Fourth Geneva Convention. It called on Israel to comply with the Commission's previous resolutions; to cease its policy of expanding the settlements and related activities in the occupied territories; to forgo and prevent any new installation of settlers; and to address the question of Israeli settlements during the negotiations on the final status of the territory, which were due to resume within two months after implementing the protocol concerning the redeployment in Hebron (see PART ONE, Chapter VI).

PART THREE

Economic and social questions

Chapter I

Development policy and international economic cooperation

The world economy grew by just over 3 per cent in 1997 for the second consecutive year and a further year of 3 per cent growth was forecast for 1998. Despite favourable economic growth, there were a number of negative developments. Following financial crises in several developing Asian economies, the international community had to mobilize more than \$100 billion in less than six months for financial rescue packages, and many countries saw their exchange rates challenged by market forces. Another major concern was Japan's difficulty in overcoming its own financial-sector problems and launching a sustained economic expansion. Unemployment, particularly in much of Western Europe, was also a salient issue.

In June, the General Assembly held its nineteenth special session at which it adopted the Programme for the Further Implementation of Agenda 21—a comprehensive plan of action for the sustainable development of the Earth into the twenty-first century adopted at the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992. Participants in the special session—also known as Earth Summit+5—assessed progress made since 1992 in the implementation of Agenda 21 and made a commitment to ensuring that its next review in the year 2002 would demonstrate greater measurable progress in achieving sustainable development.

On 20 June, only three days before the start of Earth Summit+5, the Assembly adopted the Agenda for Development—an action-oriented document aimed at invigorating a renewed and strengthened partnership for development based on the imperatives of mutual benefits and genuine interdependence. An ad hoc working group of the Assembly had been working on the elaboration of the Agenda since early 1995, although the concept of such an agenda had originally been proposed by the Secretary-General in 1992.

The eradication of poverty—described as a fundamental goal of the international community—was a major theme in both the Programme for the Further Implementation of Agenda 21 and the Agenda for Development. In December, in a resolution on the first United Nations Dec-

ade for the Eradication of Poverty (1997-2006), the Assembly called on all donors to give high priority to poverty eradication in their assistance budgets and programmes. Having considered the role of microcredit in the eradication of poverty, the Assembly adopted a resolution in which it encouraged all involved in poverty eradication programmes to consider incorporating microcredit schemes in their strategies.

The need to take account of the development experiences and circumstances of countries in special situations—the countries of Africa and the least developed, small island developing and landlocked developing countries—was addressed by a number of United Nations bodies during 1997. Action on behalf of those groups of countries was called for by the Assembly in both the Agenda for Development and the Programme for the Further Implementation of Agenda 21, and their particular problems were discussed in the Commission on Sustainable Development, the Committee for Development Planning, and the Trade and Development Board of the United Nations Conference on Trade and Development. The Assembly decided to convene, in 2001, the Third UN Conference on the Least Developed Countries.

Noting the need to give impetus to international economic cooperation for development, particularly in the context of an effective follow-up to the Agenda for Development, the Assembly in December reaffirmed the need to strengthen constructive dialogue and genuine partnership. It requested the Assembly President to arrange a two-day high-level dialogue on the theme of the social and economic impact of globalization and interdependence.

International economic relations

Development and international economic cooperation

Development and international economic cooperation issues were discussed by a number of

UN bodies during 1997, including the General Assembly and the Economic and Social Council.

By **decision 52/438** of 18 December, the Assembly took note of the Second (Economic and Financial) Committee's report [A/52/626] on its discussion of matters relating to macroeconomic policy questions.

By **decision 52/434** of 18 December, the Assembly deferred consideration of the launching of global negotiations on international economic cooperation for development and included the item in the provisional agenda of its fifty-third (1998) session.

Economic and Social Council consideration. At its high-level segment (2-4 July) [A/52/3/Rev.1], the Economic and Social Council carried out a comprehensive review of the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade" (see PART THREE, Chapter IV).

In the agreed conclusions of the high-level segment [A/52/3/Rev.1 (agreed conclusions 1997/1)], the Council stated that an enabling international environment for development called for better integration into the world economy of developing countries, particularly the African countries, the least developed countries, landlocked developing countries, small island developing States and countries with economies in transition. The international community should support national efforts for capacity-building in the developing countries, including infrastructure and manpower development and research and development. South-South cooperation and technical assistance from developed countries were also essential elements. Also required was coordination of macroeconomic policies by the international community to foster conditions of stability, predictability and growth in the world economy, stable exchange rates, low interest rates and low fiscal deficits, as well as trade liberalization, more equitable access of developing countries to global markets, an increased flow of productive investments, technologies and knowledge to developing countries, and new and additional financial resources from all sources. Broadening and strengthening the participation of developing countries in international economic decision-making processes was also needed.

Among the documents considered at the Council's high-level segment was the World Economic and Social Survey 1997 [Sales No. E.97.II.C.1] (see below).

By **decision 52/451** of 18 December, the General Assembly took note of the relevant chapters of the report of the Economic and Social Council [A/52/3/Rev.1].

Agenda for Development

On 20 June, the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development completed its work by adopting its report [A/51/45] and recommending to the Assembly the adoption of a draft resolution, to which was annexed the text of the Agenda for Development (see below).

The Working Group, established by Assembly resolution 49/126 in 1994 [YUN 1994, p. 759], began its work in 1995 [YUN 1995, p. 830] under the chairmanship of the Assembly President; it continued to meet during 1996 [YUN 1996, p. 728] and 1997. The proposal to establish an agenda for development as an integrated approach to the wide range of economic and social issues dealt with by the United Nations was first put forward by the Secretary-General in his 1992 report on the work of the Organization [YUN 1992, p. 15]. In response to an Assembly request made in resolution 48/166 in December 1993 [YUN 1993, p. 658], the Secretary-General submitted a 1994 report containing his recommendations for such an agenda [YUN 1994, p. 759], which the Working Group took into consideration, together with other input from the Economic and Social Council [YUN 1994, p. 759], the World Hearings on Development [YUN 1994, p. 758] and the Assembly itself [YUN 1994, p. 759].

GENERAL ASSEMBLY ACTION

On 20 June [meeting 103], the General Assembly, on the recommendation of the Ad Hoc Open-ended Working Group [A/51/45], adopted **resolution 51/240** without vote [agenda item 96 (b)].

Agenda for Development

The General Assembly,

Recalling its resolution 49/126 of 19 December 1994, in which it decided to establish an ad hoc open-ended working group of the Assembly to elaborate further an action-oriented, comprehensive agenda for development, which was to begin its work as early as possible in 1995 under the chairmanship of the President of the Assembly,

1. Takes note of the report of the Ad Hoc Open-ended Working Group of the General Assembly on an Agenda for Development;
2. Adopts the Agenda for Development, as set forth in the annex to the present resolution.

ANNEX

Agenda for Development

1. Development is one of the main priorities of the United Nations. Development is a multidimensional undertaking to achieve a higher quality of life for all people. Economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development.

Sustained economic growth is essential to the economic and social development of all countries, in par-

ticular developing countries. Through such growth, which should be broadly based so as to benefit all people, countries will be able to improve the standards of living of their people through the eradication of poverty, hunger, disease and illiteracy, the provision of adequate shelter and secure employment for all and the preservation of the integrity of the environment.

Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are also an essential part of the necessary foundations for the realization of social and people-centred sustainable development.

The empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development.

2. Building on the outcome of recent United Nations conferences and other relevant agreements, the Agenda for Development aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence. It testifies to the renewed commitments of all countries to mobilize national and international efforts in pursuit of sustainable development and to revitalize and strengthen international cooperation for development. In that context, the Agenda for Development acknowledges the primacy of national policy and measures in the development process and calls for action towards a dynamic and enabling international economic environment, including an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system and promotion of investment and transfer of technology and knowledge, as well as for enhanced international cooperation in the mobilization and provision of financial resources for development from all sources, the strategy for durable solutions to the external debt and debt-servicing problems of developing countries and the efficient use of available resources.

I. Setting and objectives

A. Setting

Development, peace and security

3. Peace and development are closely interrelated and mutually supportive. Development should also be pursued in its own right. Development is indispensable to the achievement and maintenance of peace and security both within and among nations. Without development there can be neither peace nor security. There is complementarity between the processes related to the Agenda for Development and the Agenda for Peace. For peace and stability to endure, national action and effective international cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty.

4. Development cannot be attained in the absence of peace and security or in the absence of respect for all human rights and fundamental freedoms. Under conditions of war, and during periods of short-term emergencies and humanitarian needs, development efforts are often neglected, diminished or abandoned. Excessive military expenditures, arms trade and investment for arms production, acquisition and stockpiling have a negative impact on development prospects. With the

relaxation of international tensions the opportunity exists for reducing, as appropriate, military expenditures and investments for arms production and acquisition, consistent with national security requirements, in order to increase resources for social and economic development.

(a) Globalization, regional cooperation and interdependence: the need for a commitment for partnership

5. Profound changes have occurred, especially coupled with the end of the cold war, which question some of the traditional ways of addressing the challenge of development.

6. One such increasingly important change affecting all countries is the process of market-driven globalization, including as a result of rapid progress in information exchange and telecommunications. Globalization encompasses the varying degrees of increasing integration of world markets of goods, services, capital, technology and labour. This has generated greater openness and freer movement of factors of production and has created greater opportunities for international cooperation. Greatly increased trade and capital flows and technological developments open new opportunities for growth of the world economy, particularly in developing countries. Wider dissemination of ideas, cultures and lifestyles brought about by innovations in transportation and communications are also important manifestations of the globalization process. Globalization permits countries to share experiences and to learn from one another's achievements and difficulties and promotes a cross-fertilization of ideals, cultural values and aspirations, taking into account the recognition of cultural diversity.

7. Globalization of the world economy presents opportunities and challenges for the development process, as well as risks and uncertainties. As a result of the process of globalization and growing interdependence in the economic, social and environmental fields, an increasing number of issues cannot be effectively addressed by countries individually. Therefore, international cooperation is required. Furthermore, non-State actors with a global reach, such as transnational corporations, private financial institutions and non-governmental organizations, have important roles to play in the emerging network of international cooperation.

8. Greater interdependence among States has accelerated the international transmission of macroeconomic policy decisions and therefore their effects throughout the global economy. This is particularly true for the development prospects of the developing countries, which have been particularly affected by globalization.

9. Global financial integration presents new challenges and opportunities for the international community. Sound domestic macroeconomic policies in each country for promoting macroeconomic stability and growth are primary elements for determining private capital flows, and the coordination of macroeconomic policies, where appropriate, and a favourable international economic environment play an important role in reinforcing their effectiveness. The globalization of financial markets can generate new risks of instability, including interest rate and exchange rate fluctuations and volatile short-term capital flows, which require all

countries to pursue sound economic policies and to recognize the external economic impact of their domestic policies. There is a need for the expansion of private capital flows and for broader access by all developing countries to these flows, and therefore a need for the international community to assist low-income countries, especially those in Africa, in their efforts to create an enabling environment necessary to attract such flows.

10. Increasing the capacity to respond to these trends requires sound domestic policies as well as a favourable international economic environment. Although new growth poles are emerging in a number of developing countries which will provide an increasing share of the stimulus to world development, it is likely that the role of the developed countries in world finance will remain preponderant for a long time. The policies they follow in their domestic affairs will, in the increasingly globalized capital markets, be of decisive importance for the rest of the world as they have a significant influence on world economic growth and, consequently, over the international economic environment.

11. Notwithstanding the importance of a favourable international economic environment, ultimately each country bears primary responsibility for its own economic and social policies for development. In order to take advantage of a rapidly integrating world economy, all countries should adopt sound and stable domestic policies, address external and internal imbalances and encourage a continuous process of adjustment. Sound national policies are also essential for cushioning external shocks. National policies of all countries would also benefit from improved political institutions and legal systems. In this context, the international community should give strong support to the efforts of developing countries to solve their serious social and economic problems and should promote a favourable international economic environment for development.

12. Globalization and interdependence are deepening the need and creating greater opportunities for international cooperation. The problems and questions that globalization and interdependence bring in their wake show that there clearly exists a shared, common interest among all countries in solving and answering them. International development cooperation, which is not only founded in solidarity but also based on mutual interest and partnership, forms an essential part of this effort. With the waning of ideological confrontations, the rise in globalization and the deepening of interdependence among nations, the historic opportunity has arisen for constructive dialogue among all countries, in particular among the developed and developing countries, and political mobilization for the promotion of international cooperation for development based on genuine partnership and mutuality of interests and benefits. The present Agenda for Development manifests our commitment to grasp this opportunity.

13. The deepening interdependence among countries has already led to the emergence and strengthening of regional economic groupings and arrangements. They are recognized as important catalysts for global economic growth and expansion of trade. They

offer a framework for fostering and enhancing cooperation among States not only on economic policy but on other areas of common concern as well. Regional economic groupings and arrangements that are outward oriented, supportive of and complementary to the multilateral trading system are important actors in the global development process.

(b) Variety of development experiences and impact of globalization

14. Development experiences among countries reflect differences with both progress and setbacks. A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy. These countries, which maintain a high rate of economic growth, have increased their share in world trade and foreign direct investment, thereby expanding their role in the global economy.

15. At the same time, developing countries continue to face difficulties participating in the globalization process. Many risk being marginalized and effectively excluded from the globalization process. Many of them continue to be mired in poverty, hunger, malnutrition and economic stagnation, including slow or negative economic growth. The global changes in finance, communications and technology have largely bypassed them, despite their efforts at undertaking economic reforms, including structural adjustment programmes. The gap between the developed and developing countries remains unacceptably wide. Imbalances and uncertainties continue to exist in the global economy, which affect all countries but in particular the interests of the developing countries. We reiterate the need for broadening and strengthening the participation of developing countries in the international economic decision-making process.

16. The development spectrum ranges widely not only among countries but also within countries. The varied country situations indicate that, in addition to overall measures needed for the promotion of a favourable international economic environment for development, there is a need for specific measures in particular country situations. Success will often depend on the removal of key constraints, which vary greatly from country to country. Cooperation among developing countries and sharing their experiences can greatly contribute to achieving such success. It also requires that international development cooperation has to take into account the respective plans, programmes, needs, priorities and policies of developing countries. A new international partnership is required for development at the national, subregional, regional and international levels.

(c) Critical situations and special problems in developing countries

Critical situation in Africa

17. The critical socio-economic situation in Africa is of priority concern. Africa is the only region where poverty is expected to continue to increase substantially. Much of the continent suffers from, inter alia, inadequate physical and institutional infrastructure, poor human resource development, lack of food security, malnutrition, hunger, widespread epidemics and diseases and unemployment and underemployment.

These conditions are further compounded by a number of conflict and disaster situations. All these diverse limitations and constraints make it difficult for Africa to benefit fully from the processes of globalization and liberalization of trade and to integrate fully into the world economy. Increased mobilization of domestic and external resources for development, as well as their more effective use, are critical for the success of the economic and political reforms undertaken by African countries. International solidarity is fundamental to Africa's development and international cooperation and support must necessarily complement the national resources mobilized by the African countries themselves.

Critical situation in the least developed countries

18. The critical situations of the least developed countries, which are particularly marginalized from the world economy, require the priority attention of the entire international community, in support of appropriate domestic economic and social policies. The heavy burden of debt and debt servicing on their economies, deterioration in the terms of trade, decline in real terms in recent years in the overall level of official development assistance and limited flows of private resources are some of the main factors that impede the already limited opportunities for these countries to participate in and benefit from the processes of globalization and liberalization. By most measures of economic and human well-being, the least developed countries lag seriously behind. Their social indicators are consistently low and have worsened in some cases. Their institutional and physical infrastructures are fragile and therefore enhanced national and international support is required to strengthen them.

Special problems in small island developing States

19. The special problems of small island developing States also need to be given priority attention by the international community. The special challenges and constraints to their development arising from, inter alia, their limited market size and resource base, their particular transportation and communication problems and their high degree of vulnerability to natural and environmental disaster need to be addressed.

Special problems in landlocked developing countries

20. Lack of territorial access to the sea, aggravated by remoteness and isolation from world markets and prohibitive transit costs and risks, impose serious constraints on the overall socio-economic development efforts of the landlocked developing countries. The special challenges and constraints specific to these countries need to be addressed.

(d) Post-cold-war realities and challenges

(i) Special problems and features of countries with economies in transition

21. The special problems and features of countries with economies in transition require particular attention in the post-cold-war era. The dual transition to democracy and to a market economy makes their situation especially complex, particularly regarding their economic growth and sustainable development. This ongoing process is guided by and based on respect for human rights, transparent, representative and accountable governance, the rule of law and civil peace.

22. Considerable strains are put on the social fabric of the societies of the countries with economies in transition. Structural adjustments bring economic benefits but are causing social problems which were unknown before the transition. Severe environmental degradation, a worsening population situation and the problem of conversion of military production to civilian in those countries are of primary concern.

23. The completion of the transition process and the integration of those countries into the world economy and their effective involvement in the multilateral institutions will have a positive impact not only on the countries themselves but also on the global economy. Thus, it is especially important for them to promote effective cooperation in trade, economy, finance, science and technology with all countries and regions. Their integration should contribute to economic cooperation with developing countries and to mutually beneficial exchanges of scientific and industrial know-how. Increased cooperation among countries with economies in transition will also be important. In order to bring this integration about in a speedy manner, effective international support for reforms in those countries is essential both in terms of financial resources and of institutional expertise. The measures that should be undertaken in this regard must ensure the maximization of the benefits from, and the minimization of the negative effects of, trends in the world economy for all countries, in particular for developing countries.

(ii) The end of the cold war and the developing countries

24. While the end of the cold war has fostered a new spirit of dialogue and cooperation at the global political level, there is a need to improve the international economic environment so that it is more conducive to the socio-economic development of developing countries, including through the fulfilment of commitments agreed to at the recent major United Nations conferences.

25. In the post-cold-war situation, the record of development is so far a mixed one. The successful conclusion of the Uruguay Round of multilateral trade negotiations, the consensus on development arising from recent major United Nations conferences and the expansion in private flows to developing countries are positive developments. On the other hand, the recent decline in real terms of official development assistance, the deterioration in terms of trade and the risk of marginalization from the world economy of developing countries, in particular the least developed countries, are particular concerns. The international community and multilateral financial institutions and the World Trade Organization should focus their attention on ways to address these concerns effectively.

(e) Democracy, transparent and accountable governance and the promotion and protection of all human rights and fundamental freedoms, including the right to development

26. The waning of ideological conflicts has improved the climate of cooperation at all levels. Although there is no universal prescription for successful development, a consensus has emerged, inter alia, that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework of our efforts to achieve a

higher quality of life for all people. In this context, we reaffirm that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing.

27. Respect for all human rights and fundamental freedoms, democratic and effective institutions, combating corruption, transparent, representative and accountable governance, popular participation, an independent judiciary, the rule of law and civil peace are among the indispensable foundations for development. At the same time, we reaffirm that the right to development is a universal and inalienable right and an integral part of human rights. As stated in the Declaration on the Right to Development, the human person is the central subject of development. Development facilitates the enjoyment of all human rights, but the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

28. Efforts to reinforce democratic institutions and actions are vital for achieving peace and economic and social progress. Social stability, needed for productive growth, is nurtured by conditions in which people can readily express their will. For this, strong national participatory institutions are essential.

29. The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile. It is unacceptable that absolute poverty, hunger and disease, lack of adequate shelter, illiteracy and hopelessness should be the lot of over one billion people. We commit ourselves to the goal of eradicating poverty in the world through decisive national actions and international cooperation as an ethical social, political and economic imperative of humankind.

30. Democracy, which is spreading everywhere, has raised development expectations everywhere. Their non-fulfilment risks the rekindling of non-democratic forces. Structural reforms that do not take social realities into account could destabilize democratization processes as they impede the fulfilment of those expectations. While it is recognized that States have the primary responsibility for securing a sound and stable national political, economic and social environment for development, international support, at the request of interested Governments, and the creation of a favourable international economic environment are crucial ingredients in this effort.

31. It is increasingly recognized that the State's role in development should be complemented by other relevant actors of civil society, including the private sector. The State has the overall responsibility in various areas, including social, economic and environmental policy formulation, and for creating an enabling environment for the private sector; the State should encourage effective participation by the private sector and major groups in activities that complement and reinforce national objectives.

32. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State. By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and

to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

B. Objectives

1. Strengthening international cooperation for development

(a) Implementing all international agreements and commitments for development

33. The new opportunities, challenges and risks opened by the globalization of and growing interdependence in the world economy, the critical situation and special problems in many developing countries and the special problems of economies in transition heighten the need for strengthened international cooperation. A strong political will is essential to sustain such cooperation. Through the present Agenda, we renew our commitment and seek to impart new vigour to a global partnership for development.

34. The international community has convened over the past five years or so a number of major conferences and meetings that have adopted decisions and made commitments on key development issues aimed at reinvigorating the development process and international cooperation for development. These include the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, the International Development Strategy for the Fourth United Nations Development Decade, the World Conference on Education for All held at Jomtien, Thailand, the Second United Nations Conference on the Least Developed Countries, the World Summit for Children, the United Nations New Agenda for the Development of Africa in the 1990s, the Cartagena Commitment, Agenda 21 and the various consensus agreements and conventions adopted before, at or after the United Nations Conference on Environment and Development, the World Conference on Human Rights, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women, the ninth session of the United Nations Conference on Trade and Development, the United Nations Conference on Human Settlements (Habitat II) and the World Food Summit.

35. Those conferences bear witness that the United Nations system is and should continue to be more actively involved in the full spectrum of development issues. The accords, commitments and internationally agreed targets reached at those conferences should be fully implemented by all States and international organizations. Only through full implementation can we give credence to the notion that these development initiatives are truly a priority issue for the international community.

36. Such implementation requires foremost political will by all actors at all levels. Too often the gap between what has been agreed and what has been implemented leaves much to be desired at both the national and the international levels. The commitments we have made individually and collectively need to be fulfilled if the development needs of all countries, particularly the developing countries, are to be addressed effectively.

37. To this end we reaffirm, through the present Agenda for Development, the continued relevance of the agreements reached at these international conferences and other meetings of the United Nations and stress the need for an integrated, interrelated and coherent implementation of and coordinated follow-up to the outcomes of those conferences.

- (b) Enhancing the role, capacity, effectiveness and efficiency of the United Nations system in development

38. As we approach the twenty-first century, it is the collective responsibility of the international community to ensure that within the multidimensional and integrated character of its mandate the United Nations system is equipped to show leadership in the fulfilment of the commitments made on international cooperation for development and to serve as a forum for the expression of global goals and as an advocate for the promotion and protection of all human rights, including the right to development and the protection of the environment, as well as to respond to humanitarian assistance requirements and to maintain peace and international security.

39. The United Nations system, by virtue of its global reach, its universal membership, its impartiality and the unique and comprehensive mandate reflected in its Charter, has a vital role to play in the development process. Enhancing that role, capacity, effectiveness and efficiency requires a continuous focus on development issues and ensuring its sound financial basis.

40. The wide array of issues which the United Nations system addresses is reflected in its various functions, such as those of the specialized agencies, including the Bretton Woods institutions, and the regional commissions. Each part of the system has a specific role to play in addressing those issues. Relative strengths and weaknesses among the various parts of the system cannot be ignored. Enhancing the role, capacity, effectiveness and efficiency of the United Nations system has to take those basic facts into account and programmes should be concentrated on areas where particular needs and the special capacity of the Organization converge.

41. However, overarching these considerations of efficiency and effectiveness of delivery is the political dimension of the development agenda. The United Nations is unique because it conducts international political debates on all issues in the economic, social and related fields. These debates should provide political impetus to other forums to undertake the necessary policies and measures. Hence, the political interaction of the United Nations not only with Member States, the specialized agencies, including the Bretton Woods institutions, and the regional commissions, as well as with organizations such as the World Trade Organization, but also with non-State actors should be intensified with a view to enhancing effective action and co-ordination among them in the economic, social and related fields.

42. The present Agenda for Development sets out a new framework for international cooperation, defines the role of the United Nations and how both can make a particular contribution, sets out the development priorities as well as time-frames for implementation and

keeps the implementation of the development agenda under political review.

- 2. Promoting development based on an integrated approach

43. Sustained economic growth is essential for expanding the resource base for development and hence for economic, technical and social transformation. It generates the required financial, physical, human and technological resources. It is also essential to the eradication of poverty. An open and equitable framework for trade, investment and technology transfer, as well as enhanced cooperation in the management of a globalized world economy and in the formulation and implementation of macroeconomic policies, are critical for the promotion of growth and development. While the private sector is a motor for economic growth, the Government has an active and essential role in the formulation of economic, social and environmental policies.

44. In order to ensure an integrated approach to development centred on human beings and to achieve sustainable development, economic growth on its own is not sufficient and environmental protection cannot be considered in isolation from the development process. The goal of development is the improvement of human well-being and the quality of life. This involves the eradication of poverty, the fulfilment of the basic needs of all people and the protection of all human rights and fundamental freedoms, including the right to development. It requires that Governments apply active social and environmental policies and promote and protect all human rights and fundamental freedoms on the basis of democratic and widely participatory institutions.

45. Investments in health, education and training are particularly critical in the development of human resources and should be pursued in such a way that everyone, both women and men, are given an equal opportunity to participate actively and productively in the development process. The improvement of the role and status of women, including their empowerment, is central to all efforts to achieve sustainable development in its economic, social and environmental dimensions. Diversion of resources away from social priorities and needs should be avoided and, where it has occurred, be corrected. Basic social programmes and expenditures, in particular those affecting people living in poverty and the disadvantaged and vulnerable groups of society, should be protected from budget reductions. When formulating and implementing structural adjustment policies and programmes such considerations should be taken into account.

46. Development is and should be centred on human beings. Economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework of efforts to achieve a higher quality of life for all people. As the well-being of human beings depends on all facets of development, a multidimensional approach to development is essential. Therefore, any formulation of strategies, policies and national, subregional, regional and international actions has to be based on an integrated and comprehensive approach. It is in this spirit that we frame the present Agenda for Development.

All of the areas identified for action are closely inter-related for implementation of the Agenda.

II. Policy framework, including means of implementation

47. An encouraging development in recent years has been the almost universal pursuit of increased economic openness and integration. This has contributed to a growing economic and social interdependence among countries. It is a common responsibility and in the common interest to ensure that these trends continue and also to ensure that all countries benefit from them. The last point is fundamental: the benefits attributable to these various changes have been widespread, but they have been neither universal nor achieved without costs. A primary objective of the implementation of the present Agenda should be to contribute in such a way that the benefits stemming from future growth and development are distributed equitably among all countries and peoples.

48. Achieving and maintaining an international environment favourable to all countries is in the interest of all countries. Global economic, environmental and social issues can be approached effectively only through a constructive dialogue and genuine partnership among all countries. This requires recognition not only of the mutuality of interests and benefits but also of common, though differentiated, responsibilities. This mutual understanding has permeated the ongoing sequence of United Nations world conferences and summits.

49. However, some of the commitments and agreements for development, including those referring to international development cooperation, resulting from these conferences and summits, as well as from previous international undertakings, remain to be fulfilled. Those commitments, as well as the new and additional priority actions identified here, should be implemented in the spirit of solidarity and partnership. In this context, efforts should be made to mobilize public support for development cooperation, *inter alia*, through a strategy based on partnership between developed and developing countries, which incorporates, as appropriate, mutually agreed goals for development.

A. Economic development

1. Macroeconomic policies geared towards sustained economic growth and sustainable development

50. National developmental policies should be formulated in conformity with national needs, conditions and development priorities and should take into account the lessons learned from decades of development experience. Among the latter, the dynamic role of the private sector and the contribution of human resource development in creating wealth figure prominently. The challenge for public authorities is, *inter alia*, to develop and implement policies that are conducive to prosperity and that eradicate poverty and conserve the environment.

51. To this end, Governments should encourage a supportive environment for the private sector, including active competition policies, the application of the rule of law, an open framework for trade and investment and sound fiscal and monetary policies. In the area of finance, policies need both to promote domes-

tic savings and to attract external resources for productive investment. For both purposes, it is necessary to improve the efficiency of domestic financial markets. Addressing the needs of people living in poverty and the disadvantaged and vulnerable groups of society, and the creation of more and better jobs, requires attention to be given to conducive macroeconomic policies and to such issues as human resources development, gender equality, public participation and social integration. Social and environmental factors should be considered as important elements to be taken into account by all countries in the formulation and implementation of macroeconomic policies. Particular attention should be paid to the effect of structural adjustment programmes on people living in poverty and on disadvantaged and vulnerable groups of society.

52. Increased economic integration and interdependence place greater responsibilities than before on all countries, but particularly the developed countries, to contribute to ensuring that their domestic policies are favourable to economic growth and development in the rest of the world. National and international actions are closely interrelated and should be seen as mutually reinforcing components of the overall goal of achieving development. In order to foster a supportive international environment for development, countries should pursue economic stability, full employment, a low rate of inflation, sustainable external and internal balances, including the avoidance of excessive budget deficits, low long-term real interest rates and a measure of exchange rate stability. They should also ensure open financial and commercial markets and, where appropriate, provide concessional aid flows.

53. International cooperation in the formulation and implementation of macroeconomic policies should be reinforced with a view to promoting greater coherence and consistency of domestic policies and thereby enhancing their effectiveness. Measures should also be taken to broaden cooperation among monetary authorities in order to maintain a sound international financial system. This enhanced cooperation should take full account of the interests and concerns of all countries. Multilateral surveillance should correspondingly address the policies and measures of all countries.

2. International trade and commodities

54. The growing, though far from complete, integration of all countries in world trade and investment represents a historic structural change in international economic relations. In recent years, trade of developing countries has increased, largely as a result of their liberalization policies concerning trade and investment. The expansion of their markets appears to be creating a virtuous circle in which mutually beneficial liberalization of trade and investment can become a major means for generating the resources necessary for development.

55. The liberalization of trade regimes and the promotion of an open and secure multilateral trading system are central requirements for the promotion of economic development. All Governments should commit themselves to the liberalization of trade and investment policies and should foster international cooperation towards this goal. All countries have a shared interest in an open, ruled-based, equitable, non-discriminatory,

transparent and predictable multilateral trading system. While many provisions in this area have been identified by the General Assembly over the last five years, the agreements as represented by the World Trade Organization are particularly important. In this regard, the World Trade Organization's dispute settlements mechanism is a key element for the credibility of the multilateral trade system. The commitments agreed upon in the Final Act of the Uruguay Round should be implemented fully. Unilateral actions of a protectionist nature, inconsistent with multilateral trade agreements, should be avoided and prevented. Appropriate monitoring measures should be established to ensure that, in the implementation of the Uruguay Round, the rights, interests and concerns of all countries are protected, recognized and redressed.

56. There is a need to promote greater integration in the world economy of those countries that have not yet benefited from the overall increase in trade and investment flows, in particular African countries and the least developed countries. Special attention should be given to the full implementation of the specific provisions for the least developed countries, including the provisions emanating from the Marrakesh agreements, and to the needs of the net food-importing developing countries, so that all countries benefit fully from the results of the Uruguay Round. These measures will also require domestic efforts to promote greater diversification of trade of those countries and to increase the competitiveness of their trading sectors.

57. Efforts to make trade and environment policies mutually supportive in favour of sustainable development should continue. Trade liberalization measures should be complemented by sound environmental policies, but measures adopted for environmental purposes should not become a means of arbitrary and unjustifiable trade discrimination or a disguised form of protectionism. In the same vein, social concerns should not be used for protectionist purposes.

58. Commodity exports continue to play a key role in the economies of many developing countries, especially in terms of their export earnings, the livelihoods of their people, and the dependence of general economic vitality on those exports. This makes the continuing deterioration in their terms of trade of special concern, even if there is some recent evidence of improvement in the prices of some primary commodities. Increased participation of developing countries in the processing, marketing and distribution of their commodities, if accompanied by improved market access, provides an alternative means for ensuring greater value added, as well as predictability and increased export earnings, from commodity production. This diversification will require such countries to continue their macroeconomic, trade and investment policy reforms.

59. It will also require a strong commitment by the international community to support such policy reforms. The international community should endeavour to improve the functioning of commodity markets, with greater transparency and more stable and predictable conditions. There should be further evaluation of the usefulness of commodity agreements in this regard, taking into account the potential of new financial and trading instruments and techniques. Improved market access for primary commodities, especially in their processed forms, should be provided, particularly

by developed countries. They should also respond favourably to requests for technical assistance aimed at enhancing the diversification of the export sector in those developing countries which are highly dependent on the export of a limited number of commodities. The strengthening of multilateral compensatory financing schemes is a further means of addressing the short-term difficulties that can arise as a result of heavy dependence on commodity exports.

60. The United Nations Conference on Trade and Development must build upon its comparative advantage and offer support appropriate to the needs of developing countries to ensure that they participate in the world economy on a more equitable basis. Its policy research and analytical work must illuminate the changes in the global economy as they relate to trade, investment, technology, services and development. This work should be undertaken in cooperation with the World Trade Organization and other relevant international institutions.

3. Issues of internal and external finance

(a) Mobilization of domestic resources for development

61. Both domestic and external resources are required for development. In most countries, domestic savings contribute by far the larger part of the resources utilized for investment and are mainly mobilized through national fiscal and monetary policies, including equitable taxation and fiscal incentives. Exploring new ways of generating new public and private financial resources, *inter alia*, through the appropriate reduction of excessive military expenditures, including global military expenditures and the arms trade and investments for arms production and acquisition, taking into consideration national security requirements, will be undertaken so as to allow possible allocation of additional funds for social and economic development.

62. The experiences of those developing countries which have achieved high rates of economic growth in recent years show that sustained economic growth is linked to an effective strategy for domestic resource mobilization. Those economies have maintained significantly higher rates of national savings and investment than other developing countries. However, some developing countries have limited scope for increasing savings because of their low per capita income levels and because levels of consumption are already low and are difficult to restrain further; those countries will continue to need substantial external resources as an important complement to domestic efforts to stimulate their development.

(b) External resources

63. Total net resource flows to developing countries have expanded rapidly in the 1990s. However, the trend has not been universal, in terms of either the types of financing or the recipients. Within the total, official (public sector) flows have languished; all the growth has been accounted for by an increase in the private sector component. Secondly, while some low-income countries have been the recipients of the increased private sector capital flows, others have not benefited at all.

(c) External debt

64. There is an urgent need for effective, equitable, development-oriented and durable solutions to the ex-

ternal debt and debt-servicing problems of developing countries and to help them to exit from the rescheduling process. The evolving debt strategy has contributed to the improvement in the debt situation of a number of developing countries. Debt-relief measures have been undertaken by creditor countries both within the framework of the Paris Club and through their cancellation and equivalent relief of bilateral official debt. Nevertheless, external debt and debt-servicing problems have persisted, particularly for the poorest and most heavily indebted countries. Debt-servicing problems of middle-income countries should continue to be addressed effectively.

65. Those developing countries that have continued, at great cost to themselves, to meet their international debt and debt-servicing obligations in a timely fashion have done so despite serious external and domestic financial constraints.

(d) Official development assistance

66. Official development assistance is a small proportion of a country's total resources for development, but is a significant source of external resources for many developing countries, particularly African countries and the least developed countries. As such, it can play an important complementary and catalytic role in promoting economic growth. Despite its critical importance, the overall decline in official development assistance is a serious cause for concern.

(e) Role of multilateral financial institutions

67. The multilateral financial institutions have an important role to play in meeting the challenges and urgent needs of development and the commitments made at a series of recent international conferences. Renewed efforts should be made in order to provide them with resources commensurate with their role, while pursuing ongoing efforts to increase efficiency and effectiveness. So that international financial facilities, particularly the International Development Association, have more positive effects on development, the commitments for their replenishment should be fully implemented in a timely manner, thereby contributing more effectively to development.

(f) United Nations financing for development

68. At present, the capacity of United Nations funds and programmes to respond to the needs of developing countries is being threatened by the persistent insufficiency of resources for the operational development activities of the United Nations, in particular the decline in contributions to core resources. At the same time, the present sequence of global conferences and other international meetings has resulted in a wide range of additional development demands being imposed on the United Nations. The efficiency, effectiveness, accountability and impact of the operational activities of the United Nations system must also be enhanced.

(g) Private investment flows

69. Private resource flows to developing countries, including foreign direct investment, have increased in recent years. Key determinants for attracting external private sector capital are, inter alia, a stable domestic political, legal and economic environment, based on the rule of law, sound economic policies and an openness to foreign investment. Other factors include the

prospects for growth and a favourable external environment.

70. The growth in foreign direct investment in developing countries is of particular importance since, in addition to finance, the recipient economy usually benefits in terms of technology transfer and enhanced access to export markets. However, foreign direct investment in developing countries, as well as the recent parallel surge in international portfolio investment, has been concentrated in the more advanced economies, the larger economies and those with high rates of economic growth. This situation needs to be addressed. There is also a need to promote favourable conditions for achieving international stability in private capital flows and to prevent the destabilization arising from swift movements of private capital flows.

(h) Peace dividend

71. When the cold war ended, a peace dividend appeared at hand. The relaxation of international tensions was thought to offer opportunities for reducing military spending worldwide and for using the resources so released to enhance spending on social and economic development for the benefit of all countries. There should be an appropriate reduction of excessive military expenditures, including global military expenditures and the arms trade, and investments for arms production and acquisition, taking into consideration national security requirements, so as to allow possible allocation of additional funds for social and economic development. While the reduction in global political tensions has yielded many benefits, the impact on development has not materialized in a tangible form or to the extent that was foreseen.

4. Science and technology

72. The ability of countries to participate in, benefit from and contribute to the rapid advances in science and technology can significantly influence their development. Hence, international cooperation efforts should be intensified and strengthened towards endogenous capacity-building in science and technology of developing countries, including their capacity to utilize scientific and technological developments from abroad and to adapt them to suit local conditions. There is a need to promote, facilitate and finance, as appropriate, access to and transfer of environmentally sound technologies and the corresponding know-how in particular to the developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries. In this regard, the international community is called upon to meet all the objectives reaffirmed in chapter 34 of Agenda 21.

73. Promotion of science and technology for development calls for a clear definition of the respective roles in this area of the private sector, Governments and international organizations. The private sector plays a role in the productive application of science and technology and most commercially relevant technology is controlled by the private sector. Governments play a role in ensuring that there is a propitious environment for the development, access to, transfer, adaptation and application of environmentally sound technologies and in providing appropriate regulatory frameworks and incentives for the development of sci-

entific and technological capabilities. Promotion of science and technology for development also requires a labour force that has the professional and technical training necessary to utilize newly introduced technologies.

74. Developing countries should further advance their collective efforts in promoting technology research, training, development and dissemination, as well as facilitating access and exchange through information and technology centres. This development calls for continued and enhanced support from the international community through technical assistance and financing. The international community should also continue to promote the development of effective and mutually beneficial technological cooperation between countries with economies in transition and all other countries, including in the area of new and emerging technologies.

75. International cooperation can complement national science and technology policy measures and is necessary in areas where global interests are at stake. The world community has a common interest in the development and widespread dissemination of technology geared towards environmental protection and conservation and the rational use of energy and raw materials. Governments should implement the commitments they made in Agenda 21 on this subject.

5. South-South cooperation

76. South-South cooperation is an integral and dynamic part of international development cooperation. The end of the cold war, increasing globalization, liberalization, regional cooperation and interdependence are all making such cooperation more imperative. The countries of the South exhibit common as well as varying development experiences and know-how that offer many opportunities at the bilateral, subregional, regional, interregional and international levels for greater cooperation between them. Grasping these opportunities will result in a stronger basis for their self-reliance and development as well as provide an important complement to international development cooperation.

77. Exploiting trade opportunities among countries of the South by undertaking trade promotion activities, devising payment arrangements and expanding availability of trade information is particularly important. At the same time, there are many other areas, such as communications, information, transportation, investments, science and technology, environment, food and agriculture, population, education and human resource development, in which South-South cooperation can be fostered and promoted.

78. Technical cooperation, arrangements to improve market access, technical and financial assistance, sharing of knowledge and technology and exchange of information are some of the many ways and actions by which developing countries that have been able to achieve social and economic progress can assist those that have been less successful. The concept of triangular cooperation, which involves, *inter alia*, technical, financial and other support by developed countries and international organizations for South-South cooperation, can also make a significant contribution to the promotion of cooperation among developing countries. All these collaborative efforts should be accorded

high priority and increased support from the international community and assistance from all sources, including relevant multilateral institutions and non-State actors.

6. Regional economic cooperation

79. Regional economic integration and cooperation is increasingly recognized as a means towards expanding trade and investment opportunities, and for promoting economic growth and sustainable development and other forms of cooperation between countries of various regions. Regional arrangements can also contribute to growth of the world economy.

80. Regional economic integration and cooperation should be actively considered as a means of eliminating obstacles to trade and investment and of fostering economic cooperation within a region. However, there is the risk that regional organizations may turn inward and that the world will evolve into competing economic blocs. Therefore, reductions of barriers to trade and investment among members or participants in regional groupings should be consistent with internationally agreed rules, where applicable, and without detriment to other economies.

81. Regional economic groupings should be outward-oriented and supportive of the multilateral trading system. This requires a strong commitment by the international community, in its pursuit of regional economic integration and cooperation, to open regionalism within the framework of an equitable, non-discriminatory and rule-based multilateral trading system.

82. Regional cooperation also provides a vehicle for addressing environmental and social issues of common concern. The development of common approaches to environmental problems of a transboundary nature is particularly pertinent. National efforts at combating poverty and unemployment and promoting social integration can also benefit from regional cooperation. Furthermore, possibilities could be explored for using regional forums as a means of cooperation in supporting national action to promote and protect all human rights and fundamental freedoms, the rule of law and democratic institutions.

83. Regional integration and cooperation should be complementary and contributory to national policies and to global multilateralism. In order to take advantage of regionalism, multilateral economic and trade institutions must have the capacity to accommodate regional arrangements in their structures. The challenge is to use both global and regional arrangements in a mutually supportive way.

7. Development in agriculture, industry and the services sectors

84. The agricultural, industrial and services sectors need to be developed in a balanced manner. While it is recognized that the private sector is the primary contributor to sectoral development, Governments have an important role to play in creating the enabling environment for sectoral development to flourish, particularly in the agricultural and services sectors. Besides promoting a dynamic and competitive domestic economy, based on comparative advantages, and providing physical and institutional infrastructures, domestic sectoral policies should also seek to integrate the protection and conservation of the environment and the achievement

of social development objectives into sectoral development plans.

85. In implementing sectoral policies, particular attention should be given to the potential of such policies to generate employment and contribute to the eradication of poverty. In this context, the important contribution of small and medium-sized enterprises should be recognized. It is also essential to facilitate equal access of women to resources, training, employment, market and trade and to strengthen their economic capacity and commercial networks, as well as their equal access to, and equal opportunity to participate in, scientific and technological areas.

86. The agricultural sector remains the main source of income for the majority of the population in developing countries. Its marginalization from the overall process of economic development should be avoided. Agricultural policies should particularly aim at increasing food production, improving access to food by low-income people and enhancing the income-generating potential of agriculture. Developing countries, with the support of the international community, should promote the development of small and medium-sized agro-industries and cooperatives and improve the processing, transportation, distribution and marketing of food and other agricultural products. Governments should enhance, at the national and local levels, the income-generating potential of rural women by facilitating their equal access to and control over productive resources, land, credit, capital, property rights, development programmes and co-operative structures.

87. The industrial sector constitutes one of the key factors in sustained economic growth and in achieving social objectives. In order to promote industrial development, policies in this area should be geared towards ensuring the legal and institutional framework that fosters entrepreneurship and attracts foreign investment, protecting intellectual property rights and facilitating technology cooperation. Moreover, special support should be given to the promotion and development of environmentally sustainable industry and attention needs to be directed to rural industrial development, to industrialization programmes for marginalized segments and regions and to enhancing the role of women in industrial development.

88. The services sector is of increasing importance for the economies of developing countries. Developing countries should continue to pursue policies to create conditions for the development of their national services sector through the modernization of the necessary infrastructure. Measures should include enhancing the efficiency of domestic sectors by encouraging human resource development and by ensuring appropriate investment policies.

89. All countries should enhance the efficiency of domestic service sectors through greater internal and external competition and by ensuring the transparency, effectiveness and non-discriminatory nature of domestic regulations, in accordance to each country's commitments, and with the provisions of the General Agreement on Tariffs and Trade, including article IV on the increasing participation of developing countries. The developing countries face a major challenge of strengthening the capabilities of their domestic services to derive full benefits from the implementa-

tion of the General Agreement on Trade in Services. In this context, as reaffirmed at the ninth session of the United Nations Conference on Trade and Development, appropriate technical assistance should be extended to developing countries to develop and strengthen their service sectors to help to ensure that they reap the maximum benefits from liberalization of trade in services.

90. The domestic sectoral policies elaborated by developing countries should be supported by favourable international action. Trade liberalization should be pursued on a global basis. It should include the liberalization of market access in sectors and modes of supply of exports of interest to developing countries and should cover access to technology on a commercial basis, to distribution channels and to information networks. With the growing internationalization of the services sector, further action should be taken to facilitate the participation of developing countries in international service transactions.

B. Social development

91. Equitable social development is a necessary foundation for development and an important factor in the eradication of poverty. The commitments agreed upon at the World Summit for Social Development should be fully implemented.

92. The ultimate goal of development is to improve and enhance human well-being and the quality of life of all people. Social development is best pursued if Governments actively promote empowerment and participation in a democratic and pluralistic system respectful of all human rights and fundamental freedoms. Efforts to sustain broad-based economic growth reinforce the promotion of social development. Processes to promote increased and equal economic opportunities, to avoid exclusion and to overcome socially divisive disparities while respecting diversity are also part of an enabling environment for social development.

93. It is the primary responsibility of States to attain social development. But the international community, the United Nations system, the multilateral financial institutions, all regional organizations and local authorities and all actors of civil society also need to contribute their own share of efforts and resources to promote social development and to reduce inequalities among people and narrow the gap between developed and developing countries. As part of these shared responsibilities, interested developed and developing country partners could agree on mutual commitments to allocate, on average, 20 per cent of official development assistance and 20 per cent of their national budget, respectively, to basic social programmes.

1. Eradication of poverty and hunger

94. Poverty continues to affect far too many people in the world. Hunger and malnutrition, ill-health, lack of access to safe drinking water, little access to education and other public services and resources, exclusion, lack of participation and violence are some of the many aspects that characterize poverty. Widespread poverty affects the future of societies, as children growing up in poverty are often permanently disadvantaged. The burden of poverty is disproportionately borne by women. Although poverty occurs in all countries, its

extent and manifestation are particularly severe in developing countries.

95. The goal of eradicating poverty in the world is an ethical, social, political and economic imperative. It can be achieved only through a multidimensional and integrated approach that combines programmes targeted at people living in poverty with policies and strategies that meet the basic needs of all, strengthen their productive capacities, empower them to participate in decision-making on policies that affect them, ensure access of all to productive resources, opportunities and public services, enhance social protection and reduce vulnerability. Sustained and broad-based economic growth, social development and environmental protection are crucial for raising living standards and for eliminating poverty in a sustained manner.

96. At international conferences organized by the United Nations in the recent years, Governments committed themselves to meet the basic needs of all. High priority should be placed on achieving and monitoring the goals and targets set in the areas of education, health, food security, shelter and access to safe drinking water and sanitation, in partnership with major development actors.

97. At the World Summit for Social Development, it was decided to formulate or strengthen, preferably by 1996, national policies and strategies geared to substantially reducing overall poverty in the shortest possible time, reducing inequalities and eradicating absolute poverty by a target date to be specified by each country. National budgets and policies should be designed with the strategic objective of meeting basic needs, eradicating poverty and reducing inequalities.

98. The eradication of poverty requires determined national actions. At the same time, the international community, bilaterally and through the multilateral financial institutions and other international organizations, should support the efforts of developing countries in the eradication of poverty and in ensuring basic social protection.

99. Commitments and targets agreed upon since 1990 to achieve the overall goal of poverty eradication should be fully implemented by Governments, in partnership with all development actors, the United Nations system, including financial institutions, non-governmental organizations and the international community as a whole. The United Nations system should make every effort to enhance the coordination of actions relative to poverty eradication and to support developing countries and other countries in that endeavour.

100. Hunger and malnutrition continue to be the fate of hundreds of millions of people, most of whom live in Africa and the least developed countries. Eliminating hunger and malnutrition and achieving food security are major objectives of the present Agenda. Therefore, the institutional structures of the United Nations system must be made more effective in this respect.

101. The key to increasing food production lies in the sustainable development of the agricultural sector and in improving market opportunities. Solving the problems in developing countries calls not only for improving agricultural productivity, but also for financial incentives to encourage investment in agriculture. It is also important to promote secure land tenure and ac-

cess to resources and technology for farmers, in particular women, whose role is crucial in food supply and food security. The macroeconomic and trade policy issues and the social factors that constrain and limit the achievement of food security in the least developed countries should also be addressed.

102. The international community should support the efforts of Africa and the least developed countries to increase food security. It should strive to ensure co-ordinated and rapid delivery of food assistance in situations of transitory food insecurity, in full awareness of longer-term national and local development objectives and the need to improve access to food of the most vulnerable groups of the population.

2. Employment

103. Creating adequately and appropriately remunerated employment for all and reducing unemployment and underemployment are essential for combating poverty and for promoting social integration.

104. Pursuing the goal of full employment should be a basic priority of economic and social policies, so as to enable all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work. At the World Summit for Social Development, Governments agreed on those common goals and on a set of objectives, policies and strategies to achieve them.

105. Economic growth as well as the expansion of productive employment should go hand in hand. The expansion of adequately and appropriately remunerated employment and the reduction of unemployment should be placed at the centre of economic and social policies with the participation of employers, workers and their respective organizations. The basic rights and interests of workers and the quality of jobs should be ensured and the relevant conventions of the International Labour Organization should be fully respected. Also essential is ensuring equal employment opportunities for women and men. Special efforts should be made against long-term and structural unemployment and underemployment, particularly among youth and women. In employment creation, employment development strategies should take into account the role of self-employment, entrepreneurship, small and medium-sized enterprises and the informal sector.

106. The United Nations should elaborate ways and means to implement, follow up on and assess the outcome of the World Summit for Social Development in relation to the goal of full employment through expansion of productive employment and the reduction of unemployment. The General Assembly, through the Economic and Social Council with the support of the Commission for Social Development and other relevant bodies as well as the World Bank and the International Monetary Fund, should be involved in the implementation of, follow-up to and assessment of international commitments on employment. The International Labour Organization, because of its mandate, has a special role to play in this regard.

3. Social integration

107. The aim of social integration is to create "a society for all", where every individual, each with rights and responsibilities, has an active role to play. Since the founding of the United Nations, the quest for humane,

stable, safe, tolerant and just societies has shown a mixed record. While progress has been achieved in many areas, there have also been negative developments, such as social polarization and fragmentation, widening disparities and inequalities of income and wealth within and among nations and marginalization of people, families and social groups. Even entire countries have been negatively affected owing to rapid social change, economic transformation, migration and major dislocations, particularly in areas of armed conflicts and violence in its various manifestations.

108. These are compelling reasons for actions by Governments, individually and, as appropriate, jointly, to foster social cohesion, while recognizing and protecting diversity. An inclusive society must be based on respect for all human rights and fundamental freedoms, on non-discrimination, tolerance, equality of opportunity, solidarity, security and respect for diversity, and on participation of all people, including the vulnerable and disadvantaged groups and persons. The problems of crime, violence and abuse of and trafficking in drugs should also be addressed. International cooperation in the area of drugs should be reinforced in accordance with the Global Programme of Action adopted in the context of the international decade to fight drug abuse. In this context, the convening of a special session of the General Assembly in order to consider the fight against the illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances and related activities, and to propose new strategies, methods, practical activities and specific measures to strengthen international co-operation in addressing the problem of illicit drugs is of the highest importance.

4. Human resources development

109. At the World Conference on Education for All and the World Summit for Social Development, Governments committed themselves to ensuring universal access to quality education, attaining the highest possible standards of physical and mental health and ensuring access of all to primary health care. This should include efforts to rectify inequalities relating to social conditions, race, national origin, age or disability, and between urban and rural areas. Appropriate steps should be taken to close the gender gap at all levels of education and to ensure the full access of women to health care throughout the life cycle.

110. Quality education is critical for enabling people to develop their full capacities in health and dignity and to participate actively in the social, economic and political process of development. It is also crucial for achieving the objectives of economic development. Education and vocational training are the key to higher productivity and allow faster and easier adaptation to technological and economic change. They are vital for job creation and combating unemployment and for sustained growth.

111. Resolute and vigorous national actions are crucial for developing human resources. Governments have committed themselves to formulating or strengthening strategies for the eradication of illiteracy and universalization of basic education. The link between education and training and labour market policies should be strengthened, so as to facilitate the adaptation of workers and employers to changing economic

conditions, technologies and labour markets. Not only should the importance of higher education and scientific research be emphasized, but also that of broadening the means and scope of basic education, of enhancing the learning environment and of promoting lifelong learning.

112. From the perspective of the economy at large, it is of great importance that the requisite policies be applied to ensure human resources development, including a satisfactory level of education and training of the workforce and increasing their receptivity to technological innovations, in particular in the field of information technology.

113. Efforts to achieve the goals of national "health for all" strategies, in line with the Alma Ata conference declaration on primary health care, should be expedited. The need for an integrated and intersectoral approach to health strategies has been recognized, as well as the importance of strengthening national and international efforts to prevent and combat epidemics and other diseases that are endemic in many developing countries, and in particular to address malaria and the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) more effectively.

114. At previous international conferences, Governments agreed upon a set of goals and objectives for national and international efforts in the areas of education, literacy and health, in particular maternal and child health, and the control of major communicable diseases. We are committed to achieving those goals within the time-frame we agreed to.

115. Enhanced international cooperation is also called for to advance human resources development. Concerted efforts should be made to support the efforts of developing countries, especially the least developed countries and other countries in need to develop their human resources. Developed countries have an important role to play. Human resources development and institution-building can also be promoted through cooperation among developing countries. International organizations, including the international financial institutions, must give high priority to supporting the objectives of human resources development and to integrating them into their policies, programmes and operations. Support might include exchange of information and training and skill development programmes, as well as the provision of other forms of assistance.

5. Human settlements

116. More people than ever are living in absolute poverty and without adequate shelter. Inadequate shelter and homelessness are growing plights in many countries, threatening standards of health, security and even life itself. Urban settlements have the ability to support large numbers of people while limiting their impact on the natural environment. Yet many cities are witnessing harmful patterns of growth, production and consumption, land use, mobility and degradation of their physical infrastructure.

117. At the United Nations Conference on Human Settlements (Habitat II), the international community adopted the goals and principles of adequate shelter for all and sustainable human settlements development in an urbanizing world. It reaffirmed its commit-

ment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. The international community also subscribed to the principles and goals of equitable human settlements, in which all people have equal access to housing, infrastructure, health services, adequate food and water, education and open spaces. It affirmed that eradication of poverty is essential for sustainable human settlements.

118. Sustainable development is essential to human settlements development and gives full consideration to the needs and necessities of achieving economic growth, social development and environmental protection. Special consideration should be given to the specific situation and needs of developing countries, and, as appropriate, of countries with economies in transition. Human settlements shall be planned, developed and improved in a manner that takes full account of sustainable development principles and all their components, as set out in Agenda 21 and related outcomes of the United Nations Conference on Environment and Development.

119. Formulation and implementation of strategies for human settlements development are primarily the responsibility of each country at national and local levels within the legal framework of each country. National plans of action and other relevant national programmes and actions to achieve the goals of adequate shelter for all and sustainable human settlements development will need to be developed or strengthened, where appropriate, and their implementation will need to be monitored and evaluated by Governments in close cooperation with their partners in development at the national level. There is also a need for an enabling international environment and for integrated approaches at the national and international levels to support these efforts.

120. New and additional financial resources from various sources are necessary to achieve the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world. The existing resources available to developing countries—public, private, multilateral, bilateral, domestic and external—need to be enhanced through appropriate and flexible mechanisms and economic instruments to support adequate shelter for all and sustainable human settlements development. These should be accompanied by concrete measures for international technical cooperation and information exchange.

121. The United Nations system, in cooperation with all States and with relevant international and non-governmental organizations also has a key role to play in promoting international cooperation on the provision of adequate shelter and sustainable human settlements development in an urbanizing world as well as in rural areas.

C. Empowerment of women

122. While the status of women has advanced in some important respects in the past decade, progress has been uneven, inequalities between men and women have persisted and major obstacles remain to women's empowerment, with serious consequences for the well-being of all people.

123. The Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women are important contributions to the advance-

ment of women worldwide and must be translated into effective action by all States, the United Nations system and other organizations concerned, as well as non-governmental organizations.

124. Empowering women is essential for achieving the goals of sustainable development centred on human beings. It requires appropriate public policies to ensure that women enjoy all human rights and fundamental freedoms and participate fully and equally in all spheres of public life, including decision-making. Public policies to promote women's economic potential and independence and their full and equal participation in development are also essential for the empowerment of women. Before decisions are taken in the areas of social and economic development and of the environment, an analysis should be made of their impact on women and men respectively.

125. Measures should be taken to ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms. Actions to be taken by States in this regard include fulfilling their commitments regarding the ratification of, accession to and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000, and avoiding as far as possible resorting to reservations. Measures should also be taken to ensure women's full and equal access to economic resources and social services through full respect for their human rights and fundamental freedoms.

126. Measures are needed to ensure women's equal access to education and to training and retraining. The targets set by the Fourth World Conference on Women for achieving gender equality in primary and secondary education should be implemented. Measures should be taken to ensure women's equal rights with men and their equal access to economic resources and social services, including land, credit, science and technology, vocational training, information, communication, markets and education and the right to inheritance. Eliminating occupational segregation and wage inequality and creating a flexible work environment that facilitates the restructuring of work patterns and the sharing of family responsibilities are also major goals. Methods should be developed for assessing the value of unremunerated work outside national accounts. Policies and development strategies that address the needs and efforts of women living in poverty should be reviewed, adopted or maintained in line with the recommendations of the Platform for Action.

127. Measures are also needed to achieve the full participation of women in decision-making processes in all walks of life and at all levels. The success of policies and measures aimed at supporting or strengthening the promotion of gender equality and the improvement of the status of women should be based on the integration of the gender perspective in general policies relating to all spheres of society as well as the implementation of positive measures with adequate institutional and financial support at all levels. Enhanced participation by women will also contribute to ensuring that all policies and programmes are designed, implemented and monitored in full awareness of their possible or actual gender-specific effects.

128. The Beijing Declaration and the Platform for Action should be urgently implemented in their entirety. Adequate mobilization of resources at the national and international levels, as well as new and additional resources to developing countries from all available funding mechanisms to strengthen the advancement of women, are required. The implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, aimed at achieving equality by the year 2000, should be accelerated. Also called for is implementation of the relevant sections of Agenda 21 and of the Programme of Action adopted by the International Conference on Population and Development and the Programme of Action of the World Summit for Social Development, as well as of the Geneva Declaration for Rural Women adopted by the Summit on the Economic Advancement of Rural Women and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights.

D. Rights of the child

129. Children are the most important resource for the future. Greater investment in children by parents and societies is essential to the achievement of sustained economic growth, social development and environmental protection. Therefore, the promotion, to the fullest extent, of the health, well-being and potential of all children, adolescents and youth is a crucial objective. The international community expressed its commitment to that objective when it adopted the Convention on the Rights of the Child and at the World Summit for Children. We call for full implementation of the Convention on the Rights of the Child and encourage States to remove all reservations to that Convention.

130. Measures must be undertaken by States, with the support of the international community, to achieve, by the year 2000, the goals contained in the plan of action adopted at the World Summit for Children and to reach the goals set by subsequent international forums for the year 2000 and beyond. The rights of children must be ensured, with special attention paid to the particular situation of girls. Their rights to a standard of living adequate for their health and well-being, including food, clothing, housing and medical care and necessary social services, and their rights to education must be ensured, recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children to provide, in a manner consistent with the evolving capacity of the child, appropriate direction. The efforts of developing countries to achieve those major goals must be supported.

131. Exploitation, maltreatment, child prostitution and child abuse should be combated, and the root causes of these phenomena have to be addressed. Actions are also needed for improving the situation and protecting the rights of children in especially difficult circumstances and ensuring that the vital importance of family reunification is recognized, in line with the Convention on the Rights of the Child and the Programme of Action of the International Conference on Population and Development, and taking into account the relevant provisions of the 1951 Convention relating to the Status of Refugees.

132. Another key issue with regard to the rights of the child is child labour, which is pervasive in many

parts of the world. Overall socio-economic conditions, income uncertainty, women's health and education, schooling opportunities and the size of households all have an impact on child labour. Abolishing child labour requires setting specific target dates for eliminating all forms of child labour that are contrary to accepted international standards, in particular article 32 of the Convention on the Rights of the Child, for ensuring the full enforcement of relevant existing laws and, where appropriate, for enacting the legislation necessary to implement the Convention on the Rights of the Child, and relevant International Labour Organization standards. In this context, priority should be given to the elimination of all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery. National efforts to deal with the problem of working children can be complemented by international support measures, which may include provision of education facilities as well as compensatory support measures for their families.

E. Population and development and international migration

133. The Programme of Action of the International Conference on Population and Development emphasized the importance of translating the Conference's recommendations into actions at all levels. This will involve decisive actions by Governments and increased support from the international community. The effective implementation of the Programme of Action will require an increased commitment of financial resources, both domestically and externally. The developed countries have committed themselves to complementing the national efforts of developing countries on population and development. The Programme of Action includes commitments to increase substantially the availability of international financial assistance to the developing countries in the field of population and development in order to ensure that population and development objectives and goals are met.

134. In this connection, Governments should commit themselves at the highest political level to achieving the goals and objectives contained in the Programme of Action and should take a lead role in coordinating the implementation, monitoring and evaluation of follow-up actions. The Programme of Action endorsed the crucial role of non-governmental organizations, reflected in an effective partnership between Government and non-governmental organizations in all aspects of population and development-related programmes and policies. The capacity of non-governmental organizations for entering into such a partnership needs to be enhanced.

135. The Programme of Action and Agenda 21, among others, affirm that demographic trends cannot be considered in isolation from development. Therefore, population programmes are not simply about numbers and demographic targets, but rather about the human beings who are at the centre of population and development activities. Consequently, the Programme of Action is grounded in a development and human rights framework and underscores the need to reconcile the aspirations and requirements of individual women and men with long-term development objectives.

136. Countries have learned much about the relationships between population growth and sustainable development. There is general agreement that persistent widespread poverty as well as serious social and gender inequalities have significant influences on, and are in turn influenced by, such demographic parameters as population growth, structure and distribution. Gender equality, including full and equal access to education by women, and universal access to basic health care services, including those relating to reproductive health services, are essential to achieving population and development objectives. Furthermore, integrating population into economic and development strategies will both speed up the pace of sustainable development and poverty eradication and contribute to the achievement of population objectives and an improved quality of life of the population.

137. Successful reproductive health care, including family planning programmes, must be based on the principle of free and responsible choice of family size and child-spacing, which includes the ability of men and women to make informed decisions on the number and spacing of their children. Such choice calls for access to the widest possible range of health-care programmes and services and for greater support for reproductive health services and appropriate educational programmes.

138. Concomitant support is needed for stronger, better coordinated global actions against major diseases that take a heavy toll of human lives, such as malaria, tuberculosis, cholera, typhoid and HIV/AIDS. In this context, the Joint and Co-sponsored United Nations Programme on HIV/AIDS should be brought into full operation as quickly as possible and the relevant resolutions of the General Assembly and the Economic and Social Council on malaria should be implemented.

139. The international community also has a vital role to play in attaining the objectives of the Programme of Action regarding international migration and development, which reflects the special importance attached to the impact of international migration on both countries of origin and receiving States. The flow of people between countries, and indeed within countries, affects and is affected by the development process. As underlined in the Programme of Action, international economic imbalances, poverty and environmental degradation, combined with the absence of peace and security, violations of human rights and the varying degrees of development of judicial and democratic institutions are all factors in the movement of people.

140. There is a need to formulate or strengthen measures at the national level to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in sectors of many societies and to promote greater harmony and tolerance in all societies. Ultimately, the long-term manageability of international migration hinges on making the option to remain in one's country a viable one for all people. The possibility of convening an international conference on migration and development could be considered.

F. Environment and development

1. Full implementation of Agenda 21 and other outcomes of the United Nations Conference on Environment and Development

141. The consensus on and basis for actions at global, regional, subregional, national and local levels to ensure sustainable development has been established by the United Nations Conference on Environment and Development in Agenda 21, the Rio Declaration on Environment and Development and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, as well as in all international conventions on the environment and development. Priority must be given to the prompt and full implementation of these commitments and recommendations.

142. At the United Nations Conference on Environment and Development an integrated approach towards development and environment was adopted, whereby the protection of the environment would constitute an integral part of the development process and could not be viewed in isolation from it. Depletion and degradation of nature and its resources endanger the prospects for development for our generation and even more so for future generations. The cost of reversal will be far higher than the cost of prevention. Therefore, sustainable development strategies and programmes which aim at integrating environmental protection requirements into economic, social and development policies should be formulated and implemented at all levels. All States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and development policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, in keeping with the principles contained in the Rio Declaration, Agenda 21 and relevant international environment conventions.

143. Eradication of poverty should have the highest priority on the international agenda. One of the adverse effects of poverty, which affects mostly developing countries, is related to environmental and natural resource degradation. The essential task of eradicating poverty is an indispensable requirement for sustainable development in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. Strategies aimed at poverty eradication are also important in avoiding degradation of resources.

144. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable patterns of consumption and production, particularly in industrial countries, which is a matter of grave concern, aggravating poverty and imbalances. Promoting changes in such consumption and production patterns should also be of the highest priority. All countries should strive to promote sustainable consumption and production patterns. In view of the different contributions to global environmental degradation, States have common but differentiated

responsibilities. Developed countries bear a special responsibility and should take the lead in this area. Action is required to promote changes in unsustainable production and consumption patterns through behavioural changes and through the promotion of internalizing environmental costs and the potential use of economic instruments that can both generate revenue for financing sustainable development and send signals to the market to help to change unsustainable consumption and production patterns.

145. In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, official development assistance is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 is required. So far, the financial resources provided to developing countries have fallen short of expectations for the means of implementation set forth in Agenda 21. All countries should honour their commitments related to financial resources and mechanisms for implementation, as laid down in chapter 33 of Agenda 21. Both domestic budgets and development assistance, including assistance by the United Nations system, should be consistent with and supportive of the objectives of sustainable development. The potential of innovative, additional financial resources should be urgently explored.

146. The Global Environment Facility, whose additional grant and concessional funding is designed to achieve global environmental benefits, should meet the agreed incremental costs of relevant activities under Agenda 21, in accordance with the Facility instrument, in particular for developing countries. The restructured Facility, with initial commitments of 2 billion United States dollars for three years, constitutes a first step in providing resources to address global environment concerns. The prime task now is for the Facility to pursue its operational phase in line with its agreed operational strategy, while ensuring that it continues to be consistent with the guidelines of relevant conventions. Facility procedures could be further improved to speed up project implementation without compromising the quality of appraisal and participation.

147. Another essential dimension of the commitments of the United Nations Conference on Environment and Development concerns concrete measures for the transfer of environmentally sound technologies to developing countries on favourable terms, including concessional and preferential terms, as mutually agreed. The Governments of developed countries have a major role to play, both as a conduit for such transfers and by providing market incentives for the private sector. Recognizing the importance of protecting intellectual property rights and taking into account the special needs of developing countries are two essential considerations in the transfer of environmentally sound technology.

148. The process relating to the United Nations Conference on Environment and Development culminated in a new global partnership for sustainable development. Implementing the recommendations of Agenda 21 is essential for strengthening this partner-

ship based on common but differentiated responsibilities. In this partnership, the special situation and needs of developing countries, particularly the least developed countries and those most environmentally vulnerable, must receive special priority.

149. The United Nations system has a key role in stimulating and supporting countries and major groups in the implementation of Agenda 21, in helping to build further consensus and in preparing the ground for standard-setting on issues of sustainable development.

2. Implementation of international conventions on the environment

150. International legal instruments for the regulation of activities affecting the environment form an essential framework for practical efforts by the international community to reduce environmental degradation and promote sustainable development. In this context, it is important to promote further the implementation and development of international conventions in the field of environment and development, taking into account the principles contained in the Rio Declaration.

151. The full implementation of these instruments will be an important contribution to ensuring the sustainable use of land, marine and air resources, including through reduction and recycling of waste and through nature management. Governments should become parties to and comply with the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, signed at the United Nations Conference on Environment and Development. They should also become parties to and implement the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; and the Montreal Protocol on Substances that Deplete the Ozone Layer. Countries are encouraged to sign and become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and to implement that agreement. Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States is also called for.

152. Developed countries parties to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, should support, through fulfilling their commitments to mobilize substantial financial resources and to facilitate the transfer of technology, knowledge and know-how, the efforts of affected developing countries parties, in particular African countries, to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought.

153. Developed country parties should fulfil their financial commitments and enhance cooperative efforts to support developing country parties in implementing the Convention on Biological Diversity and the United Nations Framework Convention on Climate

Change. The effective implementation of the two conventions and their strengthening, in accordance with decisions adopted by the respective conferences of the parties, should be ensured by the parties with the support of the international community. Developed country parties should continue their efforts to support parties undergoing the process of transition to a market economy in the implementation of those conventions.

154. Action towards sustainable development is an evolving process: additional commitments, actions and instruments may be required in the light of new global, regional and subregional or national developments and needs. But this should in no way delay the implementation of what has been agreed.

G. Humanitarian issues and development

155. Humanitarian assistance is essential for the victims of natural disasters and other emergencies, including major technological and man-made disasters. Emergency measures should be seen as a first step towards long-term development.

156. The General Assembly has recognized that humanitarian assistance must be provided with the principles of humanity, neutrality and impartiality. It has also recognized that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. Humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.

157. At the same time, each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory and to provide for the security of humanitarian personnel. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory. To this end, the United Nations is continuing to identify ways of strengthening the co-ordination of emergency humanitarian assistance of the United Nations system.

158. Many emergencies reflect the underlying crisis of development facing many developing countries, which needs to be addressed by Governments and the international community if the emergency is not to recur. Therefore, in order to prevent the occurrence or recurrence of emergency situations, support is required for medium- and long-term social and economic development. The implementation of commitments to sustainable development, including those related to economic growth, will contribute to the ability of developing countries to undertake disaster prevention and preparedness, including support for food security and strengthening health and education systems in affected countries, as well as equal access to education and the building up of national institutions, and the rule of law, as well as for strengthening the capacity of recipient institutions to manage emergency situations.

1. Continuum from relief to rehabilitation and development

159. Where emergency situations arise, rapid provision of humanitarian assistance by the international community remains, of course, imperative. However, this form of assistance must be planned with a view to

an equally rapid transition to rehabilitation and reconstruction and be part of the continuum concept which aims at resuming development at the earliest opportunity. At the same time, it should be recognized that the continuum concept may require different approaches in different situations.

160. Prevention, preparedness, emergency response, economic recovery and rehabilitation are all part of a comprehensive response to reduce developing country vulnerability to emergencies. Thus far, however, the international community has mostly been able only to react to emergencies through the provision of humanitarian assistance, which can only alleviate human suffering in a short-term perspective. Expenditure on relief activities should not have a negative impact on development programmes.

161. In virtually all post-emergency situations, resettlement of refugees, displaced persons and other disaster victims, as well as the restoration of physical infrastructure, are some of the major conditions for recovery. In cases of post-conflict peace-building situations, programmes such as demining, demobilization and reintegration of ex-combatants as well as confidence-building and reconciliation measures are essential for moving forward in the continuum towards development. Equally important are restoring public institutions, police and judicial systems and resuming economic and social development, in preventing the possible resurgence of conflict situations.

162. Although certain intermediate phases can be established, the distinction between different stages of the emergency-to-development continuum is often vague. This requires a comprehensive and coordinated response not only to rehabilitation and reconstruction but also to development needs by the United Nations system, including the Bretton Woods institutions, the international community and Governments. The mandates of humanitarian agencies and development organizations must be delineated clearly in order to counter the tendency of these agencies and organizations to extend mandates, either from relief to development or vice versa, without having necessarily the institutional capacity to take on such new roles effectively.

163. In order for the international community to respond rapidly and effectively to humanitarian emergencies at the various stages of the continuum, the establishment of an international network of voluntary humanitarian relief teams that can be deployed rapidly to cope with humanitarian emergencies, such as the white helmet initiative acting within the framework of the United Nations Volunteers, could be considered.

2. Early warning, prevention, preparedness and reduction of natural disasters

164. In recent years, with, in many areas, ever larger populations at risk, disasters have had increasingly stronger impacts in terms of human and economic losses, impoverishment and long-term displacement of populations. The commitments of the Yokohama Strategy for a Safer World, adopted by the World Conference on Natural Disaster Reduction, which has defined concrete actions for disaster reduction, should be implemented.

165. Disaster prevention, mitigation and preparedness are of primary importance for reducing the need for disaster relief. They should become an integral

part of national strategies and programmes for sustainable development. There should be greater efforts to enhance national capabilities for early warning and disaster mitigation, which should be supported with adequate financial resources and transfer of technologies to developing countries and, as appropriate, countries with economies in transition.

166. Enhanced subregional, regional and international cooperation are essential for disaster preparedness. Prevention, mitigation and preparedness for natural disasters, and actions to implement the Yokohama Strategy, could be integrated into the country strategy note, where appropriate. A coordinated and timely preventive response of Governments, non-governmental and other organizations, and agencies and communities requires strengthening of the early-warning potential of the United Nations system.

3. Response to other humanitarian emergencies

167. Humanitarian emergency situations have become more frequent, more widespread, more complex and longer lasting, combining inter-State and internal conflicts, large-scale displacements of people, mass famine, disruption of economic, political and social institutions and, in some cases, natural disasters. A result has been that a growing percentage of development assistance is being devoted to such complex emergencies. There is a need to avoid the situation in which such a trend has a negative impact on long-term development programmes.

168. The response of the international community to complex humanitarian emergencies has become better coordinated, more effective and more efficient. The United Nations plays a central role in the international response to this daunting challenge, working closely with other international agencies. The creation of the Department of Humanitarian Affairs of the Secretariat illustrates the determination of the United Nations to respond more effectively to this task. The coordinating role of the Department among the various relevant agencies should be further strengthened, including by developing formal memoranda of understanding with them.

169. Further progress requires the provision of adequate contingency funds and the establishment of planning and logistical mechanisms to allow a faster and more effective response to complex emergencies.

170. Ways also have to be found to address basic needs during complex emergencies. Issues such as humanitarian needs of displaced persons, which are not under the direct mandate of humanitarian agencies, should also be addressed. Coordination and clear mandates and responsibilities, particularly in the field, are also essential in cases where there is a humanitarian component to a peacekeeping operation. While peacekeeping, civilian, humanitarian, economic, social and political activities are all part of the integrated process of peace-building, special attention should be given to the observance of the norms and principles of international law, including international humanitarian law.

171. The effective delivery assistance of relevant non-governmental organizations and volunteers in situations of complex emergencies should be further recognized as an important complementary part of the coordinated international, regional and subregional

response and incorporated into the programming of actions.

4. Refugees and displaced persons

172. The number of refugees and displaced persons has been rapidly increasing owing to a number of complex factors which include armed conflicts, human rights violations, political instability, absolute poverty, social disintegration, lack of resources and environmental degradation. Most of the refugees are located in or move into developing countries, often imposing an enormous burden on those States which already face difficult economic and social conditions. International support for the activities of recipient countries for refugees and displaced persons is hence a necessity.

173. Some countries with economies in transition also face burdens related to refugees and displaced persons. There is, therefore, a need for the international community to support them in order to address those problems.

174. The root causes of movements of refugees and displaced persons should be tackled in a coordinated and integrated manner. A durable solution to the plight of the present large numbers of refugees and asylum seekers should be found. Their needs as regards protection in accordance with internationally recognized standards and national law, and as regards assistance, must receive the necessary support. Governments should strive to meet their basic needs and build their self-sufficiency. The conditions for voluntary repatriation of refugees and returnees in safety and dignity, and for ensuring adequate reception arrangements and smooth reintegration, should be created.

H. Participatory approach to development

175. There has been a multiplication of non-State actors in development—those of the civil society—who are playing an increasingly important role in development. The State has overall responsibility for policy formulation in the economic, social and environmental spheres, including the correction of market failures, the provision of public goods and the creation of a favourable enabling environment for the private sector as well as a favourable legal and regulatory framework. It should also encourage effective participation by the private sector and major groups in activities that complement and reinforce national objectives.

176. Participation is an essential component of successful and lasting development. It contributes to equity by involving people living in poverty and other groups in planning and implementation. Participatory decision-making, together with the rule of law democracy and transparent and accountable governance and administration in all sectors of society, is an important requirement for the effectiveness of development policies.

177. Full participation in society should be achieved through the promotion and protection by Governments of all human rights and fundamental freedoms, including the right to development, bearing in mind the interdependent and mutually reinforcing relationship between democracy and respect for human rights. Governments should make public institutions more responsive to people's needs. Therefore, full respect for all human rights and fundamental freedoms, in accordance with the conclusions of the Vienna Declaration and Programme of Action, should be promoted.

178. There is a large potential benefit to be derived from increased participation. In order for it to be realized, Governments should establish institutional and legal frameworks and decentralized processes that allow their people greater involvement in the decisions that affect their lives. This requires that Governments give adequate support to the administration of justice as well as to public administration, which should be responsive to the requirements of their people.

179. Governments are encouraged, where appropriate, to decentralize their public institutions and services to a level that, compatible with their overall responsibilities, priorities and objectives, responds properly to local needs and facilitates local participation. To ensure effective decentralization and strengthening of local authorities and their associations and networks, Governments, at the appropriate levels, should review and revise, as necessary, legislation to increase local autonomy and participation in decision-making, implementation and resource mobilization and use, especially with respect to human, technical and financial resources and local enterprise development, within the overall framework of a national economic, social and environmental strategy. Governments, when they consider it appropriate, could work on decentralization programmes with the support of donors and international institutions.

180. The key to participatory development means fulfilling the potential of people by enlarging their capabilities, and this necessarily implies empowerment of people, enabling them to participate actively in their own development. In order to fulfil their potential, people, especially those who are vulnerable and disadvantaged, must participate actively in establishing and maintaining independent organizations representing their interests, within each country's constitutional framework. Political empowerment is an integral aspect of participatory development.

181. A vigorous civil society is indispensable for popular participation at all levels and an essential component of any successful development strategy. Community organizations, business and workers' organizations, non-governmental organizations and self-help groups must be actively involved. Governments should view them as important actors and partners in development. Greater accountability and transparency in the activities of such organizations would be helpful in this regard. In countries where the participation of civil society is weak, it should be a major purpose of public policy to strengthen it.

182. Broadening and strengthening the participation of developing countries in the international economic decision-making process is also necessary.

I. Actions related to countries in special situations

183. International cooperation for development should take account of the development experiences and circumstances of countries in formulating and implementing comprehensive development approaches.

184. Action on many fronts is needed. A combination of grant aid, concessional loans and technical assistance, which can contribute to the financing of the necessary economic and social infrastructure, together with strategies designed, *inter alia*, to increase export earnings, attract foreign direct investment and reduce

external debt, can provide sufficient conditions for development.

185. The critical situation of Africa and the least developed countries requires that priority should be given to those countries in international cooperation for development and in the allocation of official development assistance. Those countries should implement at the national level structural adjustment policies that take into account social development goals, as well as effective development strategies that create a more favourable climate for trade and investment, give priority to human resources development and further promote the development of democratic institutions. These national efforts should be supported by the international community.

1. Africa

186. The critical socio-economic condition in Africa concerns the international community as a whole and requires global partnership and solidarity in order to address and resolve it. Although Africa is faced with enormous problems, it also has great potential, both in human and natural resources, for economic growth and development. The obstacles to the socio-economic development of Africa are well known. Tackling these problems and paving the way to accelerated and self-sustaining growth and sustainable development through decisive implementation of commitments and actions have, however, been lacking.

187. The external debt problems of African countries require further attention. The measures taken by the Paris Club, including the Naples terms, should be further implemented in a full, constructive and expeditious manner. Effective, equitable, development-oriented and durable solutions have to be found to the problems of external debt and the burden of debt, which continue to impede the socio-economic development of African countries despite measures taken on both a bilateral and a multilateral basis to reduce or reschedule their debt.

188. The international community should reaffirm its commitment to give full support to the development efforts of Africa. This requires, *inter alia*, measures to contribute to durable solutions to the external debt and debt-servicing problems, to increase foreign direct investment, to enhance national capacity-building, to deal with the shortage of domestic resources for development and to facilitate the integration of the African countries into subregional and regional trade as well as into world trade.

189. The international community should support African countries so that they benefit fully from the results of the Uruguay Round and to mitigate any adverse effect of the Final Act. It is essential to implement the measures decided upon in the Final Act and the complementary provisions specified in the Marrakesh agreement in favour of least developed countries and concerning the possible negative effects of the reform programme on these countries and on the net food-importing developing countries. In this regard, there is urgent need for financial and technical assistance to African countries to enable them to evaluate the impact of the Final Act and to identify and implement adaptive measures to enhance their competitiveness and trade performance in order to benefit from the Uruguay Round. In addition, it is essential to support the

efforts of African countries to diversify their economies. New export capacities and opportunities have to be created and diversification across markets and products should be encouraged. The call for financing the preparatory phase of commodity diversification projects and programmes should be pursued. State participants in the African Development Fund and multilateral institutions are urged to pay special attention to the diversification of African commodities and to contribute to the preparatory phase of African diversification projects. In order to support effectively efforts to diversify commodity exports and boost earnings, the international community, particularly the major trading partners, should continue to commit themselves to granting enhanced market access to Africa's exports through substantial reduction in or removal of trade barriers and through preferential arrangements, in accordance with the Uruguay Round agreements.

190. There is an urgent need for concerted and better coordinated international action on the myriad of adverse socio-economic factors that compound poverty in Africa and hamper its prospects for growth and development. This includes addressing effectively and comprehensively the issues of conflict resolution, including post-conflict peace-building and the continuum from relief to rehabilitation and development; stronger and better coordinated global actions against major diseases that take a heavy toll in human lives; and alleviating the effects of natural disasters through programmes on early warning, preparedness, prevention and mitigation. The international community should also assist African countries in their efforts to eradicate poverty and meet basic human needs.

191. The United Nations system also has a major role to play in coordinating and implementing activities that address the critical situation in Africa, including through the implementation of the United Nations New Agenda for the Development of Africa in the 1990s and the follow-up to the outcome of the Tokyo International Conference on African Development and other related initiatives.

2. Least developed countries

192. Despite the adoption of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, there has been a decline in real terms of total official development assistance for least developed countries and continued marginalization of those countries, and their number has increased from 41 to 48 without a proportionate increase in support measures despite national and international efforts. Reversing the further marginalization of the least developed countries and achieving their integration in the world economy are essential for their growth and development and pose a major challenge to the international community.

193. In order to succeed, the full support of the international community is required. Appropriate economic and social policies are also required and technical capacity and physical and institutional infrastructures need to be built up. Special support should therefore be given to the least developed countries in their development efforts, in order to facilitate their integration into the world economy, to enable them to participate in and to allow them to fully benefit from the processes of globalization and liberalization of

trade and the increase in international private resource flows.

194. In view of their limited domestic resources, the least developed countries will continue to need enhanced external financial assistance and other support. Achieving the accepted United Nations target for official development assistance to the least developed countries of 0.15 per cent of the gross national product of donor countries is particularly urgent. Donor countries that have not met this target should make their best efforts to reach it as soon as possible, and donor countries that have met the 0.15 per cent target should undertake to reach 0.20 per cent by the year 2000. Further improvements should be made in aid coordination and effectiveness.

195. Many least developed countries face serious debt problems and more than half are considered debt-distressed. Most of their debt is owed to official creditors, both bilateral and multilateral. The serious debt problems of least developed countries necessitate continued efforts in the framework of the international debt strategy. This strategy includes concrete measures to alleviate the debt burden and economic policy measures, which will be critical to the revitalization of growth and development. Those least developed countries should continue to benefit from substantial debt relief schemes. Paris Club creditors are invited to continue to implement fully, constructively and expeditiously the very concessional treatment under the Naples terms, and the Bretton Woods institutions are encouraged to expedite the ongoing consideration of ways to address the issue of the multilateral debt, including those concerning the least developed countries.

196. The international community should support least developed countries so that they benefit fully from the results of the Uruguay Round and to mitigate any adverse effect of the Final Act. It is essential to implement the measures decided upon in the Final Act and the complementary provisions specified in the Marrakesh agreement in favour of the least developed countries and concerning the possible negative effects of the reform programme on these countries and on the net food-importing developing countries. Urgent steps are needed to provide enhanced market access to major markets for products originating from least developed countries. There is also scope for further improvement of the Generalized System of Preferences schemes and other supportive measures in favour of least developed countries.

197. In 1990, through the adoption of the Declaration and Programme of Action of the Second United Nations Conference on the Least Developed Countries, the international community agreed on measures to revitalize the development of the least developed countries. At the United Nations Conference on Environment and Development, the International Conference on Population and Development and the World Summit for Social Development, and within the framework of other relevant conferences, agreements and conventions, further commitments have been made to support the efforts of those countries. At the Mid-term Global Review of the Implementation of the Programme of Action for the Least Developed Countries for the 1990s, concrete measures and recommendations were agreed upon to implement the Programme

of Action. They should be operationalized and implemented as appropriate. The international community must give high priority to the full and timely implementation of the Programme of Action and fulfil all its commitments in favour of the least developed countries.

3. Small island developing States

198. The international community, international organizations and the United Nations system should cooperate in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States and of Agenda 21 and support the economic transformation of those States. This requires adequate, predictable, new and additional financial resources, transfer of environmentally sound technologies, including on concessional and preferential terms as mutually agreed, and promoting fair and non-discriminatory trading arrangements. Appropriate exchanges among small island developing States and between them and other States with similar development experiences are also to be encouraged. The Global Environment Facility should constitute an important channel of assistance to small island developing States in responding to their special needs and vulnerabilities.

199. The sustainable development of small island developing States requires concrete action by the international community to address the constraints to their development outlined in the Programme of Action and in Agenda 21. It also requires a supportive international institutional framework, including a strong monitoring and review role by the Commission on Sustainable Development. Appropriate support should be given to the information network for small island developing States, known as SIDSNET, and the technical assistance programme, known as SIDSTAP, which are important instruments for technical cooperation and for promoting information exchange.

4. Landlocked developing countries

200. Specific action at national, bilateral, sub-regional, regional and international levels should be taken as a matter of urgency and priority to address the special development problems and needs of landlocked developing countries. To that end, international support, through appropriate technical cooperation and financial assistance by developed countries and multilateral financial and development institutions, is needed to enhance the capacity of the landlocked developing countries to participate effectively in the rapidly globalizing world economy, including global trading, investment and technology transfer processes.

201. Particular emphasis should be given to the cooperative and collaborative efforts of the landlocked and transit developing countries in dealing with the transit problems, inter alia, through improving the transit transport infrastructure facilities and concluding bilateral agreements to govern transit transport operations; development of joint ventures in the area of transit transport; and strengthening of institutions and human resources dealing with transit transport. Active and consistent efforts are needed to implement the Global Framework for Transit Transport Cooperation between Landlocked and Transit Developing Countries and the Donor Community endorsed by the

General Assembly at its fiftieth session. Since most transit countries are themselves developing countries facing serious economic problems, their efforts at developing a viable transit infrastructure also need financial and technical support.

5. Countries with economies in transition

202. The international community should continue to give attention to the needs of countries with economies in transition and support in particular their efforts to integrate into the world economy. A number of international meetings and conferences, including those held under United Nations auspices, have recognized the specific needs of those countries in various areas of development and the necessity to provide them with temporary assistance upon their request aimed at solutions to the most acute problems. Such recommendations should be fully implemented by the international community and the United Nations system. To this end, an appropriate strategy should be defined for strengthening solidarity with these countries, taking into account the need to preserve the United Nations system's high priorities in development, in particular international development cooperation.

J. Means of implementation

203. The effective implementation of the present Agenda, as well as of the decisions and commitments reached at the recent series of United Nations global conferences, summits and other meetings, requires the urgent mobilization and more efficient use of resources for development. It is critical to generate the political will to mobilize and make available the necessary resources—public and private, financial and human, national and international—if all States, the United Nations system and the international community as a whole are to mount a full and effective response to the Agenda. In formulating this response, attention has to be given to both the quantitative and the qualitative aspects of development as well as to timeframes for implementation.

1. Mobilization of domestic resources for development

204. All countries should continue to implement policies and measures to mobilize domestic resources according to national strategies and priorities and to achieve an appropriate level of domestic savings. Measures should include the maintenance of sound fiscal and monetary policies, efficient and equitable taxation systems, low budget deficits and an efficient allocation of budgetary resources in which due priority is given to productive expenditure.

205. Political institutions and legal systems that ensure the equitable distribution of domestic resources enhance the effectiveness and flexibility of national policy frameworks. Public expenditures offer significant opportunities for promoting growth and the equitable redistribution of resources.

206. All countries should explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures and the arms trade and investments for arms production and acquisition, taking into consideration national security requirements, so as to allow possible allocation of additional funds for social and economic development.

2. External resources

207. The savings efforts of developing countries, in particular African countries and the least developed countries, to generate sufficient domestic savings need to be supplemented by external resources so as to raise investment to the levels necessary for adequate sustained economic growth. New and innovative ideas for generating resources for development should be explored.

(a) External debt

208. The international community, including the international financial institutions, is invited to continue to explore ways of implementing additional and innovative measures to alleviate substantially the debt burdens of developing countries, in particular the highly indebted low-income countries, in order to help them to achieve sustained economic growth without falling into a new debt crisis.

209. In this context, the Heavily Indebted Poor Countries Debt Initiative endorsed by the Interim Committee of the International Monetary Fund and the Development Committee of the World Bank and the International Monetary Fund, which is designed to enable eligible heavily indebted poor countries to achieve a sustainable debt situation through coordinated action by all creditors on the basis of adjustment efforts by the debtor countries, is welcomed. It is recognized that the implementation of the Initiative requires additional financial resources from both bilateral and multilateral creditors without affecting the support required for development activities of developing countries. The importance of implementing the Initiative's eligibility criteria flexibly so as to ensure sufficient coverage of the heavily indebted countries is stressed.

210. All the members of the Paris Club are encouraged to implement fully the initiatives which aim at substantially reducing the bilateral component of the debt burden of the poorest and most heavily indebted countries and at permitting countries sufficiently advanced in an adjustment strategy to exit from the re-scheduling process. To achieve the first aim mentioned above, the Paris Club should continue to apply the Naples terms in a full, expeditious and constructive manner in order to contribute to a durable solution to the debt problems of these countries.

211. Private creditors and, in particular, commercial banks should be encouraged to continue their initiatives and efforts to address the commercial debt of developing countries.

212. The international community should implement fully the appropriate actions identified in the Mid-term Global Review of the Progress towards the Implementation of the Programme of Action for the Least Developed Countries for the 1990s concerning the external debt problems of those countries.

213. Multilateral debt accounts for a high proportion of the external debt of a number of heavily indebted developing countries. The international financial institutions are invited to examine further proposals to tackle the problems of a number of developing countries with regard to multilateral debt, taking into account the specific situation of each country. Such proposals need to preserve the preferred creditor status of the multilateral financial institutions, in order to ensure that they can continue to provide concessional

financing for development to developing countries.

(b) Official development assistance

214. It is important to reverse the overall decline in official development assistance flows and to achieve internationally agreed official development assistance targets as soon as possible. Such assistance should focus on developing countries, with particular priority given to Africa and the least developed countries. Some donor countries have achieved or exceeded the accepted United Nations targets to allocate 0.7 per cent of gross national product for overall official development assistance and 0.15 per cent of gross national product for official development assistance for the least developed countries and are encouraged to continue to do so. Other developed countries reaffirm the commitments undertaken to fulfil these targets as soon as possible. Countries that are in a position to do so should strive to augment their assistance in the framework of development cooperation. Countries should also honour the commitments made in Agenda 21 to provide resources to promote sustainable development.

(c) Role and resources of multilateral financial institutions, including regional development banks

215. The multilateral financial institutions should continue to play a major role in development and in promoting the stability of the international financial system. In their responses to the development needs, priorities and specific circumstances of developing countries, the World Bank and the International Monetary Fund should continue to adjust to the wide-ranging changes in global circumstances. Their programmes should respond to the economic and social conditions, concerns and needs of each country, and should also explicitly include social development goals, in particular eradicating poverty, promoting productive employment, enhancing social integration, and supporting people living in poverty and vulnerable and disadvantaged groups of society. To this end, they are urged to increase cooperation with other development activities of the United Nations system. At the same time, both the World Bank and the International Monetary Fund need an enhanced capacity to fulfil their roles effectively. In particular, resources for the International Development Association should be replenished adequately and in a timely manner.

216. Regional development banks should continue to play an important role in the financing of development. In this context, the adequate and timely replenishment of their concessional mechanisms is essential. Regional development banks should respond effectively to development priorities.

(d) United Nations financing for development

217. The fulfilment of the role of the United Nations system in development and in promoting development cooperation requires resources to be provided on a sound, predictable, continuous and assured basis. The international community should support the development efforts of the United Nations system by providing a substantial increase in resources for operational activities commensurate with the needs of the developing countries and the overall resources of the United Nations. This requires both political commitment by all States and an appropriate balance in terms

of resources devoted to all United Nations activities and to development. New approaches to financing the international development cooperation activities undertaken by the United Nations, including innovative funding sources, should continue to be examined.

(e) Private investment flows

218. Special attention should be given by all countries to measures aimed at promoting international investment flows and enhancing their contribution to development. In order to encourage domestic investment and to attract foreign direct investment, it is essential to have in place a stable, supportive, effective and transparent legal framework. Intellectual property protection is an essential component of an environment conducive to the creation and international transfer of technology. Investment agreements which signal that investment is valued and that all investors will be treated fairly also promote investment. Governments in the developed countries should facilitate long-term investment flows to developing countries. All countries should take measures to ensure that these flows have a positive impact on development, equitable growth, productive capacity, infrastructure, transfer of technology, eradication of poverty, trade expansion, employment and social programmes.

219. The globalization and growth of financial markets has given rise to the need for improved measures to address the negative effects of the volatility of international capital flows. The prevention of financial crises will require enhanced early warning mechanisms, including improved and effective surveillance of national and international financial market developments. If prevention fails, responding to financial market distress will require enhancing the capacity of multilateral institutions to respond in a quick and coordinated fashion. Financial mechanisms need to be developed for this purpose as well as to meet the challenges of the twenty-first century. In this context, the international community should explore ways to broaden appropriate enhanced cooperation and, where appropriate, coordination of macroeconomic policy among interested countries and monetary and financial authorities and institutions, so as to enhance preventive consultation arrangements between such institutions as a means of promoting a stable international financial environment conducive to economic growth, particularly in developing countries, taking into account the needs of developing countries as well as situations that may have a significant impact on the international financial system.

3. Qualitative aspects of development cooperation

220. The quantitative efforts set out above should be complemented by measures to improve the qualitative aspects of international development cooperation, particularly a better focus on its distribution; greater national capacities to coordinate national and international resources; improved national ownership of externally financed programmes; international cooperation based on national priorities, involving other development partners, including civil society; and strengthened national capacities to plan for, manage, monitor and evaluate the impact of development cooperation.

221. To translate the Agenda for Development into practical action, it is essential that further steps are taken to enhance the performance of the United Nations in development. Maintaining adequate levels of funding for United Nations operational activities must be coupled with continued improvements in their performance, including monitoring and evaluation and the measurement of output rather than input.

4. Capacity-building

222. If development activities are to have a lasting impact, the future provision of technical cooperation must focus on strengthening national capacities rather than using international expertise, which is often expensive, and procuring equipment tied to aid. The United Nations system needs to scrutinize whether its activities contribute to the promotion of national ownership and capacity-building. Such promotion should be the central objective of its field-level activities.

223. The international community, including the United Nations system, shall give preference, wherever possible, to the utilization of competent national experts or, where necessary, of competent experts from within the subregion or region or from other developing countries, in project and programme design, preparation and implementation and to the building of local expertise where it does not exist.

224. National execution should be the principal modality for the implementation of programmes by the United Nations system. The pace at which national execution is utilized by recipient countries must depend upon their needs and capacities. Effective national execution also requires both the United Nations system and other actors involved in the provision of technical assistance to give increased priority to assisting recipient countries in building or enhancing the necessary capacity to undertake services at the field level.

225. The need to promote capacity-building and national execution should be taken into account in the design stage of development programmes. Governments will need to take a lead role in identifying such needs at the planning stage and in ensuring that there is adequate national ownership of the programmes as well as in maximizing the efficiency of projects and programmes by keeping overhead costs to a minimum.

226. The United Nations system must also be prepared to address the capacity requirements of different national development partners, including, in addition to Governments, members of civil society, such as the private sector and non-governmental organizations.

227. When building national capacities a number of issues will need to be taken into consideration. These include the articulation of clear development goals, strategies and priorities that are nationally prescribed and supported, where necessary, by external partners; effective performance of functions through a well-trained human resource base; competent organizations and management effectively to utilize and retain skilled people; a policy and institutional environment that can facilitate the performance and accountability of the public sector and other national institutions; and sensitivity to the overall social, economic and cultural environment in which capacity development is to take place.

228. Technical and economic cooperation among developing countries is an instrument that can make important contributions to building national capacities through exchange of information, experiences and expertise.

III. Institutional issues and follow-up

A. Strengthening of international cooperation for development

229. The international community is entering a new and challenging phase in invigorating institutions in support of international cooperation for development. Globalization, liberalization and interdependence have become key features of the world economy. In addition, economic growth and progress in a growing interdependent world are influenced by the process of globalization. Particular attention should be accorded to national and international action to broaden the benefits of the process of globalization and to avoid the risk of marginalization of developing countries, in particular the least developed countries, in the world economy. For developing countries, the most important challenge is the realization of development, which, among other things, calls for economic growth and favourable external conditions. International cooperation for development is more than ever acknowledged as a necessity that derives from recognized mutual interest. Therefore, it is necessary that such cooperation be strengthened. In this effort the United Nations occupies a central position and key role.

230. The United Nations system has a crucial role to play in international cooperation for revitalizing development. In this regard, the United Nations has convened a number of global conferences on major issues. From these conferences, a consensus has emerged on a multidimensional, comprehensive and integrated approach to development which recognizes, among other things, that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development. Fulfilling the goals and commitments reached at major international conferences, particularly on international cooperation for development, is essential if development is to materialize to its fullest extent and in all its facets. There is, therefore, a need to revitalize the system of international cooperation for development, which plays an important role in realizing those goals and commitments.

231. Among the many actors in international development, the United Nations, because of its unique universal character and impartiality and because of its physical presence in many parts of the world, plays a central role in promoting international development cooperation. Through the present Agenda, recommendations are made for a stronger and more effective and efficient United Nations so that it and the United Nations system as a whole can better contribute to development in all countries, in particular the developing countries, through the strengthening of its role in all relevant fields of international development cooperation. Institutional issues must, therefore, be addressed while safeguarding the transparent, democratic and truly universal character of the Organization and taking into account the overall ongoing processes of reform of the United Nations.

B. Role of the United Nations in development

232. In accordance with the Charter of the United Nations, the Organization aims at the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, based on respect for the principles of sovereign equality of all its Members, equal rights and self-determination of peoples, and at achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character. The role and functions of the United Nations in international economic and social cooperation, as defined in the Charter and as further elaborated in various international agreements, including in the outcomes of major United Nations conferences, range wide and deep and should be fulfilled.

233. Among the key characteristics of the United Nations are its universal membership and comprehensive mandate. The United Nations occupies a unique position for addressing the challenges of promoting development in the context of the globalization of the world economy and deepening interdependence among nations. It must play a central and more active and effective role in promoting international cooperation for development and providing policy guidance on global development issues. The responsibilities of the United Nations in the economic, social and related fields should be fulfilled, taking into account the importance of its activities in these spheres vis-a-vis those in other fields.

234. The United Nations constitutes a unique forum for building international consensus on global priorities for which there exists no substitute. Forging consensus and commitments through, inter alia, various international conferences on international economic, social and related issues is one of the most important functions of the United Nations system. To this end, the capacity of the United Nations and its various bodies to undertake analytical and policy-oriented work in the economic and social fields must be fully utilized.

235. The United Nations is also singularly well placed to forge international consensus in the field of development through intergovernmental processes and instruments. Furthermore, the United Nations plays a prominent role in raising public awareness and in promoting and advocating internationally agreed principles and commitments, and their implementation, in this context. It also implements concrete programmes which aim to respond to developmental and humanitarian needs and to promote social justice and the protection of the environment through its activities at the field level and through the collection and dissemination of information.

236. The United Nations has the unique mandate to address issues of peace and development in an integrated manner. In addition, the United Nations has a vital role to play in mobilizing the international community to respond in a comprehensive and coordinated way to rehabilitation and reconstruction as well as to longer-term development needs in connection with humanitarian emergency situations. At the same time, a balance should be ensured between those activities and the Organization's consideration of and actions on development issues.

237. The United Nations, in cooperation with the Bretton Woods institutions, other bodies of the United Nations system, including its specialized agencies, and the World Trade Organization, has a key role in fostering greater coherence, complementarity and coordination in economic policy-making at the global level, including macroeconomic policy issues, and in ensuring the principles of transparency and effective participation and representation, as well as the effective implementation of internationally agreed policies and goals. In this context, the respective competencies of these institutions should be taken into account.

238. An important feature of the United Nations is its operational activities for development in the field. Their fundamental characteristics should be, *inter alia*, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of the developing countries in a flexible manner. The United Nations development system should take into account the specific needs and requirements of the countries with economies in transition and other recipient countries. Furthermore, because of its mandate, the Organization is well suited to promote a balanced approach to development. Therefore, the challenge for the United Nations and its funds and programmes is to effectively support Governments, particularly those of the developing countries, in their efforts to address increasingly complex issues of development in an interdependent world.

239. The Organization will become more effective and relevant in responding to the needs of the Member States only as a result of ensuring adequate and predictable funding; high-quality performance in the field of international cooperation for development; transparency and full accountability to its Member States; revitalization of its institutional structures; avoidance of overlapping and duplication; and responsiveness to changing conditions and trends.

240. There is a need for a clear relationship between the policy work of the United Nations and its operational role.

C. Enhancing the role, capacity, effectiveness and efficiency of the United Nations system in development

241. Over the past 50 years the United Nations system has grown and expanded in the economic, social and related sectors. Through its activities, the system has contributed significantly to the development process. The Organization should respond more effectively to changing development needs, particularly to the needs of enhancing international cooperation for development and promoting the development of the developing countries. Strengthening system-wide coordination of activities and institutions will contribute to enhancing the role, capacity, effectiveness and efficiency of the United Nations system in development. In this context, building collaboration between national Governments and regional and other multilateral agencies in support of country-driven processes should be taken into account.

242. Essential to improving the coordination and focus of the development activities of the United Nations system is to ensure that it is guided by a clear set of priorities and strategies identified by the General Assembly, with the support of the Economic and Social

Council, that incorporate the outcomes of recent major international conferences. Also essential is that the Council has the capacity to fulfil its role in overall coordination in the economic, social and related sectors and in guidance of operational activities.

243. Efforts are needed to continue the process of enhancing the effectiveness and efficiency of the Assembly, the Council and its subsidiary bodies, the United Nations Secretariat and other parts of the United Nations system as well as the framework for operational activities. Furthermore, achieving greater coordination, coherence and complementarity among related activities and improving linkages between them will also contribute to strengthening the organizational structure of the United Nations system.

244. Ensuring complementarity and avoiding overlapping and duplication of work between the Assembly and the Council, including its functional commissions, is of particular importance for an effective and coordinated follow-up to major United Nations conferences.

1. General Assembly

245. The General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policies in the economic, social and related fields and the main forum where Governments pursue the development dialogue in its political context. This dialogue aims both at promoting an integrated view of matters relating to the economic, social and related fields, thus fostering the deeper political understanding needed for enhanced international development cooperation, and at generating impulses for action and launching initiatives. The Assembly should exert greater policy leadership on development issues inasmuch as the Charter of the United Nations provides the Assembly with broad mandates concerning these issues.

246. Measures have to be identified to enhance the ability of the debate in the General Assembly to generate substantive solutions to specific policy problems and to take an integrated approach to development. To facilitate discussions based on an integrated approach to development issues, the possibility should be explored of choosing a principal theme or themes in order to focus substantive debate under each "cluster" in the agenda without prejudice to the right of delegations to raise any other specific issue in the debates.

247. In the strengthening and revitalization of the Assembly, this body should consider, in the context of all its Main Committees, promoting the use of innovative mechanisms, in accordance with its rules of procedure, such as panel discussions with delegations and interactive debates with the active participation of Secretariat and agency representatives as well as outside experts.

248. Better use should be made of the forum of the Assembly to deal with major economic, social and related issues. The Assembly has the overall responsibility for ensuring the implementation of the results of United Nations conferences and facilitating and reviewing progress achieved. In this context, the Assembly should provide policy guidance and carry out, on a periodic basis, an overall review of the implementation of the outcomes of the conferences. Such conferences should be complementary to the Assembly's in-depth

consideration of major issues of concern to the international community.

249. At the same time, for the Assembly to perform fully its Charter role, measures also have to be taken in addition to the strengthening of the Assembly itself to ensure that priorities set by the Assembly are fully implemented and followed up by the entire United Nations system. The policy guidance role of the Assembly in promoting international cooperation to solve international problems of an economic and social character should be fully exercised in all areas of development, including macroeconomic issues.

250. The United Nations Conference on Trade and Development, as a principal organ of the Assembly, has a contribution to make in strengthening policy-oriented debates in the Second Committee.

2. Economic and Social Council

251. In accordance with the relevant provisions of the Charter, the Economic and Social Council must continue to strengthen its role as the central mechanism for coordination of the United Nations system and its specialized agencies and supervision of subsidiary bodies, in particular its functional commissions, in the economic and social fields. The ongoing efforts to reform the Council call for more effective procedures and review of its work programme and working methods and should result in an increased capacity of the Council to provide overall guidance and to monitor and coordinate the United Nations development system. These reforms should be allowed to take root and be built upon.

252. In this context, the Council should:

(a) Consider, in a high-level segment with ministerial participation, major issues for international cooperation in the economic, social and related fields. The high-level segment should be used for improving the synergy between the economic and social sectors of the United Nations system. In doing so, the Council should also contribute towards enhancing the interaction between the United Nations, the Bretton Woods institutions and the World Trade Organization;

(b) Ensure a coordinated follow-up to the implementation of major United Nations conferences through its subsidiary machinery and provide overall guidance and coordination to the United Nations system as a whole in the economic, social and related fields. A strengthened coordination function also requires closer interaction between the Council and the Administrative Committee on Coordination, which should include in its reports to the Council action-oriented recommendations to improve United Nations system-wide coordination on issues for consideration by the Council;

(c) Fully exercise its role as the overall coordinating body of all United Nations development funds and programmes. This should include providing guidance to the Executive Boards of funds and programmes and monitoring the implementation of General Assembly policies and guidelines, including operational aspects of the follow-up to major United Nations conferences. The Council should promote greater coherence and closer interaction between the work of its subsidiary bodies and the work of the United Nations funds and programmes;

(d) Encourage its subsidiary bodies to improve their working methods as mandated by the Assembly;

(e) In the context of its general segment, whose primary function is that of an action-oriented review of the activities, reports and recommendations of its subsidiary bodies, avoid a repetition of the debates held in those bodies and focus attention on major policy issues that require a prioritized and coordinated response from the United Nations system as a whole.

253. The Bureau of the Council should play an active role by meeting regularly, including by convening open-ended informal consultations of the Council. The Bureau shall brief the Council on its deliberations and shall not have the authority to make decisions on any substantive matters. The Bureau should be encouraged to continue its role as facilitator.

(a) Subsidiary bodies of the Economic and Social Council

254. The Council should fully exercise its authority vis-a-vis its subsidiary bodies. Better guidance by the Council to its functional commissions and expert groups and bodies is particularly important. The functional commissions should in a coordinated way be able to give the best possible support to the Council in its role of providing overall coordination and guidance and in the follow-up to major United Nations conferences. It is therefore crucial to ensure that these commissions, groups and bodies can effectively serve as catalysts for action.

255. In the case of the functional commissions with primary responsibility for the follow-up to and review of the implementation of the outcome of a major conference, the Council shall ensure the harmonization and coordination of their agendas and work programmes by promoting a clearer division of labour among them and providing clear policy guidance to them. Within their respective mandates, functional commissions should focus on the core issues relating to the Conference for which they are responsible and obtain inputs from other relevant bodies on related issues.

256. The Council shall undertake a review of its functional commissions, expert groups and bodies as mandated by the relevant sections of annex I to General Assembly resolution 50/227 of 24 May 1996. Following this review, which the Council should complete by the fifty-second session of the General Assembly, the Council should continue to monitor the effectiveness and efficiency of its subsidiary bodies.

(b) Regional commissions

257. The regional commissions play an important role in bringing the work of the United Nations closer to specific development situations and concerns of countries and regions. This would include fostering economic cooperation, economic integration and economic development by providing the Assembly, through the Council, with substantive analytical and policy-oriented work, and assisting countries in each region in the implementation and monitoring of recommendations of conferences as well as other commitments. The United Nations should also give a stronger focus to regional problems and prospects in the socio-economic fields in a cost-effective manner. For this purpose, the regional commissions should be more fully utilized, in accordance with their respective mandates. In this context, the results of the review man-

dated by the Assembly should be taken into account. The Council shall ensure the active participation of the regional commissions in its examination of the follow-up to major conferences. The Council shall also encourage the regional commissions, under the guidance of their member States, to continue to undertake their own management and functional assessment for adjusting their priorities, mandates, tasks and structures, taking into account the fact that numerous other regional institutions have been created.

3. United Nations funds and programmes

258. United Nations funds and programmes are important vehicles for advancing development cooperation. There is need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis commensurate with the increasing needs of developing countries, which should be addressed urgently and expeditiously. Innovative sources of funding could be an additional element for the provision of resources for operational activities for development. The urgent and specific needs of the low-income countries, in particular the least developed countries, should receive priority allocation of grant resources of programmes and projects provided through the funds and programmes.

259. The United Nations operational activities for development should be implemented by the funds and programmes in accordance with Assembly resolutions adopted, particularly in the context of the triennial policy review of operational activities. The Council should provide overall guidance to the funds and programmes in accordance with policies and priorities formulated by the Assembly. The funds and programmes should build capacities for national execution in recipient countries and should seek out, as appropriate, the expertise of the specialized agencies with a view to improving the quality of services and carrying out cooperation activities more effectively and efficiently. Memoranda of understanding that clearly outline individual responsibilities and areas of cooperation have proved useful and should be encouraged between related funds, programmes and specialized agencies.

260. The roles of the funds and programmes should be periodically reviewed with a view to ensuring their responsiveness to the needs of Member States and improving the quality and impact of United Nations operational activities. The efficiency, effectiveness and impact of the operational activities of the United Nations system must be enhanced by, *inter alia*, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of relevant Assembly resolutions. At the same time, operational activities should be country-driven, carried out for the benefit of recipient countries at their request and in accordance with their own policies and priorities.

261. The United Nations system has made a serious effort to improve the impact of its development assistance at the country level. Efforts have been and continue to be made to improve the functioning of funds and programmes at the country and headquarters levels. However, further simplification and harmonization of rules of procedure used by the United Nations

development system in its operational activities is called for, in particular by the promotion of greater consistency in the presentation of budgets at the headquarters level, as well as in sharing administrative systems and services in the field, where possible, and in developing common databases in consultation with national Governments. The country programming cycles of the United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund should also be harmonized.

262. National plans and priorities constitute the only viable frame of reference for the national programming of operational activities within the United Nations system, which should be country-driven. In this context, individual mandates and complementarities of the organizations and bodies of the United Nations development system should be taken into account. Also, the country strategy note, which remains a voluntary initiative of the recipient countries, should be formulated by interested recipient countries with the assistance of and in cooperation with the United Nations system, under the leadership of the resident coordinator, in all recipient countries where the Government so decides. Reform efforts, in accordance with relevant Assembly resolutions, should aim at, *inter alia*, enhancing the effectiveness and efficiency of the delivery of United Nations assistance at the country level including through the resident coordinator system. The Secretary-General, in support of the inter-governmental process, has an important role to play in this respect. The resident coordinator, in full consultation with Governments, should facilitate a coherent and coordinated United Nations follow-up to major international conferences at the field level.

4. United Nations Conference on Trade and Development

263. The United Nations Conference on Trade and Development is the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development. Having a comparative advantage in tackling trade-related development issues, the United Nations Conference on Trade and Development should continue to facilitate the integration of developing countries and countries with economies in transition into the international trading system, in a complementary manner with the World Trade Organization, and to promote development through trade and investment in cooperation and coordination with the International Trade Centre, relevant institutions of the United Nations system and other international organizations.

264. The United Nations Conference on Trade and Development, as part of the United Nations system and as a contributor to its revitalization, has adopted far-reaching reforms, as embodied in the Midrand Declaration and the document entitled "A Partnership for Growth and Development", adopted by consensus at the ninth session of the Conference, thus adapting itself to new economic and institutional modalities created by the process of globalization, the conclusion of the Uruguay Round of multilateral trade negotiations agreements and the creation of the World Trade Organization. These reforms should be implemented,

take root and be built upon, in accordance with the decisions taken at the ninth session of the Conference.

265. The efforts of the United Nations Conference on Trade and Development to facilitate the integration of developing countries, in particular the least developed countries, particularly those in Africa, into the global economy and the international trading system are important for the successful implementation of the Agenda for Development. The tenth session of the Conference, to be held in Thailand in the year 2000, should provide an opportunity to assess progress made and to advance the global partnership for growth and development.

5. Specialized agencies of the United Nations system

266. Specialized agencies, as defined in Chapter IX of the Charter, play a vital role in furthering the implementation of various aspects of the global consensus on international cooperation for development and in promoting and securing the international cooperation needed. Activities, priorities and basic programmes of specialized agencies should be periodically assessed in order to ensure that they remain relevant to the interests of their Member States. In accordance with Article 58 of the Charter, the Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies. The Secretary-General is invited to make recommendations thereon.

267. Mechanisms should be elaborated to enable the Economic and Social Council, within its mandate, to provide guidance to the specialized agencies and to transmit institutional priorities as formulated by the Assembly. The specialized agencies and the United Nations funds and programmes should engage in a focused dialogue with the Council with a view to identifying how their activities can be adjusted in response to such priorities. The Council should also provide appropriate recommendations in order to ensure coherence and complementarity of efforts of all bodies, taking into account the role of the funds and programmes.

268. Efforts are also called for to enhance the transparency of the operations of the agencies. Cooperation and coordination on themes of common interest among the specialized agencies, and where appropriate between these agencies and other bodies of the United Nations system, need to be strengthened. The effectiveness and efficiency of activities of the Council could also be improved by increasing interaction with specialized agencies, including the provision of regular reports to the Assembly, through the Council, in accordance with the relevant provisions of the Charter. In this regard, it will be essential to effectively monitor the follow-up to the conclusions of the Council by the different entities of the United Nations system.

269. Cooperation and coordination within the United Nations system in providing effective support in the field of industrial development is essential. In this context, the ongoing process of reform and revitalization pursued by the United Nations Industrial Development Organization should lead to better defining and enhancing its role and to increasing the relevance, effectiveness and impact of the activities of the United Nations system in the field of industrial development in line with the priorities of its Member States.

6. Secretariat

270. The structure and functioning of the Secretariat and the support services that it provides in the economic, social and related fields are important and must be strengthened and improved in order to increase the effectiveness of the United Nations in the field of development. They cannot be considered in isolation from the overall management structure, desired lines of authority and decision-making processes of the Organization. In particular, a dispersion of efforts and resources leading to unnecessary overlapping of responsibilities and fragmentation of the decision-making processes in the Secretariat should be avoided. Furthermore, the relationship of the Secretary-General with the specialized agencies is crucial and needs to be further enhanced.

271. Ways and means should be explored in accordance with priorities set by the Assembly to reallocate the savings resulting from reform and improved overall cost effectiveness with a view to strengthening United Nations development activities. The Secretary-General is requested to present proposals to this end.

272. It is acknowledged that the Secretary-General, as the chief administrative officer of the Organization, is responsible for the functioning of the Secretariat in accordance with the Charter. The restructuring of the Secretariat is a vital part of the revitalization of the United Nations role in the economic, social and related fields. In order for the United Nations to act more effectively in support of development with greater coherence, coordination and complementarity, further reform should be aimed at:

(a) Ensuring a comprehensive and effective implementation of the objectives of the Agenda for Development and of the relevant objectives of the Charter and the mandates entrusted by the policy-making organs;

(b) Rationalizing the structure of the Secretariat in such a manner that would improve the effectiveness and efficiency of its work, avoid duplication, meet the requirements of Member States and ensure accountability in its operations;

(c) Ensuring transparency and effective implementation of recruitment procedures, principles and practices; ensuring the exclusively international character of the staff; and securing the highest standards of efficiency, competence and integrity as well as a more effective application of the principles governing the recruitment of staff, including recruitment on as wide a geographical basis as possible, respecting the relevant articles of the Charter;

(d) Ensuring that any reorganization of the economic and social departments of the Secretariat and other proposals for Secretariat reform preserve and promote the independence, intellectual diversity and visibility of the United Nations in policy analysis;

(e) Ensuring that initiatives for Secretariat reform consider measures already adopted and allow for these to take root. The restructuring of the Secretariat should be conducted in a manner that effectively meets the requirements of Member States and takes fully into account the development concerns of all Member States, in particular the developing countries;

(f) Giving consideration to decentralization, as appropriate, from Headquarters to the regional and field levels, including the regional commissions, in order to enhance the capacity of the United Nations to provide

stronger focus on regional problems and prospects in a cost-effective manner, taking into consideration the ongoing process of restructuring and revitalization of the United Nations in the economic, social and related fields.

7. Reporting

273. Reports to intergovernmental bodies should be concise and action-oriented. Where necessary, intergovernmental bodies should make efforts to rationalize and simplify reporting procedures. All documentation should be provided within the specified timetables and in all the official languages of the United Nations.

8. Inter-agency coordination

274. Better inter-agency coordination within the system is essential to support the goals of the Agenda for Development. This includes coordination and cooperation on themes of common interest and identification of respective strengths and weaknesses in order to ensure a more effective and efficient role of the United Nations system while taking into account respective mandates. In this context, the Administrative Committee on Coordination should have an enhanced function for inter-agency coordination purposes for the United Nations system. The Committee should bring system-wide coordination issues to the attention of the Economic and Social Council and make recommendations thereon. Further efforts should be made to enhance the role of the Committee and its standing committees to ensure that the United Nations system operates in a coherent, coordinated and complementary manner. A systematic exchange of information and an appropriate distribution of tasks should be ensured within the Committee machinery and with any specific inter-agency mechanism, including ad hoc inter-agency thematic task forces set up in the context of the follow-up to conferences. Full information for the Member States on the work of the Committee should be made available and wider distribution of the report of the Committee should be pursued.

9. Participation of non-governmental organizations and other major groups

275. The constructive contribution of non-governmental organizations and other major groups, including the private sector, to the implementation of the Agenda for Development should be encouraged. The existing mechanisms for the involvement and participation of non-governmental organizations in United Nations activities should be fully utilized and, as appropriate, be further improved, taking into account the relevant rules of procedure of the United Nations and the outcome of the meetings of the Open-ended High-level Working Group of the General Assembly on the Strengthening of the United Nations System.

D. Interaction between the United Nations and other multilateral development institutions, including the Bretton Woods institutions and the World Trade Organization

276. Increased interaction and cooperation between the United Nations and the multilateral development institutions, including the Bretton Woods institutions and the World Trade Organization, are necessary to respond to the challenges of development. Also, cooperative working relations between the

United Nations and other international organizations should be strengthened. Examples of such cooperation already exist. There is a need to develop further effective and innovative approaches to this interaction and cooperation.

277. The strengthening of collaboration between the United Nations and the Bretton Woods institutions requires an integrated approach, encompassing a closer policy dialogue at the intergovernmental level on relevant areas of international development policy issues, taking into account their respective competencies. In support of this dialogue, closer relationships should be developed between the United Nations, through the General Assembly and the Economic and Social Council, and the Bretton Woods institutions, in particular the Interim Committee of the International Monetary Fund and the Development Committee of the World Bank and the International Monetary Fund. In this regard, the Assembly should play a more active role in global economic matters, including the deliberations on macroeconomic issues.

278. International financial and trade institutions should be more closely involved in the preparations and deliberations, when appropriate, of the high-level segment of the Council. Their heads should actively contribute to the discussion on the topic chosen for that segment. Decisions already taken by the Council to ensure their closer involvement, through, *inter alia*, furnishing relevant reports, should be implemented.

279. A further opportunity to consider global issues of high priority and to identify areas where these institutions can mutually support their respective efforts in promoting development could be provided by high-level special meetings of the Council.

280. Concrete modalities for strengthening the exchange of information on development issues between the United Nations and the Bretton Woods institutions should be explored. Similar modalities may also be explored with the World Trade Organization. Joint meetings between the Secretary-General and the executive heads of the United Nations funds and programmes, the World Trade Organization and the Bretton Woods institutions and other relevant organizations on selected themes, including those identified by the Assembly, should be encouraged.

281. At the field level, the United Nations development system and the Bretton Woods institutions, acting pursuant to their respective mandates, should cooperate more closely, including in the areas of capacity-building and field operations, in accordance with priorities determined by recipient countries. Under the overall guidance of national Governments, they should expand, whenever appropriate, their collaboration in co-financing of field programmes and projects and explore innovative ways to combine and maximize their resources. In consultation and agreement with Governments, efforts should be made to promote complementarity between the country strategy notes, where they exist, the policy framework papers of the Bretton Woods institutions and the World Bank's country assistance strategies. In channelling financial and technical assistance through multilateral development finance institutions, donor countries are encouraged to take into account the respective roles and functions of the United Nations programmes and funds

and the Bretton Woods institutions so as to ensure the complementarity of development assistance.

282. In post-emergency situations, the United Nations and the Bretton Woods institutions must support the transition from emergency to rehabilitation, reconstruction and long-term development. To this end, coordination between the United Nations and the Bretton Woods institutions should be improved.

E. Follow-up and implementation

283. The intergovernmental follow-up to the Agenda for Development shall be undertaken by the General Assembly as the highest intergovernmental mechanism and the principal policy-making and appraisal organ of the United Nations system. The Assembly has called for the renewal of the dialogue on strengthening international cooperation for development through partnership, which should serve as an important mechanism through which the intergovernmental follow-up and assessment of the Agenda and its implementation will be conducted. Such dialogue should also be used as an opportunity to discuss new and emerging issues concerning international cooperation for development.

284. The Economic and Social Council, within its mandate, shall assist the Assembly in overseeing United Nations system-wide implementation of the Agenda and by providing recommendations in this regard. At the same time, Governments as well as regional economic integration organizations have an important role to play at their respective levels in the follow-up to the Agenda.

285. Closely related to the follow-up to and implementation of the Agenda is the urgent need for an integrated, interrelated and coherent implementation of and follow up at the national, subregional, regional, and international levels to the recommendations and commitments of recent United Nations major conferences and agreements on development. The progress of the implementation of the results of those conferences should be reviewed so as to identify progress achieved as well as obstacles hindering their full and effective implementation. While Governments have the primary responsibility for the implementation of the declarations and programmes of action adopted by international conferences, the international community, in particular the United Nations system, including the multilateral and regional financial institutions, has an important role in contributing to, assisting in, facilitating and reviewing the progress of the implementation of the results of those conferences at all levels and in further promoting their goals and objectives.

286. A strong political commitment by the international community is needed to implement a strengthened international cooperation for development as reflected in the present Agenda. The mobilization of domestic and international financial resources for development from all sources is an essential component for the comprehensive and effective implementation of the Agenda. In this connection, enhanced efforts should be made for the mobilization and provision of new and additional financial resources for the development of developing countries. Despite an increase in private capital flows, official development assistance remains an essential source of external funding. Developed countries reaffirm the commitments undertaken

to fulfil as soon as possible the agreed United Nations targets of 0.7 per cent of their gross national product for overall official development assistance and of 0.15 per cent of the gross national product for official development assistance for the least developed countries. Donor countries that have met the 0.15 per cent target will seek to undertake to reach 0.20 per cent. Further efforts are also needed to improve the effectiveness of official development assistance and to focus such aid on the poorest countries.

287. Due consideration should be given to modalities for conducting an intergovernmental dialogue on the financing of development, taking into account the recommendation by the Secretary-General.

Development through partnership

In response to General Assembly resolution 51/174 [YUN 1996, p. 730], the Secretary-General in October reported on renewal of the dialogue on strengthening international economic cooperation for development through partnership [A/52/425]. The Secretary-General observed that the need to promote such a dialogue had been reiterated in various intergovernmental bodies, including the Ad Hoc Open-ended Working Group on an Agenda for Development. He noted that the Agenda was aimed at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence.

With regard to possible future themes for dialogue, the Secretary-General indicated that a number of themes had been recommended in his 1995 report on the subject [YUN 1995, p. 830], including: globalization and the rules of the game; competition; regional integration and the global economy; new information technologies and the global economy; international migration; prevention and management of emergencies and post-conflict peace-building; and crime, drugs, violence and global stability. In resolution 50/122 [YUN 1995, p. 831], the Assembly had decided that the theme for the first high-level dialogue (to be held in 1998) would be the social and economic impact of globalization and interdependence and their policy implications. Taking into account subsequent developments, the Secretary-General suggested the following possible themes: development finance; strengthening the means for development cooperation, including South-South cooperation; information technologies and development; international migration and development; prevention and management of emergencies and post-conflict peace-building; and uncivil society (terrorism, drug trafficking, organized prostitution, and trafficking in women and children).

The Secretary-General also made suggestions with regard to the modalities of the proposed

high-level dialogues, including that the themes to be chosen should engage the interest of all groups and be clearly defined; the theme to be selected should be chosen at least one year or more in advance to allow for preparations; and, in addition to the UN system, preparations for the discussions should also involve other actors in development and the academic and scientific community.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly adopted **resolution 52/186** without vote [agenda item 97 (a)]. The draft was recommended by the Second Committee following a recorded vote of 151 to 2 (Israel, United States) [A/52/628/Add.1].

Renewal of the dialogue on strengthening international economic cooperation for development through partnership

The General Assembly,

Recalling its resolutions 48/165 of 21 December 1993, 49/95 of 19 December 1994, 50/122 of 20 December 1995 and 51/174 of 16 December 1996,

Noting the adoption of the Agenda for Development and the relevant provisions on its follow-up and implementation, and the need to give impetus to international economic cooperation for development so as to effectively follow up on the Agenda,

Taking note of the report of the Secretary-General entitled "Sustainable development and international economic cooperation: renewal of the dialogue on strengthening international economic cooperation for development through partnership",

1. Reaffirms the continued need to strengthen constructive dialogue and genuine partnership in order to promote further international economic cooperation for development;

2. Also reaffirms that such a dialogue should be conducted in response to the imperatives of mutual interests and benefits, genuine interdependence, shared responsibility and the partnership for achieving sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences, as well as for improving the international economic environment that is conducive to such development, and that the United Nations system should reinforce its activities in order to facilitate such a dialogue;

3. Requests the President of the General Assembly to begin consultations with Member States so as to arrive at an early decision on the modalities, focus of the discussion and date of the two-day high-level dialogue on the theme of the social and economic impact of globalization and interdependence and their policy implications, to be held at an appropriate time conducive to maintaining the entity and character of the two-day high-level dialogue;

4. Invites Governments to contribute their views to the high-level dialogue, including its preparation, and encourages them to participate in the dialogue;

5. Requests the Secretary-General, in close cooperation with Governments, all relevant parts of the United Nations system, relevant intergovernmental organiza-

tions and other development actors, to initiate preparations for such a dialogue;

6. Recognizes the need to work out modalities and themes for future high-level dialogues, building on the experience of the high-level dialogue and, in this context, invites Member States to provide inputs to this process;

7. Decides to include in the provisional agenda of its fifty-third session, under the appropriate item, the sub-item entitled "Renewal of the dialogue on strengthening international economic cooperation for development through partnership".

Business and development

In response to General Assembly resolution 48/180 [YUN 1993, p. 663], the Secretary-General submitted his second biennial report on entrepreneurship and privatization for economic growth and sustainable development [A/52/428]. The first such report was considered by the Assembly in 1995 [YUN 1995, p. 834].

The Secretary-General noted that 13 United Nations departments, funds or specialized agencies of the 29 requested had provided inputs to the report. Special emphasis was placed on developing economies and those in transition from centrally planned to market-based economies. Giving a brief background to entrepreneurship, the Secretary-General stated that the degree of entrepreneurship prevailing in a country and the extent to which the potential for business creation was allowed to be realized was a determining factor in the economic growth of a society. Experience had shown that the best results in entrepreneurial development were attained with programmes to promote and train entrepreneurs that were linked to support services with direct help to the potential entrepreneur in accessing finance, technical, managerial and marketing advice, and suitable physical facilities. There was some evidence that the behavioural characteristics of persons needed to be taken into account in screening potential entrepreneurs.

The report described action being taken within the UN system in the areas of the development of small and medium-sized enterprises; micro-finance; privatization; restructuring of the military industry for civilian markets; the enabling environment (legal and regulatory framework, taxation, foreign investment); and partnerships between the public and private sectors.

The Secretary-General recommended that the United Nations and the organizations of the system should be encouraged to build partnerships and consult with the private sector with a view to achieving developmental objectives, including the goals established by international conferences. He welcomed the recommendations of the Microcredit Summit (see below, under "Eradica-

lion of poverty") and stated that the organizations of the UN system should be encouraged to continue and enhance their microcredit programmes and to support the gender objectives in particular. It was further recommended that Governments and UN organizations should strengthen and better coordinate their support to small and medium-sized enterprises and strengthen their support for the conversion of military industries and bases to civilian use; UN organizations should provide more assistance to Governments in streamlining and simplifying their tax systems and strengthening tax administration; and the UN system and other donors should work together to advise and assist Governments in ensuring that the public interest was respected in privately run public services.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly adopted **resolution 52/209** without vote [draft: A/52/L.70] [agenda item 96 (b)].

Business and development

The General Assembly,

Recalling its resolutions 47/171 of 22 December 1992 entitled "Privatization in the context of economic restructuring, economic growth and sustainable development", 48/180 of 21 December 1993 entitled "Entrepreneurship and privatization for economic growth and sustainable development" and 50/106 of 20 December 1995 entitled "Business and development", as well as the Agenda for Development,

Welcoming the fact that many countries continue to attach major importance to the privatization of enterprises, demonopolization and administrative deregulation in the context of their economic restructuring policies, as a means to increase efficiency, economic growth and sustainable development,

Recognizing the importance of the market and the private sector for the efficient functioning of economies in various stages of development,

Recognizing the sovereign right of each State to decide on the development of its private and public sectors, taking into account the comparative advantages of each sector, bearing in mind the economic, social and cultural diversity in the world,

1. Takes note of the report of the Secretary-General entitled "Entrepreneurship and privatization for economic growth and sustainable development";

2. Underlines the positive role of the private sector in supporting economic growth and development as well as in the mobilization of resources;

3. Emphasizes the role of the private sector in each country, including international investors, to contribute positively to the implementation of national macroeconomic policies and macroeconomic stabilization programmes;

4. Recognizes that business and industry, including transnational corporations, play a crucial role in the social and economic development of a country, that a stable policy regime enables and encourages business and industry to operate responsibly and efficiently and to

implement longer-term policies and that the activities of business and industry are the primary contributors to increasing prosperity, which is a major goal of the development process;

5. Expresses the conviction that a stable and transparent environment for commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources across national borders, in order to promote growth and development, and recognizes in this context that effective efforts at all levels to combat corruption and bribery are essential elements of an improved international business environment;

6. Recognizes the important role of Governments in creating, through transparent and participatory processes, an enabling environment supportive of entrepreneurship and facilitative of privatization, in particular in establishing the judicial, executive and legislative frameworks necessary for a market-based exchange of goods and services and for good management;

7. Emphasizes the importance of a supportive international economic environment, including investment and trade, for the promotion of entrepreneurship and privatization;

8. Recognizes the need to increase private sector involvement in the provision of infrastructure services, inter alia, through joint ventures between public and private entities, particularly in countries with economies in transition, while protecting essential services and safeguarding the environment;

9. Recognizes that in many countries the informal sector accounts for a significant part of all economic activity and is a particularly important source of income for women and that the progressive integration of the informal sector should be encouraged;

10. Stresses the importance of micro-credit to people living in poverty, allowing them to establish micro-enterprises, which in turn generate self-employment and contribute to achieving empowerment, particularly of women, and calls for the strengthening of institutions supportive of micro-financing, in particular, micro-credit;

11. Values the promotion of entrepreneurship, including through the informal sector and micro-enterprises, in the development of small and medium-sized enterprises and industries by various actors throughout civil society and of privatization, demonopolization and the simplification of administrative procedures;

12. Recognizes the important role of cooperatives in the development and promotion of small and medium-sized enterprises;

13. Encourages the United Nations Conference on Trade and Development to continue to provide a forum for intergovernmental discussions, with the participation of representatives from the private sector, concerning issues related to privatization, enterprise development and international flows of investment, and welcomes the efforts by the Secretary-General of the Conference to build a lasting partnership for development with non-governmental actors, including through the "Partners for Development" initiative to be held at Lyon, France, in 1998;

14. Invites the United Nations Industrial Development Organization and the other relevant United Na-

tions bodies to further strengthen their activities, in particular for Africa and the least developed countries, in promoting the development of entrepreneurship, especially for small and medium-sized enterprises, and calls upon the international community to lend its support to the United Nations Industrial Development Organization in this regard;

15. Stresses that the outsourcing of work from transnational corporations to small and medium-sized enterprises supports the development of entrepreneurship and privatization in developing countries;

16. Calls upon the United Nations funds and programmes, in accordance with their mandates, to continue to strengthen support to the promotion of entrepreneurship and, in their work in implementing the present resolution, to give due consideration to the role of the private sector in development, taking into account the priorities set by each country, while ensuring a gender perspective, and, in this connection, states that there is a need to assist in particular the Governments of developing countries, as well as countries with economies in transition, in strengthening their capacity to encourage wider participation of the private sector;

17. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Business and development", and requests the Secretary-General, in cooperation with relevant United Nations bodies, to prepare a report which includes analytical work on the implementation of the present resolution for submission to the General Assembly at that session.

Coercive economic measures

In response to General Assembly resolution 50/96 [YUN1995, p.836], the Secretary-General submitted an October 1997 report [A/52/459] on economic measures as a means of political and economic coercion against developing countries. The report contained a summary of replies received from 12 Member States and the observer of the Holy See in response to a request from the Secretary-General for their views and other relevant information. It also reviewed recent action taken by relevant components of the UN system, based on information provided by them.

In addition, the report contained a summary of the deliberations of an ad hoc expert group meeting on economic measures as a means of political and economic coercion against developing countries (New York, 30 June-1 July), organized by the Department for Economic and Social Information and Policy Analysis in accordance with Assembly resolution 50/96. The expert group expressed deep concern about the potential adverse effects of coercive economic measures on the structure of international relations, particularly in the area of trade and development. The importance of international cooperation and of positive economic measures involving adequate incentives and reward systems to induce policy changes was reaffirmed and stressed as a more rational and viable alternative to unilat-

eral coercive economic measures in most cases. The expert group recommended that, within the United Nations, analytical and conceptual work should be carried out both at the specialized level (through continued efforts for developing methodologies and criteria for impact assessment) and on an interdisciplinary scale (interrelationship between the political, legal, economic and social dimensions of the problem). It further noted that there should be effective cooperation and coordination of monitoring activities within the UN system and beyond (with the Trade Policy Review Mechanism of the World Trade Organization, for example), based on clearly defined mandates.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly adopted **resolution 52/181** by recorded vote (109-1-50) [agenda item 95 (b)]. The draft was recommended by the Second Committee [A/52/626/Add.2].

Unilateral economic measures as a means of political and economic coercion against developing countries

The General Assembly,

Recalling the relevant principles set forth in the Charter of the United Nations,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which states, inter alia, that no State may use or encourage the use of unilateral economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Bearing in mind the general principles governing the international trading system and trade policies for development contained in relevant resolutions, rules and provisions of the United Nations and the World Trade Organization,

Recalling its resolutions 44/215 of 22 December 1989, 46/210 of 20 December 1991, 48/168 of 21 December 1993 and 50/96 of 20 December 1995,

Gravely concerned that the use of unilateral coercive economic measures particularly adversely affects the economy and development efforts of developing countries and has a general negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory and open multilateral trading system,

1. Takes note of the report of the Secretary-General;
2. Urges the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries which are not authorized by relevant organs of the United Nations or are inconsistent with the principles of international law as set forth in the Charter of the United Nations, and which contravene the basic principles of the multilateral trading system;
3. Requests the Secretary-General to continue to monitor the imposition of measures of this nature and to study the impact of such measures on the affected

countries, including the impact on trade and development;

4. Also requests the Secretary-General to submit a report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 52/181:

In favour. Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jamaica, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

Abstain: Andorra, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom.

Elimination of coercive economic measures

In response to General Assembly resolution 51/22 [YUN 1996, p. 734], the Secretary-General submitted a report [A/52/343 & Add.1] containing replies received from five Governments (Belgium, Iran, Iraq, Libyan Arab Jamahiriya, San Marino) in response to his request for information on the elimination of coercive economic measures as a means of political and economic compulsion.

By decision 52/413 of 8 December, the Assembly deferred consideration of the matter and included the item in the provisional agenda of its fifty-third (1998) session.

Sustainable development

In June, the General Assembly held its nineteenth special session to review and appraise the implementation of Agenda 21—a comprehensive plan of action for the sustainable development of the Earth into the twenty-first century, which was adopted by the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil. The session culminated in the adoption of the Programme for the Further Implementation of Agenda 21, which included a statement of commitment to Agenda 21 and to the goals of sustainable development—the integration of economic, social and environmental policies and actions at all levels—and to global partnership aimed at achieving sustainable development worldwide and meeting equitably the

needs of current and future generations. The Programme also included an assessment of progress made since UNCED; a broad range of recommendations aimed at fostering progress in various sectoral and cross-sectoral areas of Agenda 21; decisions aimed at strengthening global and regional institutional arrangements for achieving sustainable development; and recommendations on the future methods of work of the Commission on Sustainable Development and the programme of work for the Commission for the period 1998-2002.

The Commission on Sustainable Development held high-level discussions on preparations for the special session at its fifth session in April.

Nineteenth special session

A special session of the General Assembly to review and appraise the implementation of Agenda 21—a programme of action for sustainable development worldwide—was held in New York from 23 to 28 June 1997, as decided by the Assembly in resolution 50/113 [YUN 1995, p. 840]. Following the adoption of Agenda 21 in 1992 by UNCED [YUN 1992, p. 672], the Assembly, in resolution 47/190 [YUN 1992, p. 675], had decided to convene a special session to review and appraise Agenda 21 not later than 1997.

Preparations for the session were discussed during the fifth session of the Commission on Sustainable Development (see below).

The nineteenth special session—also known as Earth Summit+5—was attended by 55 heads of State or Government or similar level officials, 178 ministers of various rank, and executive heads and high-level officials of a large number of international organizations and institutions, as well as representatives of numerous non-governmental organizations accredited to the United Nations. The special session concluded with the adoption of the Programme for the Further Implementation of Agenda 21.

In other action, the Assembly approved the report of the Credentials Committee on 27 June (resolution S-19/1). With regard to procedural matters, the Assembly on 23 June appointed the members of the Credentials Committee (decision S-19/11); elected the President of the Assembly (decision S-19/12); elected the Chairmen of the Main Committees (decision S-19/13); elected the Vice-Presidents of the Assembly (decision S-19/14); and elected the officers of the Ad Hoc Committee of the Whole of the Nineteenth Special Session (decision S-19/15) (for details, see APPENDIX III). The Assembly, also on 23 June, adopted the agenda for the special session (decision S-19/22) and made arrangements with re-

gard to the organization of the session (**decision S-19/21**).

In his opening statement, the Assembly President said that the task of reviewing the implementation of Agenda 21 had to go beyond simply calculating ratios of progress versus deterioration. It was a time for critical reflection and concrete action. There had been, he said, some notable achievements since UNCED in 1992, although they had been somewhat scattered and uneven. Prime among them was the unfolding of Agenda 21 into a living document beyond the realm of conferences. National strategies, local initiatives, public consciousness and environmental agreements had proliferated, accompanied by tentative reforms of institutions and programmes. On the global level, population growth had stabilized, infant mortality had fallen, life expectancy had increased and nutrition had improved.

However, five years after UNCED, the visionary ambition of Agenda 21 was tempered by some damning statistics that showed that the world was heading further away from, not towards, sustainable development. The Earth's current inhabitants continued to consume resources, pollute, and spread and entrench poverty as though they were to be the last generation. The fact that those who had made serious commitments at Rio had not followed through on their promises was a shame, made tragic because impressive gains in science and technology had advanced understanding and presented policy options and choices of action to those in power who could make a difference.

It was fitting, said the President, that the special session was being held three days after the adoption of the Agenda for Development (see above). The United Nations continued to work on all aspects of development, seeing it as the vital ingredient in achieving global security and improving social quality and conditions of life for millions. If true value continued to be placed on finding global solutions to global problems, a strengthened United Nations was essential.

Commission on Sustainable Development. In accordance with General Assembly resolution 51/181 [YUN 1996, p. 740], the Commission on Sustainable Development devoted the meeting of its Ad Hoc Open-ended Inter-Sessional Working Group (New York, 24 February-7 March) [E/CN.17/1997/13] to preparing for the special session. In line with that resolution also, the Commission, at its fifth session (New York, 7-25 April) [E/1997/29], held a high-level discussion from 8 to 10 April on the preparations for the special session and on the report of the Ad Hoc Intergovernmental Panel on Forests (see PART THREE, Chapter VII).

Among the documents before the Commission relating to preparations for the special session was an omnibus report of the Secretary-General on the overall progress achieved since UNCED [E/CN.17/1997/2 & Add.1-31]. The main body of the report contained a global assessment of the current status of economic and social development and environmental sustainability and appraised progress made since UNCED, focusing on the main achievements and unrealized expectations. It also attempted to identify the main challenges and priorities in the implementation of Agenda 21 and of other outcomes of UNCED for the period after the 1997 review, including the future role of the Commission on Sustainable Development. The addenda to the report provided information on progress or lack thereof in the implementation of individual chapters of Agenda 21. A number of conclusions presented in the report were based on information contained in other reports before the Commission: on critical trends in sustainable development (see below); on the results of the comprehensive freshwater assessment (see PART THREE, Chapter VI); and on activities posing a major threat to the environment (see PART THREE, Chapter VII).

Another report of the Secretary-General [E/CN.17/1997/5] assessed progress achieved at the national level on the basis of information contained in country profiles, prepared in cooperation with Governments concerned.

In its report to the General Assembly and the Economic and Social Council on preparations for the special session [A/S-19/14-E/1997/60], the Commission included a draft text on the proposed outcome of the special session and annexed to it the Chairman's summary of the Commission's high-level segment and the summary reports of the Commission's working group. The Economic and Social Council took note of that report by **decision 1997/308** of 25 July.

In addition to negotiating the final preparations for the special session, the Commission considered a number of substantive issues (see below).

Other preparatory meetings. Other meetings held in preparation for the Assembly's nineteenth special session included the High-level Advisory Board on Sustainable Development, which held its seventh session in Monaco from 14 to 17 January [E/CN.17/1997/17]. The Board prepared a report on critical issues and policies for sustainable development: energy, transport and water [E/CN.17/1997/17/Add.1], which contained recommendations for concrete actions to complement Agenda 21 in those areas.

By an 18 February note verbale [E/CN.17/1997/18], the Netherlands transmitted to the Secretary-General the report of the Fourth Expert Group

Meeting on Financial Issues of Agenda 21 (Santiago, Chile, 8-10 January). The conclusions and recommendations of an Expert Workshop on Fostering the Linkage between Energy and Sustainable Development within the International Institutions (Vienna, 22-24 January) [E/CN.17/1997/16] were submitted to the Secretary-General by Austria on 29 January. Bangladesh, on 8 April, brought to the Secretary-General's attention the report of the Ad Hoc Expert Group Meeting on the Implementation of Special Measures for the Least Developed Countries in Agenda 21 (New York, 3-4 April) [E/CN.17/1997/22], and Belarus, on 21 April, forwarded the Final Document of the International Conference on Sustainable Development of Countries with Economies in Transition (Minsk, 16-18 April) [E/CN.17/1997/24].

GENERAL ASSEMBLY ACTION

On 28 June [meeting 11], the General Assembly, on the recommendation of the Ad Hoc Committee of the Whole of the Nineteenth Special Session [A/S-19/29], adopted **resolution S/19-2** without vote [agenda item 8].

Programme for the Further Implementation of Agenda 21

The General Assembly

Adopts the Programme for the Further Implementation of Agenda 21 annexed to the present resolution.

ANNEX

Programme for the Further Implementation of Agenda 21

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I. Statement of commitment

1. At the nineteenth special session of the United Nations General Assembly, we—heads of State or Government and other heads of delegations, together with our partners from international institutions and non-

governmental organizations—have gathered to review progress achieved over the five years that have passed since the United Nations Conference on Environment and Development and to re-energize our commitment to further action on goals and objectives set out by the Earth Summit.

2. The United Nations Conference on Environment and Development was a landmark event. At that Conference, we launched a new global partnership for sustainable development—a partnership that respects the indivisibility of environmental protection and the development process. It is founded on a global consensus and political commitment at the highest level. Agenda 21, adopted at Rio de Janeiro, addresses the pressing environment and development problems of today and also aims at preparing the world for the challenges of the next century in order to attain the long-term goals of sustainable development.

3. Our focus at this special session has been to accelerate the implementation of Agenda 21 in a comprehensive manner and not to renegotiate its provisions or to be selective in its implementation. We reaffirm that Agenda 21 remains the fundamental programme of action for achieving sustainable development. We reaffirm all the principles contained in the Rio Declaration on Environment and Development and the Forest Principles. We are convinced that the achievement of sustainable development requires the integration of its economic, environmental and social components. We recommit to working together—in the spirit of global partnership—to reinforce our joint efforts to meet equitably the needs of present and future generations.

4. We acknowledge that a number of positive results have been achieved, but we are deeply concerned that the overall trends with respect to sustainable development are worse today than they were in 1992. We emphasize that the implementation of Agenda 21 in a comprehensive manner remains vitally important and is more urgent now than ever.

5. Time is of the essence in meeting the challenges of sustainable development as set out in the Rio Declaration and Agenda 21. To this end, we recommit ourselves to the global partnership established at the United Nations Conference on Environment and Development and to the continuous dialogue and action inspired by the need to achieve a more efficient and equitable world economy, as a means to provide a supportive international climate for achieving environment and development goals. We therefore pledge to continue to work together, in good faith and in the spirit of partnership, to accelerate the implementation of Agenda 21. We invite everyone throughout the world to join us in our common cause.

6. We commit ourselves to ensuring that the next comprehensive review of Agenda 21 in the year 2002 demonstrates greater measurable progress in achieving sustainable development. The present Programme for the Further Implementation of Agenda 21 is our vehicle for achieving that goal. We commit ourselves to fully implementing this Programme.

II. Assessment of progress made since the United Nations Conference on Environment and Development

7. The five years that have elapsed since the United Nations Conference on Environment and Develop-

ment have been characterized by the accelerated globalization of interactions among countries in the areas of world trade, foreign direct investment and capital markets. Globalization presents new opportunities and challenges. It is important that national and international environmental and social policies be implemented and strengthened in order to ensure that globalization trends have a positive impact on sustainable development, especially in developing countries. The impact of recent trends in globalization on developing countries has been uneven. A limited number of developing countries have been able to take advantage of those trends, attracting large inflows of external private capital and experiencing significant export-led growth and acceleration of growth in per capita gross domestic product. Many other countries, however, in particular African countries and the least developed countries, have shown slow or negative growth and continue to be marginalized. As a result, they generally experienced stagnating or falling per capita gross domestic product through 1995. In these and in some other developing countries, the problems of poverty, low levels of social development, inadequate infrastructure and lack of capital have prevented them from benefiting from globalization. While continuing their efforts to achieve sustainable development and to attract new investments, these countries still require international assistance in their efforts directed towards sustainable development. In particular the least developed countries continue to be heavily dependent on a declining volume of official development assistance for the capacity-building and infrastructure development required to provide for basic needs and more effective participation in the globalizing world economy. In an increasingly interdependent world economy, the responsible conduct of monetary and other macro-economic policies requires that their potential impact on other countries be taken into account. Since the Conference, the countries with economies in transition have achieved significant progress in implementing the principles of sustainable development. However, the need for full integration of these countries into the world economy remains one of the crucial problems on their way towards sustainable development. The international community should continue to support these countries in their efforts to accelerate the transition to a market economy and to achieve sustainable development.

8. Although economic growth—reinforced by globalization—has allowed some countries to reduce the proportion of people in poverty, for others marginalization has increased. Too many countries have seen economic conditions worsen and public services deteriorate; the total number of people in the world living in poverty has increased. Income inequality has increased among countries and also within them, unemployment has worsened in many countries, and the gap between the least developed countries and other countries has grown rapidly in recent years. On a more positive note, population growth rates have been declining globally, largely as a result of expanded basic education and health care. That trend is projected to lead to a stable world population in the middle of the twenty-first century. There has also been progress in social services, with expanding access to education, declining infant mortality and increasing life expectancy in most coun-

tries. However, many people, particularly in the least developed countries, still do not have access to adequate food and basic social services or to clean water and sanitation. Reducing current inequities in the distribution of wealth and access to resources, both within and among countries, is one of the most serious challenges facing humankind.

9. Five years after the United Nations Conference on Environment and Development, the state of the global environment has continued to deteriorate, as noted in the Global Environment Outlook of the United Nations Environment Programme, and significant environmental problems remain deeply embedded in the socio-economic fabric of countries in all regions. Some progress has been made in terms of institutional development, international consensus-building, public participation and private sector actions and, as a result, a number of countries have succeeded in curbing pollution and slowing the rate of resource degradation. Overall, however, trends are worsening. Many polluting emissions, notably of toxic substances, greenhouse gases and waste volumes are continuing to increase although in some industrialized countries emissions are decreasing. Marginal progress has been made in addressing unsustainable production and consumption patterns. Insufficient progress has also been identified in the field of environmentally sound management and adequate control of transboundary movements of hazardous and radioactive wastes. Many countries undergoing rapid economic growth and urbanization are also experiencing increasing levels of air and water pollution, with accumulating impacts on human health. Acid rain and transboundary air pollution, once considered a problem only in the industrialized countries, are increasingly becoming a problem in many developing regions. In many poorer regions of the world, persistent poverty is contributing to accelerated degradation of natural resources and desertification has spread. In countries seriously affected by drought and/or desertification, especially those in Africa, their agricultural productivity, among other things, is uncertain and continues to decline, thereby hampering their efforts to achieve sustainable development. Inadequate and unsafe water supplies are affecting an increasing number of people worldwide, aggravating problems of ill health and food insecurity among the poor. Conditions in natural habitats and fragile ecosystems, including mountain ecosystems, are still deteriorating in all regions of the world, resulting in diminishing biological diversity. At the global level, renewable resources, in particular fresh water, forests, topsoil and marine fish stocks, continue to be used at rates beyond their viable rates of regeneration; without improved management, this situation is clearly unsustainable.

10. While there has been progress in material and energy efficiency, particularly with reference to non-renewable resources, overall trends remain unsustainable. As a result, increasing levels of pollution threaten to exceed the capacity of the global environment to absorb them, increasing the potential obstacles to economic and social development in developing countries.

11. Since the United Nations Conference on Environment and Development, extensive efforts have been made by Governments and international organizations to integrate environmental, economic and social objectives into decision-making by elaborating new policies

and strategies for sustainable development or by adapting existing policies and plans. As many as one hundred and fifty countries have responded to the commitments established at the Conference through national-level commissions or coordinating mechanisms designed to develop an integrated approach to sustainable development.

12. The major groups have demonstrated what can be achieved by taking committed action, sharing resources and building consensus, reflecting grass-roots concern and involvement. The efforts of local authorities are making Agenda 21 and the pursuit of sustainable development a reality at the local level through the implementation of "local Agenda 21s" and other sustainable development programmes. Non-governmental organizations, educational institutions, the scientific community and the media have increased public awareness and discussion of the relations between environment and development in all countries. The involvement, role and responsibilities of business and industry, including transnational corporations, are important. Hundreds of small and large businesses have made "green business" a new operating mode. Workers and trade unions have established partnerships with employers and communities to encourage sustainable development in the workplace. Farmer-led initiatives have resulted in improved agricultural practices contributing to sound resource management. Indigenous people have played an increasing role in addressing issues affecting their interests and particularly concerning their traditional knowledge and practices. Young people and women around the world have played a prominent role in galvanizing communities into recognizing their responsibilities to future generations. Nevertheless, more opportunities should be created for women to participate effectively in economic, social and political development as equal partners in all sectors of the economy.

13. Among the achievements since the United Nations Conference on Environment and Development have been the entry into force of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; the conclusion of the Agreement on the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; the adoption of the Programme of Action for the Sustainable Development of Small Island Developing States; the elaboration of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; and the entry into force of the United Nations Convention on the Law of the Sea. Implementation of these important commitments and of others adopted before the United Nations Conference on Environment and Development by all the parties to them remains, however, to be carried out, and in many cases further strengthening of their provisions is required as well as the mechanisms for putting them into effect. The establishment, restructuring, funding and replenishment of the Global Environment Facility were a major achievement. However, its levels of funding and replenish-

ment have not been sufficient fully to meet its objectives.

14. Progress has been made in incorporating the principles contained in the Rio Declaration on Environment and Development—including the principle of common but differentiated responsibilities, which embodies the important concept of and basis for international partnership; the precautionary principle; the polluter pays principle; and the environmental impact assessment principle—in a variety of international and national legal instruments. While some progress has been made in implementing United Nations Conference on Environment and Development commitments through a variety of international legal instruments, much remains to be done to embody the Rio principles more firmly in law and practice.

15. A number of major United Nations conferences have advanced international commitment for the achievement of long-term goals and objectives directed towards sustainable development.

16. Organizations and programmes of the United Nations system have played an important role in the progress made in the implementation of Agenda 21. The Commission on Sustainable Development was established to review progress achieved in the implementation of Agenda 21, advance global dialogue and foster partnerships for sustainable development. The Commission has catalysed new action and commitments and has contributed to the deliberations on sustainable development among a wide variety of partners within and outside the United Nations system. Although much remains to be done, progress has also been made at the national, regional and international levels in implementing the United Nations Conference on Environment and Development Forest Principles, including through the Commission's Ad Hoc Intergovernmental Panel on Forests.

17. Provision of adequate and predictable financial resources and the transfer of environmentally sound technologies to developing countries are critical elements for the implementation of Agenda 21. However, while some progress has been made, much remains to be done to activate the means of implementation set out in Agenda 21, in particular in the areas of finance and technology transfer, technical assistance and capacity-building.

18. Most developed countries have still not reached the United Nations target, reaffirmed by most countries at the United Nations Conference on Environment and Development, of committing 0.7 per cent of their gross national product to official development assistance or the United Nations target, as agreed, of committing 0.15 per cent of gross national product as official development assistance to the least developed countries. Regrettably, on average, official development assistance as a percentage of the gross national product of developed countries has drastically declined in the post-Conference period, from 0.34 per cent in 1992 to 0.27 per cent in 1995, but official development assistance has taken more account of the need for an integrated approach to sustainable development.

19. In other areas, results have been encouraging since the United Nations Conference on Environment and Development. There has been a sizeable expansion of private flows of financial resources from devel-

oped to a limited number of developing countries and, in a number of countries, efforts have been made in support of domestic resource mobilization, including the increasing use of economic instruments to promote sustainable development.

20. In many developing countries, the debt situation remains a major constraint on achieving sustainable development. Although the debt situation of some middle-income countries has improved, there is a need to continue to address the debt problems of the heavily indebted poor countries, which continue to face unsustainable external debt burdens. The recent World Bank/International Monetary Fund Heavily Indebted Poor Countries Initiative could help to address that issue with the cooperation of all creditor countries. Further efforts by the international community are still required to remove debt as an impediment to sustainable development.

21. Similarly, technology transfer and technology-related investment from public and private sources, which are particularly important to developing countries, have not been realized as outlined in Agenda 21. Although increased private flows have led to investments in industry and technology in some developing countries and economies in transition, many other countries have been left behind. Conditions in some of these countries have been less attractive to private sector investment and technological change has been slower, thus limiting their ability to meet their commitments to Agenda 21 and other international agreements. The technology gap between developed countries and, in particular, the least developed countries has widened.

III. Implementation of Agenda 21 in areas requiring urgent action

22. Agenda 21 and the principles contained in the Rio Declaration on Environment and Development established a comprehensive approach to the achievement of sustainable development. While it is the primary responsibility of national Governments to achieve the economic, social and environmental objectives of Agenda 21, it is essential that international co-operation be reactivated and intensified, recognizing, *inter alia*, the principle of common but differentiated responsibilities as set forth in Principle 7 of the Rio Declaration. This requires the mobilization of stronger political will and the invigoration of a genuine new global partnership, taking into account the special needs and priorities of developing countries. Such an approach remains as relevant and as urgently needed as ever. It is clear from the assessment above that, although progress has been made in some areas, a major new effort will be required to achieve the goals established at the United Nations Conference on Environment and Development, particularly in areas of cross-sectoral matters where implementation has yet to be achieved. The proposals set out in sections A to C below outline strategies for accelerating progress towards sustainable development. The sections are equally important and must be considered and implemented in a balanced and integrated way.

A. Integration of economic, social and environmental objectives

23. Economic development, social development and environmental protection are interdependent and

mutually reinforcing components of sustainable development. Sustained economic growth is essential to the economic and social development of all countries, in particular developing countries. Through such growth, which should be broadly based so as to benefit all people, countries will be able to improve the standards of living of their people through the eradication of poverty, hunger, disease and illiteracy and the provision of adequate shelter and secure employment for all, and the preservation of the integrity of the environment. Growth can foster development only if its benefits are fully shared. It must therefore also be guided by equity, justice and social and environmental considerations. Development, in turn, must involve measures that improve the human condition and the quality of life itself. Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance in all sectors of society, as well as effective participation by civil society, are also an essential part of the necessary foundations for the realization of social and people-centred sustainable development.

24. Sustainable development strategies are important mechanisms for enhancing and linking national capacity so as to bring together priorities in social, economic and environmental policies. Hence, special attention must be given to the fulfilment of commitments in the areas set out below, in the framework of an integrated approach towards development, consisting of mutually reinforcing measures to sustain economic growth, as well as to promote social development and environmental protection. Achieving sustainable development cannot be carried out without greater integration at all policy-making levels and at operational levels, including the lowest administrative levels possible. Economic sectors, such as industry, agriculture, energy, transport and tourism, must take responsibility for the impact of their activities on human well-being and the physical environment. In the context of good governance, properly constructed strategies can enhance prospects for economic growth and employment and at the same time protect the environment. All sectors of society should be involved in their development and implementation, as follows:

(a) By the year 2002, the formulation and elaboration of national strategies for sustainable development that reflect the contributions and responsibilities of all interested parties should be completed in all countries, with assistance provided, as appropriate, through international cooperation, taking into account the special needs of the least developed countries. The efforts of developing countries in effectively implementing national strategies should be supported. Countries that already have national strategies should continue their efforts to enhance and effectively implement them. Assessment of progress achieved and exchange of experience among Governments should be promoted. Local Agenda 21s and other local sustainable development programmes, including youth activities, should also be actively encouraged;

(b) In integrating economic, social and environmental objectives, it is important that a broad package of policy instruments, including regulation, economic instruments, internalization of environmental costs in market prices, environmental and social impact analysis, and information dissemination, be worked out in

the light of country-specific conditions to ensure that integrated approaches are effective and cost-efficient. To this end, a transparent and participatory process should be promoted. This will require the involvement of national legislative assemblies, as well as all actors of civil society, including youth and indigenous people and their communities, to complement the efforts of Governments for sustainable development. In particular, the empowerment and the full and equal participation of women in all spheres of society, including participation in the decision-making process, are central to all efforts to achieve such development;

(c) The implementation of policies aiming at sustainable development, including those contained in chapter 3 (Combating poverty) and in chapter 29 (Strengthening the role of workers and their trade unions) of Agenda 21, may enhance the opportunities for job creation, thus helping to achieve the fundamental goal of eradicating poverty.

An enabling international economic climate

25. A mutually supportive balance between the international and the national environment is needed in the pursuit of sustainable development. As a result of globalization, external factors have become critical in determining the success or failure of developing countries in their national efforts. The gap between developed and developing countries points to the continued need for a dynamic and enabling international economic environment supportive of international cooperation, particularly in the fields of finance, technology transfer, debt and trade, if the momentum for global progress towards sustainable development is to be maintained and increased.

26. To foster a dynamic and enabling international economic environment favourable to all countries is in the interest of all countries. Moreover, issues, including environmental issues, that bear on the international economic environment can be approached effectively only through a constructive dialogue and genuine partnership on the basis of mutuality of interests and benefits, taking into account that, in view of the different contributions to global environmental degradation, States have common but differentiated responsibilities.

Eradicating poverty

27. Given the severity of poverty, particularly in developing countries, the eradication of poverty is one of the fundamental goals of the international community and the entire United Nations system, as reflected in Commitment 2 of the Copenhagen Declaration on Social Development, and is essential for sustainable development. Poverty eradication is thus an overriding theme of sustainable development for the coming years. The enormity and complexity of the poverty issue could very well endanger the social fabric, undermine economic development and the environment, and threaten political stability in many countries. To achieve poverty eradication, efforts of individual Governments and international cooperation and assistance should be brought together in a complementary way. Eradication of poverty depends on the full integration of people living in poverty into economic, social and political life. The empowerment of women is a critical factor for the eradication of poverty. Policies

that promote such integration to combat poverty, in particular policies for providing basic social services and broader socio-economic development, are effective as well since enhancing the productive capacity of poor people increases both their well-being and that of their communities and societies, and facilitates their participation in resource conservation and environmental protection. The provision of basic social services and food security in an equitable way is a necessary condition for such integration and empowerment. The 20/20 initiative as referred to in the Programme of Action of the World Summit for Social Development is, among other things, a useful means for such integration. However, the five years since the Rio Conference have witnessed an increase in the number of people living in absolute poverty, particularly in developing countries. In this context, there is an urgent need for the timely and full implementation of all the relevant commitments, agreements and targets already agreed upon since the Rio Conference by the international community, including the United Nations system and international financial institutions. Full implementation of the Programme of Action of the World Summit for Social Development is essential. Priority actions include:

(a) Improving access to sustainable livelihoods, entrepreneurial opportunities and productive resources, including land, water, credit, technical and administrative training, and appropriate technology, with particular efforts to broaden the human and social capital basis of societies so as to reach the rural poor and the urban informal sector;

(b) Providing universal access to basic social services, including basic education, health care, nutrition, clean water and sanitation;

(c) Progressively developing, in accordance with the financial and administrative capacities of each society, social protection systems to support those who cannot support themselves, either temporarily or permanently; the aim of social integration is to create a "society for all";

(d) Empowering people living in poverty and their organizations by involving them fully in the formulation, implementation and evaluation of strategies and programmes for poverty eradication and community development and by ensuring that these programmes reflect their priorities;

(e) Addressing the disproportionate impact of poverty on women, in particular by removing legislative, policy, administrative and customary barriers to women's equal access to productive resources and services, including access to and control over land and other forms of property, credit, including micro-credit, inheritance, education, information, health care and technology. In this regard, full implementation of the Beijing Platform for Action is essential;

(f) Having interested donors and recipients work together to allocate increased shares of official development assistance to poverty eradication. The 20/20 initiative is an important principle in this respect, as it is based on a mutual commitment among donors and recipients to increasing resources allocated to basic social services;

(g) Intensifying international cooperation to support measures being taken in developing countries to eradicate poverty, to provide basic social protection and

services and to approach poverty eradication efforts in an integral and multidimensional manner.

Changing consumption and production patterns

28. Unsustainable patterns of production and consumption, particularly in the industrialized countries, are identified in Agenda 21 as the major cause of continued deterioration of the global environment. While unsustainable patterns in the industrialized countries continue to aggravate the threats to the environment, there remain huge difficulties for developing countries in meeting basic needs such as food, health care, shelter and education for people. All countries should strive to promote sustainable consumption patterns; developed countries should take the lead in achieving sustainable consumption patterns; developing countries should seek to achieve sustainable consumption patterns in their development process, guaranteeing the provision of basic needs for the poor, while avoiding those unsustainable patterns, particularly in industrialized countries, generally recognized as unduly hazardous to the environment, inefficient and wasteful, in their development processes. This requires enhanced technological and other assistance from industrialized countries. In the follow-up of the implementation of Agenda 21, the review of progress made in achieving sustainable consumption patterns should be given high priority. Consistent with Agenda 21, the development and further elaboration of national policies and strategies, particularly in industrialized countries, are needed to encourage changes in unsustainable consumption and production patterns, while strengthening, as appropriate, international approaches and policies that promote sustainable consumption patterns on the basis of the principle of common but differentiated responsibilities, applying the polluter pays principle, and encouraging producer responsibility and greater consumer awareness. Eco-efficiency, cost internalization and product policies are also important tools for making consumption and production patterns more sustainable. Actions in this area should focus on:

(a) Promoting measures to internalize environmental costs and benefits in the price of goods and services, while seeking to avoid potential negative effects for market access by developing countries, particularly with a view to encouraging the use of environmentally preferable products and commodities. Governments should consider shifting the burden of taxation onto unsustainable patterns of production and consumption; it is of vital importance to achieve such an internalization of environmental costs. Such tax reforms should include a socially responsible process of reduction and elimination of subsidies to environmentally harmful activities;

(b) Promoting the role of business in shaping more sustainable patterns of consumption by encouraging, as appropriate, the voluntary publication of environmental and social assessments of its own activities, taking into account specific country conditions, and actions as an agent of change in the market, and actions in its role as a major consumer of goods and services;

(c) Developing core indicators to monitor critical trends in consumption and production patterns, with industrialized countries taking the lead;

(d) Identifying best practices through evaluations of policy measures with respect to their environmental

effectiveness, efficiency and implications for social equity, and disseminating such evaluations;

(e) Taking into account the linkages between urbanization and the environmental and developmental effects of consumption and production patterns in cities, thus promoting more sustainable patterns of urbanization;

(f) Promoting international and national programmes for energy and material efficiency with time-tables for their implementation, as appropriate. In this regard, attention should be given to studies that propose to improve the efficiency of resource use, including consideration of a ten-fold improvement in resource productivity in industrialized countries in the long term and a possible factor-four increase in industrialized countries in the next two or three decades. Further research is required to study the feasibility of these goals and the practical measures needed for their implementation. Industrialized countries will have a special responsibility and must take the lead in this respect. The Commission on Sustainable Development should consider this initiative in the coming years in exploring policies and measures necessary to implement eco-efficiency and, for this purpose, encourage the relevant bodies to adopt measures aimed at assisting developing countries in improving energy and material efficiency through the promotion of their endogenous capacity-building and economic development with enhanced and effective international support;

(g) Encouraging Governments to take the lead in changing consumption patterns by improving their own environmental performance with action-oriented policies and goals on procurement, the management of public facilities and the further integration of environmental concerns into national policy-making. Governments in developed countries, in particular, should take the lead in this regard;

(h) Encouraging the media, advertising and marketing sectors to help to shape sustainable consumption patterns;

(i) Improving the quality of information regarding the environmental impact of products and services and, to that end, encouraging the voluntary and transparent use of eco-labelling;

(j) Promoting measures favouring eco-efficiency; however, developed countries should pay special attention to the needs of developing countries, in particular by encouraging positive impacts, and to the need to avoid negative impacts on export opportunities and on market access for developing countries and, as appropriate, for countries with economies in transition;

(k) Encouraging the development and strengthening of educational programmes to promote sustainable consumption and production patterns;

(l) Encouraging business and industry to develop and apply environmentally sound technology that should aim not only at increasing competitiveness but also at reducing negative environmental impacts;

(m) Giving balanced consideration to both the demand side and the supply side of the economy in matching environmental concerns and economic factors, which could encourage changes in the behaviour of consumers and producers. A number of policy options should be examined; they include regulatory instruments, economic and social incentives and disincentives, facilities and infrastructure, information,

education, and technology development and dissemination.

Making trade and environment mutually supportive

29. In order to accelerate economic growth, poverty eradication and environmental protection, particularly in developing countries, there is a need to establish macroeconomic conditions in both developed and developing countries that favour the development of instruments and structures enabling all countries, in particular developing countries, to benefit from globalization. International cooperation and support for capacity-building in trade, environment and development should be strengthened through renewed system-wide efforts, and with greater responsiveness to sustainable development objectives, by the United Nations, the World Trade Organization and the Bretton Woods institutions, as well as by national Governments. There should be a balanced and integrated approach to trade and sustainable development, based on a combination of trade liberalization, economic development and environmental protection. Trade obstacles should be removed with a view to contributing to the achievement of more efficient use of the Earth's natural resources in both economic and environmental terms. Trade liberalization should be accompanied by environmental and resource management policies in order to realize its full potential contribution to improved environmental protection and the promotion of sustainable development through the more efficient allocation and use of resources. The multilateral trading system should have the capacity to further integrate environmental considerations and enhance its contribution to sustainable development, without undermining its open, equitable and non-discriminatory character. The special and differential treatment for developing countries, especially the least developed countries, and the other commitments of the Uruguay Round of multilateral trade negotiations should be fully implemented in order to enable those countries to benefit from the international trading system, while conserving the environment. There is a need for continuing the elimination of discriminatory and protectionist practices in international trade relations, which will have the effect of improving access for the exports of developing countries. This will also facilitate the full integration of economies in transition into the world economy. In order to make trade, environment and development mutually supportive, measures need to be taken to ensure transparency in the use of trade measures related to the environment, and should address the root causes of environmental degradation so as not to result in disguised barriers to trade. Account should be taken of the fact that environmental standards valid for developed countries may have unwarranted social and economic costs in other countries, in particular developing countries. International cooperation is needed and unilateralism should be avoided. The following actions are required:

(a) There should be timely and full implementation of the results of the Uruguay Round of multilateral trade negotiations and full use of the Comprehensive and Integrated World Trade Organization Plan of Action for the Least Developed Countries;

(b) An open, non-discriminatory, rule-based, equitable, secure, transparent and predictable multilateral

trading system should be promoted. In this context, effective measures are called for to achieve the complete integration of developing countries and countries with economies in transition into the world economy and the new international trading system. In this connection, there is a need to promote the universality of the World Trade Organization and to facilitate the admission to membership in that organization, in a mutually beneficial way, of developing countries and countries with economies in transition applying for membership. Actions should be taken to maximize the opportunities and to minimize the difficulties of developing countries, including the net food-importing ones, especially the least developed countries, and of countries with economies in transition, in adjusting to the changes introduced by the Uruguay Round. Decisions on further liberalization of trade should take into account effects on sustainable development and should be consistent with an open, rule-based, non-discriminatory, equitable, secure and transparent multilateral trading system. The relationship between multilateral environmental agreements and the World Trade Organization rules should be clarified;

(c) Implementation of environmental measures should not result in disguised barriers to trade;

(d) Within the framework of Agenda 21, trade rules and environmental principles should interact harmoniously;

(e) Further analysis of the environmental effects of the international transport of goods is warranted;

(f) Cooperation and coordination between the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the World Trade Organization, the United Nations Environment Programme and other relevant institutions should be strengthened on various issues, including (i) the role of positive measures in multilateral environmental agreements as part of a package of measures including, in certain cases, trade measures; (ii) the special conditions and needs of small and medium-sized enterprises in the trade and environment interface; and (iii) trade and environment issues at the regional and subregional levels, including within the context of regional economic and trade as well as environmental agreements;

(g) Cooperation and coordination between the United Nations Conference on Trade and Development and other relevant bodies within their existing respective mandates should be enhanced, inter alia, on environment and sustainable development issues. Without prejudice to the clear understanding in the World Trade Organization that future negotiations, if any, regarding a multilateral agreement on investment will take place only after an explicit consensus decision, future agreements on investments should take into account the objectives of sustainable development and, when developing countries are parties to these agreements, special attention should be given to their needs for investment;

(h) National Governments should make every effort to ensure policy coordination on trade, environment and development at the national level in support of sustainable development;

(i) There is a need for the World Trade Organization, the United Nations Environment Programme and the United Nations Conference on Trade and De-

velopment to consider ways to make trade and environment mutually supportive, including through due respect for the objectives and principles of the multilateral trading system and for the provisions of multilateral environmental agreements. Such considerations should be consistent with an open, rule-based, non-discriminatory, equitable, secure and transparent multilateral trading system.

Population

30. The impact of the relationship among economic growth, poverty, employment, environment and sustainable development has become a major concern. There is a need to recognize the critical linkages between demographic trends and factors and sustainable development. The current decline in population growth rates must be further promoted through national and international policies that promote economic development, social development, environmental protection, and poverty eradication, particularly the further expansion of basic education, with full and equal access for girls and women, and health care, including reproductive health care, covering both family planning and sexual health, consistent with the report of the International Conference on Population and Development.

Health

31. The goals of sustainable development cannot be achieved when a high proportion of the population is afflicted with debilitating illnesses. An overriding goal for the future is to implement the Health for All strategy and to enable all people, particularly the world's poor, to achieve a higher level of health and well-being, and to improve their economic productivity and social potential. Protecting children from environmental health threats and infectious disease is particularly urgent since children are more susceptible than adults to those threats. Top priority should be attached to supporting the efforts of countries, particularly developing countries, and international organizations to eradicate the major infectious diseases, especially malaria, which is on the increase, to improve and expand basic health and sanitation services and to provide safe drinking water. It is also important to reduce indigenous cases of vaccine-preventable diseases through the promotion of widespread immunization programmes, promote accelerated research and vaccine development and reduce the transmission of other major infectious diseases, such as dengue fever, tuberculosis and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Given the severe and irreversible health effects of lead poisoning, particularly on children, it is important to accelerate the process of eliminating unsafe uses of lead, including the use of lead in gasoline worldwide, in light of country-specific conditions and with enhanced international support and assistance to developing countries, particularly through the timely provision of technical and financial assistance and the promotion of endogenous capacity-building. Strategies at the regional, national and local levels for reducing the potential risk due to ambient and indoor air pollution should be developed, bearing in mind their serious impacts on human health, including strategies to make parents, families and communities aware of the adverse environmental health impacts

of tobacco. The clear linkage between health and the environment needs to be emphasized and the lack of information on the impact of environmental pollution on health should be addressed. Health issues should be fully integrated into national and subnational sustainable development plans and should be incorporated into project and programme development as a component of environmental impact assessments. Important to efforts at national levels is international cooperation in disease prevention, early warning, surveillance, reporting, training and research and treatment.

Sustainable human settlements

32. Sustainable human settlements development is essential to sustainable development. The need to intensify efforts and cooperation to improve living conditions in the cities, towns, villages and rural areas throughout the world is recognized. Approximately half the world's population already lives in urban settlements, and by early in the next century the majority—more than 5 billion people—will be urban residents. Urban problems are concerns common to both developed and developing countries, although urbanization is occurring most rapidly in developing countries. Urbanization creates both challenges and opportunities. Global urbanization is a cross-sectoral phenomenon that has an impact on all aspects of sustainable development. Urgent action is needed to implement fully the commitments made at the United Nations Conference on Human Settlements (Habitat II) consistent with its report, and in Agenda 21. New and additional financial resources from various sources are necessary to achieve the goals of adequate shelter for all and sustainable human settlements development in an urbanizing world. Transfer of expertise and technology, capacity-building, decentralization of authority through, inter alia, strengthening of local capacity and private-public partnerships to improve the provision and environmentally sound management of infrastructure and social services should be accelerated to achieve more sustainable human settlements development. Local Agenda 21 programmes should also be actively encouraged. Global targets could be established by the Commission on Sustainable Development to promote local Agenda 21 campaigns and to deal with obstacles to local Agenda 21 initiatives.

B. Sectors and issues

33. The present section identifies a number of specific areas that are of widespread concern since failure to reverse current trends in these areas, notably in resource degradation, will have potentially disastrous effects on social and economic development, on human health and on environmental protection for all countries, particularly developing countries. All sectors covered by Agenda 21 are equally important and thus deserve attention by the international community on an equal footing. The need for integration is important in all sectors, including the areas of energy and transport because of the adverse effects that developments in those areas can have on human health and ecosystems; the areas of agriculture and water use, where inadequate land-use planning, poor water management and inappropriate technology can result in the degradation of natural resources and human impoverishment and where drought and desertification can result in land degradation and soil loss; and the area of management

of marine resources, where competitive overexploitation can damage the resource base, food supplies and the livelihood of fishing communities, as well as the environment. The recommendations made in each of the sectors take into account the need for international co-operation in support of national efforts, within the context of the principles of the United Nations Conference on Environment and Development, including the principle of common but differentiated responsibilities. It is likewise understood that these recommendations do not in any way prejudice the work accomplished under legally binding conventions, where they exist, concerning these sectors.

Fresh water

34. Water resources are essential for satisfying basic human needs, health and food production, and the preservation of ecosystems, as well as for economic and social development in general. It is a matter of urgent concern that more than one fifth of all people still do not have access to safe drinking water and more than one half of humanity lacks adequate sanitation. From the perspective of developing countries, fresh water is a priority and a basic need, especially taking into account that in many developing countries fresh water is not readily available for all segments of the population, *inter alia*, owing to lack of adequate infrastructure and capacity, water scarcity and technical and financial constraints. Moreover, fresh water is also crucial for developing countries in order to satisfy the basic needs of their population in the areas of agricultural irrigation, industrial development, hydroelectric generation, and so forth. In view of the growing demands on water, which is a finite resource, it will become a major limiting factor in socio-economic development unless early action is taken. There is growing concern regarding the increasing stress on water supplies caused by unsustainable use patterns, affecting both water quality and quantity, and the widespread lack of access to safe water supply and suitable sanitation in many developing countries. Because the commitments of the International Drinking Water Supply and Sanitation Decade of the 1980s have not been fully met, there is still a need to ensure the optimal use and protection of all fresh-water resources, so that the needs of everyone on this planet, including access to safe drinking water and sanitation, can be met. This calls for the highest priority to be given to the serious fresh-water problems facing many regions, especially in the developing world. There is an urgent need:

(a) To assign high priority, in accordance with specific national needs and conditions, to the formulation and implementation of policies and programmes for integrated watershed management, including issues related to pollution and waste, the interrelationship between water and land, including mountains, forests, upstream and downstream users, estuarine environments, biodiversity and the preservation of aquatic ecosystems, wetlands, climate and land degradation and desertification, recognizing that subnational, national and regional approaches to fresh-water protection and consumption following a watershed basin or river basin approach offer a useful model for the protection of fresh-water supplies;

(b) To strengthen regional and international co-operation for technological transfer and the financing of

integrated water resources programmes and projects, in particular those designed to increase access to safe water supply and sanitation;

(c) To ensure the continued participation of local communities, and women in particular, in the management of water resources development and use;

(d) To provide an enabling national and international environment that encourages investments from public and private sources to improve water supply and sanitation services, especially in fast growing urban and peri-urban areas, as well as in poor rural communities in developing countries; and for the international community to adopt and implement commitments to support the efforts to assist developing countries in achieving access to safe drinking water and sanitation for all;

(e) To recognize water as a social and economic good with a vital role in the satisfaction of basic human needs, food security, poverty alleviation and the protection of ecosystems. Economic valuation of water should be seen within the context of its social and economic implications, reflecting the importance of meeting basic needs. Consideration should be given to the gradual implementation of pricing policies that are geared towards cost recovery and the equitable and efficient allocation of water, including the promotion of water conservation, in developed countries; such policies could also be considered in developing countries when they reach an appropriate stage in their development, so as to promote the harmonious management and development of scarce water resources and generate financial resources for investment in new water supply and treatment facilities. Such strategies should also include programmes assigned to minimize wasteful consumption of water;

(f) To strengthen the capability of Governments and international institutions to collect and manage information, including scientific, social and environmental data, in order to facilitate the integrated assessment and management of water resources, and foster regional and international cooperation for information dissemination and exchange through cooperative approaches among United Nations institutions, including the United Nations Environment Programme, and centres for environmental excellence. In this regard, technical assistance to developing countries will continue to be important;

(g) For the international community to give support to the efforts of developing countries, with their limited resources, to shift to higher-value, less water-intensive modes of agricultural and industrial production and to develop the educational and informational infrastructure necessary to improve the skills of the labour force required for the economic transformation that needs to take place if use of fresh-water resources is to be sustainable. International support for the integrated development of water resources in developing countries, and appropriate innovative initiatives and approaches at the bilateral and regional levels are also required;

(h) To encourage watercourse States to develop international watercourses with a view to attaining sustainable utilization and appropriate protection thereof and benefits therefrom, taking into account the interests of the watercourse States concerned.

35. Considering the urgent need for action in the field of fresh water, and building on existing principles and instruments, arrangements, programmes of action and customary uses of water, Governments call for a dialogue under the aegis of the Commission on Sustainable Development, beginning at its sixth session, aimed at building a consensus on the necessary actions, and in particular, on the means of implementation and on tangible results, in order to consider initiating a strategic approach for the implementation of all aspects of the sustainable use of fresh water for social and economic purposes, including safe drinking water and sanitation, water for irrigation, recycling and waste-water management, and the important role fresh water plays in natural ecosystems. This intergovernmental process will be fully fruitful only if there is a proved commitment by the international community to the provision of new and additional financial resources for the goals of this initiative.

Oceans and seas

36. Progress has been achieved since the United Nations Conference on Environment and Development in the negotiation of agreements and voluntary instruments for improving the conservation and management of fishery resources and for the protection of the marine environment. Furthermore, progress has been made in the conservation and management of specific fishery stocks for the purpose of securing the sustainable utilization of these resources. Despite this, the decline of many fish stocks, high levels of discards and rising marine pollution continue. Governments should take full advantage of the challenge and opportunity presented by the International Year of the Ocean in 1998. There is a need to continue to improve decision-making at the national, regional and global levels. To address the need for improving global decision-making on the marine environment, there is an urgent need for Governments to implement decision 4/15 of the Commission on Sustainable Development, in which the Commission, *inter alia*, called for a periodic intergovernmental review by the Commission of all aspects of the marine environment and its related issues, as described in chapter 17 of Agenda 21, and for which the overall legal framework was provided by the United Nations Convention on the Law of the Sea. There is a need for concerted action by all countries and for improved cooperation to assist developing countries in implementing the relevant agreements and instruments in order that they may participate effectively in the sustainable use, conservation and management of their fishery resources, as provided for in the Convention and other international legal instruments, and achieve integrated coastal zone management. In that context, there is an urgent need for:

(a) All Governments to ratify or to accede to the relevant agreements as soon as possible and to implement effectively such agreements as well as relevant voluntary instruments;

(b) All Governments to implement General Assembly resolution 51/189 of 16 December 1996, including the strengthening of institutional links to be established between the relevant intergovernmental mechanisms involved in the development and implementation of integrated coastal zone management. Following progress on the United Nations Convention on the Law

of the Sea, and bearing in mind Principle 13 of the Rio Declaration on Environment and Development, there is a need to strengthen the implementation of existing international and regional agreements on marine pollution, with a view in particular to ensuring better contingency planning, response, and liability and compensation mechanisms;

(c) Better identification of priorities for action at the global level to promote the conservation and sustainable use of the marine environment, as well as better means for integrating such action;

(d) Further international cooperation to support the strengthening, where needed, of regional and sub-regional agreements for the protection and sustainable use of the oceans and seas;

(e) Governments to prevent or eliminate overfishing and excess fishing capacity through the adoption of management measures and mechanisms to ensure the sustainable management and utilization of fishery resources and to undertake programmes of work to achieve the reduction and elimination of wasteful fishing practices, wherever they may occur, especially in relation to large-scale industrialized fishing. The emphasis given by the Commission on Sustainable Development at its fourth session to the importance of effective conservation and management of fish stocks, and in particular to eliminating overfishing, in order to identify specific steps at national or regional levels to prevent or eliminate excess fishing capacity, will need to be carried forward in all appropriate international forums including, in particular, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations;

(f) Governments to consider the positive and negative impact of subsidies on the conservation and management of fisheries through national, regional and appropriate international organizations and, based on these analyses, to consider appropriate action;

(g) Governments to take actions, individually and through their participation in competent global and regional forums, to improve the quality and quantity of scientific data as a basis for effective decisions related to the protection of the marine environment and the conservation and management of marine living resources; in this regard, greater international cooperation is required to assist developing countries, in particular small island developing States, to operationalize data networks and clearing houses for information-sharing on oceans. In this context, particular emphasis must be placed on the collection of biological and other fisheries-related information and the resources for its collation, analysis and dissemination.

Forests

37. The management, conservation and sustainable development of all types of forests are a crucial factor in economic and social development, in environmental protection and in the planet's life-support system. Forests are one of the major reservoirs of biological diversity; they act as carbon sinks and reservoirs; and they are a significant source of renewable energy, particularly in the least developed countries. Forests are an integral part of sustainable development and are essential to many indigenous people and other forest-dependent people practising traditional lifestyles, for-

est owners and local communities, many of whom possess important traditional forest-related knowledge.

38. Since the adoption of the Forest Principles at the Rio Conference, tangible progress has been made in sustainable forest management at the national, sub-regional, regional and international levels and in the promotion of international cooperation on forests. The proposals for action contained in the report of the Ad Hoc Intergovernmental Panel on Forests on its fourth session, which were endorsed by the Commission on Sustainable Development at its fifth session, represent significant progress and consensus on a wide range of forest issues.

39. To maintain the momentum generated by the Intergovernmental Panel process and to facilitate and encourage the holistic, integrated and balanced intergovernmental policy dialogue on all types of forests in the future, which continues to be an open, transparent and participatory process, requires a long-term political commitment to sustainable forest management worldwide. Against this background, there is an urgent need for:

(a) Countries and international organizations and institutions to implement the proposals for action agreed by the Intergovernmental Panel, in an expeditious and effective manner, and in collaboration and through effective partnership with all interested parties, including major groups, in particular indigenous people and local communities;

(b) Countries to develop national forest programmes in accordance with their respective national conditions, objectives and priorities;

(c) Enhanced international cooperation to implement the Intergovernmental Panel's proposals for action directed towards the management, conservation and sustainable development of all types of forests, including provision for financial resources, capacity-building, research and the transfer of technology;

(d) Further clarification of all issues arising from the programme elements of the Intergovernmental Panel process;

(e) International institutions and organizations to continue their work and to undertake further coordination and explore means for collaboration in the informal, high-level Inter-agency Task Force on Forests, focusing on the implementation of the Intergovernmental Panel's proposals for action, in accordance with their respective mandates and comparative advantage;

(f) Countries to provide consistent guidance to the governing bodies of relevant international institutions and instruments with respect to taking efficient and effective measures, as well as to coordinating their forest-related work at all levels, in respect of incorporating the Intergovernmental Panel's proposals for action into their work programmes and under existing agreements and arrangements.

40. To help to achieve this, it is decided to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended Intergovernmental Forum on Forests under the aegis of the Commission on Sustainable Development to work in an open, transparent and participatory manner, with a focused and time-limited mandate, and charged with, *inter alia*:

(a) Promoting and facilitating the implementation of the Intergovernmental Panel's proposals for action;

(b) Reviewing, monitoring and reporting on progress in the management, conservation and sustainable development of all types of forests;

(c) Considering matters left pending as regards the programme elements of the Intergovernmental Panel, in particular trade and environment in relation to forest products and services, transfer of technology and the need for financial resources.

The Forum should also identify the possible elements of and work towards consensus on international arrangements and mechanisms, for example, a legally binding instrument. The Forum will report on its work to the Commission on Sustainable Development in 1999. Based on that report, and depending on the decision of the Commission at its eighth session, the Forum will engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests.

41. The Forum should convene as soon as possible to further elaborate its terms of reference and decide on organizational matters. It should be serviced by a small secretariat within the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat supported by voluntary extrabudgetary contributions from Governments and international organizations.

Energy

42. Energy is essential to economic and social development and improved quality of life. However, sustainable patterns of production, distribution and use of energy are crucial. Fossil fuels (coal, oil and natural gas) will continue to dominate the energy supply situation for many years to come in most developed and developing countries. What is required then is to reduce the environmental impact of their continued development and to reduce local health hazards and environmental pollution through enhanced international cooperation, notably in the provision of concessional finance for capacity development and transfer of the relevant technology and through appropriate national action.

43. In developing countries, sharp increases in energy services are required to improve the standard of living of their growing populations. The increase in the level of energy services would have a beneficial impact on poverty eradication by increasing employment opportunities and improving transportation, health and education. Many developing countries, in particular the least developed, face the urgent need to provide adequate modern energy services, especially to billions of people in rural areas. This requires significant financial, human and technical resources and a broad-based mix of energy sources.

44. The objectives envisaged in this section should reflect the need for equity, adequate energy supplies and increasing energy consumption in developing countries and should take into account the situation of countries that are highly dependent on income generated from the production, processing and export, and/or consumption, of fossil fuels and that have serious difficulties in switching to alternative sources of energy, and the situation of countries highly vulnerable to the adverse effects of climate change.

45. Advances towards sustainable energy use are taking place and all parties can benefit from progress made in other countries. It is also necessary to ensure international cooperation for promoting energy conservation and improvement of energy efficiency, the use of renewable energy and research, and the development and dissemination of innovative energy-related technology.

46. Therefore there is a need for:

(a) A movement towards sustainable patterns of production, distribution and use of energy. To advance this work at the intergovernmental level, the Commission on Sustainable Development will discuss energy issues at its ninth session. Noting the vital role of energy in the continuation of sustained economic growth, especially for developing countries, be they importers or suppliers of energy, and recognizing the complexities and interdependencies inherent in addressing energy issues within the context of sustainable development, preparations for this session should be initiated at the seventh session and should utilize an open-ended intergovernmental group of experts on energy and sustainable development to be held in conjunction with inter-sessional meetings of the eighth and ninth sessions of the Commission. In line with the objectives of Agenda 21, the ninth session of the Commission should contribute to a sustainable energy future for all;

(b) Evolving concrete measures to strengthen international cooperation in order to assist developing countries in their domestic efforts to provide adequate modern energy services, especially electricity, to all sections of their population, particularly in rural areas, in an environmentally sound manner;

(c) Countries to promote policies and plans, bearing in mind the specific needs and priorities of developing countries, that take into account the economic, social and environmental aspects of the production, distribution and use of energy, including the use of lower-pollutant sources of energy such as natural gas;

(d) Evolving commitments for the transfer of relevant technology, including time-bound commitments, as appropriate, to developing countries and economies in transition so as to enable them to increase the use of renewable energy sources and cleaner fossil fuels and to improve efficiency in energy production, distribution and use. Countries need to systematically increase the use of renewable energy sources according to their specific social, economic, natural, geographical and climatic conditions and cleaner fuel technologies, including fossil fuel technologies, and to improve efficiency in energy production, distribution and use and in other industrial production processes that are intensive users of energy;

(e) Promoting efforts in research on and development and use of renewable energy technologies at the international and national levels;

(f) In the context of fossil fuels, encouraging further research, development, and the application and transfer of technology of a cleaner and more efficient nature, through effective international support;

(g) Encouraging Governments and the private sector to consider appropriate ways to gradually promote environmental cost internalization so as to achieve more sustainable use of energy, taking fully into ac-

count the economic, social and environmental conditions of all countries, in particular developing countries. In this regard, the international community should cooperate to minimize the possible adverse impacts on the development process of developing countries resulting from the implementation of those policies and measures. There is also a need to encourage the reduction and the gradual elimination of subsidies for energy production and consumption that inhibit sustainable development. Such policies should take fully into account the specific needs and conditions of developing countries, particularly least developed countries, as reflected in the special and differential treatment accorded them in the Agreement on Subsidies and Countervailing Measures of the Uruguay Round of multilateral trade negotiations;

(h) Encouraging better coordination on the issue of energy within the United Nations system, under the guidance of the General Assembly and taking into account the coordinating role of the Economic and Social Council.

Transport

47. The transport sector and mobility in general have an essential and positive role to play in economic and social development, and transportation needs will undoubtedly increase. Over the next twenty years, transportation is expected to be the major driving force behind a growing world demand for energy. The transport sector is the largest end-user of energy in developed countries and the fastest growing one in most developing countries. Current patterns of transportation with their dominant patterns of energy use are not sustainable and on the basis of present trends may compound the environmental problems the world is facing and the health impacts referred to in paragraph 31 above. There is a need for:

(a) The promotion of integrated transport policies that consider alternative approaches to meeting commercial and private mobility needs and improve performance in the transport sector at the national, regional and global levels, and particularly a need to encourage international cooperation in the transfer of environmentally sound technologies in the transport sector and implementation of appropriate training programmes in accordance with national programmes and priorities;

(b) The integration of land-use and urban, peri-urban and rural transport planning, taking into account the need to protect ecosystems;

(c) The adoption and promotion, as appropriate, of measures to mitigate the negative impact of transportation on the environment, including measures to improve efficiency in the transportation sector;

(d) The use of a broad spectrum of policy instruments to improve energy efficiency and efficiency standards in transportation and related sectors;

(e) The continuation of studies in the appropriate forums, including the International Civil Aviation Organization, on the use of economic instruments for the mitigation of the negative environmental impact of aviation in the context of sustainable development;

(f) Accelerating the phasing-out of the use of leaded gasoline as soon as possible, in pursuit of the objectives of reducing the severe health impacts of human exposure to lead. In this regard, technological and

economic assistance should continue to be provided to developing countries in order to enable them to make such a transition;

(g) The promotion of voluntary guidelines for environmentally friendly transport, and actions for reducing vehicle emissions of carbon dioxide, carbon monoxide, nitrogen oxides, particulate matter and volatile organic compounds, as soon as possible;

(h) Partnerships at the national level, involving Governments, local authorities, non-governmental organizations and the private sector, for strengthening transport infrastructures and developing innovative mass transport schemes.

Atmosphere

48. Ensuring that the global climate and atmosphere are not further damaged, with irreversible consequences for future generations, requires political will and concerted efforts by the international community in accordance with the principles enshrined in the United Nations Framework Convention on Climate Change. Under the Convention, some first steps have been taken to deal with the global problem of climate change. Despite the adoption of the Convention, the emission and concentration of greenhouse gases continue to rise, even as scientific evidence assembled by the Intergovernmental Panel on Climate Change and other relevant bodies continues to diminish the uncertainties and points ever more strongly to the severe risk of global climate change. So far, insufficient progress has been made by many developed countries in meeting their aim to return greenhouse gas emissions to 1990 levels by the year 2000. It is recognized as one critical element of the Berlin Mandate that the commitments set out under article 4, paragraph 2 (a) and (b), of the Convention are inadequate and that there is therefore a need to strengthen them. It is most important that the Conference of the Parties to the Convention, at its third session, to be held at Kyoto, Japan, in December 1997, adopt a protocol or other legal instrument that fully encompasses the Berlin Mandate. The Geneva Ministerial Declaration, which was noted without formal adoption, but which received majority support among ministers and other heads of delegation attending the second session of the Conference of the Parties, also called for, *inter alia*, the acceleration of negotiations on the text of a legally binding protocol or other legal instrument.

49. At the present nineteenth special session of the General Assembly, the international community has confirmed its recognition of the problem of climate change as one of the biggest challenges facing the world in the next century. The leaders of many countries have stressed the seriousness of this problem in their statements to the Assembly, and have outlined the actions they had in hand to respond to the challenge, both in their own countries and internationally.

50. The ultimate goal that all countries share is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. This requires efficient and cost-effective policies and measures that will be sufficient to result in a significant reduction in emissions. At the present session, countries reviewed the status of the preparations for the third session of the Conference of the Parties to the

United Nations Framework Convention on Climate Change. All agreed that a satisfactory result was vital.

51. The position of many countries with respect to these negotiations is still evolving, and it was agreed that it would not be appropriate to seek to predetermine the results; however, useful discussions on evolving positions took place.

52. There is already widespread, but not universal, agreement that it will be necessary to consider legally binding, meaningful, realistic and equitable targets for countries listed in annex I to the Convention that will result in significant reductions in greenhouse gas emissions within specified time frames, such as 2005, 2010 and 2020. In addition to establishing targets, there is also widespread agreement that it will be necessary to consider ways and means of achieving them and to take into account the economic, adverse environmental and other effects of such response measures on all countries, particularly developing countries.

53. International cooperation in the implementation of chapter 9 of Agenda 21, in particular in the transfer of technology to and capacity-building in developing countries, is also essential to promote the effective implementation of the United Nations Framework Convention on Climate Change.

54. There is also a need to strengthen systematic observational networks so as to identify the possible onset and distribution of climate change and assess potential impacts, particularly at the regional level.

55. The ozone layer continues to be severely depleted and the Montreal Protocol on Substances that Deplete the Ozone Layer needs to be strengthened. The Copenhagen Amendment to the Protocol needs to be ratified. The recent successful conclusion of the replenishment negotiations with respect to the Montreal Protocol Multilateral Fund is welcomed. This has made available funds for, among other things, earlier phase-out of ozone-depleting substances, including methyl bromide, in developing countries. Future replenishment should also be adequate to ensure timely implementation of the Montreal Protocol. An increased focus on capacity-building programmes in developing countries within multilateral funds is also needed, as well as the implementation of effective measures against illegal trade in ozone-depleting substances.

56. Rising levels of transboundary air pollution should be countered, including through appropriate regional cooperation to reduce pollution levels.

Toxic chemicals

57. The sound management of chemicals is essential to sustainable development and is fundamental to human health and environmental protection. All those responsible for chemicals throughout their life cycle bear the responsibility for achieving this goal. Substantial progress on the sound management of chemicals has been made since the United Nations Conference on Environment and Development, in particular through the establishment of the Intergovernmental Forum on Chemical Safety and the Inter-organizational Programme for the Sound Management of Chemicals. In addition, domestic regulations have been complemented by the Code of Ethics on the International Trade in Chemicals and by voluntary industry initiatives, such as Responsible Care. Despite substantial progress, a number of chemicals continue

to pose significant threats to local, regional and global ecosystems and to human health. Since the United Nations Conference on Environment and Development, there has been an increased understanding of the serious damage that certain toxic chemicals can cause to human health and the environment. Much remains to be done and the environmentally sound management of chemicals should continue to be an important issue well beyond 2000. Particular attention should also be given to cooperation in the development and transfer of technology of safe substitutes and in the development of capacity for the production of such substitutes. The decision concerning the sound management of chemicals adopted by the Governing Council of the United Nations Environment Programme at its nineteenth session should be implemented in accordance with the agreed timetables for negotiations on the conventions relating to prior informed consent and persistent organic pollutants. It is noted that inorganic chemicals possess roles and behaviour that are distinct from organic chemicals.

Hazardous wastes

58. Substantial progress has been made in the implementation of the Basel Convention, the Bamako Convention, the Fourth Lome Convention and other regional conventions, although more remains to be done. Important initiatives aimed at promoting the environmentally sound management of hazardous wastes under the Basel Convention, include (a) activities undertaken to prevent illegal traffic in hazardous wastes; (b) the establishment of regional centres for training and technology transfer regarding hazardous waste minimization and management; and (c) the treatment and disposal of hazardous wastes as close as possible to their source of origin. These initiatives should be further developed. It is also important and urgent that work under the Basel Convention be completed to define which hazardous wastes are controlled under the Convention and to negotiate, adopt and implement a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes. Land contaminated by the disposal of hazardous wastes needs to be identified and remedial actions put in hand. Integrated management solutions are also required to minimize urban and industrial waste generation and to promote recycling and reuse.

Radioactive wastes

59. Radioactive wastes can have very serious environmental and human health impacts over long periods of time. It is therefore essential that they be managed in a safe and responsible way. The storage, transportation, transboundary movement and disposal of radioactive wastes should be guided by all the principles of the Rio Declaration on Environment and Development and by Agenda 21. States that generate radioactive wastes have a responsibility to ensure their safe storage and disposal. In general, radioactive wastes should be disposed of in the territory of the State in which they are generated as far as is compatible with the safety of the management of such material. Each country has the responsibility of ensuring that radioactive wastes that fall within its jurisdiction are managed properly in accordance with internationally accepted

principles, taking fully into account any transboundary effects. The international community should make all efforts to prohibit the export of radioactive wastes to those countries that do not have appropriate waste treatment and storage facilities. The international community recognizes that regional arrangements or jointly used facilities might be appropriate for the disposal of such wastes in certain circumstances. The management of radioactive wastes should be undertaken in a manner consistent with international law, including the provisions of relevant international and regional conventions, and with internationally accepted standards. It is important to intensify safety measures with regard to radioactive wastes. States, in cooperation with relevant international organizations, where appropriate, should not promote or allow the storage or disposal of high-level, intermediate-level or low-level radioactive wastes near the marine environment unless they determine that scientific evidence, consistent with the applicable internationally agreed principles and guidelines, shows that such storage or disposal poses no unacceptable risk to people or the marine environment and does not interfere with other legitimate uses of the sea. In the process of the consideration of that evidence, appropriate application of the precautionary approach principle should be made. Further action is needed by the international community to address the need for enhancing awareness of the importance of the safe management of radioactive wastes, and to ensure the prevention of incidents and accidents involving the uncontrolled release of such wastes.

60. One of the main recommendations of Agenda 21 and of the Commission on Sustainable Development at its second session in this area was to support the ongoing efforts of the International Atomic Energy Agency, the International Maritime Organization and other relevant international organizations. The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management currently being negotiated under the auspices of the Agency is now close to completion. It will provide a comprehensive codification of international law and a guide to best practices in this area. It will rightly be based on all the principles of best practice for this subject that have evolved in the international community, including the principle that, in general, radioactive wastes should be disposed of in the State in which they were generated as far as is compatible with the safety of the management of such material. Governments should finalize this text and are urged to ratify and implement it as soon as possible so as to further improve practice and strengthen safety in this area. Transportation of irradiated nuclear fuel and high-level waste by sea should be guided by the INF Code, which should be considered for development into a mandatory instrument. The issue of the potential transboundary environmental effects of activities related to the management of radioactive wastes and the question of prior notification, relevant information and consultation with States that could potentially be affected by such effects, should be further addressed within the appropriate forums.

61. Increased global and regional cooperation, including exchange of information and experience and transfer of appropriate technologies, is needed to improve the management of radioactive wastes. There is a

need to support the clean-up of sites contaminated as a result of all types of nuclear activity and to conduct health studies in the regions around those sites, as appropriate, with a view to identifying where health treatment may be needed and should be provided. Technical assistance should be provided to developing countries, recognizing the special needs of small island developing States in particular, to enable them to develop or improve procedures for the management and safe disposal of radioactive wastes deriving from the use of radionuclides in medicine, research and industry.

Land and sustainable agriculture

62. Land degradation and soil loss threaten the livelihood of millions of people and future food security, with implications for water resources and the conservation of biodiversity. There is an urgent need to define ways to combat or reverse the worldwide accelerating trend of soil degradation, using an ecosystem approach, taking into account the needs of populations living in mountain ecosystems and recognizing the multiple functions of agriculture. The greatest challenge for humanity is to protect and sustainably manage the natural resource base on which food and fibre production depend, while feeding and housing a population that is still growing. The international community has recognized the need for an integrated approach to the protection and sustainable management of land and soil resources, as stated in decision III/11 of the Conference of the Parties to the Convention on Biological Diversity, including identification of land degradation, which involves all interested parties at the local as well as the national level, including farmers, small-scale food producers, indigenous people(s), non-governmental organizations and, in particular, women, who have a vital role in rural communities. This should include action to ensure secure land tenure and access to land, credit and training, as well as the removal of obstacles that inhibit farmers, especially small-scale farmers and peasants, from investing in and improving their lands and farms.

63. It remains essential to continue efforts for the eradication of poverty through, *inter alia*, capacity-building to reinforce local food systems, improving food security and providing adequate nutrition for the more than 800 million undernourished people in the world, located mainly in developing countries. Governments should formulate policies that promote sustainable agriculture as well as productivity and profitability. Comprehensive rural policies are required to improve access to land, combat poverty, create employment and reduce rural emigration. In accordance with the commitments agreed to in the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted by the World Food Summit, sustainable food security for both the urban and the rural poor should be a policy priority, and developed countries and the international community should provide assistance to developing countries to this end. To meet these objectives, Governments should attach high priority to implementing the commitments of the Rome Declaration and Plan of Action, especially the call for a minimum target of halving the number of undernourished people in the world by the year 2015. Governments and international organizations are en-

couraged to implement the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture, adopted by the International Technical Conference on Plant Genetic Resources held at Leipzig, Germany, from 17 to 23 June 1996. At the sixth session of the Commission on Sustainable Development, in 1998, the issues of sustainable agriculture and land use should be considered in relation to freshwater. The challenge for agricultural research is to increase yields on all farmlands while protecting and conserving the natural resource base. The international community and Governments must continue or increase investments in agricultural research because it can take years or decades to develop new lines of research and put research findings into sustainable practice on the land. Developing countries, particularly those with high population densities, will need international cooperation to gain access to the results of such research and to technology aimed at improving agricultural productivity in limited spaces. More generally, international cooperation continues to be needed to assist developing countries in many other aspects of basic requirements of agriculture. There is a need to support the continuation of the reform process in conformity with the Uruguay Round agreements, particularly article 20 of the Agreement on Agriculture, and to implement fully the World Trade Organization Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries.

Desertification and drought

64. Governments are urged to conclude, by signing and ratifying, accepting, approving and/or acceding to, and to implement as soon as possible the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, which entered into force on 26 December 1996, and to support and actively participate in the first session of the Conference of the Parties to the Convention, which is to be held in Rome in September 1997.

65. The international community is urged to recognize the vital importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought. In order to increase the effectiveness and efficiency of existing financial mechanisms, the international community, in particular developed countries, should therefore support the global mechanism that would have the capacity to promote actions leading to the mobilization and channelling of substantial resources for advancing the implementation of the Convention and its regional annexes, and to contribute to the eradication of poverty, which is one of the principal consequences of desertification and drought in the majority of affected countries. Another view was that the international community, in particular developed countries, should provide new and additional resources towards the same ends. The transfer to developing countries of environmentally sound, economically viable and socially acceptable technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable devel-

opment in affected areas, should be undertaken without delay on mutually agreed terms.

Biodiversity

66. There remains an urgent need for the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the utilization of components of genetic resources. The threat to biodiversity stems mainly from habitat destruction, over-harvesting, pollution and the inappropriate introduction of foreign plants and animals. There is an urgent need for Governments and the international community, with the support of relevant international institutions, as appropriate:

(a) To take decisive action to conserve and maintain genes, species and ecosystems with a view to promoting the sustainable management of biological diversity;

(b) To ratify the Convention on Biological Diversity and implement it fully and effectively together with the decisions of the Conference of the Parties, including recommendations on agricultural biological diversity and the Jakarta Mandate on Marine and Coastal Biological Diversity, and pursue urgently other tasks identified by the Conference of the Parties at its third meeting under the work programme on terrestrial biological diversity, within the context of the ecosystems approach adopted in the Convention;

(c) To undertake concrete actions for the fair and equitable sharing of the benefits arising from the utilization of genetic resources, consistent with the provisions of the Convention and the decisions of the Conference of the Parties on, *inter alia*, access to genetic resources and the handling of biotechnology and its benefits;

(d) To pay further attention to the provision of new and additional financial resources for the implementation of the Convention;

(e) To facilitate the transfer of technologies, including biotechnology, to developing countries, consistent with the provisions of the Convention;

(f) To respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles, and encourage the equitable sharing of the benefits arising from traditional knowledge so that those communities are adequately protected and rewarded, consistent with the provisions of the Convention on Biological Diversity and in accordance with the decisions of the Conference of the Parties;

(g) To complete rapidly the biosafety protocol under the Convention on Biological Diversity, on the understanding that the United Nations Environment Programme International Technical Guidelines for Safety in Biotechnology may be used as an interim mechanism during its development, and to complement it after its conclusion, including the recommendations on capacity-building related to biosafety;

(h) To stress the importance of the establishment of a clearing-house mechanism by Parties to the Convention, consistent with the provisions of the Convention;

(i) To recognize the role of women in the conservation of biological diversity and the sustainable use of biological resources;

(j) To provide the necessary support to integrate the conservation of biological diversity and the sustainable use of biological resources into national development plans;

(k) To promote international cooperation to develop and strengthen national capacity-building, including human resource development and institution-building;

(l) To provide incentive measures at the national, regional and international levels to promote the conservation and sustainable use of biological diversity, and to consider means to enhance developing countries' capabilities to compete in the emerging market for biological resources, while improving the functioning of that market.

Sustainable tourism

67. Tourism is now one of the world's largest industries and one of its fastest growing economic sectors. The expected growth in the tourism sector and the increasing reliance of many developing countries, including small island developing States, on this sector as a major employer and contributor to local, national, subregional and regional economies highlights the need to pay special attention to the relationship between environmental conservation and protection and sustainable tourism. In this regard, the efforts of developing countries to broaden the traditional concept of tourism to include cultural and eco-tourism merit special consideration as well as the assistance of the international community, including the international financial institutions.

68. There is a need to consider further the importance of tourism in the context of Agenda 21. Tourism, like other sectors, uses resources, generates wastes and creates environmental, cultural and social costs and benefits in the process. For sustainable patterns of consumption and production in the tourism sector, it is essential to strengthen national policy development and enhance capacity in the areas of physical planning, impact assessment, and the use of economic and regulatory instruments, as well as in the areas of information, education and marketing. A particular concern is the degradation of biodiversity and fragile ecosystems, such as coral reefs, mountains, coastal areas and wetlands.

69. Policy development and implementation should take place in cooperation with all interested parties, especially the private sector and local and indigenous communities. The Commission should develop an action-oriented international programme of work on sustainable tourism, to be defined in cooperation with the World Tourism Organization, the United Nations Conference on Trade and Development, the United Nations Environment Programme, the Conference of the Parties to the Convention on Biological Diversity and other relevant bodies.

70. The sustainable development of tourism is of importance for all countries, in particular for small island developing States. International cooperation is needed to facilitate tourism development in developing countries—including the development and marketing of eco-tourism, bearing in mind the importance of the conservation policies required to secure long-term benefits from development in this sector—in particular in small island developing States, in the context of the Programme of Action for the Sustainable Development of Small Island Developing States.

Small island developing States

71. The international community reaffirms its commitment to the implementation of the Programme

of Action for the Sustainable Development of Small Island Developing States. The Commission on Sustainable Development carried out a mid-term review of selected programme areas of the Programme of Action at its fourth session, in 1996. At its sixth session, in 1998, the Commission will undertake a review of all the outstanding chapters and issues of the Programme of Action. A full and comprehensive review of the Programme of Action, consistent with the review of other United Nations global conferences, is scheduled for 1999. The Commission, at its fifth session, adopted a resolution on modalities for the full and comprehensive review of the Programme of Action, in which it recommended that the General Assembly hold a two-day special session immediately preceding its fifty-fourth session for an in-depth assessment and appraisal of the implementation of the Programme of Action. The full implementation of the decision would represent a significant contribution to achieving the objectives of the Global Conference for the Sustainable Development of Small Island Developing States.

72. Considerable efforts are being made at the national and regional levels to implement the Programme of Action. These efforts need to be supplemented by effective financial support from the international community. External assistance for building the requisite infrastructure and for national capacity-building, including human and institutional capacity, and for facilitating access to information on sustainable development practices and the transfer of environmentally sound technologies, in accordance with paragraph 34.14 (b) of Agenda 21, is crucial for small island developing States to effectively attain the goals of the Programme of Action. To assist national capacity-building, the small island developing States information network and small island developing States technical assistance programme should be made operational as soon as possible, with support for existing regional and subregional institutions.

Natural disasters

73. Natural disasters have disproportionate consequences for developing countries, in particular small island developing States and countries with extremely fragile ecosystems. Programmes for sustainable development should give higher priority to the implementation of the commitments made at the World Conference on Natural Disaster Reduction held at Yokohama, Japan, from 23 to 27 May 1994. There is a particular need for capacity-building for disaster planning and management and for the promotion and facilitation of the transfer of early-warning technologies to countries prone to disasters, in particular developing countries and countries with economies in transition.

74. Given that further work is needed throughout the world, there is a special need to provide developing countries with further assistance in:

(a) Strengthening mechanisms and policies designed to reduce the effects of natural disasters, improve preparedness and integrate natural disaster considerations in development planning, through, inter alia, access to resources for disaster mitigation and preparedness, response and recovery;

(b) Improving access to relevant technology and training in hazard and risk assessment and early warning systems, and in protection from environmental dis-

asters, consistent with national, subregional and regional strategies;

(c) Providing and facilitating technical, scientific and financial support for disaster preparedness and response in the context of the International Decade for Natural Disaster Reduction.

Major technological and other disasters with an adverse impact on the environment

75. Major technological and other disasters with an adverse impact on the environment can be a substantial obstacle in the way of achieving the goals of sustainable development in many countries. The international community should intensify cooperation in the prevention and reduction of such disasters and in disaster relief and post-disaster rehabilitation in order to enhance the capabilities of affected countries to cope with such situations.

C. Means of implementation

Financial resources and mechanisms

76. Financial resources and mechanisms play a key role in the implementation of Agenda 21. In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, official development assistance is a main source of external funding, and substantial new and additional funding for sustainable development and the implementation of Agenda 21 will be required. Hence, all financial commitments of Agenda 21, particularly those contained in chapter 33, and the provisions with regard to new and additional resources that are both adequate and predictable need to be urgently fulfilled. Renewed efforts are essential to ensure that all sources of funding contribute to economic growth, social development and environmental protection in the context of sustainable development and the implementation of Agenda 21.

77. For developing countries, particularly those in Africa and the least developed countries, official development assistance remains a main source of external funding; it is essential for the prompt and effective implementation of Agenda 21 and cannot generally be replaced by private capital flows. Developed countries should therefore fulfil the commitments undertaken to reach the accepted United Nations target of 0.7 per cent of gross national product as soon as possible. In this context the present downward trend in the ratio of official development assistance to gross national product causes concern. Intensified efforts should be made to reverse this trend, taking into account the need for improving the quality and effectiveness of official development assistance. In the spirit of global partnership, the underlying factors that have led to this decrease should be addressed by all countries. Strategies should be worked out for increasing donor support for aid programmes and revitalizing the commitments that donors made at the United Nations Conference on Environment and Development. Some countries already meet or exceed the 0.7 per cent agreed target. Official financial flows to developing countries, particularly the least developed countries, remain an essential element of the partnership embodied in Agenda 21. Official development assistance plays a significant role, inter alia, in capacity-building, infrastructure, combating poverty and environmental protection in

developing countries, and a crucial role in the least developed countries. Official development assistance can play an important complementary and catalytic role in promoting economic growth and may, in some cases, play a catalytic role in encouraging private investment and, where appropriate, all aspects of country-driven capacity-building and strengthening.

78. Funding by multilateral financial institutions through their concessional mechanisms is also essential to developing countries in their efforts to implement fully the sustainable development objectives contained in Agenda 21. Such institutions should continue to respond to the development needs and priorities of developing countries. Developed countries should urgently meet their commitments under the eleventh replenishment of the International Development Association.

79. Continued and full donor commitment to adequate, sustained and predictable funding for Global Environment Facility operations is important for developing countries so that global environmental benefits can be further achieved. Donor countries are urged to engage in providing new and additional resources, with a view to equitable burden-sharing, through the satisfactory replenishment of the Facility, which makes available grant and concessional funding designed to achieve global environmental benefits, thereby promoting sustainable development. Consideration should be given to exploring further the flexibility of the existing mandate of the Facility in supporting activities to achieve global environmental benefits. With regard to the project cycle, further efforts should be made to continue streamlining the decision-making process in order to maintain an effective and efficient, as well as transparent, participatory and democratic framework. The Global Environment Facility, when acting as the operating entity of the financial mechanism of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, should continue to operate in conformity with those Conventions and promote their implementation. The Facility implementing agencies, the United Nations Development Programme, the United Nations Environment Programme and the World Bank, should strengthen, as appropriate and in accordance with their respective mandates, their cooperation at all levels, including the field level.

80. The efficiency, effectiveness and impact of the operational activities of the United Nations system must be enhanced by, inter alia, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of General Assembly resolutions 47/199 of 22 December 1992 and 48/162 of 20 December 1993. There is a need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries.

81. Private capital is a major tool for achieving economic growth in a growing number of developing countries. Higher levels of foreign private investment should be mobilized, given its mounting importance. To stimulate higher levels of private investment, Governments should aim at ensuring macroeconomic stability, open trade and investment policies, and well-

functioning legal and financial systems. Further studies should be undertaken, including studies on the design of an appropriate environment, at both the national and the international levels, for facilitating foreign private investment, in particular foreign direct investment flows to developing countries, and enhancing its contribution to sustainable development. To ensure that such investments are supportive of sustainable development objectives, it is essential that the national Governments of both investor and recipient countries provide appropriate regulatory frameworks and incentives for private investment. Therefore further work should be undertaken on the design of appropriate policies and measures aimed at promoting long-term investment flows to developing countries for activities that increase their productive capability, and at reducing the volatility of these flows. Official development assistance donors and multilateral development banks are encouraged to strengthen their commitment to supporting investment in developing countries in a manner that jointly promotes economic growth, social development and environmental protection.

82. The external debt problem continues to hamper the efforts of developing countries to achieve sustainable development. To resolve the remaining debt problems of the heavily indebted poor countries, creditor and debtor countries and international financial institutions should continue their efforts to find effective, equitable, development-oriented and durable solutions to the debt problem, including debt relief in the form of debt rescheduling, debt reduction, debt swaps and, as appropriate, debt cancellation, as well as grants and concessional flows that will help to restore creditworthiness. The joint World Bank/International Monetary Fund Heavily Indebted Poor Countries Debt Initiative supported by the Paris Club creditor countries is an important development to reduce the multilateral debt problem. Implementation of the Initiative requires additional financial resources from both bilateral and multilateral creditors without affecting the support required for the development activities of developing countries.

83. A fuller understanding of the impact of indebtedness on the pursuit of sustainable development by developing countries is needed. To this end, the United Nations Secretariat, the World Bank and the International Monetary Fund are invited to collaborate with the United Nations Conference on Trade and Development in further considering the interrelationship between indebtedness and sustainable development for developing countries.

84. While international cooperation is very important in assisting developing countries in their development efforts, in general financing for the implementation of Agenda 21 will come from countries' own public and private sectors. Policies for promoting domestic resource mobilization, including credit, could encompass sound macroeconomic reforms, including fiscal and monetary policy reforms, review and reform of existing subsidies, and the promotion of personal savings and access to credit, especially micro-credit, in particular for women. Such policies should be decided by each country, taking into account its own characteristics and capabilities and different levels of development, especially as reflected in national sustainable development strategies, where they exist.

85. There is a need for making existing subsidies more transparent in order to increase public awareness of their actual economic, social and environmental impact, and for reforming or, where appropriate, removing them. Further national and international research in that area should be promoted in order to assist Governments in identifying and considering phasing-out subsidies that have market-distorting, and socially and environmentally damaging impacts. Subsidy reductions should take full account of the specific conditions and the different levels of development of individual countries and should consider potentially regressive impacts, particularly on developing countries. In addition, it would be desirable to use international cooperation and coordination to promote the reduction of subsidies where these have important implications for competitiveness.

86. In order to reduce the barriers to the expanded use of economic instruments, Governments and international organizations should collect and share information on their use and introduce pilot schemes that would, *inter alia*, demonstrate how to make the best use of them while avoiding adverse effects on competitiveness and the terms of trade of all countries, particularly developing countries, and on marginalized and vulnerable sectors of society. When introducing economic instruments that raise the cost of economic activities for households and small and medium-sized enterprises, Governments should consider gradual phase-ins, public education programmes and targeted technical assistance as strategies for reducing distributional impacts. Various studies and practical experience in a number of countries, in particular developed countries, indicate that the appropriate use of relevant economic instruments may help to generate positive possibilities for shifting consumer and producer behaviour to more sustainable directions in those countries. There is, however, a need to conduct further studies and test practical experience in more countries, taking into account country-specific conditions and the acceptability, legitimacy, equity, efficiency and effectiveness of such economic instruments.

87. Innovative financial mechanisms are currently under discussion in international and national forums but have not yet fully evolved conceptually. The Secretary-General is to submit a report concerning innovative financing mechanisms to the Economic and Social Council at its substantive session of 1997. In view of the widespread interest in those mechanisms, appropriate organizations, including the United Nations Conference on Trade and Development, the World Bank and the International Monetary Fund, are invited to consider conducting forward-looking studies of concerted action on such mechanisms and to share them with the Commission on Sustainable Development, other relevant intergovernmental organizations and non-governmental organizations. In this regard, innovative funding should complement official development assistance, not replace it. New initiatives for co-operative implementation of environment and development objectives under mutually beneficial incentive structures should be further explored.

Transfer of environmentally sound technologies

88. The availability of scientific and technological information and access to and transfer of environmen-

tally sound technologies are essential requirements for sustainable development. There is an urgent need for developing countries to acquire greater access to environmentally sound technologies if they are to meet the obligations agreed at the United Nations Conference on Environment and Development and in the relevant international conventions. The ability of developing countries to participate in, benefit from and contribute to rapid advances in science and technology can significantly influence their development. This calls for the urgent fulfilment of all the Conference commitments concerning concrete measures for the transfer of environmentally sound technologies to developing countries. The international community should promote, facilitate and finance, as appropriate, access to and transfer of environmentally sound technologies and the corresponding know-how, in particular to developing countries, on favourable terms, including concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries for the implementation of Agenda 21. Current forms of cooperation involving the public and private sectors of developing and developed countries should be built upon and expanded. In this context, it is important to identify barriers and restrictions to the transfer of publicly and privately owned environmentally sound technologies, with a view to reducing such constraints while creating specific incentives, fiscal and otherwise, for the transfer of such technologies. Progress in the fulfilment of all the provisions contained in chapter 34 of Agenda 21 should be reviewed regularly as part of the multi-year work programme of the Commission on Sustainable Development.

89. Technology transfer and the development of the human and institutional capacity to adapt, absorb and disseminate technologies, as well as to generate technical knowledge and innovations, are part of the same process and must be given equal importance. Governments have an important role to play in providing, *inter alia*, research and development institutions with incentives to promote and contribute to the development of institutional and human capacities.

90. Much of the most advanced environmentally sound technology is developed and held by the private sector. The creation of an enabling environment, on the part of both developed and developing countries, including supportive economic and fiscal measures, as well as a practical system of environmental regulations and compliance mechanisms, can help to stimulate private sector investment in and transfer of environmentally sound technology to developing countries. New ways of financial intermediation for the financing of environmentally sound technologies, such as "green credit lines", should be examined. Further efforts should be made by Governments and international development institutions to facilitate the transfer of privately owned technology on concessional terms, as mutually agreed, to developing countries, especially the least developed countries.

91. A proportion of technology is held or owned by Governments and public institutions or results from publicly funded research and development activities. The Government's control and influence over the technological knowledge produced in publicly funded research and development institutions open up the po-

tential for the generation of publicly owned technologies that could be made accessible to developing countries, and could be an important means for Governments to catalyse private sector technology transfer. Proposals for the further study of the options with respect to those technologies and publicly funded research and development activities are to be welcomed.

92. Governments should create a legal and policy framework that is conducive to technology-related private sector investments and long-term sustainable development objectives. Governments and international development institutions should continue to play a key role in establishing public-private partnerships, within and between developed and developing countries and countries with economies in transition. Such partnerships are essential for linking the advantages of the private sector—access to finance and technology, managerial efficiency, entrepreneurial experience and engineering expertise—with the capacity of Governments to create a policy environment that is conducive to technology-related private sector investments and long-term sustainable development objectives.

93. The creation of centres for the transfer of technology at various levels, including the regional level, could greatly contribute to achieving the objective of transfer of environmentally sound technologies to developing countries. For this purpose, existing United Nations bodies, including, as appropriate, the Commission on Science and Technology for Development, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the United Nations Environment Programme and the regional commissions, should cooperate and mechanisms be used, such as technical cooperation among developing countries and economic cooperation among developing countries.

94. Governments and international development institutions can also play an important role in bringing together companies from developed and developing countries and countries with economies in transition so that they can create sustainable and mutually beneficial business linkages. Incentives should be provided to stimulate the building of joint ventures between small and medium-sized enterprises of developed and developing countries and countries with economies in transition, and cleaner production programmes in public and private companies should be supported.

95. Governments of developing countries should take appropriate measures to strengthen South-South cooperation for technology transfer and capacity-building. Such measures could include the networking of existing national information systems and sources on environmentally sound technologies, and the networking of national cleaner production centres, as well as the establishment of sector-specific regional centres for technology transfer and capacity-building. Interested donor countries and international organizations should further assist developing countries in those efforts through, inter alia, supporting trilateral arrangements and contributing to the United Nations Voluntary Trust Fund for South-South Cooperation.

96. Attention must also be given to technology needs assessment as a tool for Governments in identifying a portfolio for technology transfer projects and capacity-building activities to be undertaken to facili-

tate and accelerate the development, adoption and dissemination of environmentally sound technologies in particular sectors of the national economy. It is also important for Governments to promote the integration of environmental technology assessment with technology needs assessment as an important tool for evaluating environmentally sound technologies and the organizational, managerial and human resource systems related to the proper use of those technologies.

97. There is a need to further explore and enhance the potential of global electronic information and telecommunication networks. This would enable countries to choose among the available technological options that are most appropriate to their needs. In this respect, the international community should assist developing countries in enhancing their capacities.

Capacity-building

98. Renewed commitment and support from the international community is essential to support national efforts for capacity-building in developing countries and countries with economies in transition.

99. The United Nations Development Programme, inter alia, through its Capacity 21 programme, should give priority attention to building capacity for the elaboration of sustainable development strategies based on participatory approaches. In this context, developing countries should be assisted, particularly in the areas of the design, implementation and evaluation of programmes and projects.

100. Capacity-building efforts should pay particular attention to the needs of women in order to ensure that their skills and experience are fully used in decision-making at all levels. The special needs, culture, traditions and expertise of indigenous people must be recognized. International financial institutions should continue to give high priority to funding capacity-building for sustainable development in developing countries and countries with economies in transition. Special attention should also be given to strengthening the ability of developing countries to absorb and generate technologies. International cooperation needs to be strengthened to promote the endogenous capacity of developing countries to utilize scientific and technological developments from abroad and to adapt them to local conditions. The role of the private sector in capacity-building should be further promoted and enhanced. South-South cooperation in capacity-building should be further supported through "triangular" cooperative arrangements. Both developed and developing countries, in cooperation with relevant international institutions, need to strengthen their efforts to develop and implement strategies for more effective sharing of environmental expertise and data.

Science

101. Public and private investment in science, education and training, and research and development should be increased significantly, with emphasis on the need to ensure equal access to opportunities for girls and women.

102. International consensus-building is facilitated by the availability of authoritative scientific evidence. There is a need for further scientific cooperation, especially across disciplines, in order to verify and strengthen scientific evidence and make it accessible to

developing countries. This evidence is important for assessing environmental conditions and changes. Steps should also be taken by Governments, academia and scientific institutions to improve access to scientific information related to the environment and sustainable development. The promotion of existing regional and global networks may be useful for this purpose.

103. Increasing efforts to build and strengthen scientific and technological capacity in developing countries is an extremely important objective. Multilateral and bilateral donor agencies and Governments, as well as specific funding mechanisms, should continue to enhance their support for developing countries. Attention should also be given to countries with economies in transition.

104. The international community should also actively collaborate in promoting innovations in information and communication technologies for the purpose of reducing environmental impacts, *inter alia*, by taking approaches to technology transfer and cooperation that are based on user needs.

Education and awareness

105. Education increases human welfare and is a decisive factor in enabling people to become productive and responsible members of society. A fundamental prerequisite for sustainable development is an adequately financed and effective educational system at all levels, particularly the primary and secondary levels, that is accessible to all and that augments both human capacity and well-being. The core themes of education for sustainability include lifelong learning, interdisciplinary education, partnerships, multicultural education and empowerment. Priority should be given to ensuring women's and girls' full and equal access to all levels of education and training. Special attention should also be paid to the training of teachers, youth leaders and other educators. Education should also be seen as a means of empowering youth and vulnerable and marginalized groups, including those in rural areas, through intergenerational partnerships and peer education. Even in countries with strong education systems, there is a need to reorient education, awareness and training so as to promote widespread public understanding, critical analysis and support for sustainable development. Education for a sustainable future should engage a wide spectrum of institutions and sectors, including but not limited to business/industry, international organizations, youth, professional organizations, non-governmental organizations, higher education, government, educators and foundations, to address the concepts and issues of sustainable development, as embodied throughout Agenda 21, and should include the preparation of sustainable development education plans and programmes, as emphasized in the work programme of the Commission on Sustainable Development on the subject adopted in 1996. The concept of education for a sustainable future will be further developed by the United Nations Educational, Scientific and Cultural Organization, in cooperation with others.

106. It is necessary to support and strengthen universities and other academic centres in promoting cooperation among them, particularly cooperation between those of developing countries and those of developed countries.

International legal instruments and the Rio Declaration on Environment and Development

107. The implementation and application of the principles contained in the Rio Declaration on Environment and Development should be the subject of regular assessment and reporting to the Commission on Sustainable Development by the Secretariat in collaboration with the United Nations Environment Programme, in particular.

108. Access to information and broad public participation in decision-making are fundamental to sustainable development. Further efforts are required to promote, in the light of country-specific conditions, the integration of environment and development policies, through appropriate legal and regulatory policies, instruments and enforcement mechanisms at the national, state, provincial and local levels. At the national level, each individual should have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in the communities, and the opportunity to participate in decision-making processes. Governments and legislators, with the support, where appropriate, of competent international organizations, should establish judicial and administrative procedures for legal redress and remedy of actions affecting environment and development that may be unlawful or infringe on rights under the law, and should provide access to individuals, groups and organizations with a recognized legal interest. Access should be provided to effective judicial and administrative channels for affected individuals and groups to ensure that all authorities, both national and local, and other civil organizations remain accountable for their actions in accordance with their obligations, at the appropriate levels for the country concerned, taking into account the judicial and administrative systems of the country concerned.

109. Taking into account the provisions of chapter 39, particularly paragraph 39.1, of Agenda 21, it is necessary to continue the progressive development and, as and when appropriate, codification of international law related to sustainable development. Relevant bodies in which such tasks are being undertaken should cooperate and coordinate in this regard.

110. Implementation of and compliance with commitments made under international treaties and other instruments in the field of the environment remain a priority. Implementation can be promoted by secure, sustained and predictable financial support, sufficient institutional capacity, human resources and adequate access to technology. Cooperation on implementation between States on mutually agreed terms may help to reduce potential sources of conflict between States. In this context, States should further study and consider methods to broaden and make more effective the range of techniques available at present, taking into account relevant experience under existing agreements and, where appropriate, modalities for dispute avoidance and settlement, in accordance with the Charter of the United Nations. It is also important to improve further reporting and data-collection systems and to develop further appropriate compliance mechanisms and procedures, on a mutually agreed basis, to help and encourage States to fulfil all their obligations, including means of implementation, under multilateral environ-

mental agreements. Developing countries should be assisted to develop these tools according to country-specific conditions.

Information and tools for measuring progress

111. The further development of cost-effective tools for collecting and disseminating information for decision makers at all levels through strengthened data collection, including, as appropriate, gender-disaggregated data and information that makes visible the unremunerated work of women for use in programme planning and implementation, compilation and analysis is urgently needed. In this context, emphasis will be placed on support for national and international scientific and technological data centres with appropriate electronic communication links between them.

112. A supportive environment needs to be established to enhance national capacities and capabilities for information collection, processing and dissemination, especially in developing countries, to facilitate public access to information on global environmental issues through appropriate means, including high-technology information and communication infrastructure related to the global environment, in the light of country-specific conditions, using, where available, such tools as geographic information systems and video transmission technology, including global mapping. In this regard, international cooperation is essential.

113. Environmental impact assessments are an important national tool for sustainable development. In accordance with Principle 17 of the Rio Declaration on Environment and Development, environmental impact assessments should be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority; where appropriate, they should be made available early in the project cycle.

114. The work programme of the Commission on Sustainable Development on indicators of sustainable development should result in a practicable and agreed set of indicators, suited to country-specific conditions, including a limited number of aggregated indicators, to be used at the national level, on a voluntary basis, by the year 2000. Such indicators of sustainable development, including, where appropriate, and subject to nationally specific conditions, sector-specific ones, should play an important role in monitoring progress towards sustainable development at the national level and in facilitating national reporting, as appropriate.

115. National reports on the implementation of Agenda 21 have proved to be a valuable means of sharing information at the international and regional levels and, even more important, of providing a focus for the coordination of issues related to sustainable development at the national level within individual countries. National reporting should continue (see also para. 133 (b) and (c) below).

IV. International institutional arrangements

116. The achievement of sustainable development requires continued support from international institutions. The institutional framework outlined in chapter 38 of Agenda 21 and determined by the General Assembly in its resolution 47/191 of 22 December 1992

and other relevant resolutions, including the specific functions and roles of various organs, organizations and programmes within and outside the United Nations system, will continue to be fully relevant in the period after the nineteenth special session of the General Assembly. In the light of the ongoing discussions on reform within the United Nations, international institutional arrangements in the area of sustainable development are intended to contribute to the goal of strengthening the entire United Nations system. In this context, the strengthening of the institutions for sustainable development, as well as the achievement of the goals and objectives set out below are particularly important.

A. Greater coherence in various intergovernmental organizations and processes

117. Given the increasing number of decision-making bodies concerned with various aspects of sustainable development, including international conventions, there is an ever greater need for better policy coordination at the intergovernmental level, as well as for continued and more concerted efforts to enhance collaboration among the secretariats of those decision-making bodies. Under the guidance of the General Assembly, the Economic and Social Council should play a strengthened role in coordinating the activities of the United Nations system in the economic, social and related fields.

118. The conferences of the parties to conventions signed at the United Nations Conference on Environment and Development or as a result of it, as well as other conventions related to sustainable development, should cooperate in exploring ways and means of collaborating in their work to advance the effective implementation of the conventions. There is also a need for environmental conventions to continue to pursue sustainable development objectives consistent with their provisions and be fully responsive to Agenda 21. To this end, inter alia, the conferences of the parties to or governing bodies of the conventions signed at the United Nations Conference on Environment and Development, or as a result of it, and of other relevant conventions and agreements should, if appropriate, give consideration to the co-location of secretariats, to improving the scheduling of meetings, to integrating national reporting requirements, to improving the balance between sessions of the conferences of the parties and sessions of their subsidiary bodies, and to encouraging and facilitating the participation of Governments in those sessions, at an appropriate level.

119. Institutional arrangements for the convention secretariats should provide effective support and efficient services, while ensuring the appropriate autonomy necessary for them to be efficient at their respective locations. At the international and national levels there is a need for, inter alia, better scientific assessment of ecological linkages between the conventions; identification of programmes that have multiple benefits; and enhanced public awareness-raising with respect to the conventions. Such tasks should be undertaken by the United Nations Environment Programme in accordance with the relevant decisions of its Governing Council and in full cooperation with the conferences of the parties to and governing bodies of relevant conventions. Efforts of convention secretariats, in re-

sponse to requests from the respective conferences of the parties, to explore, where appropriate, modalities for suitable liaison arrangements in Geneva and/or New York for the purpose of enhancing linkages with delegations and organizations at those United Nations centres are welcomed and fully supported.

120. It is necessary to strengthen the Inter-Agency Committee on Sustainable Development of the Administrative Committee on Coordination and its system of task managers, with a view to further enhancing system-wide intersectoral cooperation and coordination for the implementation of Agenda 21 and for the promotion of coordinated follow-up to the major United Nations conferences in the area of sustainable development.

121. The Commission on Sustainable Development should promote increased regional implementation of Agenda 21 in cooperation with relevant regional and subregional organizations and the United Nations regional commissions, in accordance with the results of their priority-setting efforts, with a view to enhancing the role such bodies play in the achievement of sustainable development objectives agreed at the international level. The regional commissions could provide appropriate support, consistent with their work programmes, to regional meetings of experts related to the implementation of Agenda 21.

B. Role of relevant organizations and institutions of the United Nations system

122. In order to facilitate the national implementation of Agenda 21, all organizations and programmes of the United Nations system, within their respective areas of expertise and mandates, should strengthen, individually and jointly, the support for national efforts to implement Agenda 21 and make their efforts and actions consistent with national plans, policies and priorities of member States. Coordination of United Nations activities at the field level should be further enhanced through the resident coordinator system in full consultation with national Governments.

123. The role of the United Nations Environment Programme, as the principal United Nations body in the field of the environment, should be further enhanced. Taking into account its catalytic role, and in conformity with Agenda 21 and the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, adopted on 7 February 1997, the Programme is to be the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the global environment. In this context, decision 19/32 of 4 April 1997 of the United Nations Environment Programme Governing Council on governance of the Programme and other related Governing Council decisions are relevant. The role of the United Nations Environment Programme in the further development of international environmental law should be strengthened, including the development of coherent interlinkages among relevant environmental conventions in cooperation with their respective conferences of the parties or governing bodies. In performing its functions related to the conventions signed at the United Nations Conference on Envi-

ronment and Development or as a result of it, and other relevant conventions, the United Nations Environment Programme should strive to promote the effective implementation of those conventions in a manner consistent with the provisions of the conventions and the decisions of the conferences of the parties.

124. The United Nations Environment Programme, in the performance of its role, should focus on environmental issues, taking into account the development perspective. A revitalized Programme should be supported by adequate, stable and predictable funding. The Programme should continue providing effective support to the Commission on Sustainable Development, inter alia, in the form of scientific, technical and policy information and analysis of and advice on global environmental issues.

125. The United Nations Development Programme should continue to strengthen its contribution to and programmes in sustainable development and the implementation of Agenda 21 at all levels, particularly in the area of promoting capacity-building (including through its Capacity 21 programme) in cooperation with other organizations, as well as in the field of poverty eradication.

126. The United Nations Conference on Trade and Development, in accordance with General Assembly resolution 51/167 of 16 December 1996 and relevant decisions of the Trade and Development Board on the work programme, should continue to play a key role in the implementation of Agenda 21 through the integrated examination of linkages among trade, investment, technology, finance and sustainable development.

127. The Committee on Trade and Environment of the World Trade Organization, the United Nations Conference on Trade and Development and the United Nations Environment Programme should advance their coordinated work on trade and environment, involving other appropriate international and regional organizations in their cooperation and coordination. In coordination with the World Trade Organization, the United Nations Conference on Trade and Development and the United Nations Environment Programme should continue to support efforts to promote the integration of trade, environment and development. The Commission on Sustainable Development should continue to play its important role in the deliberations on trade and environment so as to facilitate the integrated consideration of all factors relevant for achieving sustainable development.

128. Implementation of the commitment of the international financial institutions to sustainable development should continue to be strengthened. The World Bank has a significant role to play, bearing in mind its expertise and the overall volume of resources that it commands.

129. Operationalization of the global mechanism of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, is also essential.

C. Future role and programme of work of the Commission on Sustainable Development

130. The Commission on Sustainable Development, within its mandate as specified in General As-

sembly resolution 47/191, will continue to provide a central forum for reviewing progress and for urging further implementation of Agenda 21 and other commitments made at the United Nations Conference on Environment and Development or as a result of it; for conducting a high-level policy debate aimed at consensus-building on sustainable development; and for catalysing action and long-term commitment to sustainable development at all levels. It should continue to undertake these tasks in complementing and providing interlinkages to the work of other United Nations organs, organizations and bodies acting in the field of sustainable development. The Commission has a role to play in assessing the challenges of globalization as they relate to sustainable development. The Commission should perform its functions in coordination with other subsidiary bodies of the Economic and Social Council and with related organizations and institutions, including making recommendations, within its mandate, to the Economic and Social Council, bearing in mind the interrelated outcomes of recent United Nations conferences.

131. The Commission should focus on issues that are crucial to achieving the goals of sustainable development. It should promote policies that integrate economic, social and environmental dimensions of sustainability and should provide for integrated consideration of linkages, both among sectors and between sectoral and cross-sectoral aspects of Agenda 21. In this connection, the Commission should carry out its work in such a manner as to avoid unnecessary duplication and repetition of work undertaken by other relevant forums.

132. In the light of the above, it is recommended that the Commission on Sustainable Development adopt the multi-year programme of work for the period 1998-2002 contained in the appendix below.

D, Methods of work of the Commission on Sustainable Development

133. Based on the experience gained during the period 1993-1997, the Commission, under the guidance of the Economic and Social Council, should:

(a) Make concerted efforts to attract the greater involvement in its work of ministers and high-level national policy makers responsible for specific economic and social sectors, who, in particular, are encouraged to participate in the annual high-level segment of the Commission, together with the ministers and policy makers responsible for environment and development. The high-level segments of the Commission should become more interactive, and should focus on the priority issues being considered at a particular session. The Bureau of the Commission should conduct timely and open-ended consultations with the view to improving the organization of the work of the high-level segment;

(b) Continue to provide a forum for the exchange of national experience and best practices in the area of sustainable development, including through voluntary national communications or reports. Consideration should be given to the results of ongoing work aimed at streamlining requests for national information and reporting and to the results of the "pilot phase" relating to indicators of sustainable development. In this context, the Commission should consider more effective modalities for the further implementation of the com-

mitments made in Agenda 21, with appropriate emphasis on the means of implementation. Countries may wish to submit to the Commission, on a voluntary basis, information regarding their efforts to incorporate the relevant recommendations of other United Nations conferences in national sustainable development strategies;

(c) Take into account regional developments related to the implementation of the outcomes of the United Nations Conference on Environment and Development. It should provide a forum for the exchange of experience on regional and subregional initiatives and regional collaboration for sustainable development. This could include the promotion of the voluntary regional exchange of national experience in the implementation of Agenda 21 and, inter alia, the possible development of modalities for reviews within regions by and among those countries that voluntarily agree to do so. In this context, the Commission should encourage the availability of funding for the implementation of initiatives related to such reviews;

(d) Establish closer interaction with international financial, development and trade institutions, as well as with other relevant bodies within and outside the United Nations system, including the World Bank, the Global Environment Facility, the United Nations Development Programme, the World Trade Organization, the United Nations Conference on Trade and Development and the United Nations Environment Programme, which, in turn, are invited to take full account of the results of policy deliberations in the Commission and to integrate them in their own work programmes and activities;

(e) Strengthen its interaction with representatives of major groups, including through greater and better use of focused dialogue sessions and round tables. These groups are important resources in operationalizing, managing and promoting sustainable development and contribute to the implementation of Agenda 21. The major groups are encouraged to adopt arrangements for coordination and interaction in providing inputs to the Commission. Taking into account the Commission's programme of work, this could include inputs from:

- (i) The scientific community and research institutions, relating to the greater understanding of the interactions between human activity and natural ecosystems and on how to manage global systems sustainably;
- (ii) Women, children and youth, indigenous people and their communities, non-governmental organizations, local authorities, workers and their trade unions and farmers on the elaboration, promotion and sharing of effective strategies, policies, practices and processes to promote sustainable development;
- (iii) Business and industry groups on the elaboration, promotion and sharing of sustainable development practices and the promotion of corporate responsibility and accountability;

(f) Organize the implementation of its next multi-year programme of work in the most effective and productive way, including through shortening its annual meeting to two weeks. The inter-sessional ad hoc working groups should help to focus the Commission's sessions by identifying key elements to be discussed and

important problems to be addressed within specific items of the Commission's programme of work. Government-hosted and-funded expert meetings will continue to provide inputs to the work of the Commission.

134. The Secretary-General is invited to review the functioning of the High-level Advisory Board on Sustainable Development and present proposals on ways to promote more direct interaction between the Board and the Commission, with a view to ensuring that the Board contributes to the deliberations on specific themes considered by the Commission in accordance with its programme of work.

135. The work of the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources should be more compatible with and supportive of the programme of work of the Commission. The Economic and Social Council, in carrying out its functions related to the implementation of General Assembly resolution 50/227 of 24 May 1996, should consider, at its substantive session of 1997, the most effective means of bringing this about.

136. The arrangements for the election of the Bureau should be changed in order to allow the same Bureau to provide guidance in the preparations for and to lead the work during the annual sessions of the Commission. The Commission would benefit from such a change. The Economic and Social Council should take the necessary action at its substantive session of 1997 to ensure that these new arrangements take effect.

137. The next comprehensive review of progress achieved in the implementation of Agenda 21 by the General Assembly will take place in the year 2002. The modalities of this review should be determined at a later stage.

APPENDIX Multi-year programme of work for the Commission on Sustainable Development, 1998-2002

1998 session: Overriding issues: poverty/consumption and production patterns

Sectoral theme: Cross-sectoral theme: Economic sector/
major group:

Strategic approaches to freshwater management	Transfer of technology/ capacity-building/ education/science/ awareness-raising	Industry
Review of outstanding chapters of the Programme of Action for the Sustainable Development of Small Island Developing States		

Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:
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Agenda 21, chapters 2-8, 10-15, 18-21, 23-34, 36, 37 and 40	Agenda 21, chapters 2-4, 6, 16, 23-37 and 40	Agenda 21, chapters 4, 6, 9, 16, 17, 19-21, 23-35 and 40
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Agenda 21, chapters 2-8, 10-15, 18-21, 23-34, 36, 37 and 40	Agenda 21, chapters 2-4, 6, 16, 23-37 and 40	Agenda 21, chapters 4, 6, 9, 16, 17, 19-21, 23-35 and 40
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1999 session: Overriding issues: poverty/consumption and production patterns

Comprehensive review of the Programme of Action for the Sustainable Development of Small Island Developing States

Sectoral theme: Cross-sectoral theme: Economic sector/
major group:

Oceans and seas	Consumption and production patterns	Tourism
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Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:
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Agenda 21, chapters 5-7, 9, 15, 17, 19-32, 34-36, 39 and 40	Agenda 21, chapters 2-10, 14, 18-32, 34-36 and 40	Agenda 21, chapters 2-7, 13, 15, 17, 23-33 and 36
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2000 session: Overriding issues: poverty/consumption and production patterns

Sectoral theme: Cross-sectoral theme: Economic sector/
major group:

Integrated planning and management of land resources	Financial resources/ trade and investment/ economic growth	Agriculture ^b Day of Indigenous People
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Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:
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Agenda 21, chapters 2-8, 10-37 and 40	Agenda 21, chapters 2-4, 23-33, 36-38 and 40	Agenda 21, chapters 2-7, 10-16, 18-21, 23-34, 37 and 40
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2001 session: Overriding issues: poverty/consumption and production patterns

Sectoral theme: Cross-sectoral theme: Economic sector/
major group:

Atmosphere/energy	Information for decision-making and participation/international cooperation for an enabling environment	Energy/transport
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Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:	Main issues for an integrated discussion under the above theme:
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Agenda 21, chapters 4, 6-9, 11-14, 17, 23-37, 39 and 40	Agenda 21, chapters 2, 4, 6, 8, 23-36 and 38-40	Agenda 21, chapters 2-5, 8, 9, 20, 23-37 and 40
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2002 session

Comprehensive review

Sustainable Development of Small Island Developing States not covered in the in-depth review carried out by the Commission on Sustainable Development at its fourth session.

Outcome of special session

In an August report [A/52/280], the Secretary-General summarized the outcome of the nineteenth special session and recommended follow-up measures being taken within the UN Secretariat.

He noted that the ongoing consolidation of the three Secretariat departments in the economic and social fields into one Department for Economic and Social Affairs would lead to integration of the Secretariat's functions related to substantive support for intergovernmental processes, relevant analytical work and policy advisory services to Governments.

Accordingly, it was expected that the new functions of the Division for Sustainable Development

ment would enhance the Secretariat's capacity to support action at all levels to implement Agenda 21 and to ensure greater coherence in the Secretariat's work in sustainable development in general. That would include stronger support to regional, national and local activities, as well as further enhancing the dialogue and interaction with the major groups and other actors involved in implementing Agenda 21.

Although the Assembly, in the Programme for the Further Implementation of Agenda 21, had invited the Secretary-General to review the functioning of the High-level Advisory Board on Sustainable Development and present proposals on ways to promote more direct interaction between the Board and the Commission on Sustainable Development, the Secretary-General felt that, with the Commission's introduction of new arrangements for consultations with various actors from civil society, the Board could be discontinued.

With regard to future reviews of the implementation of Agenda 21, the Secretary-General would present his suggestions on the modalities for the next comprehensive review, scheduled for 2002, at the Assembly's fifty-fifth session in the year 2000.

By decision 52/444 of 18 December, the Assembly noted the Secretary-General's report on the outcome of the nineteenth special session and included a sub-item on the subject in the provisional agenda of its fifty-third (1998) session.

Commission on Sustainable Development

The Commission on Sustainable Development held its fifth session in New York from 7 to 25 April [E/1997/29]. In addition to dealing with preparations for the nineteenth special session of the General Assembly (see above), the Commission had before it reports on other subjects, including: activities posing a major threat to the environment (see PART THREE, Chapter VII); freshwater resources of the world (see PART THREE, Chapter VI); and the Rio Declaration on Environment and Development: application and implementation (see PART THREE, Chapter VII).

Other matters considered by the Commission included: a review of the Programme of Action for the Sustainable Development of Small Island Developing States; global change and sustainable development: critical trends; and the proposed programme of work in the area of sustainable development for the biennium 1998-1999 (see below).

On 25 April, the Commission adopted one resolution and three decisions. The resolution concerned modalities for the full and comprehensive review of the Programme of Action for

the Sustainable Development of Small Island Developing States (see below). In a decision on the proposed programme of work in the area of sustainable development for 1998-1999 [E/1997/29 (dec. 5/101)], the Commission noted a preliminary proposed programme of work and invited the Committee for Programme and Coordination, the Advisory Committee on Administrative and Budgetary Questions and the Fifth (Administrative and Budgetary) Committee of the Assembly, in their deliberations on the 1998-1999 programme budget, to take into account the outcome of the Assembly's nineteenth special session and the results of the ongoing reform of the UN Secretariat. By the second decision [dec. 5/102], the Commission took note of the report of the Ad Hoc Intergovernmental Panel on Forests on its fourth session (see PART THREE, Chapter VII); and, by the third decision [dec. 5/103], it noted a number of reports related to the work of its fifth session.

By decision 1997/308 of 25 July, the Economic and Social Council noted the report of the Commission on its fifth session.

Global change and sustainable development

In a January report on global change and sustainable development [E/CN.17/1997/3 & Corr.1], the Secretary-General examined critical trends in sustainable development. He reviewed developments since the 1972 United Nations Conference on the Human Environment [YUN 1972, p. 318] and considered the future, focusing throughout on the role of policy.

Although population growth in recent decades had increased the overall pressure on the natural resource base, greater environmental pressure appeared to be exerted by the level and patterns of production and consumption of modern industrialeconomies. As stated in Agenda 21 [YUN 1992, p. 672], energy and materials use in the developed world was the leading cause of global environmental degradation. The consequences of prevailing trends in population growth and consumption were potentially most serious when they led to damage to the natural resources of land and water. Land supported the livelihood of over half the world's population and provided most of the global food supply, and fresh water was indispensable to all life forms and an essential input to economic activity, especially agriculture. Society's response to trends in those key areas could be measured in terms of human development—the extent to which people enjoyed adequate income, health, education and other, more intangible goods such as freedom of choice and personal dignity.

An assessment of recent decades revealed some broad but clear trends in the economic, social and environmental spheres of development, concluded the report. Socio-economic development in many middle- and higher-income developing countries appeared to be experiencing the same transitions as in the developed world, albeit at a faster pace. Despite record rates of global economic growth, wealth disparities had increased between the rich, developed countries and the developing world; differentiation was also becoming more apparent between more successful developing countries and the least developed. Environmental quality with respect to air and fresh water had generally improved in the developed world, but was still worsening in many areas of newly industrializing regions.

As to future prospects, the report noted that many goals relating to human development and environmental protection established in the 1960s and 1970s had been reaffirmed by the international conferences of the 1990s, indicating that they had yet to be achieved. Notable examples included the eradication of poverty, hunger, illiteracy and discrimination, as well as the protection of certain threatened natural resources, habitats and species. The prospects for achieving more sustainable patterns of development in the coming decades appeared mixed.

Trends and projections were cause for serious concern in the following key areas: persistent and growing poverty; population growth and urbanization; fossil fuel consumption; and rapid and continuous degradation of the natural resource base. On the other hand, there had been positive developments, such as declining fertility rates and improved education and health in many developing countries; positive economic forecasts for most world regions; accelerating technological innovation; and the spread of democratic institutions.

Policy intervention had had a positive effect on a number of trends, including high standards of public health and education in developed countries, and rapid falls in infant, child and maternal mortality rates, the eradication of a number of killer diseases, and rising adult literacy rates in most developing countries. Although there were many reasons for the slowing rate of world population growth, government programmes involving education, child health care and access to family planning services had clearly contributed to falling fertility rates. Although global numbers of malnourished people remained high, these would have been far higher were it not for national and international policy commitment to develop and introduce more productive crop va-

rieties and improve agricultural management techniques. While the dramatic decline in industrial pollution of air and water in developed countries could be partly accounted for by market-driven technological change, the process had been accelerated by government regulation.

Other trends had either resisted policy intervention or had not been seriously addressed: macroeconomic policies had not succeeded in eradicating poverty, only in slowing its rate of growth; and the rate of natural resource degradation was accelerating in many regions of the world. Common characteristics of those failures included lack of financial resources and institutional capacity in many developing countries, and political unwillingness, in all countries, to reform traditional property rights and fiscal policies.

The report stated that policy had had a significant role to play in promoting economic development, social equity, stable, educated and healthy populations, well-managed natural resources, and a clean environment. Three strategies that presented promising policy approaches were: increased investment in people through social services, especially basic education and health care; the encouragement of clean and efficient technologies through regulatory requirements and economic incentives; and pricing reform, which was critical in internalizing the social and environmental costs of key economic activities if more sustainable use of natural resources was to be achieved. Although positive developments were evident in each of those areas, the pace of change was slow.

Programme of work (1998-2002)

At its 1997 substantive session, the Economic and Social Council considered the multi-year programme of work for the Commission on Sustainable Development, 1998-2002, as recommended by the General Assembly at its nineteenth special session (see above).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council adopted resolution 1997/63 [draft: E/1997/L.50] without vote [agenda item 7 (b)].

Programme of work of the Commission on Sustainable Development for the period 1998-2002 and future methods of work of the Commission

The Economic and Social Council

1. Approves the multi-year programme of work for the Commission on Sustainable Development, 1998-2002, as recommended by the General Assembly at its nineteenth special session;

2. Invites the Commission to draw up the provisional agendas for its future sessions in accordance

with the approved multi-year programme of work, without prejudice to rules 5 to 9 of the rules of procedure of the functional commissions of the Economic and Social Council;

3. Approves the following provisional agenda for the sixth session of the Commission:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Sectoral theme: strategic approaches to freshwater management.
4. Cross-sectoral theme: transfer of technology/capacity-building/education/science/awareness-raising.
5. Economic sector/major group: industry.
6. Review of progress in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (those chapters of the Programme of Action that were not covered in the in-depth review carried out at the fourth session of the Commission).
7. Other matters.
8. Provisional agenda of the seventh session.
9. Adoption of the report.

4. Invites the Commission to adjust its future methods of work in accordance with the provisions of paragraphs 132 and 133 of the Programme for the Further Implementation of Agenda 21;

5. Decides that during the period 1998-2002 the Commission should continue the practice of establishing, subject to approval by the Council, up to two inter-sessional ad hoc working groups in a given year with a view to assisting the Commission in the preparations for its forthcoming regular sessions;

6. Also decides that the issues to be addressed by such working groups should, as a rule, be decided by the Commission in the context of its consideration of the provisional agendas of its forthcoming sessions and taking into account the provisions of paragraph 133 (f) of the Programme for the Further Implementation of Agenda 21;

7. Further decides that, on an exceptional basis, the provisional agendas of the 1998 meetings of the working group or groups of the Commission shall be recommended by the bureau of the Commission in consultation with member States;

8. Decides on the following future arrangements for the election of the bureau of the Commission in order to implement the provisions of paragraph 136 of the Programme for Further Implementation of Agenda 21:

(a) The Commission, immediately following the closure of a regular session, shall hold the first meeting of its subsequent regular session for the sole purpose of electing the new chairman and other members of the bureau in accordance with rule 15 of the rules of procedure of the functional commissions of the Council;

(b) In this context, the provisions of paragraph (d) of its decision 1993/207 of 12 February 1993 apply only to the substantive part of the sessions of the Commission;

(c) The terms of office of the members of the Commission shall begin immediately after the conclusion of work of the regular session of the Commission held after 1 January following their election by the Council at its resumed organizational session for the previous

year and shall end at the conclusion of the regular session held after 1 January following the election of the States that are to succeed them as members of the Commission, unless they are re-elected;

(d) The Council shall decide on the specific modalities for the period of transition from the current arrangements to those outlined above at its resumed substantive session of 1997.

By decision 1997/316 of 8 October, the Council authorized the Commission on Sustainable Development to convene an organizational meeting in 1997 for the sole purpose of electing a new chairman and other members of the bureau of its sixth session; the terms of office of the new bureau would begin immediately upon election and would end at the conclusion of the sixth session in 1998. The Council decided to extend the terms of office of those Commission members whose terms were to expire on 31 December 1997 until the conclusion of the sixth session.

In accordance with that decision, the Commission met in New York on 22 December [E/1998/29].

GENERAL ASSEMBLY ACTION

The General Assembly, by decision 52/439 of 18 December, took note of part one of the report of the Second Committee on its discussion of matters relating to sustainable development and international economic cooperation [A/52/628].

Inter-Agency Committee

The Inter-Agency Committee on Sustainable Development (IACSD) of the Administrative Committee on Coordination (ACC) held two sessions in 1997. At its ninth meeting (New York, 20-21 February) [ACC/1997/1], IACSD discussed the follow-up to the outcome of meetings of ACC and of intergovernmental bodies, reviewed preparations for the nineteenth special session of the General Assembly, and considered reports of the ACC Subcommittees on Water Resources (see PART THREE, Chapter VI) and on Oceans and Coastal Areas (see PART THREE, Chapter VII). It also considered proposals for streamlining national reporting in the field of sustainable development, coordination of the geoscience programmes of the UN system, and a proposed global initiative to protect and promote health and environment in border areas.

At its tenth meeting (Geneva, 17-18 September) [ACC/1997/12], IACSD again discussed the issues addressed at its ninth meeting, and considered follow-up to the nineteenth special session of the General Assembly, including guidance for national action, planning of sustainable development workshops, and preparations for the sixth (1998) session of the Commission on Sustainable Development.

Eradication of poverty

Commission on Sustainable Development. In a January report [E/CN.17/1997/2/Add.2], the Secretary-General reviewed overall progress achieved since UNCED [YUN 1992, p. 670] in the area of combating poverty (chapter 3 of Agenda 21). The report, prepared in the context of preparations for the nineteenth special session of the General Assembly to review the implementation of Agenda 21, observed that the period since 1992 was too short for substantial progress to have been achieved in reducing global poverty, or for reliable assessments of the effectiveness of new approaches to poverty reduction undertaken. It described new initiatives undertaken at national and international levels, particularly those of the UN system, noting that alleviation and reduction of poverty was one of three major themes in the Programme of Action of the 1995 World Summit for Social Development [YUN 1995, p. 1115].

The report also reviewed recent global trends in poverty, using a longer time-frame than the period since 1992 in order to measure meaningful changes. Using household income of less than \$ 1 per day per person as an indicator of poverty, World Bank estimates showed a modest but significant decrease in the incidence of poverty in developing countries in recent years. Regionally, the incidence of poverty had declined in East Asia and in the Middle East and North Africa, but not in other regions. Infant mortality rates had fallen in all regions. Other data showed that life expectancy had increased in all regions, and that school enrolment rates had expanded in all regions except sub-Saharan Africa. However, steady population growth in developing countries meant that the total number of people living in poverty in the world had increased despite those positive trends.

With regard to aspects that had deteriorated since 1992, the report stated that in Latin America as a whole, the poverty rate had risen despite increases in gross national product per capita, while the rates in sub-Saharan Africa and South Asia remained very high. Despite generally improved health indicators in developing countries, sub-Saharan Africa had seen increasing numbers of infant deaths and malnourished children, as the decline in the mortality rate had been offset by population growth. In Eastern Europe and the former USSR, the economies in transition had experienced considerable deterioration of living conditions and increases in poverty rates as a result of declines in production and employment. Many Western European countries were also experiencing persistently high levels of unemployment and, in a number of developed countries, inequality in income distribution had increased.

Poverty-related issues that had increased in importance since 1992 included: the growing number of urban poor; chronic undernutrition; rural poverty; the interlinkages between poverty and environment; the need to promote the use of commercial fuels by people with low incomes, thus reducing their reliance on traditional biomass; the disproportionate numbers of women and girl children who were suffering from poverty; and the need for increased attention to be paid to the development challenges facing small island developing States.

Nineteenth special session. In the Programme for the Further Implementation of Agenda 21 (resolution S/19-2), the General Assembly, at its nineteenth special session, identified the eradication of poverty as an area that required urgent action. Priorities included: improving access to sustainable livelihoods, entrepreneurial opportunities and productive resources; providing universal access to basic social services; progressively developing social protection systems to support those who could not support themselves; empowering people living in poverty by involving them in the formulation, implementation and evaluation of strategies and programmes for poverty eradication and community development; addressing the disproportionate impact of poverty on women; having interested donors and recipients work together to direct increased shares of official development assistance to poverty eradication; and intensifying international cooperation to support measures in developing countries to eradicate poverty, to provide basic social protection and services and to approach poverty eradication efforts in an integral and multi-dimensional manner.

Poverty eradication coordination. In a June report [E/1997/58], the Secretary-General described the follow-up to agreed conclusions 1996/1 on coordination of UN system activities for poverty eradication, adopted by the Economic and Social Council in 1996 [YUN 1996, p. 742].

The report provided information on action taken by UN system members to coordinate UN support and availability of resources for poverty eradication activities at the field level; to mainstream the gender perspective in such activities; and to attain a harmonized and integrated approach to intergovernmental consideration of poverty eradication.

With regard to the last issue, the report recommended that: the Council should determine the date for an overall review of poverty eradication in preparation for the special session of the General Assembly in 2000 to review the implementation of the outcome of the 1995 World Summit for Social Development [YUN 1995, p. 1113]; the

Council should continue to enhance complementarity in the work of its functional commissions on cross-sectoral themes emanating from recent UN global conferences; the Commission for Social Development might wish to request specific inputs from the Commission on the Status of Women in preparing for its future priority themes; functional commissions might wish to request that: a gender perspective be reflected in documents prepared by their secretariats, enabling them to include gender implications in their decisions; the Council might wish to consider future arrangements for the contributions of the UN system to the implementation of the outcome of the Summit and other international conferences once the mandates of inter-agency task forces had expired; the Commission for Social Development might wish to invite Governments to provide national reports outlining successes, problems and obstacles in implementing the outcome of the Summit for its thirty-eighth (2000) session; and the Commission, when considering the theme "Social services for all" at its 1999 session, might wish to focus on education.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council adopted **resolution 1997/60** [draft: E/1997/L.54] without vote [agenda item 5].

Eradication of poverty

The Economic and Social Council,

Recalling its agreed conclusions 1996/1 on the co-ordination of United Nations system activities for poverty eradication,

Taking note of the report of the Secretary-General on the implementation of the agreed conclusions of the 1996 coordination segment of the Council on the eradication of poverty,

1. Reaffirms that the goal of eradicating poverty in the world is an ethical, social, political and economic imperative;

2. Also reaffirms that the Council will continue to provide overall guidance and oversee system-wide co-ordination in the implementation of its agreed conclusions 1996/1 on the eradication of poverty by all organizations of the United Nations system;

3. Stresses the need for implementation by the United Nations system of agreed conclusions 1996/1 of the Council as regards coordinated United Nations support and the availability of resources for poverty eradication activities at the field level;

4. Welcomes the steps already taken by its functional commissions, in particular the Commission for Social Development and the Commission on the Status of Women, to implement the recommendations of the Council on the coordination of the multi-year programmes of the functional commissions related to poverty eradication, and calls upon all relevant functional commissions to implement fully the recommendations contained in its agreed conclusions 1996/1;

5. Decides, in accordance with its agreed conclusions 1996/1, to carry out in 1999, under the agenda item on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits, an overall review of the theme of poverty eradication in order to contribute to the special session of the General Assembly in the year 2000 for the overall review of the World Summit for Social Development and to the five-year review of the Platform for Action of the Fourth World Conference on Women, also in the year 2000.

UNDP activities. In his annual report covering 1997 [DP/1998/17/Add.2], the Administrator of the United Nations Development Programme (UNDP) said that the Poverty Strategies Initiative, launched in 1996 to support country implementation of the commitments in the World Summit for Social Development Programme of Action, had expanded in 1997. Projects in 98 programme countries provided upstream support in enhancing capacity for poverty analysis, policy review and the formulation of national poverty eradication strategies.

UNDP had actively promoted greater recognition of the multidimensional nature of poverty and of the need to integrate the political, social, cultural and environmental facets of human deprivation in efforts to combat poverty. Gender disparities in status, both within the household and in broader society, were being actively addressed as socio-economic policy frameworks were developed. In all facets of sustainable human development programme development, UNDP encouraged integrative approaches that engaged the Government, civil society and the private sector as vested stakeholders in comprehensive poverty-reduction strategies.

UNDP collaborative efforts with civil society organizations (CSOs) were fundamental to building country capacity for combating poverty. The CSO programme supported three immediate objectives: to enhance civic participation in selected countries; to generate new knowledge and strengthen CSOs' competencies to promote sustainable human development policies; and to promote learning through the dissemination of sustainable human development practices drawn from different contexts. A global meeting—Building Partnerships for Sustainable Human Development: a Government, Civil Society and Donor Round Table—was held in Warsaw, Poland, in February to help to shape the analytical framework for UNDP cooperation with CSOs.

In 1997, UNDP further developed the sustainable livelihoods programme to promote poverty eradication through enhancing access to productive resources. The programme analysed policies that reinforced or disrupted sustainable liveli-

hood strategies and recommended appropriate policy changes, investments and technology inputs to reinforce and build on existing coping and adaptive strategies. The gender and environmental dimensions, particularly poor women's access to land, water, sources of energy and credit, were fundamental to those strategies. Pilot programmes included one in Malawi that integrated food security, entrepreneurship and natural resources management, and another to design an approach to urban livelihoods security, in Cairo, Egypt.

An international working group of scholars, researchers and practitioners, formed as a resource network for knowledge development, met for the first time in November.

International Year and UN Decade for Eradication of Poverty

In accordance with General Assembly resolution 51/178 [YUN 1996, p. 743], the Secretary-General in November [A/52/573] reported on the observance of the International Year for the Eradication of Poverty (1996) and recommendations for the remainder of the UN Decade for the Eradication of Poverty (1997-2006).

The report noted that two major reports described the extent of poverty, analysed trends and discussed poverty reduction strategies: the Report on the World Social Situation 1997 (see PART THREE, Chapter IX), and the Human Development Report 1997 (see below). The World Bank, had concluded that the incidence of poverty in developing countries and in countries with economies in transition had fallen slightly from 30 per cent in 1987 to 29.5 per cent in 1993, but that the absolute number of the world's poor had risen from 1.23 billion to 1.31 billion over the same period. The overwhelming majority of people living on \$1 a day or less were located in sub-Saharan Africa, South Asia and China, but there were many tens of millions also in Latin America, the Caribbean and West Asia. There was also considerable poverty in developed countries and in countries with economies in transition.

The report concluded that while opening up more widely to the world economy was beneficial to some countries, many had seen few net benefits. Greater international support was needed for countries that had less capacity to benefit so that they could boost their pace of development and more resources could be devoted to social purposes. The renewed commitments made at the 1995 World Summit for Social Development had to be more effectively applied, national strategies revised to reflect priorities, and international cooperation strengthened and extended to increase the pace of poverty reduction. The

UN system was attempting to work more closely and more pointedly in furthering action at national and subregional levels and in monitoring progress. Principal requirements were a stronger political will and commitment and more focused technical work.

The report recalled that poverty eradication was more than just a national or international issue. Networks of people committed to poverty eradication were a necessary part of what had to become a successful global campaign.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.6], adopted **resolution 52/193** without vote [agenda item 97 (f)].

First United Nations Decade for the Eradication of Poverty

The General Assembly,

Recalling its resolutions 48/183 of 21 December 1993, 49/110 of 19 December 1994, 50/107 of 20 December 1995 and 51/178 of 16 December 1996 related to the observance of the International Year for the Eradication of Poverty (1996) and to the first United Nations Decade for the Eradication of Poverty (1997-2006), and all its other relevant resolutions relating to international cooperation for the eradication of poverty in developing countries,

Recalling also all declarations and programmes of action of the United Nations major conferences and summits organized since 1990 and the reports and publications on the outcomes of those conferences and summits as they relate to poverty eradication,

Taking note of the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly at its nineteenth special session for the purpose of an overall review and appraisal of the implementation of Agenda 21, the Report on the World Social Situation, 1997, the Human Development Report, 1997 and the Trade and Development Report, 1997,

Expressing its concern that, as underlined in the reports mentioned above, the number of people living in absolute poverty is still increasing, especially in developing countries, and that a majority of them are women,

Noting decisions, measures and activities undertaken to eradicate poverty by countries and by organizations, agencies, funds, programmes and bodies of the United Nations system, including the World Bank, as well as by non-governmental organizations and the entire civil society within the framework of the International Year for the Eradication of Poverty and the first year of the first United Nations Decade for the Eradication of Poverty,

1. Reiterates that the main objective of the first United Nations Decade for the Eradication of Poverty is to achieve the goal of eradicating absolute poverty and reducing overall poverty substantially in the world through decisive national actions and international cooperation in implementing fully and effectively the relevant resolutions and decisions of the United Nations and all agreements and commitments agreed

upon at the United Nations major conferences and summits organized since 1990 as they relate to poverty eradication;

2. Reaffirms that, within the context of overall action for the eradication of poverty, special attention should be given to the multidimensional nature of poverty, to the national and international framework conditions and policies that are conducive to its eradication, which should aim at the social and economic integration of people living in poverty, and to the promotion and protection of all human rights and fundamental freedoms for all, including the right to development;

3. Reaffirms also that the causes of poverty should be addressed in the context of sectoral strategies, such as those on environment, food security, population, migration, health, shelter, human resources development, including education, fresh water, including clean water and sanitation, rural development and productive employment, and of the specific needs of disadvantaged and vulnerable groups, in such a way as to increase opportunities and choices of people living in poverty and enable them to build their strengths and assets so as to achieve social and economic integration;

4. Reaffirms further that all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, should promote an active and visible policy of mainstreaming a gender perspective and use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on poverty eradication;

5. Emphasizes that, in developing countries, rural development remains central to poverty eradication efforts, and this often includes agrarian reform, investment in infrastructure, extension of rural financial intermediation ensuring food security, better education and greater utilization of appropriate technology, ensuring fair prices to provide incentives for agricultural investment, and increasing productivity, including productivity in the informal sector;

6. Emphasizes also that in all countries, urban poverty should be addressed, *inter alia*, by promoting sustainable livelihoods for people living in urban poverty through the provision or expansion of access to training, education and other employment assistance services, in particular for women, youth, the unemployed and the underemployed;

7. Decides that, every year, the International Day for the Eradication of Poverty (17 October) should be marked by concentrating on the themes that the General Assembly chooses for that year;

8. Renews its recommendation that all Governments formulate or strengthen integrated poverty eradication strategies and policies and implement national poverty eradication plans or programmes in a participatory manner, to address the structural causes of poverty, encompassing action at local, national, sub-regional, regional and international levels, and stresses that those plans or programmes should establish, within each national context, strategies and affordable time-bound goals and targets for the substantial reduction of overall poverty and the eradication of absolute poverty;

9. Calls upon developed countries to reaffirm the commitments undertaken to fulfil, as soon as possible, the agreed target of 0.7 per cent of their gross national

product for overall development assistance and, where agreed, within that target, to earmark 0.15 to 0.20 per cent of the gross national product for the least developed countries;

10. Invites the international community, including multilateral financial institutions, to implement fully and effectively all initiatives taken regarding debt relief for developing countries, including the Naples terms and the Heavily Indebted Poor Countries Debt Initiative, and to continue their efforts in this field with a view to contributing to a durable solution to the debt problems of developing countries, and encourages donors to ensure adequate financing of these mechanisms or initiatives, particularly in African countries and the least developed countries, and thus support their efforts to eradicate poverty;

11. Takes note of the various international microfinance initiatives launched in recent years, such as the Microcredit Summit, held in Washington, D.C., from 2 to 4 February 1997, and the Consultative Group to Assist the Poorest, and invites all Governments, the United Nations system, including the Bretton Woods institutions, the relevant non-governmental organizations, the private sector and other actors of civil society to focus on the importance of increasing access to microcredit and related financial services for self-employment and income-generating activities for people living in poverty, in particular women in developing countries, particularly in Africa and the least developed countries, and to support the corresponding programmes and actions;

12. Invites the Executive Board of the United Nations Development Programme/United Nations Population Fund to consider extending projects under the rubric "Poverty Strategies Initiative" to all developing countries in order to make the initiative closely geared to the poverty eradication goals of the commitments adopted at the World Summit for Social Development and to strengthen assistance in the elaboration of national plans, programmes and strategies to eradicate poverty, particularly in African countries and the least developed countries, and calls upon all countries to contribute to the Initiative;

13. Calls upon all donors to give high priority to the eradication of poverty in their assistance budgets and programmes, on both bilateral and multilateral bases, and invites the relevant funds, programmes and agencies of the United Nations system to support developing countries, particularly African countries and the least developed countries, in their efforts to achieve the overall goal of eradicating poverty and ensuring basic social services, by supporting national efforts to formulate, coordinate, implement, monitor and assess integrated poverty strategies, including capacity-building, and by supporting efforts to empower people living in poverty;

14. Reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and recalls the outcome of the Oslo meeting which reaffirmed that promoting access for all basic social services was essential for sustainable development and should be an integral part of any strategy to overcome poverty;

15. Requests the Secretary-General to report to it at its fifty-third session on progress made in the implementation of measures, themes, recommendations and activities related to the first United Nations Decade for the Eradication of Poverty, including recommendations for possible actions and initiatives for the rest of the Decade, as well as proposals for better co-ordination of actions taken by the United Nations system;

16. Decides to include in the provisional agenda of its fifty-third session an item entitled "Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)".

Role of microcredit

By a 19 March letter [A/52/113-E/1997/18], Bangladesh transmitted to the Secretary-General several documents issued at the Microcredit Summit, held in Washington, D.C., from 2 to 4 February.

The Summit's Declaration and Plan of Action stated that the meeting's purpose was to launch a global movement to reach 100 million of the world's poorest families, especially women, with credit for self-employment and other financial and business services, by the year 2005. The movement to achieve the Summit's goal had two central mechanisms: the institutional action plan and the Microcredit Summit council.

Institutional action plans would contain quantitative goals, a description of methods and a timetable. Members of councils of donor agencies, microcredit practitioners, UN agencies and international financial institutions had agreed to arrive at the Summit having prepared their institution's action plan for helping to fulfil the Microcredit Summit's goals. Other council members had agreed to announce their institution's action plan for contributing to the Summit's goals by February 1998.

Each representing a different sector of civil society, the Microcredit Summit councils were forums for similar organizations to support one another in developing and implementing institutional action plans for contributing to the Summit goal. The councils, with the support of the Microcredit Summit secretariat, would: work to enlist others in the campaign to meet the Summit's goal; promote a learning agenda and an exchange of best practices among council members; and encourage the development and fulfilment of institutional action plans.

The report outlined suggestions for what members of each of the 15 councils might commit to in their institutional action plans.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second

Committee [A/52/628/Add.6], adopted **resolution 52/194** without vote [agenda item 97 (f)].

Role of microcredit in the eradication of poverty

The General Assembly,

Taking note of the report of the Secretary-General on the observance of the International Year for the Eradication of Poverty (1996) and recommendations for the rest of the first United Nations Decade for the Eradication of Poverty (1997-2006),

Recognizing that people living in poverty are innately capable of working their way out of poverty with dignity, and can demonstrate creative potentials to improve their situation when an enabling environment and the right opportunities exist,

Noting that in many countries of the world, microcredit programmes, by providing access to small amounts of capital to people living in poverty, have succeeded in generating productive self-employment,

Also noting that microcredit programmes have proved to be an effective tool in freeing people from the bondage of poverty and have led to their increasing participation in the mainstream economic and political process of society,

Bearing in mind that microcredit programmes have especially benefited women and have resulted in the achievement of their empowerment in a world where more women than men live in absolute poverty and that the imbalance continues to grow,

Recognizing that microcredit programmes, in addition to their role in the eradication of poverty, have also been a contributing factor to the social and human development process,

Noting that the qualitative and quantitative development of microcredit institutions and their capacity to reach the marginalized groups requires the provision of an enabling environment, including a policy framework for the financial sector, as well as linkages to the formal financial sector,

Bearing in mind the importance of microfinance instruments such as credit, savings and related business services in providing access to capital for people living in poverty,

Noting that the provision of finance to microcredit institutions should be commensurate with their absorptive capacity and that efforts should be made to strengthen and enhance that capacity,

Noting also the positive references in support of the role of microcredit contained in the final documents of the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, held at New Delhi on 7 and 8 April 1997, the Ninth Summit of the South Asian Association for Regional Cooperation, held at Male from 12 to 14 May 1997, the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session, held at Harare from 2 to 4 June 1997, the substantive session of 1997 of the Economic and Social Council, held at Geneva from 30 June to 25 July 1997, and the meeting of the Commonwealth Heads of Government, held at Edinburgh from 24 to 27 October 1997, as well as the statement on economic and financial issues of the Group of Seven, issued at Denver, United States of America, on 21 June 1997,

1. Welcomes the launching of different microcredit initiatives in recent years, and acknowledges their im-

portant contribution to the eradication of poverty, empowerment of women and social upliftment;

2. Also welcomes the outcome of the Microcredit Summit, held in Washington, D.C., from 2 to 4 February 1997, which, through its Declaration and Plan of Action, endorsed a global campaign to reach 100 million of the world's poorest families, especially women of those families, with credit for self-employment and other financial and business services, by the year 2005;

3. Notes with satisfaction that, as called for in Assembly resolution 51/178 of 16 December 1996, many United Nations agencies and the World Bank actively participated in the Summit and thus contributed to its successful outcome;

4. Takes note of the Declaration and Plan of Action of the Microcredit Summit, the communique issued by the Council of Heads of State and Government at the Summit, and messages to the Summit from the Chairman of the Group of 77 and China and from the Secretary-General;

5. Recognizes the important contributions being made by the United Nations system and by the Consultative Group to Assist the Poorest, sponsored by the World Bank, to develop and disseminate best practices among all organizations engaged in the provision of financial services on a sustainable basis to people living in poverty;

6. Encourages all involved in poverty eradication programmes to consider incorporating microcredit schemes in their strategies;

7. Also encourages them to adopt policies that support the development of microcredit institutions and their capacities so that credit and related services may be made available to increasing numbers of people living in poverty;

8. Calls upon the international donor community to support the strengthening of existing and emerging microcredit institutions in the developing countries, especially the least developed and the African countries;

9. Also calls upon the relevant organs, organizations and bodies of the United Nations system, in particular its funds and programmes and the regional commissions, as well as relevant international and regional financial institutions and donor agencies involved in the eradication of poverty, to explore including the microcredit approach in their programmes as a tool for the eradication of poverty and further developing, where appropriate, other microfinance instruments;

10. Calls upon all concerned non-governmental organizations, other actors of civil society and the private sector to support and incorporate, as appropriate, microcredit and related services in their programmes for the eradication of poverty;

11. Requests the Secretary-General, in collaboration with relevant organizations of the United Nations system, including funds and programmes and the World Bank, to submit to it at its fifty-third session a report on the role of microcredit in the eradication of poverty in the follow-up to resolution 52/193 entitled "First United Nations Decade for the Eradication of Poverty";

12. Decides to include future discussions of the role of microcredit under an item entitled "Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)".

Economic cooperation among developing countries

In response to resolution 50/119 [YUN 1995, p. 848], the Secretary-General submitted to the General Assembly a report on the state of South-South cooperation [A/52/402]. The report noted that the international scene was witnessing a marked upsurge in cooperation among developing countries. In the preceding four years alone, more than 100 actions could be recorded involving efforts to establish, revise, reinvigorate and launch initiatives in economic cooperation among developing countries (ECDC) and technical cooperation among developing countries (TCDC), as well as in other modes of developing country cooperation.

With regard to the institutional state of South-South cooperation, the report described various approaches employed to achieve consolidated economic spaces for trade, investment and financial growth at the subregional, regional and global levels, and reviewed the implications of the new international trading framework resulting from the successful conclusion in 1994 [YUN 1994, p. 1474] of the Uruguay Round of multilateral trade negotiations.

As to the operational state of South-South cooperation, the report addressed the issues of trade cooperation and trade promotion instruments. It stated that over the period 1990-1995 mutual trade among developing countries had risen from \$800 billion to \$1,400 billion, or by 15.4 per cent annually. The dynamism of mutual trade gave a significant boost to the expansion of total exports of developing countries as a group (an average rate of 11.6 per cent over the five-year period), since it contributed half of the increase in their world exports.

In the area of monetary and financial cooperation, it was noted that developing countries faced major bottlenecks in trade finance on account of both the inadequate level of resources available and the inappropriate institutional setting for delivering services related to export financing. Regional cooperation in the area of export finance, insurance and guarantees could help to overcome difficulties, provide linkages between national institutions, and encourage the exchange of information within regions. Moreover, regional institutions had better access to international financial markets. Regional schemes were found in the Arab, African and Latin American regions, but their number was small and their volume of operations quite modest.

The report drew attention to the San Jose Plan of Action, adopted by the Group of 77 developing countries at the South-South Conference on Trade, Investment and Finance (San Jose, Costa

Rica, 13-15 January 1997) [A/C.2/52/8]. Trade-finance recommendations contained in the Plan of Action called for expanding the risk-taking capacity of southern banking systems so as to provide both normal and structural trade-finance for South-South trade transactions with multilaterally agreed guarantee cover for credit enhancement and country risk. To that end, credit insurance institutions in the South should exchange experiences on export financing through the dissemination of information.

As it had been widely recognized that stock markets could be valuable and efficient sources of financing for enterprises, cooperation among developing countries on capital market development could represent an option for countries facing obstacles in establishing efficient national stock markets. The establishment of regional capital markets would require more intensive coordination of private and public agents at the national and regional levels.

As to South-South cooperation in the area of investment, innovation and enterprise development, the report noted that intra-South investment had emerged in recent years as a significant tool for industrial cooperation among developing countries. That phenomenon had developed most rapidly among the Asian countries, but was also fast-growing among the Latin American countries, and was emerging in Africa. Within the last decade, said the report, a number of South-based enterprises had increased in importance. Some of them had become genuine transnational corporations, and there was considerable scope for cooperation among them, both within regions and across regions. With regard to the promotion of investment cooperation, the report cited a number of recommendations for action contained in the San Jose Plan of Action.

In **resolution 52/205**, the Assembly stressed the need to intensify the process of strengthening the various interregional dialogues and the exchange of experiences among subregional and regional economic groupings for the purposes of expanding South-South cooperation through integrating the modalities of ECDC/TCDC. It decided to include a sub-item on ECDC/TCDC in the provisional agenda of its fifty-fourth (1999) session, and asked the Secretary-General to report to it on the implementation of the resolution at that time.

Science and technology for development

Commission on Science and Technology for Development

The Commission on Science and Technology for Development, at its third session (Geneva,

12-16 May) [E/1997/31], had as its substantive theme "Information and communication technologies for development". Other substantive issues considered by the Commission were: science, technology and innovation policy reviews; action arising from the Commission's second (1995) session [YUN 1995, p. 849]; ways to commemorate in 1999 the twentieth anniversary of the UN Conference on Science and Technology for Development [YUN 1979, p. 633]; the Commission's role and activities regarding the coordination of science and technology for development; and procedural matters.

It recommended that the Economic and Social Council adopt a draft resolution covering the items considered and draft decisions on the election of members of the Commission Bureau other than the Chairman and on the Commission report on its third session and provisional agenda for its fourth session (see below). It brought to the Council's attention its decision [E/1997/31 (dec. 3/101)] to include the Chairman's summaries of discussions at the third session in the Commission's report.

Information and communication technologies

With regard to its substantive theme, the Commission had before it a report of the Working Group on Information and Communication Technologies for Development [E/CN.16/1997/4]. The Working Group, which had held several meetings throughout 1996, reviewed evidence regarding the implications of information and communication technologies (ICTs) for developing countries and countries in transition, concluding that there were substantial indicators that the new technologies were transforming some sectors of society. There was great risk, however, that if effective national ICT strategies were not put in place, the capacity-building that was needed in order to benefit from those technologies might not occur.

Stating that Governments and other stakeholders had to be called on to design new roles for the public and business sectors to harness ICTs to economic, social and environmental development goals, the Working Group recommended that: each developing country and country in transition establish a national ICT strategy, and existing strategies be reviewed to ensure that they noted guidelines proposed by the Working Group; immediate action be taken by Governments to establish a task force or commission to ensure that another entity was charged with establishing guidelines for national ICT strategies; and each UN agency review the financing, production and use of ICTs for social and economic development in their area of responsibility.

The Working Group further recommended that the United Nations Conference on Trade and Development (UNCTAD) prepare a study for the Commission's fourth (1999) session on the implications of new forms of revenue generation, focusing especially on those involving ICTs that might support social and economic development priorities. In particular, it should report on the implications of the ongoing discussions and studies on a "bit tax".

The Working Group had developed guidelines, which, it stated, should be noted by Governments, other stakeholders, and UN agencies and organs. They were intended to help developing countries and countries in transition design new roles for the public and business sectors so that ICTs could be harnessed to economic, social and environmental development goals.

Twentieth anniversary of Vienna Conference

In response to Economic and Social Council resolution 1995/4 [YUN 1995, p. 850], the UNCTAD secretariat submitted to the Commission on Science and Technology for Development a note [E/CN.16/1997/7] on ways to commemorate in 1999 the twentieth anniversary of the Vienna Conference on Science and Technology for Development [YUN 1979, p. 633]. The note reviewed some of the science and technology-related questions considered by the institutions set up at the Vienna Conference, as well as some of the policy issues facing the international community. In many parts of the world, the problems raised at the Vienna Conference had not disappeared and additional countries that were not its focus in 1979, such as those with economies in transition, were seeking ways to address science and technology-related issues in the new socio-economic setting.

A December 1996 panel meeting convened by the Commission raised several policy issues for possible consideration. According to that panel, there seemed to be frustration with the limited implementation of the Vienna Programme of Action. As to formulating a common vision regarding the future contribution of science and technology for development, a starting point would be to discuss what had been functional and useful and what had helped to further technological capacity-building in the developing world. Such activities could consider the Vienna Programme and the dynamics surrounding it, for example the lack of political will and of conditions for its implementation.

It was clear that a large section of the population in many parts of the world had not benefited from science and technology, and that might have contributed to social imbalances.

Thus, any approach for the future consideration of science and technology would have to take into account the concerns of a broad range of actors and stakeholders in development, including Governments, enterprises, the scientific and research and development community, and non-governmental organizations. The elements of a common vision for the future would need to reflect both the varied interest and perceptions of those different development actors and the changes that had occurred in the international economy.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council, on the recommendation of the Commission on Science and Technology for Development [E/1997/31], adopted **resolution 1997/62** without vote [agenda item 7 (b)].

Science and technology for development

The Economic and Social Council,

Recognizing, without prejudice to the ongoing review being undertaken on the implementation of General Assembly resolution 50/227 of 24 May 1996 with regard to its subsidiary bodies, the role of the Commission on Science and Technology for Development as a forum for the examination of science and technology questions, for improving understanding of science and technology policies for development and for the formulation of recommendations and guidelines on science and technology matters within the United Nations system, all in relation to development,

Recognizing also that the Commission, in carrying out its work, should pay special attention to the needs and requirements of developing countries, in particular the least developed countries and landlocked and small island developing States, and that it should in addition take into consideration the relevant problems of countries with economies in transition,

Taking note with appreciation of the report of the Working Group on Information and Communication Technologies for Development of the Commission on Science and Technology for Development and the conclusions and recommendations contained therein,

Recognizing that the social and economic potential of information and communication technologies is enormous, and that the risks for those without the capabilities to access, design, produce and use the new products and service applications may lead to their marginalization from active participation in the global economy,

Taking note with satisfaction of the note by the secretariat of the United Nations Conference on Trade and Development on the scientific and technological aspects of sustainable energy systems,

Taking note with satisfaction also of the report by the Gender Advisory Board on its work,

Noting with satisfaction that the science, technology and innovation policy reviews directed at a broad spectrum of sectors, including industry, social sectors and government itself, have started, with one review already completed, another under way and a third awaiting financing,

Taking note of the other relevant documentation submitted to the Commission for consideration at its third session,

Noting that the fourth session of the Commission is scheduled to take place twenty years after the United Nations Conference on Science and Technology for Development, held at Vienna from 20 to 31 August 1979, and recognizing that there is a need to define a new vision and to enhance continuously the role for the United Nations system in the area of science and technology for development,

Recalling Commission decision 2/101 of 24 May 1995 on its working methods, which was ratified by the Council,

Recognizing that enhanced transparency and accountability are essential for the efficient and effective functioning of the Commission,

Welcoming the initiative taken by the United Nations Educational, Scientific and Cultural Organization in holding a World Science Conference in 1999 to strengthen the commitment of countries to scientific research and development in the service of societal progress,

Activities to follow up the earlier work of the Commission

A. Information and communication technologies for development

1. Recommends that all developing countries and countries with economies in transition establish a national strategy for information and communication technologies, taking into account, inter alia, the guidelines proposed by the Working Group on Information and Communication Technologies for Development of the Commission on Science and Technology for Development and that, where such strategies already exist, they could be reviewed in the light of those guidelines;

2. Also recommends that action be taken by national Governments to establish a task force or commission or to ensure that an existing entity is charged with the design of the national strategy for information and communication technologies;

3. Invites countries, in order to facilitate the exchange of experience among them at the international and regional levels, to prepare a report on their strategies for information and communication technologies for the next session of the Commission, to be held in 1999, and stresses that the reports should include the priorities of each national strategy, the mechanisms for updating and the procedures for implementing the strategy and that, to enhance the value of the reports, consideration might be given to the organization of workshops, all of which should be financed from extrabudgetary resources;

4. Invites relevant bodies of the United Nations system to assess their capability to provide assistance and promote cooperation in the area of information and communication technologies and to suggest areas in which they are best able to assist developing countries and countries with economies in transition in the design and implementation of their national strategies for information and communication technologies;

5. Requests the secretariat of the Commission to synthesize the results of those assessments and to hold an inter-agency meeting within existing resources in co-

operation with the Commission to review that synthesis;

6. Invites Governments, the public and business sectors, academia and non-governmental organizations in industrialized countries to engage in technological co-operation activities with their counterparts in developing countries and countries with economies in transition in order to facilitate their access to and encourage the use, production and development of information and communication technologies and to ensure their effective participation in building the global information infrastructure;

7. Requests the Commission to identify an independent institute to prepare a study, subject to the availability of extrabudgetary resources, for the next session of the Commission on new forms of resource generation, focusing on information and communication technologies that might support social and economic development priorities;

B. Science, technology and innovation policy reviews

8. Decides that the Commission shall organize a workshop comparing experiences in science, technology and innovation policy or similar reviews in developing countries and countries with economies in transition in order to stimulate a learning process in those innovative efforts, subject to the availability of extrabudgetary resources;

9. Recommends the continuation of cooperation between the Commission and the United Nations Conference on Trade and Development on science, technology and information policy reviews;

C. Common vision of the future of science and technology for development

10. Recommends that the Commission, in the form of expert group meetings, carry out a programme of preparation, as outlined in the report of the meeting of the preparatory working group on that subject, held at Geneva on 20 and 21 December 1996, taking into account regional inputs;

D. Gender Advisory Board

11. Requests the Gender Advisory Board to continue its work as reported, in collaboration with all relevant organizations, in particular those within the United Nations system;

E. New substantive theme and other activities

12. Decides that the substantive theme for the inter-sessional period 1997-1999 shall be "Science and technology partnerships and networking for national capacity-building" and that the theme shall include North-South as well as South-South partnerships and networks involving, inter alia, enterprises, educational bodies, research institutions, governmental science and technology departments and other actors in the field of science and technology, with particular attention to be paid to biotechnology and energy;

13. Also decides to hold a panel meeting on biotechnology and its impact on development, bringing together country experts and experts from relevant institutions and United Nations agencies working on that subject, in order to identify critical issues relevant to development that are not sufficiently covered by existing forums, with particular attention to food production, and to recommend how further work on those issues might be undertaken;

F. Budget and inter-sessional activities

14. Recommends that at future sessions of the Commission, the report on the budget and inter-sessional activities of the Commission be considered under a separate agenda item;

G. Coordination of science and technology for development in the United Nations system

15. Decides that the secretariat of the Commission shall be requested to study the possibility of setting up, in collaboration with other United Nations bodies, including the regional commissions, an electronic network on their activities in science and technology for development, making that network widely accessible to science and technology institutes around the world;

16. Also decides that, in order to promote better interaction with United Nations bodies, especially the regional commissions, the Commission shall give consideration to including suitably qualified members of those bodies in the working groups of the Commission and that, in addition, meetings of the working groups of the Commission might be held in the offices of the regional commissions, whenever possible;

H. Coalition of resources

17. Recommends that a workshop be convened by the Commission to provide a forum for coalition of resources, in particular in relation to information and communication technologies.

In other action, the Council, by **decision 1997/306** of 25 July, took note of the report of the Commission on Science and Technology for Development on its third session and approved the provisional agenda and documentation for the fourth (1999) session. By **decision 1997/305** of the same date, the Council decided that an organizational meeting of the Commission should be held in Geneva or New York in early January 1998 to elect Commission Bureau members other than the Chairman.

Report of Secretary-General. The Secretary-General reported to the General Assembly in September [A/52/320] on the implementation of resolution 50/101 [YUN 1995, p. 855] on science and technology for development. The report covered the activities of the Commission on Science and Technology for Development and its supporting secretariat, UNCTAD. It described the work of the Commission on: information and communication technologies (see above); science, technology and innovation policy reviews—the first having been undertaken in Colombia, the second under way in Jamaica; gender, science and technology and the establishment of the Gender Advisory Board; the formulation of a common vision regarding the future contribution of science and technology for development in the context of the twentieth anniversary of the adoption of the Vienna Programme of Action (see above); the coalition of resources for science and technology for development; and the coordination of UN sys-

tem activities in the area of science and technology for development.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/626/Add.3], adopted resolution 52/184 without vote [agenda item 95 (c)].

Science and technology for development

The General Assembly,

Reaffirming the continuing validity of the Vienna Programme of Action on Science and Technology for Development, adopted in 1979, its resolution 50/101 of 20 December 1995 and all other relevant United Nations resolutions and decisions, as well as the outcomes of United Nations major conferences concerning science and technology for development,

Taking note of the Meeting of Experts on Science and Technology of the Non-Aligned Countries held at Cartagena de Indias, Colombia, in March 1997, in the field of biological diversity,

Recognizing the importance for developing countries of having access to science and technology so as to enhance their productivity and competitiveness in the world market, and stressing the need to promote, facilitate and finance, as appropriate, access to and transfer of environmentally sound technologies and the corresponding know-how, in particular to the developing countries, on favourable terms, including concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries,

Stressing, given the fact that much of the most advanced environmentally sound technology is developed and held by the private sector, that the creation of an enabling environment on the part of both developed and developing countries, including supportive economic and fiscal measures as well as a practical system of environmental regulations and compliance mechanisms, can help to stimulate private-sector investment in and transfer of environmentally sound technologies to developing countries, as affirmed by the General Assembly in paragraph 90 of the annex to its resolution S-19/2 of 28 June 1997,

Stressing also that further efforts should be made by Governments and international development institutions to facilitate the transfer of privately owned technologies on concessional terms, as mutually agreed, to developing countries, especially least developed countries, as affirmed by the General Assembly in paragraph 90 of the annex to its resolution S-19/2,

Expressing concern over the risk of marginalization of many developing countries, in particular the least developed and the African countries, in the process of globalization, which has resulted in increased benefits from advances in science and technology,

Recognizing the importance of the efforts of developing countries in the field of science and technology for development,

Noting the proposal by the Director-General of the United Nations Educational, Scientific and Cultural Organization to convene a world science conference in 1999,

Recognizing that information technologies are important requisites for planning, development and decision-making in science and technology, and recognizing also their far-reaching implications for society,

Reaffirming that the United Nations should play an important role in the promotion of cooperation in science and technology, as one of its priorities, and in the enhancement of support and assistance to developing countries in their efforts to achieve sustainable development, and emphasizing the need to enhance the capability of the relevant United Nations organizations, including the United Nations Conference on Trade and Development, to address relevant issues in the field of science and technology,

Noting the work being undertaken by the Commission on Science and Technology for Development on its work programme for member States, especially the developing countries, and reaffirming its unique role as a global forum for examining science and technology questions, improving the understanding of science and technology policies and formulating recommendations and guidelines on science and technology matters within the United Nations system, all in relation to development, without prejudice to the Economic and Social Council review of its subsidiary bodies, as initiated under General Assembly resolution 50/227 of 24 May 1996, bearing in mind other relevant Assembly resolutions,

Recognizing the need for adequate resources to be devoted to fostering science and technology for development,

Recognizing also the need for Governments and regional and international bodies to take measures to ensure women better access to and participation in scientific and technological areas, especially where they are not represented or are under-represented,

Taking note of the report of the Secretary-General entitled "Macroeconomic policy questions: science and technology for development",

1. Reaffirms Economic and Social Council decision 1997/306 of 25 July 1997, in which the Council approved the provisional agenda for the fourth session of the Commission on Science and Technology for Development on the basis of the report of the Commission on its third session;

2. Recognizes the ongoing work of the Commission on Science and Technology for Development, emphasizes the importance of the activities that are to be pursued within the framework of the Commission, including a broad spectrum of new global challenges in science and technology, encourages support to those undertakings and, in that regard, reaffirms that the substantive theme for the inter-sessional period 1997-1999 of the Commission will be "Science and technology partnerships and networking for national capacity-building";

3. Reaffirms that capacity-building in science and technology in developing countries should remain a priority issue on the United Nations agenda, and urges that international cooperation efforts be intensified and strengthened towards endogenous capacity-building of developing countries in science and technology, including their capacity to utilize scientific and technological developments from abroad as well as to modify and adapt them to suit local conditions;

4. Also recognizes the role of Governments in science and technology for development, in particular in providing appropriate regulatory frameworks and incentives for the development of science and technology capabilities;

5. Further recognizes the role of the private sector in science and technology for development, in particular in the transfer and development of science and technology capabilities;

6. Stresses the need to strengthen the important role of the United Nations in the field of science and technology as a cross-cutting concern within the work of the United Nations, particularly through effective policy guidance and better coordination, including international cooperation in technology assessment, monitoring and forecasting, as well as in the area of information and communication technologies, and in providing an environment conducive to the development of new environmentally sound technologies, and calls upon the organizations, funds and programmes of the United Nations to continue to work in a coordinated and expeditious manner to develop a catalogue of proved technologies to enable effective technology choice, by developing countries, of state-of-the-art technologies;

7. Reaffirms the need to fulfil the commitments on the provision of financial resources and transfer of technology contained in chapter 34 of Agenda 21, the outcome of the nineteenth special session of the General Assembly and the Agenda for Development;

8. Also reaffirms the need for adequate financial resources on a continuous and assured basis to foster science and technology for development, in particular to promote endogenous capacity-building in developing countries in accordance with their priorities;

9. Stresses that the current forms of cooperation involving the public and private sectors of developing and developed countries should be built upon and expanded, and, in that context, also stresses the importance of identifying barriers and restrictions to the transfer of publicly and privately owned technologies, as affirmed by the General Assembly in paragraph 88 of the annex to its resolution S-19/2 as well as other relevant General Assembly resolutions and decisions, with a view to reducing such constraints while creating specific incentives, fiscal and otherwise, for the transfer of such technologies;

10. Recognizes the importance of cooperation among developing countries in the field of science and technology, building on their complementarities, and the need for further advancing such cooperation through the establishment or strengthening of national technology and information centres in developing countries and networking on subregional, regional, interregional and global levels to promote technology research, training and dissemination as well as joint projects in developing countries, and urges the organizations and bodies of the United Nations system and other relevant international, regional and subregional organizations and programmes to provide continued and enhanced support through technical assistance and financing for such efforts;

11. Reiterates the affirmation of the General Assembly, as set forth in paragraph 93 of the annex to its resolution S-19/2, that the creation of centres for the transfer of technology at various levels, including the

regional level, could greatly contribute to achieving the objective of transfer of environmentally sound technologies to developing countries and that, for that purpose, existing United Nations bodies and mechanisms, including, as appropriate, mechanisms for technical and environmental cooperation among developing countries, the Centre for Science and Technology for Development, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the United Nations Environment Programme and the regional commissions, should cooperate;

12. Invites the relevant bodies of the United Nations system to assess their capability to provide assistance and promote cooperation in the area of information and communication technologies, and to suggest areas in which they are best able to assist interested countries, in particular the developing countries, in the design and implementation of national strategies on such technologies;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the progress made in the implementation of the present resolution.

Economic and social trends and policy

Economic surveys and trends

The World Economic and Social Survey 1997 [Sales No. E.97.II.C.1], prepared in mid-1997, stated that the world economy was experiencing widespread economic growth as it moved towards the close of the millennium. Barring unpredictable shocks, the level and pattern of growth were likely to be maintained and, in some cases, improved in 1997. However, although the momentum was encouraging, it was not spread widely enough. The economic and social setbacks brought about by previous disruptions were far from overcome in some parts of the developing world and in the economies that were in transition from planned to market systems. Unemployment was an immediate concern in the transition economies and in many parts of the developing world; it was also a highly salient issue even in the richest countries.

The world economy grew 3 per cent in 1996 and was forecast to grow at the same rate in 1997. After a disappointing start to the decade, the world economy was on a growth trend that exceeded that of the 1980s. It also appeared to be a sustainable growth trend in that inflation rates had fallen in most countries and were being further reduced in others, while excessive fiscal deficits had been broadly curtailed.

In 1996, the developed economies grew by 2.4 per cent, a figure representing somewhat faster

growth than in 1995, and growth in 1997 was expected to show a further modest increase. Growth was accelerating in North America and Western Europe, while in Australia and Japan, economic activity was expected to be slower in 1997 than in 1996. That moderate growth at a time of favourable monetary conditions was partly due to simultaneous multi-year efforts to cut budget deficits. In 1997, fiscal policy was expected to stay tight in most developed countries. There had been considerable success in achieving the objectives of low inflation, with the average rate of inflation at its lowest since the 1960s. Consumer price increases in 1997 were likely to remain at an average of somewhat above 2 per cent. Most developed economies, however, had not generated adequate job growth, and unemployment rates, remaining excessive, represented a waste of human resources and a drain on fiscal budgets. That was especially the case in Western Europe, where unemployment remained high and had even worsened in France and Germany when economic growth faltered in 1996.

The year 1996 had seen a further contraction of output in the transition economies as a group (the Baltic States, Central and Eastern Europe and the Commonwealth of Independent States (CIS)). However, the year 1997 could be more promising as most transition economies had begun their economic recovery, although only Poland had reached a level of output that matched that of the pre-transition years. An important disappointment in 1996 was the failure of recorded economic growth in the Russian Federation to materialize, owing to unanticipated uncertainties. Although it was expected that 1997 might see the first increase in output in the region as a whole since 1989, resumption of output growth was not the same thing as reduction in unemployment. The total number of unemployed in transition economies was 14.4 million at the end of 1996, 370,000 more than a year earlier. Given the scale of the measured output contraction since the transition began, even those rates of unemployment signified either serious overmanning or under-reporting of output. One condition for the sustained revival of economic activity was the achievement of macroeconomic stabilization. Progress in 1996 could be seen in the decline in inflation, with rates in 1996 having fallen sharply below those of the preceding three years.

The rate of growth of the developing countries as a group was at its highest in many years. That strong growth could be seen in Latin America and West Asia, while Africa appeared to be maintaining its recent greater dynamism; the strong overall growth in East and South Asia and China continued but at moderated rates. The least de-

veloped countries (see below, under "Developing countries") were in their third year of relatively strong growth and rising per capita output. That acceleration was due more to a broadening of the numbers of growing countries than to faster rates of growth in a limited number. Of the 95 developing countries monitored for the preparation of the Survey, only 11 failed to increase per capita output in 1996, compared with 24 in 1995.

The most significant economic development in Africa was the return to rising gross domestic product (GDP) per capita in 1996 and its anticipated continuation in 1997. The recovery was rather widely shared, with at least 22 countries in 1996 reaching a GDP growth rate of 5 per cent or higher, and 11 reaching a rate of 6 per cent or higher. GDP declined in only 2 countries of the 44 for which estimates were available in 1996—Burundi and the Central African Republic—and in both cases the decline was associated with political turmoil (see PART ONE, Chapter II). It appeared that 1996-1997 might mark the first time since 1979-1980 that the average GDP per capita had increased for two consecutive years. However, that followed on a protracted decline. A higher and sustained growth rate would be required to alleviate widespread poverty and reduce high unemployment and underemployment. Improvement in output growth since 1994 in Africa could be attributed to a number of international and domestic economic developments and improved weather conditions. In particular, higher commodity prices in 1994 and 1995 and higher oil prices in 1996 played a critical role. Moreover, favourable weather conditions in 1996 had enabled a brisk recovery in agricultural output and Africa also benefited from strong international demand for its exports, which was expected to be sustained in 1997 and 1998. Other factors had been of a more lasting nature; improved and sustained macroeconomic stability and policy reforms, which could be discerned in a growing number of countries, had created a more conducive environment for investment in some cases and removed obstacles to increasing production in others. The growth of GDP was expected to slow slightly in 1997, as the effect of recovery from drought, which had helped fuel growth in 1996, would wear off, and the stimulus from strong commodity prices was forecast to diminish. Growing conditions for agricultural crops in 1997 appeared to be generally favourable in most regions with the exception of northern and eastern Africa. The forecast also looked towards an end to civil strife and instability, which had affected several countries on the continent.

Economic growth in Latin America and the Caribbean was gathering speed, with strong ex-

port growth in many countries and with business confidence and foreign capital flows encouraged by the continuity in economic policy experienced since the financial crisis in Mexico in 1995. Output in the region was growing at about 4 per cent a year, after a decline in 1995, and GDP expanded in 1996 at a rate of 5 per cent or more in seven countries, while the pace of recovery in the countries hit by recession in 1995 (Argentina, Mexico, Uruguay) exceeded most forecasts in the second half of 1996. Prospects for growth, however, fell short of the region's trend rate of growth of 5.5 per cent per year between 1945 and 1980, and were still far from the 6 per cent annual rate deemed necessary to reduce growing unemployment and address urgent social needs. Regional inflation continued its decline towards single digits, and further curbing of inflation remained a priority for the Governments of the region. Inflation was lower in 10 countries and stable in 11 others. In Argentina price rises were, at less than 1 per cent, among the lowest in the world, while in Brazil they were, at 10 per cent, the lowest since 1950.

Buoyant exports and external finance were particularly important in the 1996 turnaround of the economies of Argentina, Mexico and Uruguay and in the continued strong expansion of Chile. In some countries, economic dynamics were heavily affected by political and security factors, Haiti being a case in point (see PART ONE, Chapter III). Poverty in the region still affected more than two fifths of the population—about 200 million people—and was hurting them more than ever before. An important feature of urban poverty in the region was that it had an impact on not only the large share of workers in low-productivity, informal jobs, but also on a high percentage of unskilled labour employed in the formal economy. The ultimate requirement for poverty alleviation and unemployment reduction was sustained economic growth at a strong pace. That would entail both high overall investment and savings and strengthened human capital development. Thus, several countries were widening efforts to improve education systems to enhance labour skills. As to the saving-investment nexus, at 19 per cent of GDP in 1996, saving was at the highest level since 1990, but was both lower than the Latin American average in the previous decade and much lower than that of the more dynamic economies of South and East Asia.

While continuing the phenomenon of sustained rapid economic expansion, growth in the East and South Asia region decelerated in 1996 from 7.3 per cent in 1995 to 6.5 per cent in 1996, largely due to a slowdown in the more rapidly growing countries (Indonesia, Malaysia, Repub-

lic of Korea, Singapore, Thailand). The regional rate of economic growth was expected to continue in 1997 at about the same rate for similar reasons. A more restrictive monetary policy had reined in economic expansion in those countries in order to bring about more sustainable growth. In addition, export growth weakened more than expected in the second half of 1996, owing to a substantial slowdown in world trade and the cyclical downturn in international demand for semiconductor and information technology products, as well as the appreciation of the dollar against the yen. Structural problems of differing severities in individual economies accentuated the slowdown. The long-term decline of competitiveness of traditional exports threatened sustained high export growth in a number of economies. In addition, in the Republic of Korea and Thailand in particular, the fragility of the financial system had become a serious concern. The economies of Hong Kong and Taiwan Province of China were expected to continue recent growth trends in 1997, with GDP rising 5.5 per cent and 6.3 per cent, respectively. They would benefit from the recovery of world trade and, in the case of Taiwan Province of China, the upturn in international demand for semiconductors and information-technology products. In some countries that had begun to achieve higher growth only in recent years, economic expansion continued to accelerate, for example in the Philippines, or remained at a high level, such as in Viet Nam. In India as well, economic growth was at a high level in 1996 after several years of acceleration. Other major southern Asian economies had been seeking to improve macroeconomic stability and implement economic reform in order to sustain economic growth. In Pakistan, civil unrest and industrial strikes in response to austere policies to reduce fiscal deficits had adversely affected industrial output in 1996. In Bangladesh, strong agricultural production sustained GDP growth of 5 per cent in 1996, while garment exports were depressed by the worldwide slowdown in demand, and private and public investment remained weak.

China's economy had been achieving the "soft landing" objective of the macroeconomic stabilization policies initiated in 1993. The rate of consumer price inflation, which reached 24 per cent in 1994, declined to 17 per cent in 1995 and was reduced further to 8.3 per cent in 1996. Meanwhile, the GDP growth rate moderated to 9.7 per cent in 1996, from 12.6 per cent in 1994. The high growth of fixed investment, which was the main impetus to rapid growth of demand and rising inflation, had successfully been slowed. A persist-

ent tight monetary policy restricting credit—the main instrument used to restrain growth—was accompanied by other more direct measures, including postponement or cancellation of public investment projects, stricter enforcement of credit ceilings, and reinstitution of government control over certain prices. Good harvests also aided the government effort to reduce inflation, and industrial output rose almost 13 per cent based on the dynamism of the non-State sector. Prospects for 1997 were for continued strong economic growth of about 10 per cent, with a relatively low rate of inflation. However unemployment remained a concern.

Economic output in the West Asia region strengthened significantly in 1996, reflecting strong growth in the member countries of the Gulf Cooperation Council, owing primarily to the sharp rise in oil prices. After near-stagnation in 1994, output growth had been accelerating and the region's GDP rose 5 per cent. Economic growth in the region was expected to accelerate to about 6 per cent in 1997, reflecting a strong recovery in economic activity in Iraq, while GDP growth in the other fuel-exporting countries would moderate as oil prices eased. The rate of economic growth would continue to depend to a large extent on international oil prices and oil revenues, the extent of economic reforms, diversification of the economy and regional economic integration. The private sector was expected to contribute more to economic activity as a result of new policies aimed at encouraging privatization. More accommodating fiscal policy and more robust productivity in the non-oil sector would also contribute to sustaining the growth of GDP. In fuel-importing countries, economic activity had decelerated in 1996. Growth of economic activity in Jordan, albeit slower, was still occurring at a rate of 5 per cent, and inflation remained low despite a rise in subsidized prices of some essential items. In Lebanon, GDP growth fell to 3 per cent in 1996, owing mainly to a slowdown in public and private investment earlier in the year. In Israel, economic growth fell sharply from an average of 6 per cent per annum in the period 1990-1995 to 3.8 per cent in 1996, owing to a tighter fiscal policy to control inflation and reduce the external deficit and a slowdown in investment due to concerns over the peace process. Turkey enjoyed a marked expansion of output for the second consecutive year, following a sharp contraction in 1994 in the aftermath of fiscal and monetary tightening. Notwithstanding the marked growth in economic output over the preceding two years, unemployment remained a key concern throughout the region.

In a report providing updated data on the world economy [E/1998/INF/1], the Secretary-General stated that world output was estimated to have grown more than 3 per cent in 1997 and a further year of 3 per cent growth was forecast for 1998. The financial turmoil emanating from the emerging market economies of Asia was expected to cause an inflection in world economic growth, with the slowdown in the more seriously affected countries and its impact on their major trading partners being partially offset by strengthened momentum elsewhere. The continued dynamism of world trade would be crucial to a successful recovery from current setbacks. Among developed economies, major elements in 1997 were the relative weakness of the Japanese and strength of the United States economies. The efforts of European Union members to meet the macroeconomic criteria for entry into the Economic and Monetary Union (EMU), particularly regarding budget deficits, had constrained recovery and were an added burden on unemployment. Moreover, the uncertainty surrounding the start of EMU had caused some hesitation with regard to investment. In the developing world, aggregate growth of GDP was almost 6 per cent in 1997, but depended less than previously on the dynamism of East and South Asia. The transition economies as a group had begun to grow, although growth prospects in many of them, particularly the Russian Federation, were still fragile.

The Trade and Development Report, 1997 [Sales No. E.97.II.D.8] observed that the big story of the world economy since the early 1980s had been the unleashing of market forces. The deregulation of domestic markets and their opening up to international competition had become universal features. Many commentators were optimistic about prospects for faster growth and for convergence of incomes and living standards that greater global competition should bring. On the other hand, the world economy since the early 1980s had been characterized by rising inequality and slow growth. Income gaps between North and South had continued to widen. In 1965, the average per capita income of the Group of Seven major industrialized countries was 20 times that of the world's poorest seven countries; by 1995, it was 39 times as much. (See also PART THREE, Chapter IV.)

Human Development Report 1997

The challenge of eradicating poverty was reviewed from a human development perspective in the Human Development Report 1997, prepared by UNDP. The Report focused not just on poverty of income but on poverty as a denial of choice and opportunities to live a tolerable life. It offered

ideas for eradicating absolute poverty with an agenda that included but went beyond income and encompassed gender, pro-poor growth, globalization and governance.

Progress in reducing poverty during the twentieth century had been remarkable, said the Report, citing the fact that key indicators of human development had advanced strongly over the past few decades. Since 1960, child death rates in developing countries had been more than halved, malnutrition rates had declined by almost a third, the proportion of children out of primary school had fallen from more than half to less than a quarter, and the share of rural families without access to safe water had fallen from nine tenths to about a quarter.

However, advances had been uneven and marred by setbacks. More than a quarter of the developing world's people still lived in poverty; about a third—1.3 billion people—lived on incomes of less than \$1 a day. South Asia had the most people affected by human poverty and the largest number of people in income poverty: 515 million. Sub-Saharan Africa had the highest proportion of people—and the fastest growth—in human poverty. Some 220 million people in the region were income-poor. In Latin America and the Caribbean, income poverty was more pervasive than human poverty—affecting 110 million people—and it continued to grow. Eastern Europe and the CIS countries had seen the greatest deterioration in the preceding decade, with income poverty having spread from a small part of their population to about a third—120 million people living below a poverty line of \$4 a day. In industrial countries also, more than 100 million people lived below the income poverty line, set at half the individual median income, and 37 million were jobless. Within those broad groups, some people suffered more than others—particularly children, women and the aged.

The latest data showed that the human development index had declined in the preceding year in 30 countries, more than in any year since the Report was first issued in 1990. Between 1987 and 1993, the number of people with incomes of less than \$1 a day increased by almost 100 million, to 1.3 billion, and the number appeared to be still growing in every region except South-East Asia and the Pacific.

The actions required to eradicate poverty in the twenty-first century were to: empower individuals, households and communities to gain greater control over their lives and resources; strengthen gender equality to empower women and release their vast underused energy and creativity; accelerate pro-poor growth in the 100 or so developing and transition countries, the economies of which

were growing only slowly, stagnating or declining; improve the management of globalization, nationally and internationally, to open opportunities, not close them; ensure an active State, committed to eradicating poverty and providing an enabling environment for broad political participation and partnerships for pro-poor growth; and take special actions for special situations to support progress in the poorest and weakest countries and to prevent reversals.

The Report ranked 175 countries in its human development index, which measured human development by combining indicators of life expectancy, educational attainment, and income, among other factors.

Development planning and public administration

Development planning

The Committee for Development Planning (CDP), which held its thirty-first session in New York from 5 to 9 May [E/1997/35], focused its main substantive discussion on globalization in the 1990s and development policy challenges. In its main findings and recommendations, CDP covered the deepening globalization process; new opportunities offered by global integration; developing countries as outsiders to the globalization process; financial volatility; policy constraints and convergence; regional cooperation and expanding markets; appropriate sequencing of liberalization; expanding domestic savings and public resources; maintaining and improving social services; social protection and poverty reduction; governance and participation; environmental protection; access to developed-country markets; official development assistance and debt relief; international codes of conduct for corporate transnational activities and for Governments; the need for a world financial organization; and the need for an economic and social security council, parallel to the Security Council.

The Committee also carried out its triennial review of the list of least developed countries (LDCs) (see below) and reviewed its working methods. It recommended that its name should be changed to the Committee for Development Policy, which would better reflect its main functions. For its 1997-1998 work programme, CDP decided to consider the questions of intergenerational transfers and social security, international migration and employment, and criteria and methods for the designation of LDCs.

Preparations for CDP's 1997 session had been carried out by three working groups that dealt with: re-examining stabilization, structural adjustment and economic reform in the context of globalization (New York, 18-20 December 1996); a general review of the list of LDCs (New York, 22-24 January 1997); and rethinking the impact of globalization on development (New York, 24-25 February 1997).

In preparation for the 1998 session, two of four working groups met in 1997: on international migration and employment (New York, 29-31 October) and on the criteria and methodology for identifying LDCs (New York, 17-19 December).

By **decision 1997/308** of 25 July, the Economic and Social Council took note of the CDP report on its thirty-first session. Both the Council and the General Assembly took action with regard to CDP recommendations on LDCs (see below).

Public administration

In accordance with Economic and Social Council **decision 1997/207** of 7 February, the Thirteenth Meeting of Experts on the United Nations Programme in Public Administration and Finance was held in New York from 27 May to 4 June [E/1997/86]. It was the first Meeting following the resumed fiftieth session of the General Assembly, several meetings of which were held in 1996 expressly to explore the relationship of public administration to development and the role of the United Nations in that regard [YUN 1996, p. 750].

The overall theme of the Meeting was "Redesigning the State for socio-economic development and change". Within that theme, five specific issues were identified as particularly relevant to redesigning the State: promoting an enabling environment for sound governance; enhancing the professionalism, ethical values and image of the public service; rethinking the State for social development; creating an enabling environment for private sector development; and strengthening governmental capacity in the mobilization, management and accountability of financial resources.

The Meeting also reviewed the UN programme in public administration and finance; discussed implementation of the information clearing house and coordination with other UN bodies and specialized agencies; and heard presentations by the World Bank and UNDP on their programmes in governance, public administration and finance.

The Meeting stressed the need for the United Nations to continue discussions at the policy-making level on issues relating to governance, the

role of the State, improvement of the public sector, public financial management and the strengthening of the State as facilitator to the private sector and civil society, since those were at the core of the development agenda of most countries. Most of the Meeting's recommendations stressed the need for the UN Secretariat to be active in fostering an exchange of information and experience in those areas, with particular emphasis on South-South cooperation. The Meeting also underlined the need to promote global and collective approaches to those themes, as well as the particular role that the United Nations should fulfil in translating them into country-specific programmes. It strongly approved the Secretariat's establishment of an information clearing house aimed at making available electronically information, good practices and advice to developing countries and economies in transition. The Meeting requested the Secretariat to accelerate its work in implementing resolution 50/225 [YUN 1996, p. 750], adopted at the resumed session of the Assembly, and recommended that the Fourteenth Meeting be convened in May 1998 to review progress made in implementing that resolution.

By decision 1997/222 of 18 July, the Economic and Social Council endorsed the Thirteenth Meeting's recommendation with regard to its Fourteenth Meeting and, by decision 1997/308 of 25 July, the Council took note of the Secretary-General's report on the Thirteenth Meeting [E/1997/86].

Developing countries

Least developed countries

Review of LDC list

In response to General Assembly resolution 46/206 [YUN 1991, p. 356], the Committee for Development Planning (CDP), at its May 1997 session [E/1997/35], carried out its triennial review of the list of low-income countries in order to identify which should qualify for inclusion in, or should be graduated from, the list of the least developed countries (LDCs). The review was conducted applying the indicators adopted by CDP in 1991 [YUN 1991, p. 355]: gross domestic product (GDP) per capita, three-year average for 1993-1995, in United States dollars at the official exchange rate; augmented physical quality-of-life index (APQLI), incorporating life expectancy, per capita calorie consumption, primary and secondary school enrolment and adult literacy; economic diversifica-

tion index, incorporating share of manufacturing in GDP, share of labour in industry, per capita electricity consumption and export concentration ratio; and population.

The 48 countries on the list of LDCs considered by CDP were: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Sudan, Togo, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Yemen, Zambia. CDP established that 43 did not meet the criteria for graduation and recommended that they be retained on the list. Five countries met the criteria: Cape Verde, Maldives, Myanmar, Samoa and Vanuatu. One country not on the list—Cameroon—met the criteria for inclusion as a result of a large decline in GDP, but CDP noted that the decline was the result of a 50 per cent devaluation of its currency in 1994 and did not reflect a real proportionate decline in production; it recommended that Cameroon not be added to the list.

CDP recommended that Vanuatu be graduated from the list with immediate effect, and that Cape Verde, Maldives and Samoa be graduated at the time of the next review in 2000, provided that they continued to meeting the criteria at that time.

While Myanmar appeared to meet the criteria with respect to GDP per capita and APQLI, CDP felt that the data for GDP per capita did not accurately reflect the economic situation of the country, due to an official exchange rate that did not reflect the value of the currency. It therefore recommended that Myanmar be retained on the list and that efforts be made to obtain improved data for the 2000 review.

The Committee also reviewed the criteria for the designation of LDCs; it concluded that improvements adopted in 1991 and refined in 1994 remained valid. One proposed change—namely, the introduction of per capita commercial energy consumption, instead of per capita electricity consumption—appeared to improve the criteria; the Committee decided to further examine that proposal.

ECONOMIC AND SOCIAL COUNCIL ACTION

By decision 1997/223 of 18 July, the Economic and Social Council endorsed CDP's recommendations that Vanuatu be graduated from the list of

LDCs with immediate effect, and that Cape Verde, Maldives and Samoa be graduated at the time of the 2000 review, provided that they continued to meet the graduation criteria.

Communication. On 29 September [A/C.2/52/5], the Economic and Social Council President transmitted to the General Assembly President a 22 August letter from the Prime Minister of Vanuatu, who noted with concern CDP's proposal to graduate Vanuatu from the list of LDCs. Vanuatu urged the Council to defer consideration of Vanuatu as an LDC until the year 2000, citing serious doubts about the quality of the statistics used for the graduation exercise. In addition, Vanuatu had had no technical input into the computation exercise, nor had it been invited to make observations on the qualitative judgements that had to be made in the face of inadequate statistics and the set of indicators employed.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/625], adopted **resolution 52/210** without vote [agenda item 12].

Report of the Committee for Development Planning

The General Assembly,

Recalling its resolution 46/206 of 20 December 1991 on the report of the Committee for Development Planning and criteria for identifying the least developed countries,

Taking note of subparagraph (a) of Economic and Social Council decision 1997/223 of 18 July 1997, by which the Council endorsed the recommendation of the Committee for Development Planning that Vanuatu be graduated from the list of least developed countries,

Taking note also of subparagraph (b) of Economic and Social Council decision 1997/223,

Taking note further of the content of the letter of the Prime Minister of Vanuatu advancing reasons to support his position that the review of the status of Vanuatu should be deferred until the year 2000,

Taking note of the decision of the Committee for Development Planning, in accordance with General Assembly resolution 51/183 of 16 December 1996, to examine, as part of its work programme for 1997-1998, the report to be prepared by the Secretary-General on the vulnerability index for small island developing States and to consider the usefulness of such an index as a criterion for the designation of least developed countries in its examination of issues related to improvements to the criteria and methodology for the designation of least developed countries,

Taking into account statements made by several delegations during the debate on the report of the Economic and Social Council at the meetings of the Second Committee on 11 November 1997,

1. Reaffirms paragraphs 4 and 5 of its resolution 46/206 relating to transitional arrangements;

2. Welcomes the convening in New York from 17 to 19 December 1997 of Working Group III of the Committee for Development Planning to review the results of the technical work and the outcome of the expert group meeting concerning the vulnerability index, as requested by the General Assembly in its resolution 51/183;

3. Decides to postpone its consideration of subparagraph (a) of Economic and Social Council decision 1997/223, in consideration of the views and recommendations to be submitted by the Committee for Development Planning to the General Assembly at its fifty-third session, through the Economic and Social Council, in accordance with paragraphs 9 and 10 of resolution 51/183, on the usefulness of the vulnerability index as a criterion for the designation of least developed countries and without prejudice to the full development and examination of the vulnerability index and its potential application in assessing the graduation of Vanuatu, a small island developing State, from the list of least developed countries, and to take a decision accordingly.

By decision 52/448 of 18 December, the Assembly decided that Cape Verde, Maldives and Samoa should graduate from the list of LDCs at the time of the next review, in 2000, provided that they continued to meet the criteria for graduation.

Programme of Action for the 1990s

Report of Secretary-General. In response to General Assembly resolution 50/103 [YUN 1995, p. 864], the Secretary-General submitted an August 1997 report [A/52/279] on the implementation of the Programme of Action for the Least Developed Countries for the 1990s, which was adopted by the Second (1990) United Nations Conference on the Least Developed Countries (Paris Conference) [YUN 1990, p. 369] and endorsed by the Assembly in resolution 45/206 [YUN 1990, p. 373]. A mid-term review of the implementation of the Programme of Action had been carried out in 1995 [YUN 1995, p. 863].

The report surveyed the recent economic performance and policy developments in LDCs, noting that many of those countries had recently undertaken wide-ranging reform policies and measures, often under internationally agreed frameworks, for structural and sectoral adjustment. Preliminary estimates indicated that the growth rates of GDP in the LDCs for which data were available averaged 4.7 per cent in 1996. The growth rate of the African LDCs in 1996 was estimated at 4.6 per cent, which implied that per capita output rose for the second consecutive year, after a very long period in which levels had declined. The average growth rate of the Asian LDCs rose slightly in 1996 but remained significantly lower than the regional average for devel-

oping countries. Among the Pacific and Indian Ocean island LDCs, there was robust growth of over 6 per cent in Maldives and 4 per cent in Solomon Islands in 1996. Haiti, the only LDC in the Western hemisphere, experienced an economic slowdown in 1996, with growth in GDP falling to 2 per cent from 4 per cent in the previous year.

While the overall economic performance in LDCs had improved, poverty remained pervasive and the majority of the population in those countries suffered from reduced caloric intakes, increased mortality and morbidity, the re-emergence and spread of disease, and lower school enrolment.

The report set out the overall arrangements made for implementation, follow-up, monitoring and review of the Programme of Action, and described measures taken by UN organs, organizations and bodies. It also presented information on international support measures in the areas of external resources, debt and trade.

The report concluded that while the recent economic performance of a number of LDCs was encouraging, recovery was still fragile and the medium- and long-term challenges facing those countries were complex. The 1995 mid-term review of the implementation of the Programme of Action had identified the following as primary challenges facing LDCs in the second half of the 1990s: to reverse the decline in economic and social conditions; to promote sustainable economic growth, development and structural transformation; and to avoid further marginalization in the international economy.

To succeed in coping with those challenges, LDCs would need to further strengthen their national development efforts. Economic reforms had to be sustained and further trade liberalization measures effected; policies should address supply-side constraints, and agricultural efficiency be improved. For a number of LDCs, an early end to political conflicts and civil strife and restoration of a viable system of government was prerequisite to any development programmes.

Challenges facing LDCs were beyond their capacity to overcome on their own. International support measures—financial, technical and commercial—were of critical importance in continuing to influence their future growth and development.

UNCTAD action. At its October 1997 session, the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) reviewed progress in implementing the Programme of Action for LDCs for the 1990s in the area of policy reforms in agriculture and their implications for development.

The Board had before it The Least Developed Countries, 1997 Report [Sales No. E.97.II.D.6], which examined economic developments in LDCs during 1996 and discussed prospects for 1997. A section of the Report focused on the agricultural sector in LDCs, reviewing the impact of their agricultural policy reforms, major constraints on sustainable agricultural development, and likely effects of changes in the international trading system on LDCs' agriculture. Finally, the Report considered the circumstances of a number of LDCs whose performance with regard to certain economic and social indicators over the preceding decade had been significantly low.

Also before the Board was the Declaration adopted by the Seventh Annual Ministerial Meeting of LDCs (New York, 30 September) [TD/B/44/17].

In agreed conclusions of 22 October [A/52/15 (agreed conclusions 44I(XLIV))], the Board expressed concern at the continued decline in the overall share of official development assistance (ODA) to LDCs and called for further efforts to reverse that trend, with a view to fulfilling the ODA targets and commitments in the Programme of Action. It emphasized that the debt burden of LDCs, particularly those in Africa, remained exceptionally high and was a serious constraint on their development.

The Board encouraged LDCs to accelerate policy reform efforts in the agricultural sector, observing that, in the short to medium term, improved agricultural performance offered many LDCs the most effective path to raise economic growth rates, expand and diversify exports, ensure food security and reduce poverty. Reforms already implemented in many LDCs had improved the environment for agriculture, but the small-scale farmers who dominated the sector in most countries still faced serious constraints with respect to raising productivity and output. The Board stressed that the problems facing those producers required sectoral and institutional policy reforms, such as building effective research and development institutions and agricultural extension services, improving rural infrastructure and credit, and developing more efficient markets in rural areas. Those efforts would continue to be supplemented by international support measures.

The Board stressed that improved market access was a key element to improving the performance of the agricultural sector in LDCs, although it noted that some existing market opportunities had not been fully utilized. It emphasized the importance of strengthening the capacity of LDCs to export, including through vertical and horizon-

tal diversification, and of appropriate sequencing of agricultural liberalization measures.

In a 22 October recommendation [A/52/15 (rec. 442(XLIV))], the Board requested the General Assembly to consider convening a third UN conference on LDCs, which would: assess the results of the Programme of Action during the 1990s at the country level; review implementation of international support measures, particularly in the areas of ODA, debt, investment and trade; and consider the adoption of national and international policies and measures for sustainable development of LDCs and their progressive integration into the world economy. The conference would take place at the end of the decade and an intergovernmental preparatory committee would prepare for it.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.2], adopted **resolution 52/187** without vote [agenda item 97 (b)].

Implementation of the Programme of Action for the Least Developed Countries for the 1990s

The General Assembly,

Recalling its resolution 45/206 of 21 December 1990, in which it endorsed the Programme of Action for the Least Developed Countries for the 1990s, and its resolution 48/171 of 21 December 1993, in which it decided to convene a high-level intergovernmental meeting to conduct a mid-term global review,

Recalling also its resolution 50/103 of 20 December 1995, in which it recalled that at the end of the decade, a global review and appraisal of the implementation of the Programme of Action would be carried out, in accordance with paragraph 140 of the Programme of Action and paragraph 7 (c) of its resolution 45/206,

Taking note of The Least Developed Countries, 1997 Report, prepared by the United Nations Conference on Trade and Development, and the report of the Secretary-General on implementation of the Programme of Action, which highlights the main developmental difficulties the least developed countries continue to face,

Recognizing that the significant policy reform efforts undertaken by the least developed countries, which in many cases have been wide-ranging and difficult to implement, should be pursued further and that structural adjustment poses real challenges and resource issues for those countries, and, in this context, encouraging the international community to support these further reform efforts by the least developed countries, including helping to minimize any social cost of adjustments,

Noting with concern the reduced flow of development resources to the least developed countries, the resulting need to accord them priority in the allocation of concessional resources and their continued marginalization in world trade, as well as the fact that many least developed countries face serious debt problems and more than half are considered debt-distressed,

Taking note of the outcome of the Trade and Development Board at its forty-fourth session on the item relating to the annual review of progress in the implementation of the Programme of Action, including its agreed conclusions and its recommendation to the General Assembly to consider at its fifty-second session the convening of a third United Nations conference on the least developed countries, its preparatory process, and the designation of the United Nations Conference on Trade and Development as the focal point for the preparation of the conference,

1. Decides:

(a) To convene the Third United Nations Conference on the Least Developed Countries at a high level in the year 2001. The mandate of the Conference will be the following:

(i) To assess the results of the Programme of Action during the 1990s at the country level;

(ii) To review the implementation of international support measures, particularly in the areas of official development assistance, debt, investment and trade;

(iii) To consider the formulation and adoption of appropriate national and international policies and measures for sustainable development of the least developed countries and their progressive integration into the world economy;

(b) To convene an intergovernmental preparatory committee in due time to prepare for the Conference. That meeting would be preceded by three expert-level preparatory meetings, two in Africa, one of which would include the Americas, and one in Asia and the Pacific. These preparatory activities should be carried out within the budget level proposed by the Secretary-General for the biennium 1998-1999;

2. Also decides that the United Nations Conference on Trade and Development will be the focal point for the preparation of the Conference;

3. Requests the Secretary-General of the United Nations Conference on Trade and Development to include in future issues of the annual report on the least developed countries substantive contributions to the Conference and its preparatory process;

4. Decides to include in the provisional agenda of its fifty-third session the sub-item entitled "Implementation of the Programme of Action for the Least Developed Countries for the 1990s" and to consider, inter alia, the date, duration and venue of the Conference, its preparatory process and the funding for participation of representatives from each least developed country, both at the preparatory committee meeting and at the Conference itself, from extrabudgetary resources;

5. Requests the Secretary-General to submit to it at its fifty-third session a report on issues relevant to this item.

Island developing countries

Implementation of the Programme of Action

Commission on Sustainable Development. At its April 1997 session (see above), the Commission on Sustainable Development had before it a report of the Secretary-General on the implementation of the Programme of Action for the

Sustainable Development of Small Island Developing States [E/CN.17/1997/14], which was adopted in 1994 by the Global Conference on the subject [YUN 1994, p. 783].

The report described progress, or lack thereof, in addressing the particular sustainable development concerns of small island developing States (SIDS) since the Global Conference. It identified areas calling for priority attention, considering the state of implementation in a number of key priority areas reviewed by the Commission in 1996 [YUN 1996, p. 753]. Those areas were coastal area management, tourism, energy resources, air transport, marine transport, telecommunication development, management of natural and environmental disasters, resource flows and international trade.

On 25 April, the Commission adopted a resolution [E/1997/29 (res. 5/1)] in which it recognized the need to review outstanding chapters of the Programme of Action prior to its full review in 1999. It urged the task managers within the Inter-Agency Committee on Sustainable Development and the small island developing states unit of the Secretariat to prepare reports on outstanding chapters of the Programme of Action for its Ad Hoc Inter-sessional Working Group in 1998. The Commission decided that it would undertake a review of all outstanding chapters in 1998, and it recommended that the General Assembly convene a two-day special session, immediately preceding its fifty-fourth (1999) session, for an in-depth assessment and appraisal of the implementation of the Programme of Action. It further decided to carry out the full review of the Programme of Action at its seventh (1999) session. That review would be the preparatory process for the Assembly's special session that same year.

Report of Secretary-General. In response to General Assembly resolution 51/183 [YUN 1996, p. 756], the Secretary-General in September 1997 [A/52/319] reported on the implementation of the outcome of the 1994 Global Conference on the Sustainable Development of Small Island Developing States. Work had begun on the development of a vulnerability index for SIDS, a report on which would be submitted to the Assembly in 1998, through the Economic and Social Council, he said.

Regarding the mobilization of resources to facilitate the implementation of the Programme of Action, the Secretariat would hold a meeting of donors and representatives of SIDS. The latter had been requested to prepare portfolios of documents on priority projects in the areas covered by the Programme of Action, which could not be implemented without external support.

The United Nations Development Programme (UNDP) was coordinating requests from SIDS for technical assistance in preparing project documents, and the meeting would be scheduled depending on progress made in preparing the portfolios.

The report described UNDP's technical assistance programme for SIDS and other work under way to assist SIDS—which were particularly vulnerable to natural disasters—in the context of the International Decade for Natural Disaster Reduction (the 1990s), as well as energy-related projects in SIDS that were being funded by the Global Environment Facility.

With regard to the future programme of work, the report drew attention to the Commission on Sustainable Development's proposal to hold a special session of the Assembly on issues related to SIDS (see above).

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/629/Add.6], adopted **resolution 52/202** without vote [agenda item 98 (f)].

Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States

The General Assembly,

Recalling its resolutions 50/116 of 20 December 1995 and 51/183 of 16 December 1996 on and related to the implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States, held at Bridgetown, Barbados, from 25 April to 6 May 1994,

Convinced that small island developing States are particularly vulnerable to the potential effects of global climate change and sea-level rise, and that tropical storms, the El Niño phenomenon and drought have resulted in the inundation of some islands and have caused serious loss of resources in their exclusive economic zones, economic infrastructure, human settlements and culture,

Reaffirming the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly at its nineteenth special session held from 23 to 28 June 1997 and resolution 5/1 adopted by the Commission on Sustainable Development at its fifth session, held from 7 to 25 April 1997,

Reaffirming also the decision taken at its nineteenth special session to convene a two-day special session, preceding its fifty-fourth session, for the review and appraisal of the Programme of Action for the Sustainable Development of Small Island Developing States,

1. Takes note of the report of the Secretary-General, and welcomes in particular the action that has been taken by the Department of Economic and Social Affairs of the Secretariat to support the system-wide implementation of the Programme of Action for the Sustainable Development of Small Island Developing States;

2. Welcomes the action of the Secretary-General to restructure the Small Island Developing States Unit within the above-mentioned Department in accordance with General Assembly resolutions 49/122 of 19 December 1994 and 51/183 and his proposal to suitably strengthen the Unit;

3. Appreciates the support that has been provided by the Commission on Sustainable Development in following up the implementation of the Programme of Action in accordance with resolution 49/122 and the Programme of Action itself, and welcomes the multi-year programme of work for the Commission on Sustainable Development, 1998-2002, as adopted by the Assembly at its nineteenth special session, pursuant to which the Commission will, *inter alia*, review the outstanding chapters of the Programme of Action;

4. Decides to invite States members of the specialized agencies that are not members of the United Nations to participate in the two-day special session for the review and appraisal of the Barbados Programme of Action, and in the preparatory meetings therefor in the capacity of observers;

5. Welcomes the progress made by the United Nations Development Programme in implementing resolution 49/122, invites the Programme to continue to implement all the provisions of the technical assistance programme, known as SIDSTAP, and the small island developing States information network, known as SIDS-NET, and welcomes the regional and subregional efforts by small island developing States that have enabled the commencement of the implementation of both programmes;

6. Also welcomes the actions taken by the regional commissions and organizations in support of activities related to the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;

7. Requests the Secretary-General to ensure that the United Nations Conference on Trade and Development continues to have the strengthened capacity to carry out, in accordance with its mandate, the research and analysis necessary to complement the work of the Department of Economic and Social Affairs with respect to the implementation of the Programme of Action, and in that context notes with satisfaction the strengthening of the Office of the Special Coordinator for Least Developed, Landlocked and Island Developing Countries as reflected in the above-mentioned report of the Secretary-General, following the recent restructuring of the Conference;

8. Calls upon Governments, as well as the organs, organizations and bodies of the United Nations system, other intergovernmental organizations and non-governmental organizations, to continue to take the necessary actions for effective follow-up to the Barbados Programme of Action, including action to ensure the provision of the means of implementation under chapter XV thereof, the commitments and recommendations that were made at the Global Conference, and the modalities that it adopted for the full and comprehensive review of the Programme of Action;

9. Takes note with appreciation of modalities that have been instituted by the Department of Economic and Social Affairs, in collaboration with the United Nations Development Programme, to mobilize resources, including technical capacity for small island develop-

ing States, with respect to the further implementation of the Programme of Action, and in that regard requests the Secretary-General to implement fully the relevant provisions of General Assembly resolutions 51/183 and 51/185 of 16 December 1996;

10. Calls upon the bilateral and multilateral donor communities to mobilize adequate financial resources to supplement efforts by small island developing States, at both the national and the regional levels, in the implementation of the programmes referred to in paragraph 5 above, including support to existing regional and subregional institutions;

11. Welcomes the action taken by the Department of Economic and Social Affairs, in collaboration with the United Nations Development Programme, as regards a meeting between representatives of small island developing States and prospective bilateral and multilateral donors, and stresses the need for further collaboration among small island developing States and agencies, funds and programmes of the United Nations system to facilitate preparation of project portfolios;

12. Requests the secretariat of the International Decade for Natural Disaster Reduction, in cooperation with the international community, to enhance efforts in respect of coordination activities within the United Nations system and to strengthen national and regional partnerships for a disaster reduction strategy for the twenty-first century, including requirements for effective disaster reduction and prevention capacities and measures for small island developing States in line with resolution 51/183;

13. Urges the international donor community, including international financial institutions, to support adaptation efforts by small island developing States to cope with the threatening sea-level rise that may be experienced as a consequence of the impact of greenhouse gas emissions into the atmosphere;

14. Welcomes the activities undertaken by the Global Environment Facility, in accordance with its operational strategy, and invites it, in accordance with relevant provisions of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, and the decisions of its Council, to support further the objectives of the Barbados Programme of Action;

15. Notes the progress in the development and compilation of a vulnerability index for small island developing States, in collaboration with the United Nations Conference on Trade and Development and other relevant organizations, and invites all relevant actors to continue to support the Department of Economic and Social Affairs on further work in refining the index, as necessary;

16. Invites the Commission on Sustainable Development, the United Nations Environment Programme and other relevant United Nations bodies, funds and programmes, and the World Tourism Organization, to develop urgently strategies with existing national, regional and subregional tourism organizations in small island developing States to further facilitate sustainable tourism development as an essential element towards an action-oriented international programme of work on sustainable tourism;

17. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Environment and sustainable development", the sub-item enti-

tled "Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States";

18. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on actions taken to implement the present resolution and paragraph 10 of Assembly resolution 50/116 of 20 December 1995.

Landlocked developing countries

In response to General Assembly resolution 50/97 [YUN 1995, 876], the Secretary-General, by a September 1997 note [A/52/329], transmitted an UNCTAD secretariat progress report on specific actions related to the particular needs and problems of landlocked developing countries.

The report presented the conclusions and recommendations of the Third Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions (New York, 18-20 June 1997) [TD/B/44/7]. It also described UNCTAD's programme of work with regard to developing transit systems in the landlocked and transit developing countries, including the organization of meetings between the two groups of countries and of an expert meeting on the use of information technologies to make transit arrangements more effective.

The report also contained information provided by several landlocked and transit developing countries, other countries—both developed and developing—as well as international and intergovernmental organizations, on activities related to improving transit transport systems.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/626/Add.2], adopted **resolution 52/183** without vote [agenda item 95 (b)].

Specific actions related to the particular needs and problems of landlocked developing countries

The General Assembly,

Recalling the provisions of its resolutions 44/214 of 22 December 1989, 46/212 of 20 December 1991, 48/169 of 21 December 1993 and 50/97 of 20 December 1995, as well as the relevant parts of the Agenda for Development,

Recognizing that the lack of territorial access to the sea, aggravated by remoteness and isolation from world markets, and prohibitive transit costs and risks impose serious constraints on the overall socio-economic development efforts of the landlocked developing countries,

Recognizing also that sixteen of the landlocked developing countries are also classified by the United Nations as least developed countries and that their geo-

graphical situation is an added constraint on their overall ability to cope with the challenges of development,

Recognizing further that most transit countries are themselves developing countries facing serious economic problems, including the lack of adequate infrastructure in the transport sector,

Recalling that measures to deal with the transit problems of landlocked developing countries require closer and even more effective cooperation and collaboration between those countries and their transit neighbours,

Noting the importance of strengthening, and in this respect recognizing the important role played by, bilateral cooperative arrangements and subregional cooperation and integration, as well as the activities of the regional commissions, in alleviating the transit problems of the landlocked developing countries and improving the transit transport systems in landlocked and transit developing countries,

Noting also the importance of strengthening the existing international support measures with a view to addressing further the problems of landlocked developing countries,

Noting further the holding of the third Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions, in New York from 18 to 20 June 1997,

Welcoming the holding of the first North-East Asia Subregional Consultative Meeting of Landlocked and Transit Countries on transit transport cooperation, held at Ulaanbaatar from 20 to 22 May 1997 under the auspices of the United Nations Development Programme Special Unit for Technical Cooperation among Developing Countries and the United Nations Conference on Trade and Development,

1. Welcomes the note by the Secretary-General transmitting the progress report of the secretariat of the United Nations Conference on Trade and Development on specific actions related to the particular needs and problems of landlocked developing countries;

2. Reaffirms the right of access of landlocked developing countries to and from the sea and freedom of transit through the territory of transit States by all means of transport, in accordance with international law;

3. Also reaffirms that transit developing countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked developing countries in no way infringe upon their legitimate interests;

4. Calls upon landlocked developing countries and their transit neighbours to implement measures to strengthen further their cooperative and collaborative efforts, including bilateral cooperation, in dealing with transit issues, inter alia, by improving the transit transport infrastructure facilities and bilateral and subregional agreements to govern transit transport operations, developing joint ventures in the area of transit transport and strengthening institutions and human resources dealing with transit transport, and, in this respect, notes that South-South cooperation also plays an important role in this field;

5. Appeals once again to all States, international organizations and financial institutions to implement, as a matter of urgency and priority, the specific actions related to the particular needs and problems of landlocked developing countries agreed upon in the resolutions and declarations adopted by the General Assembly and the outcomes of recent major United Nations conferences relevant to landlocked developing countries, as well as in the Global Framework for Transit Transport Cooperation between Landlocked and Transit Developing Countries and the Donor Community;

6. Takes note of the agreed conclusions and recommendations and proposals for future action adopted at the third Meeting of Governmental Experts from Landlocked and Transit Developing Countries and Representatives of Donor Countries and Financial and Development Institutions;

7. Welcomes the Ulaanbaatar Memorandum of Understanding adopted at the first North-East Asia Subregional Consultative Meeting of Landlocked and Transit Countries on transit transport cooperation;

8. Also welcomes the continuing efforts being made by the Secretary-General of the United Nations Conference on Trade and Development, in collaboration with donor countries and institutions, in particular the United Nations Development Programme, the regional commissions and relevant subregional institutions, to organize specific consultative groups, as appropriate, when requested by the landlocked and transit developing countries concerned, to identify priority areas for action at the national and subregional levels and draw up action programmes;

9. Emphasizes that assistance for the improvement of transit transport facilities and services should be integrated into the overall economic development strategies of the landlocked and transit developing countries and that donor assistance should consequently take into account the requirements for the long-term restructuring of the economies of the landlocked developing countries;

10. Invites donor countries, the United Nations Development Programme and multilateral financial institutions to provide landlocked and transit developing countries with appropriate financial and technical assistance in the form of grants or concessional loans for the construction, maintenance and improvement of their transport, storage and other transit-related facilities, including alternative routes and improved communications, and to promote subregional, regional and interregional projects and programmes;

11. Requests the Secretary-General of the United Nations to convene in 1999, within the overall level of resources for the biennium 1998-1999, another meeting of governmental experts from landlocked and transit developing countries and representatives of donor countries and financial and development institutions, including relevant regional and subregional economic organizations and commissions, to review progress in the development of transit systems, including sectoral aspects as well as transit transportation costs, with a view to exploring the possibility of formulating necessary action-oriented measures;

12. Requests the Secretary-General of the United Nations Conference on Trade and Development to seek voluntary contributions to ensure the participation of representatives of landlocked and transit developing countries, donor countries and financial and development institutions at the meeting referred to in paragraph 11 above;

13. Notes with appreciation the contribution of the United Nations Conference on Trade and Development to formulating international measures to deal with the special problems of the landlocked developing countries, and urges the Conference, *inter alia*, to keep under constant review the evolution of transit transport infrastructure facilities, institutions and services, monitor the implementation of agreed measures, including by means of a case study as necessary, collaborate in all relevant initiatives, including those of the private sector and non-governmental organizations, and serve as a focal point for cross-regional issues of landlocked developing countries;

14. Invites the Secretary-General of the United Nations, in consultation with the Secretary-General of the United Nations Conference on Trade and Development, to take appropriate measures for the effective implementation of the activities called for in the present resolution, and to staff and equip adequately, in accordance with the outcome of the ninth session of the Conference, the Office of the Special Coordinator for Least Developed, Landlocked and Island Developing Countries of the Conference so as to allow it to implement effectively its mandate to continue to support the landlocked developing countries;

15. Requests the Secretary-General of the United Nations, together with the Secretary-General of the United Nations Conference on Trade and Development, to prepare a report on the implementation of the present resolution and submit it to the Trade and Development Board and to the General Assembly at its fifty-fourth session.

Chapter II

Operational activities for development

The total income of the United Nations Development Programme (UNDP)—the central United Nations funding body for technical assistance to developing countries—amounted to \$2,323 million in 1997, down by 1 per cent from \$2,349 million in 1996. However, contributions to UNDP regular resources fell by 10.3 per cent to \$760.9 million, largely due to the reduced level of pledges for 1997 and the strength of the United States dollar. Total 1997 expenditures under regular resources rose to \$961 million from \$847 million in 1996.

UNDP continued to focus on assisting countries to develop the capacity to achieve sustainable human development, giving overriding priority to poverty eradication. To that end, its work lay in empowerment of the poor, including helping to provide them with access to productive assets such as credit, skills, legal rights, job opportunities, natural resources and links to national and international markets. Another priority area was strengthening good governance, by building capacities of Governments and civil society for policy formulation and programme implementation, and promoting democratization and market-oriented transitions. UNDP also remained concerned with building a more efficient and effective organization through internal reform.

The United Nations Office for Project Services remained fully self-financing, with no assessed budget funding. By 1997, it managed more than 2,000 projects in 146 countries, with project budgets in excess of \$1 billion.

In 1997, the United Nations Volunteers (UNV) had the highest number of serving UNVs (3,620 as compared to 3,242 in 1996) and the most diversified programme in its 27-year history. It participated in preparations for the International Year of Volunteers, 2001, which was proclaimed by the General Assembly in December.

Activities supported by the United Nations Capital Development Fund focused on local governance, decentralization, participation and microfinancing, among others. The Fund delivered \$38.2 million in projects in 1997, a drop of 9 per cent.

Having considered the operational activities for development of the UN system, particularly the follow-up to policy recommendations made by the Assembly in 1996, the Economic and Social

Council in July reaffirmed the need for funding operational activities on a predictable, continuous and assured basis. The objective of capacity-building and its sustainability, the Council stated, should be an essential part of UN system operational activities at the country level, and those activities should be situation specific and consistent with national development plans. In December, the Assembly, also noting the need for increased resources for operational activities for development, called for improvement in the effectiveness, efficiency and impact of the UN system in delivering development assistance.

The High-level Committee on the Review of Technical Cooperation among Developing Countries (CTCDC), in May, reviewed progress made in implementing the 1978 Buenos Aires Plan of Action for Promoting and Implementing TCDC. It stated that South-South cooperation should not be viewed as a substitute for but rather as a complement to North-South cooperation, and emphasized the need to promote triangular approaches to facilitate South-South programmes and projects. In December, the Assembly urged bodies of the UN system and other intergovernmental organizations to mainstream the implementation of TCDC modalities by considering them in the design and implementation of operational activities.

System-wide activities

Operational activities segment of the Economic and Social Council

The Economic and Social Council, at its 1997 substantive session (Geneva, June/July) [A/52/3/Rev.1], considered the question of operational activities of the United Nations for international development cooperation. Among the documents before the Council was a June report [E/1997/65 & Add.1-4 & Add.4/Corr.1] of the Secretary-General on progress in the implementation of General Assembly resolution 50/120 [YUN 1995, p. 883], which dealt with the triennial policy review of operational activities for development of the UN system. The report focused on capacity-building, field-level and regional-level coordination, and resources—the topics chosen by the Council in

resolution 1996/42 [YUN 1996, p. 761] for consideration in 1997. In addressing those topics, the report provided an assessment and recommendations on related subjects within the scope of the resident coordinator system (country strategy note (CSN), programme approach, national execution, harmonization of cycles, common premises and shared services, and simplification and harmonization of procedures, among others). The addenda to the report (see below) dealt with trends in core and non-core resources, field- and regional-level coordination, capacity-building, and 1995 statistical data on operational activities for development.

The Secretary-General emphasized that the operational activities for development undertaken through the UN system continued to support developing countries in the management of their own development process. Reform of operational activities was a continuous process that had been given renewed impetus by the policy directives established by the General Assembly in resolutions 47/199 [YUN 1992, p. 552] and 50/120. The aim of the central objective of country-level cooperation reform was to achieve greater coherence in responding to national priorities in all developing countries, involving further strengthening of the resident coordinator system, increased efficiency through common premises and shared services, and adaptation of the field establishment to programme needs and priorities at the country level.

The report reviewed issues related to capacity-building in order to follow up the Assembly's decisions to promote a common understanding of the concept within the context of the current and prospective requirements of developing countries. Impact evaluations focusing on capacity-building were under way pursuant to resolution 50/120.

The Secretary-General stated that although progress was being made in field and regional coordination, particularly by strengthening the resident coordinator system, much remained to be done to achieve the Assembly's goals. The team leadership role of the resident coordinator was being reinforced by updated guidelines covering follow-up to UN conferences; implementation of parts of resolution 50/120 dealing with review of substantive activities by field-level committees and enhancement of the resident coordinators' authority regarding planning and coordination of programmes; support to the CSN process; preparation of UN development assistance frameworks; common databases; common country assessments linked to the development of programmes; and specification of various duties and responsibilities within the context of a

team approach and in relation to the programme needs of the host country.

As to resources, the Secretary-General provided an analysis of issues and trends in core and non-core resources and made suggestions on how core resources might be increased and made more predictable.

Also before the Council was a July note [E/1997/89] on policy issues arising from the reports of the Executive Boards of UN funds and programmes, in which the Secretary-General identified matters that might be of interest to the Council when considering operational activities for development and that had system-wide implications and a relationship to the implementation of resolution 50/120. A review of decisions of the Executive Boards revealed that a number of country programmes, or similar instruments, were approved over the previous year, but there was no indication that those programmes were reviewed in the context of the CSN, where available. The Secretary-General drew the attention of the Council to the fact that in establishing the CSN, the Assembly, in resolution 47/199, had foreseen that it should be used by the governing bodies of each funding organization as a reference for considering a specific country programme. He suggested that the Council might recommend that the Boards give their views on implementation of that provision regarding the CSN, as they could be relevant in the context of the 1998 triennial policy review of operational activities when the subject of the CSN as a frame of reference for country programmes would be considered.

The subject of the follow-up to UN conferences was considered in 1997 by the Executive Boards of the United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA) and of the United Nations Children's Fund (UNICEF). The UNDP/UNFPA Executive Board, in a 16 May decision [E/1997/33 (dec. 97/14)], invited its President to submit to the Assembly through the Council a proposal for an overall review and appraisal of the implementation of the Programme of Action of the 1994 International Conference on Population and Development [YUN 1994, p. 955]. The UNICEF Executive Board, in a 6 June decision [E/1997/32/Rev.1 (dec. 1997/20)], requested the Executive Director to take action, as part of the country programme process, to support efforts by national Governments and others to achieve the goals of the 1990 World Summit for Children [YUN 1990, p. 797] within the framework of national and sub-national programmes of action. During the previous year, the Secretary-General said, the Boards had considered management reform issues. He drew the attention of the Council to the

relationship of reform decisions taken by the Boards to the strengthening of the resident coordinator system, programming modalities, decentralization, and monitoring and evaluation, as well as resource mobilization.

According to the annual reports of the heads of funds and programmes and to the Secretary-General's report on implementation of resolution 50/120 [E/1997/65 & Add.1,4], non-core and other resources for operational activities had increased, but core resources were either stagnant or declining. That, the Secretary-General said, posed a major challenge to the Economic and Social Council, which might wish to identify, as called for in Assembly resolution 50/227 [YUN 1996, p. 1249], those funding issues that it deemed to be germane within the context of the 1998 triennial policy review.

The UNDP Administrator, in his annual report to the Council [E/1997/79], described follow-up to the implementation of Assembly resolution 50/120, stating that UNDP had played a key role in developing a common understanding of the programme approach as contained in the Operational Activities Reference Manual published in 1996 by the Consultative Committee on Programme and Operational Questions (CCPOQ) of the Administrative Committee on Coordination (ACC). It also continued efforts to further refine the procedures for the programme approach in order to facilitate its application in regions where UNDP operated. UNDP had participated in a CCPOQ workshop on best practices for the strengthening of the resident coordinator system and related mechanisms (Turin, Italy, 18-21 February), at which the UN system-wide common understanding on the programme approach was reviewed and improved in the light of country-level experience. The actual application of the programme approach varied greatly and was not yet widespread among UN agencies. Efforts continued to be made to harmonize programme cycles and by June 1997 they had been harmonized in 27 countries. In another 54 countries, programme cycles were expected to be harmonized by 1999, followed later by another 26 countries. UNDP had participated in the implementation of the common country assessment (CCA), an inter-agency exercise to rationalize the collection of socioeconomic data at country level for purposes of preparing, monitoring and assessing country programmes. CCA was to become the basis for all country programmes in the current programming cycle.

Capacity-building continued to be a primary tool of UNDP for helping programme countries to strive for sustainable human development. In ad-

dition to the emphasis on the need to develop good governance, the importance of capacity-building, particularly in the management and coordination of and by nationals, was an integral part of UNDP's mission.

Monitoring and evaluation guidelines, which had been finalized in 1996, were distributed to all country offices by UNDP. They dealt with monitoring and evaluation at the project and programme levels and recommended a common approach to mid-term reviews of country programmes and country cooperation frameworks. UNDP was in the process of developing a more comprehensive system for absorbing lessons learned into its managerial and decision-making forums. Several mechanisms were in operation for disseminating lessons learned and promoting their application in new projects and programmes, including: decentralization of institutional memory, in which summaries of individual project/programme evaluations were registered in a central evaluation database; training and workshops; publication and dissemination of strategic thematic evaluation results; and application of lessons learned.

UNDP continued to promote coordination at the regional level by holding meetings between high-level officials of UNDP and the regional commissions. Collaboration included policy analysis, involvement in regional meetings, exchange of information and joint efforts in project implementation. UNDP continued to fund the resident coordinator function and had taken steps to strengthen the resident coordinator system by broadening the selection pool of candidates to include other agencies; providing operational funding for resident coordinator work; expanding training programmes held in connection with the United Nations Staff College in Turin; and supporting the management process to ensure implementation of General Assembly resolution 50/120.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 24 July [meeting 41], the Economic and Social Council adopted **resolution 1997/59** without vote [draft: E/1997/L.53] [agenda item 3 (b)].

Operational activities of the United Nations for international development cooperation: follow-up to policy recommendations of the General Assembly

The Economic and Social Council,

Recalling General Assembly resolutions 47/199 of 22 December 1992 and 50/120 of 20 December 1995 on the triennial policy review of operational activities for development of the United Nations system, as well as Assembly resolution 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields and Council resolution 1996/42 of 26 July 1996,

Recalling also that, in order to fulfil its coordination role and in accordance with the policies formulated by the General Assembly, the Council should consider, on an annual basis in the operational activities segment, the overall financial picture of the United Nations funds and programmes, including the availability of resources, the priorities and programmes agreed upon in the funds and programmes, the adopted targets and further guidance on priorities, and should make recommendations thereon to the Assembly and the funds and programmes,

Reaffirming that operational activities for development within the United Nations system have a critical and unique role to play in enabling developing countries to continue to take a lead role in the management of their own development process and that the funds and programmes constitute important vehicles for advancing international development cooperation,

Noting with regret that, although significant progress has already been made in the restructuring and rationalization of the governance and functioning of the United Nations funds and programmes, there has not been, as part of the overall reform process, any substantial increase in resources for operational activities for development on a predictable, continuous and assured basis and that the consultations on prospective new modalities for financing have not reached a conclusion,

Expressing serious concern at the persistent insufficiency of resources for the operational development activities of the United Nations, in particular the decline in contributions to core resources,

Recognizing the importance of non-core resources as a supplement to core resources aimed at enhancing the capacity of the United Nations development system to deliver operational activities,

Stressing that the fundamental characteristics of the operational activities of the United Nations system should be, *inter alia*, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner, and that the operational activities of the United Nations system are carried out for the benefit of the developing countries at the request of those countries and in accordance with their own policies and priorities for development,

Recognizing the need for priority allocation of scarce grant resources to programmes and projects in low-income countries, in particular the least developed among them,

Recognizing also that the United Nations development system should take into account the specific needs and requirements of the countries with economies in transition,

Noting with appreciation the sustained contributions of many donors and recipient countries to the operational activities for development in a spirit of partnership and the recently expressed willingness of some donors to increase their contribution to the funds and programmes,

Recognizing that capacity-building and its sustainability are an essential element for the operational activities of the United Nations system at the country level, which should be country-led and country-driven, bearing in mind the individual mandates and complementarities of the organizations and bodies of the United Nations development system,

Noting that General Assembly resolution 50/120, Council resolution 1996/42 and the present resolution provide an opportunity to review all aspects of operational activities,

Noting also that much remains to be done to achieve the goals set by the General Assembly in its resolution 50/120,

1. Takes note of the reports and notes by the Secretary-General and the reports of the United Nations funds and programmes;

2. Strongly reaffirms that the efficiency, effectiveness and impact of the operational activities of the United Nations system must be enhanced by, *inter alia*, a substantial increase in their funding on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries, as well as through the full implementation of General Assembly resolutions 47/199, 48/162 of 20 December 1993, 50/120 and 50/227;

3. Urges the developed countries, in particular those countries whose overall performance is not commensurate with their capacity, taking into account established official development assistance targets, including targets established at the Second United Nations Conference on the Least Developed Countries, and their current level of contribution, to increase substantially their official development assistance, including contributions to the operational activities for development of the United Nations system;

4. Stresses that other countries that are in a position to do so should strive to augment their assistance within the framework of development cooperation;

5. Recommends that the Executive Boards of the United Nations funds and programmes review and monitor their funding arrangements, as a matter of priority and within the context of their regular meetings, with a view to making funding more secure and predictable with respect to core resources and to meeting their funding targets, their programme objectives and the priorities and needs of programme countries, and calls upon the Executive Boards to take decisions on their own funding arrangements in accordance with General Assembly resolution 50/227, in particular annex I, paragraph 12, and to report thereon to the Council at its substantive session of 1998;

6. Requests the Secretary-General to update proposals for funding modalities within the context of the efforts to provide United Nations operational activities with resources, in particular core resources, on a predictable, continuous and assured basis, taking into account that voluntary contributions from official sources should remain the main source for funding those activities;

7. Reaffirms that the objective of capacity-building and its sustainability should continue to be an essential part of the operational activities of the United Nations system at the country level, should be country-driven and situation-specific and should be based on the programme approach, to the extent possible, consistent with national development plans and priorities;

8. Notes the preparations for the impact evaluation of operational activities on capacity-building requested in paragraph 56 of General Assembly resolution 50/120, and invites the bodies of the United Na-

tions system to participate actively and to support the ongoing study of the Secretariat;

9. Emphasizes that capacity-building should aim at strengthening national execution, in particular with regard to the institutional and human resource development of all relevant participants in the development process, with a view to enhancing local ownership and management of the development process, utilizing available local capacities and expertise;

10. Reaffirms that the United Nations development system should continue to work on developing a common understanding of the concept of capacity-building as it applies to the respective mandates of each organization, taking into account the experience acquired to date and the new and emerging requirements of programme countries;

11. Requests the Secretary-General, in the context of the preparations for the next triennial policy review, to report to the General Assembly, through the Council, on the implementation of Assembly resolution 50/120, Council resolution 1996/42 and the present resolution and on the progress made and problems encountered and to make appropriate recommendations, including recommendations on delegating authority and decision-making to the field-level staff, establishing a more coordinated system-wide approach to monitoring and evaluation and strengthening the coordination of regional, subregional and field-level activities of the United Nations system.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, having considered the Secretary-General's report on funding modalities of operational activities (see below), adopted, on the recommendation of the Second (Economic and Financial) Committee [A/52/630], **resolution 52/203** without vote [agenda item 99].

Operational activities for development of the United Nations

The General Assembly,

Recalling its resolutions 44/211 of 22 December 1989, 47/199 of 22 December 1992, 50/120 of 20 December 1995 and 50/227 of 24 May 1996, as well as Economic and Social Council resolution 1997/59 of 24 July 1997 and other relevant resolutions,

Reaffirming that operational activities for development within the United Nations system have a critical and unique role to play in enabling developing countries to continue to take a lead in the management of their own development process and that the funds and programmes constitute important vehicles for advancing international development cooperation,

Recalling that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy matters relating to the economic, social and related fields, in accordance with Chapter IX of the Charter of the United Nations, and that the functions and powers of the Economic and Social Council are provided for in Chapters IX and X of the Charter and are elaborated in relevant Assembly resolutions, including resolutions 45/264 of 13 May 1991 and 48/162 of 20 December 1993, in which the Assembly defined the relationship between the Assembly, the

Council and the executive boards of the funds and programmes, in particular the Council function of overall guidance and coordination of the operational activities for development of the United Nations system,

Stressing that the fundamental characteristics of the operational activities of the United Nations system should be, inter alia, their universal, voluntary and grant nature, their neutrality and their multilateralism, as well as their ability to respond to the needs of developing countries in a flexible manner, and that the operational activities of the United Nations system are carried out for the benefit of the developing countries, at the request of those countries and in accordance with their own policies and priorities for development,

Recognizing the need to take into account the individual mandates and complementarities of the organizations and bodies of the United Nations development system, and the priorities agreed upon in the executive boards of the funds and programmes,

Expressing serious concern at the persistent insufficiency of resources for operational activities for development of the United Nations system, in particular the decline in contributions to core resources,

Recognizing the need for priority allocation for scarce grant resources to programmes and projects in low-income countries, in particular the least developed countries,

Recognizing also that the United Nations development system should take into account the specific needs and requirements of the countries with economies in transition,

1. Takes note of the report of the Secretary-General on funding modalities of operational activities, as requested by the Economic and Social Council;

2. Strongly reaffirms the need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the increasing needs of developing countries;

3. Stresses the need for a continuous overall improvement in the effectiveness, efficiency and impact of the United Nations system in delivering its development assistance, and welcomes steps that have been taken towards that end;

4. Also stresses that other countries that are in a position to do so should strive to augment their assistance in the framework of development cooperation;

5. Recalls that the executive boards of the United Nations funds and programmes, in accordance with resolution 50/227, should initiate work on reviewing their funding policies and strategies with a view to meeting their agreed targets, particularly of core resources as the main source of funding of operational activities;

6. Calls upon the governing bodies of the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund and the World Food Programme to adopt a specific and achievable target for core resources for the period 1999-2001, taking into account the relationship between their programme arrangements and financial plans;

7. Urges the executive boards to complete the review as soon as possible and to report thereon to the Economic and Social Council at its substantive session of 1998;

8. Acknowledges the supplementary role of non-core resources in enhancing the financing of the United Nations operational activities for development;

9. Requests the Secretary-General, when presenting his comprehensive report on the triennial policy review of operational activities for development of the United Nations system at the fifty-third session of the General Assembly, to consider the implications of steps adopted by the United Nations system to implement reform initiatives on operational activities, and to make recommendations for their effective and expeditious implementation, bearing in mind the views of Member States;

10. Also requests the funds and programmes, in their regular reporting on the triennial policy review to the General Assembly through the Economic and Social Council, to include in their reports, to the extent possible and in a clearly identifiable way, actions taken to implement adopted reform measures of the Secretary-General, including an analysis of the implications of those reforms for operational activities as well as for inter-agency coordination;

11. Welcomes the ongoing efforts of the Secretariat to seek information from Member States on all issues to be considered by the triennial policy review, invites Member States to actively participate in that important data-collection exercise, including through timely completion of the relevant questionnaire, and to the extent needed requests the resident coordinators to facilitate its successful implementation;

12. Requests the Secretary-General to submit to the General Assembly at its fifty-third session, through the Economic and Social Council, a comprehensive analysis of the implementation of its resolution 50/120, as well as subsequent relevant decisions and resolutions of the General Assembly and the Economic and Social Council, in the context of the triennial policy review, and to make appropriate recommendations.

Capacity-building

In an addendum to his June report on the follow-up to the General Assembly's policy recommendations regarding operational activities for development [E/1997/65/Add.3], the Secretary-General addressed the issue of capacity-building, noting that the subject had been retained by both the Assembly and the Economic and Social Council as a focus area for the Council's review of operational activities in 1997.

Building, nurturing and strengthening national capacities in policy-making, planning, programming and implementation were important elements of the global consensus on people-centred development, said the report. The emergence of capacity-building as a major dimension of development effort was partly a reflection of a broad conclusion that international development cooperation had not yielded commensurate returns and partly as a response to changing needs. While many countries could identify a development problem—poverty, illiteracy, ill health, low or negative rates of growth—many were deficient

in capabilities to address a problem with an appropriate policy and then transform the policy into a practical programme. Effective capacity-building was based on a participatory approach that required a dialogue with beneficiaries and target populations to ensure their responsibility in identifying problems, finding solutions, establishing goals, learning methods and controlling the impact of their actions. Although capacity-building had to be undertaken primarily in a country context, there were also certain areas that might be more efficiently and effectively addressed by a regional and subregional approach.

The Secretary-General listed a number of new dimensions and emerging areas that should be reconciled with, and integrated into, the concept of capacity-building: sustainability of development efforts; technology, particularly information and communications, which had altered the dynamics of development; trade; South-South cooperation; human development to create an educated and skilled workforce; peace-building to prevent or resolve conflict; optimization of aid through such modalities as the programme approach; good governance to provide a basis for stability, development and economic reform; the involvement of civil society (the private sector and the cooperative sector) in economic growth and social stability; and economic reform.

The Secretary-General noted that a number of obstacles had hindered efforts to shift development assistance from economic cooperation to capacity-building, such as uncertainty about the concept and how to measure it, a confusing array of processes and techniques, and a wide gap between prescriptions and practice. He made five recommendations for enhancing capacity-building: external assistance for developing national capacity had to be far more selective, sensitive and better internalized and integrated into domestic processes and a new profile was needed in the presence and representation of external development partners; the UN development system bore a particular responsibility as pacesetter and catalyst and there was a need to establish system-wide guidelines and criteria to be used as benchmarks and points of reference by the system; an enduring transition from traditional technical assistance to capacity-building could require more fundamental changes in the way operational activities were conceived and carried out; for capacity-building to become a more focused mission of the UN development system, existing policies and procedures had to be reviewed and the consistency and compatibility of extant policies with capacity-building objectives had to be addressed; and a more system-wide and systemic approach in the UN system was needed,

as efforts in capacity-building were largely uncoordinated and mainly focused on their counterparts. With regard to the last recommendation, the Secretary-General stated that field staff should be supported with the required resources and empowered to do the job, and political push from the intergovernmental level, especially in the framework of the 1998 triennial policy review of operational activities, would be indispensable for leading that effort.

In the main part of his report on implementing Assembly resolution 50/120 [E/1997/65], the Secretary-General stated that the record of technical cooperation devoted to capacity-building, while impressive, remained inadequate. Although such cooperation was a significant part of the global effort to liberate people from poverty, 1.5 billion people were still without the basic necessities of human well-being. The number of least developed countries had increased from 24 in 1970 to 48 in 1996. Too much emphasis might have been placed on immediate economic outputs through manufacturing, equipment and experts, and too little on the policy framework and on social, cultural and environmental questions, he commented.

A key challenge was how to reorient traditional approaches to capacity-building to meet the new and changing requirements of recipient countries. The Organisation for Economic Cooperation and Development, the World Bank and the UN development system had introduced new guidelines and new modalities. Recent UN conferences, particularly the 1992 United Nations Conference on Environment and Development [YUN 1992, p. 670], the 1995 World Summit for Social Development [YUN 1995, p. 1113] and the 1996 United Nations Conference on Human Settlements (Habitat II) [YUN 1996, p. 992], had focused on the contributions that capacity-building would play in their follow-up. Assembly decisions concerning the setting of the triennial comprehensive policy review of operational activities, such as the CSN, the programme approach and national execution, were providing important new support.

The UN system could serve as a pacesetter and catalyst in international development cooperation and in responding to national needs; at both the field and headquarters levels, it could lead a systemic transformation to help focus on the central problems of the countries concerned. The 1998 triennial comprehensive policy review would provide the forum and opportunity for a strong political push. Meanwhile, a two-pronged approach was being pursued: to continue to refine concepts and ideas; and to undertake in-depth impact studies in selected

countries, not only to assess current work but also to test emerging ideas in specific situations.

The Secretary-General suggested that the Economic and Social Council might wish to consider his recommendations (see above) and to reaffirm that the UN system should continue to develop a common understanding of capacity-building.

The evaluation of the impact of operational activities for development, as mandated by the Assembly in resolution 50/120, was under way, said the Secretary-General, and its overarching theme was capacity-building. The method employed would be to prepare three initial case studies, to be completed no later than February 1998.

Field and regional coordination

In a May report [E/1997/65/Add.2], the Secretary-General addressed matters relating to field- and regional-level coordination. He reviewed current issues in field coordination, with special reference to the relevant provisions of General Assembly resolutions 47/199 [YUN 1992, p. 552] and 50/120 [YUN 1995, p. 883]. The report covered a range of subjects that facilitated cooperation by the UN system at the country level, and included information on, among other issues, common premises and shared services, joint evaluation and monitoring.

The report analysed progress in the functioning of the resident coordinator system at three levels: action at the global level to clarify mandates and functions and strengthen the system by widening the recruitment base, improving performance appraisal and providing guidance to the field; action at the country level; and emerging issues and requirements.

At the global level, practical measures were being introduced to better define the dual responsibilities of resident coordinators and the UNDP resident representatives and to ensure a broader selection of qualified candidates with recent UN experience, build an appraisal system focused on competence and results, foster the team concept at the country level, provide support to the resident coordinator system (resources and headquarters backstopping), support training and simplify the clearance process.

At the ACC level, in particular CCPOQ, new guidelines for the resident coordinator system and related programme issues were being developed. The CCPOQ working group had agreed on the scope and content of the new guidelines, approved the steps taken by UNDP to widen the recruitment pool for resident coordinators, and agreed to introduce an appraisal system focused on competence and results, as well as a training system for resident coordinators, improvements

in the annual reports of the resident coordinator system, and the extension of the common country assessment project to all interested UN system organizations. The results of a workshop on best practices in the resident coordinator system held in February in Turin would lead to system-wide guidelines.

With regard to regional and subregional development cooperation, the Secretary-General stated that, although the regional and subregional presence of the UN system was increasing, there was no apparent overarching framework to guide that process, and each organization was pursuing its distinctive approach. That might have practical value, but the overall value and impact of the UN system could be enhanced through a more coordinated approach.

There was a need for greater clarity in the definition of regional and subregional activities funded by the system since it was proving difficult to provide an overall picture of the current situation. Rough estimates based on figures provided by agencies indicated that some 10 per cent of operational activities expenditure was devoted to intercountry programmes (not including the Bretton Woods (the International Monetary Fund (IMF) and the World Bank Group) institutions) and total annual expenditures by the system on intercountry programmes could be estimated at \$500 million. A further \$100 million to \$150 million was contributed by regional development banks.

With regard to approaches to coordination at the regional and subregional levels, there was an increasing effort by UNDP to link regional and subregional programmes and country cooperation frameworks. Moreover, the role of the principal programme resident representative (usually in the host country of a project) in managing an intercountry programme had been strengthened. The resident coordinator system was important for increasing coordination at the country and intercountry levels, as it provided the framework for linkages across agencies. Furthermore, the CSN could facilitate such linkages. Country framework documents, such as the country cooperation framework of UNDP, already made explicit provision for recognizing linkages with UNDP intercountry operational activities.

Cooperation at the policy level and in a region-wide context was facilitated primarily by the regional commissions. Coordination at the policy level created further opportunities for continued collaboration in more directly operational issues.

The Secretary-General also addressed the question of national ownership of regional programmes, noting that, at the intercountry level,

the sense of ownership was not clear cut. Greater material involvement and ownership could be promoted through a better flow of useful information on a regular and consistent basis, and full consultations with participating Governments was important for ensuring ownership of intercountry programmes.

In the main part of his report on implementing Assembly resolution 50/120 [E/1997/65], the Secretary-General made a number of recommendations to the Economic and Social Council on ways to improve country-level coordination. He suggested that the Council recommend that all organizations, particularly the funds and programmes, issue instructions and guidelines as part of their programming procedures in order to enhance the responsibility and authority of resident coordinators for the planning and coordination of programmes. The Council might also request UN system organizations to take measures to establish joint programme and project appraisal committees as an integral part of country-level programme management, and to issue instructions to field personnel on their role in the resident coordinator system in general, and in the field-level committees and thematic groups in particular.

Regarding the growing trend to use thematic working groups as a device to promote a more concerted approach to system-wide programming of operational activities, the Secretary-General proposed that the Council recommend that UN organizations, in staffing their country offices, take into account the technical professional capacity and resources required to support those groups in relation to the programme requirements of recipient countries.

It was further suggested that the Council recommend to UN system organizations that they ensure that programmes and project ideas were shared at the outset with the resident coordinator, facilitating collaborative programming within an agreed framework, including a resource framework at the country level. Furthermore, the Council might recommend that those bodies attach greater priority to providing quality and timely support to the resident coordinator system when asked to give support to national coordination of external cooperation.

Noting that the matter of common premises and shared services would be evaluated as part of preparations for the 1998 triennial policy review, the Secretary-General said such arrangements were in effect in several areas, including security, maintenance, reception, staff services, communication, conference rooms, travel agents, financial and banking services, and local transportation. He suggested that the Council request UN funds

and programmes to achieve further progress in that area at the country level.

The Secretary-General also suggested that the Council encourage further initiatives by the system towards more coherent and coordinated monitoring and evaluation of operational activities, including the establishment of baseline data for major programmes, and urge that that process be continued and extended to cover the support of headquarters to operational activities.

In addition, the Secretary-General suggested that the Council, in considering field coordination, might wish to determine whether the functioning of the resident coordinator system was supported by consistent and mutually reinforcing mandates, or whether clarification might be required. He recommended that the Council consider the extent to which the 1998 triennial comprehensive policy review should address the issues of coordination of regional development activities of the UN system, as well as other issues arising from resolution 50/120, including national ownership of regional activities and enhancing the role of regional commissions in those activities. He further recommended that the Council consider whether the concept of a regional strategy note should be tested in one region and a few subregions.

Funding modalities of operational activities

In an addendum to his June report on the follow-up to the General Assembly's policy recommendations regarding operational activities for development [E/1997/65/Add.1], the Secretary-General, in response to Economic and Social Council resolution 1996/42 [YUN 1996, p. 761], reported on trends in core and non-core resources. Core resources were those contributed voluntarily to the funds and programmes for general resources, to be utilized according to their mandates, without any constraints or conditions. The funds and programmes—UNDP, UNICEF, the World Food Programme (WFP) and UNFPA—were the principal avenues through which the operational activities of the UN system were financed. Combined total resources channelled through the funds and programmes in 1994, 1995 and 1996 were estimated at \$4.5 billion, \$4.3 billion and \$4.5 billion, respectively.

Of total resources, core funds in 1996 constituted 55 per cent in UNDP, 58 per cent in UNICEF, 82 per cent in UNFPA and 54 per cent in WFP. The stagnation and/or decline in core funding had inhibited the capacity of UN funds and programmes to play the roles assigned to them and to respond effectively to national needs while maintaining their multilateral and universal character.

The question of increasing resources in relation to the growing needs of recipient countries and making the funding system more predictable had been a concern of the General Assembly for 20 years. A notable feature of core funding of funds and programmes was that a small number of countries contributed close to 90 per cent of such funding. In 1996, 15 countries contributed over 95.9 per cent of UNDP resources, 98.5 per cent of UNFPA resources, 95.2 per cent of UNICEF resources and 94.2 per cent of WFP resources. The share of core resources in total income had decreased from approximately 76 per cent in 1992 to approximately 45 per cent in 1996, a trend expected to continue in 1997.

Non-core resources were more varied, and definitions and the composition of non-core funding differed among organizations. For example, UNDP included trust funds as part of its non-core funding, whereas UNICEF did not. The importance of non-core resources as a means of funding operational activities was recognized by the Assembly in resolution 44/211 [YUN 1989, p. 302], in which it recognized the value of special-purpose grant resources provided that they were designed as a means to ensure additional resource flows and that their projects were integrated in the technical cooperation programme of the UN system, in conformity with each country's development plan.

In the case of UNDP, non-core resources were constituted by funds contributed by governmental or private sources and intended for specific purposes. They were contributed generally through two modalities: cost-sharing of projects or programmes, provided either by programme country Governments (government cost-sharing) or by other Governments (third-party cost-sharing); and trust funds as receptacles for funds contributed by one donor or several donors for a common purpose. UNDP non-core resources increased from \$382 million in 1992 to \$1.27 billion in 1996, of which cost-sharing represented \$957.6 million in 1996 (\$271.9 million in 1992), with government cost-sharing representing 71.8 per cent and third-party cost-sharing 28.2 per cent (compared to 62.2 and 37.8 per cent, respectively, in 1992). Although the UNDP Executive Board had stressed that contributions to core resources should remain the central effort of all donors, it recognized the importance of non-core resources as a mechanism for enhancing the capacity and supplementing the means to achieve UNDP goals and priorities. Non-core resources had begun to be reflected in the new country cooperation frameworks under resource mobilization targets.

In the case of UNICEF, each country programme included programme components for

which general resources were not available, but for which regular supplementary funding was sought from the donor community, particularly donor Governments. Non-core funds of UNFPA for 1996 were estimated at \$49.3 million, an increase of 16.4 per cent over 1995. Non-core resources were a major source of financing for WFP, amounting to some 50 per cent of total resources.

The report pointed out that in the mid-1980s, official development assistance (ODA) was the major part of resource flows to developing countries. In the mid-1990s, private flows were exceeding official sources, with ODA shrinking to an all-time low of 0.27 per cent of gross national product. Resources channelled through multilateral institutions accounted for 10 per cent of total flows to developing countries, and those made available to the UN development system were stagnant.

Although both core and non-core resources were related to established mandates and financial rules, some aspects of non-core resources were outside the direct decision-making of the executive boards. If taken to an extreme, excessive reliance on non-core resources could distort national and global priorities and affect the multilateral and universal character of the UN system. Faced with that situation, the funds and programmes were attempting to increase core resources by enhancing the efficiency and transparency of their operations, obtaining a larger share from existing traditional sources and developing new sources of funding.

In the main part of his report on implementing Assembly resolution 50/120 [E/1997/65], the Secretary-General made a number of recommendations concerning core and non-core funding: that the core resource base be broadened to include additional sources; that the possibility of attracting more contributions from non-governmental sources in addition to those provided by Governments, including from private international foundations and the private sector, as well as the policy adjustments necessary to permit such a possibility, be reviewed; that stronger political commitment by all countries, including developing countries, was needed for resource mobilization; that with the convergence of the mission statements of the funds and programmes and their follow-up mandates to UN conferences, more coordinated fund-raising could be explored, including in the context of current reforms; that the Secretary-General's earlier proposals to enhance core resources should be reviewed; and that experience gained with open-ended, informal consultations on new modalities for financing could be used by Gov-

ernments to consider the most appropriate process for further consultations on funding.

Among the earlier proposals made for enhancing core resources were assessed contributions, negotiated pledges, multi-year pledges for voluntary contributions, and linking funding to programmes endorsed by the relevant governing body.

In response to Economic and Social Council **resolution** 1997/59 (see above), the Secretary-General submitted to the General Assembly an October report [A/52/431] on funding modalities of operational activities. The report gave figures for core and other contributions to UN funds and programmes for the years 1991 to 1997 and concluded that the current funding modality for core resources was not generating the contributions required to meet the established programme targets and new requirements arising from the recent round of UN conferences. Any new modality would require wide political support, the report stated. It noted that an important feature of the funding situation was that, as core resources declined, there was a relatively rapid increase in non-core and earmarked resources.

The report suggested that, in assessing the potential of new funding modalities, it might be useful to examine the rationale prompting some countries to favour non-core funding avenues. Such examination might help develop a more responsive mechanism and programme policies guiding core funding, bringing them into closer alignment with policies guiding non-core contributions. Moreover, separate consideration was being given to the subject of new and innovative funding of global development requirements, involving a review of possible new sources (see PART FIVE, Chapter I). The link of any new funding modality and new and innovative funding ideas might need to be clarified, particularly as it pertained to funding of operational activities for development.

In **resolution** 52/203, the Assembly strongly reaffirmed the need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the needs of developing countries.

Collaboration between UN and IMF

By a June note [E/1997/78], the Secretary-General submitted to the Economic and Social Council a report prepared by IMF on collaboration between it and the United Nations. The report was written in response to General Assembly resolution 50/227 [YUN 1996, p. 1249], which requested an assessment of the relationship between the United Nations and the Bretton Woods

institutions (IMF and the World Bank Group) at the field, headquarters and intergovernmental levels, with a view to identifying areas in which collaboration in the field of development activities could be improved.

At the institution-wide level, collaboration between IMF and the United Nations had intensified in recent years as IMF had increasingly integrated social concerns into the structural adjustment programmes it supported and had begun to take into account the recommendations of major UN global conferences on the environment, population, social development and women. Collaboration with the United Nations entailed increased participation by IMF staff in meetings and initiatives organized by intergovernmental and inter-agency committees and commissions, exchange of information and collaboration in the statistical area and post-conflict situations.

Country-level collaboration took place mainly between IMF missions and/or resident representatives and the UN resident coordinators (who were generally UNDP representatives) and representatives of other specialized agencies.

The collaboration between IMF and the UN system had helped IMF increasingly to incorporate social and environmental concerns into its policy advice and the design of adjustment programmes. The collaboration at the country level had generally been satisfactory, but there was scope for a more focused exchange of information between IMF staff and resident coordinators on poverty and social issues. There might be a need to define more clearly specific areas of collaboration in selected countries to benefit from complementarity of expertise. Such areas could include capacity-building for transparent management of public resources through joint technical assistance programmes to prepare for, and underpin, comprehensive macroeconomic and structural adjustment reforms. In the preparation of CSNs, there were elements for their preparation that could be improved—the CSN was sometimes too much donor-driven with insufficient participation of Governments, which had hampered consistency and complementarity with other government policy documents, and CSNs had not always benefited from comments by IMF staff. In countries where IMF did not have representatives, more regular contacts between IMF and UN staff during missions might be necessary. More timely communication regarding plans for CSNs would also be useful.

Regarding capacity-building through technical assistance, the collaboration would benefit from streamlining and simplifying the procedures for drafting, negotiating and reviewing

technical assistance programmes. Moreover, the recipient countries would also benefit from a more timely indication of magnitude and duration of planned technical assistance programmes.

Coordination of policy and programming frameworks

By an April note [A/52/115-E/1997/47], the Secretary-General submitted to the General Assembly and the Economic and Social Council ACC's comments on the 1996 report of the Joint Inspection Unit (JIU) on coordination of policy and programming frameworks for more effective development cooperation [YUN 1996, p. 763]. ACC stated that the JIU report was based on the premise that one way to achieve optimum efficiency in the network of multilateral development cooperation institutions was to integrate the numerous policy and programming institutional formats, mechanisms or frames of reference (known as frameworks), which were used by donor organizations to formulate, implement and evaluate their development cooperation policies, strategies, programmes and projects.

In dealing with relevant issues relating to coordination and harmonization of operational activities, ACC said, the JIU report could have addressed the larger issue of aid coordination in greater depth, including multilateral and bilateral sources other than the UN system. ACC agreed with JIU that the multiplicity of programming procedures imposed a considerable burden on Governments. In general, ACC agreed with the thrust of the report's recommendations but believed that it suffered from a number of shortcomings, primarily that it covered ground that had received considerable attention by the UN system, in particular through the triennial policy reviews. It would have been more helpful to identify best practices and other practical elements to facilitate implementation at the country level of those established policies. Furthermore, ACC said, the report did not take sufficient account of recent developments in the areas under consideration. It made insufficient distinctions between operational activities at the country, regional and UN system levels, and therefore sometimes offered conclusions and recommendations that had either been rejected by Governments or were already being implemented.

The Economic and Social Council, in **decision 1997/299** of 24 July, took note of ACC's comments on the JIU report. On 18 December, the General Assembly, in **decision 52/446**, took note of the report and of ACC's comments.

Strengthening field representation

In October [A/52/457], the Secretary-General transmitted to the General Assembly a JIU report on strengthening field representation of the UN system. The report noted that despite efforts to strengthen coordination in the field in support of programme countries, the desired results had not been achieved and in many cases the proliferation of offices of different UN organizations continued. Basic issues that the report looked into included: the resident coordinator system; cooperation between UN system representatives in the field; relationships between field offices and Headquarters; support to host countries; complementarities and division of labour on an inter-agency basis to cope with the specific needs of the country concerned; efficient and effective use of tools and mechanisms such as the CSN, thematic groups and field committees; and rationalization and streamlining of administrative services on an inter-agency basis. The report described the evolution of field representation within the UN system, noting that in the 1985-1995 period the number of country and regional offices had risen from 704 to 1,125, an increase of 60 per cent, and the number of field staff had grown from 11,677 to 18,728, or 63 per cent. Costs during the period rose by close to 200 per cent.

JIU's recommendations were: organizations should refrain from having new representations and make use of existing common representations, especially through the resident coordinator, and should harmonize as much as possible their representations at the regional and sub-regional levels; the resident coordinator should be the single UN official representing the whole UN family, and other agency representatives, who would continue to promote activities related to their respective organizations' mandates, would be part of a team under the leadership of the resident coordinator; thematic groups with a lead agency should be further strengthened in the context of a well-defined division of labour, responsibilities and complementarities; all UN organizations represented in the field should accelerate efforts to establish and/or enhance common premises and common services; the Secretary-General should designate a high official to be in charge of the resident coordinator system, to be supported by a unit within UNDP established for that purpose; host countries should consider creating an interministerial committee composed of representatives of sectoral ministries and departments to advise the UN support system in the country; coordination at the field level, with both bilateral and non-UN multilateral donors, should be more institutionalized by

the parties concerned, especially between the UN system and the multi-bi community; and Member States should scrutinize and harmonize decisions, and a more vigorous monitoring of the decision-making process should be undertaken by all legislative bodies of the UN system, with the Economic and Social Council having primary responsibility for coordination and harmonization.

Commenting on the recommendations in November [A/52/457/Add.1], ACC strongly supported the strengthening of the resident coordinator system. Furthermore, the Secretary-General had emphasized those efforts in his report on UN reform (see PART FIVE, Chapter I). While questioning some of the data in the JIU report, ACC noted that the number of non-headquarters staff of the United Nations and the specialized agencies had remained fairly constant in the previous decade, while the growth in numbers of such staff had mainly been identified among UN funds and programmes for development and programmes for humanitarian assistance. The reason for that growth was the emergence of new recipient countries and expanded humanitarian operations.

ACC also noted that the Secretary-General had emphasized the importance of strengthening teamwork at the field level, including through thematic groups, and plans to establish common premises and common services were under way. With regard to the proposal for a single official to be in charge of the resident coordinator system, the Secretary-General had moved in that direction by deciding that UNDP should continue as the manager and funder of the system, with appropriate staff support. ACC supported the recommendation for coordination between the UN system and other donors, and it took note of those recommendations addressed to Governments and intergovernmental bodies of the UN system.

The General Assembly, in **decision 52/446** of 18 December, took note of the JIU report and of the ACC comments thereon.

Internal oversight mechanisms

In response to resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General submitted to the General Assembly a report [A/51/801] by the Office of Internal Oversight Services (OIOS) containing recommendations on the implementation of that resolution as it pertained to the internal oversight functions of UN operational funds and programmes.

OIOS identified organizational structures and procedures established by 13 operational funds and programmes that enabled them to exercise internal oversight to varying degrees. That first

step was followed by gathering information provided by those funds or programmes, analysing the data, and making eight recommendations suggesting methods by which OIOS could assist those bodies in enhancing their internal oversight mechanisms. Entities that were fully financed by the UN regular budget and those financed by trust funds administered by the United Nations or UNDP were not addressed in the report.

Recommendation 1 called for the monitoring concept to be viewed as part of the managerial responsibility. The monitoring function should be modified to that of a facilitator, gathering appropriate data and, most importantly, independently analysing and reporting on the implementation of programme activities. The OIOS guidelines on programme monitoring and evaluation should be embraced as a minimum requirement and implemented by those funds and programmes that had deficiencies in those areas.

In recommendation 2 dealing with the inspection function, OIOS noted the need for specialized knowledge of the area to be inspected when forming the inspection team, as well as stating that consideration should be given to forming separate inspection units in the larger funds and programmes. Where that was not practical, an inspection team should be formed within the audit unit. OIOS offered to assist in those cases where funds or programmes did not establish their own inspection function. Recommendation 3 stated that OIOS could continue to provide investigation services to any fund or programme if requested. However, resources would have to be allocated to OIOS by the requesting organization. Those bodies that established their own investigation function should ensure the operational independence of the unit.

Recommendation 4 noted that cooperation among oversight units was approached in an informal manner. OIOS recommended that regular monthly meetings be held among the heads of the oversight units and other units performing oversight functions to exchange information. In recommendation 5, OIOS observed that the effectiveness of the oversight function could be increased if timely implementation of recommendations was emphasized. It therefore recommended that internal oversight units in the funds and programmes should develop a mechanism for continually monitoring the implementation of their recommendations, including procedures for addressing non-compliance and reporting on the status of implementation to the executive head.

Noting that most of the funds and programmes lacked adequate reporting procedures,

recommendation 6 stated that they should follow procedures similar to those established for OIOS by the Assembly in resolution 48/218 B. Therefore, internal oversight units should be authorized to submit periodic comprehensive reports and ad hoc reports on specific issues to their governing bodies. OIOS reports on a particular fund or programme should be made available to its governing body, together with comments of the executive head.

Recommendation 7 advised strengthening reporting procedures by complementing the reporting line of OIOS to the Assembly with a report containing summary records on internal oversight issues of each operational fund and programme. The report would provide a tool for the Assembly to monitor internal oversight activities within those organizations and provide an overview of achieved improvements and areas of concern to be addressed.

Recommendation 8 called for OIOS to have the authority to seek and obtain any relevant information from the internal oversight entities or concerned executive heads, as well as the right to comment, if necessary, on the quality of the oversight activities of funds and programmes as they would be reported to the Assembly.

Common premises and services

In 1997, the General Assembly considered the 1994 JIU report on UN system common premises and services in the field [A/49/629] and ACC's 1996 comments thereon [YUN 1996, p. 763]. In general, ACC supported the principle of UN agencies and programmes sharing, whenever possible, common premises and services. By **decision 51/469 A** of 13 June, the Assembly took note of the JIU report and the ACC comments.

Financing of operational activities

During 1996 [E/1998/48/Add.1], the most recent year for which complete figures were available, expenditures by the UN system on operational activities, excluding loans and grants through the World Bank Group, totalled \$4.26 billion, compared with \$4.8 billion for 1995 and \$4.61 billion for 1994. That amount was distributed in development grants through UNDP or UNDP-administered funds (\$1.49 billion), UNFPA (\$216.5 million), UNICEF (\$683.7 million), WFP (\$1.07 billion), and specialized agencies and other organizations from regular and extrabudgetary sources (\$800.3 million).

In addition, concessional loans of \$259.3 million were disbursed by the International Fund for Agricultural Development (IFAD), and a total of \$157.9 million was provided through the United

Nations Office for Project Services in services engaged by Governments receiving loans and credits from international development banks or resources from bilateral donors.

By region, 38 per cent of total expenditures on operational activities went to Africa, 24 per cent to Asia and the Pacific, 24 per cent to Latin America and the Caribbean, 7 per cent to Europe and 7 per cent to Western Asia.

Contributions from Governments and other sources for operational activities of the UN system, including IFAD but excluding the World Bank Group, totalled \$5.45 billion in 1996, compared with \$5.6 billion in 1995 and \$5.59 billion in 1994.

The 1997 United Nations Pledging Conference for Development Activities (New York, 4-5 November) [A/CONF.182/3] received pledges by a number of Governments to UN programmes and funds concerned with development and related assistance. It took note of the fact that several Governments were not in a position to announce their contributions but proposed to communicate their pledges to the Secretary-General as soon as they were in a position to do so.

The Secretary-General, in a September note [A/CONF.180/2 & Corr.1] to the General Assembly, provided a statement of contributions, as at 30 June 1997, pledged or paid at the 1996 Pledging Conference to 25 funds and programmes. The total came to almost \$1.2 billion, with an estimated \$605 million designated for UNDP.

Technical cooperation through UNDP

The Administrator of the United Nations Development Programme (UNDP), in his annual report covering 1997 [DP/1998/17 & Add.1-7], said that the year was important on several fronts: UNDP strengthened its identity in policy dialogue and in programme activities based on its mission to help to eradicate poverty through sustainable human development (SHD) and provided support to good governance—a key part of the enabling environment for poverty eradication.

UNDP implemented organizational changes designed to make it a more efficient and more effective organization with stronger accountability, a culture of cost-consciousness and a sharper focus on country operations. Issues identified in the 1996 annual report [YUN 1996, p. 767] had been addressed, namely, strengthening the country offices and the organization's commitment to the resident coordinator system; narrowing the focus of UNDP work, giving priority to gender issues

and countries in special circumstances; and implementing management actions to accelerate change and improve the organization's governance.

Within the UN system, UNDP actively sought to fulfil its role as an integrating force at the country level by implementing measures to reform the United Nations, strengthening the resident coordinator system and actively promoting strategic follow-up to major global conferences. In the context of UN reform, the Administrator chaired the United Nations Development Group (UNDG), created by the Secretary-General to achieve greater coordination and policy coherence of the Organization's development work. In the UNDG Executive Committee (composed of UNDP, the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF), and with the participation of the World Food Programme (WFP), UNDP led the process for the preparation of a United Nations System-wide Approach for the Eradication of Poverty. The Group sought to make the right to development a central feature of UN development activities in the context of promoting poverty eradication. To stimulate further work in that area, UNDP authored a paper entitled "Integrating human rights with sustainable human development".

At the operational level, the United Nations Development Assistance Framework (UNDAF) was a core element in implementing UN reform at the country level. The exercise aimed to accelerate the harmonization of the policies, programmes and procedures of the UN system in response to the SHD needs of programme countries. UNDG members cooperated in preparing guidelines for producing frameworks and piloting the exercise in 18 countries.

UNDP pursued the harmonization of programming periods with those of other UN funds and programmes through the country cooperation framework (CCF) process and the extension of country programmes. By the end of 1997, programming periods in 27 countries had been harmonized, with 54 more planned by 1999. The country strategy note (CSN) process was active in 27 countries, with drafts prepared in a further 19 countries and a work plan established in another 15 countries. The resident coordinator system facilitated the CSN process in all countries where the Government had expressed an interest in it. The process of establishing resident coordinator system guidelines on administrative management at the country level was under way in areas such as communications, procurement, personnel, financial and legal services, buildings and maintenance, and joint security.

UNDP, as the manager and funder of the resident coordinator system, made progress in widening the pool for the selection of resident coordinators. With its UNGD partners, it drafted comprehensive job descriptions for resident coordinators, and competency assessment was introduced to judge candidates for appointment. The Administrator provided written guidance to resident coordinators on the reporting lines and accountability for their function, instructing them to distinguish between their roles as resident coordinator and UNDP resident representative. In addition, guidelines were issued for the annual reports of resident coordinators. With regard to the implementation of the programmes of action emanating from UN global conferences, the Administrator, working with the UN Department of Economic and Social Affairs and ACC, provided guidance to the resident coordinator and the UN country team on how to use conference outcomes in UN operational activities. As specific follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113], for example, thematic groups on poverty eradication (see PART THREE, Chapter I) were established in 40 countries by the end of 1997. In addition, UNDP had helped 98 countries to design and implement anti-poverty strategies. UNDP also participated in conference follow-up in employment, human settlements, gender-mainstreaming and the advancement of women, population and development, environment, food security and agriculture, and sustainable development.

Achievements of 1997. The Administrator stated that UNDP had met its overall targets for 1997. It had streamlined its headquarters, separating corporate and operational functions, and had aligned finance, human resources and information systems with the corporate strategic-planning function. The new Operations Support Group linked the regional bureaux to one another and was responsible for cross-functional teamwork and standardization of problem-solving strategies in all countries. A new Evaluation Office was formed to ensure that the evaluation function remained independent. Resident representatives organized meetings to accelerate change in country offices and 10 resident representatives/resident coordinators were included in an expanded Executive Committee on change to ensure that the field perspective was fully explored in decision-making on change.

At the policy level, UNDP cooperated closely with programme countries to refine its focus through: programming instruments such as advisory notes, CCFs, regional frameworks, a global cooperation framework and the UNDAF exercise; and application of the resource-allocation crite-

ria developed with the Executive Board of UNDP/UNFPA in the context of applying the successor programming arrangements. By the end of 1997, the Board had approved 119 CCFs and regional cooperation frameworks for each of the geographic regions in which UNDP operated.

Governance was an area in which demand for UNDP support had increased in recent years, and good governance was predicated on a proper balance between State action, the private sector and civil society, the Administrator stated. Concern to find effective local solutions to governance was reflected in the UNDP-hosted Conference on Governance for Sustainable Growth and Equity (New York, July), in which over 1,000 ministers, parliamentarians, mayors and representatives of civil society, business and development organizations participated. Support to governance for poverty eradication represented a significant share of UNDP programming. Almost 70 per cent of CCFs covering 1997-1999 included a component in support of decentralization; 65 per cent of them had a component in support of civil society organizations; and just under 65 per cent of them had a component in support of governing institutions. The Administrator announced a \$36 million pilot programme in 1997 to support innovative approaches to governance in developing countries. The four-year global initiative, which would involve assistance to over 75 countries, aimed to test new approaches to promoting good governance and to support activities by a range of partners, including civil society organizations, the media, human rights organizations and parliaments.

By the end of 1997, UNDP had carried out over 120 interventions in 36 countries and three sub-regional groupings in special development situations. Those interventions, costing about \$100 million, fell into three broad categories: programme responses to complex development situations, during and after crisis, through strategic frameworks or special programme initiatives; immediate support to strengthen the ability of the country (or the UN system) to provide an urgent and coordinated response to sudden crisis; and capacity-building to prevent crises, to mitigate their effects and to rebuild after their occurrence.

To facilitate the participation of programme countries in a globalizing world, UNDP launched a special information and communications technology programme. The programme aimed to strengthen national capacity for, and use of, information and communications technology in education, health, natural resource management, small enterprise development and participatory decision-making processes.

To move technical support closer to country offices and to promote exchange of learning across regions, UNDP prepared a strategy for launching the subregional resource facilities concept approved by the Executive Board [E/1997/33 (dec. 97/15)]. Based on the experience of pilot projects already operating in Pakistan and Thailand, it was envisaged that one country office in each of the other four geographic regions would be selected to pilot the application of the concept.

At the operational level, priority was given to fostering a culture of accountability and ensuring that business was done economically and effectively, with staff held accountable for their performance and use of resources. UNDP issued its first annual accountability bulletin to guide staff on organizational values and acceptable performance and conduct.

UNDP improved its use of information and communications technology, putting materials for capacity development—such as the Electronic Resource Book on Capacity Development—on the UNDP MagNet Web site. The central evaluation database was made available to all country offices, and the Evaluation Office launched a Web site on the Intranet and Internet. All country offices were scheduled to be linked to the Internet by the end of 1998.

Efforts were made to enhance the understanding between the Executive Board and UNDP on the application of national execution, culminating in important legislation with regard to UNDP non-core and national execution activities. National execution procedures were revised and simplified, taking into account the results of evaluation and of consultations with the Board and UN entities, among other things. Compliance with national execution audit requirements improved in 1997. UNDP strengthened the regional audit service centres in Malaysia and Zimbabwe and contracted further country office audits with the aim that 50 per cent of country offices in Africa, Asia and the Pacific, and the Arab States would have contracted audits by the end of 1998.

Emphasis was placed on the need for UNDP to become more results-oriented. The Evaluation Office concentrated on developing results-based monitoring and evaluation policies, methodologies and tools. The main achievements in that area were a joint study with the Swedish International Development Cooperation Agency on performance measurement and management, and a user-friendly guide entitled *Results-oriented Monitoring and Evaluation: A Handbook for Programme Managers*. In the area of impact and performance measurement, the Evaluation Office prepared an action plan with three main elements: providing more access to evidence gathered by UNDP and

other development organizations on performance in SHD areas; strengthening accountability by making management responsible for implementing recommendations made in evaluations; and developing an operational framework for assessing and reporting on results.

In human resource management, UNDP emphasized organizational values and accountability. It implemented a new competency-based human resource strategy and paid special attention to the competencies of, and career opportunities for, national Professional staff, accounting for over 80 per cent of UNDP staff. Work was initiated to establish a UNDP emergency roster, to identify staff who could be trained and quickly redeployed to countries with temporary staff needs.

UNDP took a number of measures to improve delivery of its programmes with full attention to quality. As a result, the overall situation improved and, at the time of the Administrator's report, 1997 core programme delivery was estimated at \$643 million, 20 per cent higher than in 1996. The increased delivery was not, however, matched by the expected increase in core resources.

UNDP/UNFPA Executive Board

In 1997, the UNDP/UNFPA Executive Board held three regular sessions (New York, 13-17 January, 10-14 March, 15-19 September) and an annual session (New York, 12-23 May) [E/1997/33].

At the first regular session, the Board adopted six decisions, including one that gave an overview of action taken at that session [dec. 97/6]. The other decisions dealt with audit reports for UNDP (see below) and UNFPA (see PART THREE, Chapter VIII), the first UNDP global cooperation framework (see below), the UNICEF/WHO/UNFPA Coordinating Committee on Health (see PART THREE, Chapter XIII) and the United Nations Development Fund for Women (see PART THREE, Chapter X).

At its second regular session in March, the Board adopted four decisions, one of which gave an overview of action taken at the session [dec. 97/10]. The other decisions covered guidelines for improving the implementation of regional cooperation programmes (see below), the United Nations Capital Development Fund (see below) and the revision of UNFPA financial regulations (see PART THREE, Chapter VIII).

At its annual session in May, the Board adopted 10 decisions, including an overview of action taken at the session [dec. 97/20]. Four decisions dealt with UNFPA (see PART THREE, Chapter VIII). Three others dealt with aspects of UNDP policy (see below) covering change management,

communication and information, and internal audit. Another decision covered the United Nations Development Fund for Women (see PART THREE, Chapter X) and one dealt with emergency assistance to the Democratic Republic of the Congo (see PART THREE, Chapter III).

At its third regular session in September, the Board adopted nine decisions, one providing an overview of action taken at the session [dec. 97/29]. Three decisions concerned the United Nations Office for Project Services (see below) and two concerned UNFPA (see PART THREE, Chapter VIII). One decision dealt with the UNDP 1998-1999 budget (see below), one with the first country cooperation framework for Nigeria (see below) and another with the functioning of the UNICEF/WHO/UNFPA Coordinating Committee on Health (see PART THREE, Chapter XIII).

Appointment of UNDP Administrator

Having considered a 15 May note by the Secretary-General [A/51/896], the General Assembly, by **decision 51/321** of 21 May, confirmed his appointment of James Gustave Speth as Administrator of UNDP for a further four-year term of office beginning on 16 July 1997. Mr. Speth was appointed for his first term in 1993 [YUN 1993, p. 1368].

Rules of procedure

In accordance with a 1996 Executive Board decision [YUN 1996, p. 769], an ad hoc open-ended working group on rules of procedure for the Board was established. The working group held 10 meetings in 1996 and 1997 and submitted its report in March 1997 [DP/1997/13] containing draft rules of procedure. The rules covered such issues as convening and place of sessions, working languages, agenda and documentation, representation, elections and functions of the Bureau, working groups, the UNDP/UNFPA secretariat, conduct of business and participation of non-members. The Office of Legal Affairs had reviewed the draft rules and had submitted comments, which were taken into consideration by the working group.

On 23 May [E/1997/33 (dec. 97/20)], the Board adopted the draft rules of procedure.

UNDP operational activities

Country programmes by region

Africa

Through its Regional Bureau for Africa, UNDP support to the region in 1997 [DP/1998/17/Add.1 (Part I)] focused on the key areas of poverty eradi-

cation, governance and support to countries in special development situations, gender equality and the advancement of women, and environmental protection.

Individual countries received UNDP support in the area of strategic thinking and planning, using the National Long-Term Perspective Studies (NLTPS) methodology. Fifteen countries (Cape Verde, Cote d'Ivoire, Gabon, Guinea-Bissau, Madagascar, Malawi, Mali, Mauritius, Sao Tome and Principe, Seychelles, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe) successfully completed their NLTPS. Those countries were well placed to integrate short- and long-term planning and to have a clearer view of where they would most like to be in 25 years. A second phase of NLTPS was launched in 1997, focusing on operationalizing long-term visions in those countries and involving additional countries in designing their long-term visions.

Poverty eradication was a major priority for UNDP support in Africa, as reflected in all CCFs. Over 30 countries prepared poverty strategies with the support of the UNDP Regional Bureau for Africa. Those strategies laid the foundation for policy dialogue and the preparation of poverty eradication programmes for resource mobilization during Consultative Group meetings and round-table conferences. Twenty-three African countries had poverty-focused national human development reports (NHDRs) in 1997, compared to 10 in 1996. Angola, Benin, the Comoros, Guinea, Madagascar, Nigeria and Uganda produced NHDRs for the first time. Those reports were used for internal policy dialogue between different segments of society and sought to highlight the differences between quantitative and qualitative approaches to poverty. The coexistence of high growth rates with poverty, as for example in Benin and Uganda, reaffirmed the importance of ensuring that growth was broad-based and accompanied by measures to improve income distribution.

UNDP, jointly with the World Bank and bilateral donors, had worked for two decades towards the elimination of onchocerciasis (river blindness) from the Niger and Volta River basins, reclaiming land for over 1 million people in 10 countries in West Africa. In 12 countries, safe drinking water had been brought to millions of people in rural African communities and the establishment of private sector maintenance companies had been promoted. An important element of UNDP anti-poverty activities was its continuing work to combat the HIV/AIDS epidemic, including its HIV/AIDS awareness programmes.

Specific UNDP activities in the area of poverty eradication included the financing of a study in Botswana on the nature and extent of poverty and a symposium on poverty, co-financed by Norway. In Mauritius, the Government was implementing its poverty eradication strategy. UNDP helped the United Republic of Tanzania to produce in a poverty assessment in Shinyanga region and, under the Africa 2000 Network programme, UNDP technical assistance enabled Tanzanian village women to regenerate their environment and establish viable industries. In South Africa, UNDP co-financed the national Poverty and Inequality Study with the World Bank and sponsored a study on poverty measurement. It also supported the Safety and Security Programme in that country, building capacity in crime prevention, and promoted employment generation through small- and medium-scale enterprises for women and rural communities, labour-intensive schemes and skills enhancement. UNDP also assisted in the provision of affordable housing and improved health facilities in South Africa.

UNDP continued to support job creation through initiatives such as the Africa Project Development Facility, the African Management Services Company and the Africa 2000 Network programme. In 1997, new activities in job creation included Enterprise Africa, with help from Ghana and Zimbabwe, and the MicroStart and Women's World Banking projects in African countries.

In the area of governance, 1997 programmes focused on supporting Africa's efforts to build committed leadership; strengthen public accountability; promote the transition to democratic processes; empower civil society organizations to participate in economic and social activities; address conflict situations; and rehabilitate and reconstruct war-torn societies. UNDP organized or co-organized a number of high-level meetings, such as the First Africa Governance Forum (Addis Ababa, Ethiopia, July) at which 14 countries presented their national governance programmes and exchanged lessons learned on governance. Dialogue on governance was promoted through the multi-donor, World Bank-chaired Special Programme of Assistance to Africa, for which UNDP helped to prepare a training package on civil service reform. UNDP also started to compile an inventory of governance projects in Africa to determine resource requirements. In the United Republic of Tanzania, for example, it mobilized resources from a number of donors, including Ireland and Norway, to support the national programme on governance, which was launched in 1997 and focused

on enhancing the capacities of political parties and strengthening the Commissions of Finance, External Affairs, and Constitutional and Judiciary Affairs. In South Africa, activities in support of provincial and local administrations included training in budget management and accounting and financial management, as well as strengthening the legislature through administrative and policy enhancement.

Countries in parts of West Africa and the Great Lakes region, where there had been an explosion of conflicts, faced major constraints to economic recovery. To help address the problem, UNDP continued to support Burundi, the Democratic Republic of the Congo (DRC), Liberia, Sierra Leone and other countries in conflict prevention, resolution and management. In the DRC, UNDP supported the rehabilitation of the National Agricultural Research Centre, and a special unit was established in the country office to monitor humanitarian assistance projects. Projects contributed towards the return of the displaced population and their reintegration into the socio-economic life of the rehabilitated areas. Support was provided to repair roads and to train road builders. In Rwanda, UNDP supported the re-establishment of the University of Rwanda and vocational training in welding, carpentry, masonry and electrical engineering. It also managed the Rwanda Trust Fund, which focused on the reintegration and demobilization of ex-combatants. In Burundi, UNDP was involved in assisting war victims through grass-roots activities in management development, revival of the agricultural sector, peace education and rehabilitation of the health sector. In the United Republic of Tanzania, UNDP participated in a programme for rehabilitation of refugee-affected areas aimed at strengthening local administrative capacity for environmental and socio-economic rehabilitation. UNDP was assisting in the demobilization and reintegration of 1,000 ex-combatants in the Central African Republic and had been asked by the Security Council to provide support to the ongoing initiatives to mediate the crisis in that country. Some substantive support for post-conflict peace-building was provided through the regional project Africa 2000 Network, which granted up to \$50,000 to some disadvantaged communities in support of grass-roots rehabilitation and development efforts. In post-conflict situations, priority was given to reintegrating displaced persons, while ensuring the full involvement of women and youth. UNDP participated in a humanitarian mission to the Comoros, which identified emergency needs in food, agriculture, livestock farming, fisheries, health, nutrition, education, water supply and sanitation.

UNDP continued to support and carry on dialogues with Governments, civil society and the media about gender-mainstreaming concerns in African countries. Targeting poor women was at the centre of many programmes. The \$5.35 million programme in that area promoted women's roles in political and economic decision-making, peace-building and the media. The programme was initiated with the convening of a regional gender round table, held in South Africa in December, which brought together partners to implement the programme. Together with other organizations, UNDP sponsored over 60 African women entrepreneurs to attend the Asia/Africa Forum on the Economic Empowerment of Women (Bangkok, Thailand, July) and the Conference of the International Federation of Women Entrepreneurs (Ghana, September).

The Global Environment Facility (GEF)—a joint effort by UNDP, the United Nations Environment Programme (UNEP) and the World Bank—had 23 projects under way in Africa. The projects were designed to help the preservation of biodiversity, the prevention of global warming and the protection of international waters. Together with the Office to Combat Desertification and Drought (see PART THREE, Chapter VII), UNDP supported the National Action Programme (NAP) processes for combating desertification and drought in 16 African countries. With UNDP funding, United Nations Volunteers were attached to the NAP national coordinating bodies in several African countries.

During 1997, the UNDP/UNFPA Executive Board took action with regard to a number of country programmes for African countries and, in March [E/1997/33 (dec. 97/10)], it approved the first regional cooperation framework for Africa; it also approved first CCFs for Eritrea, Ethiopia, Mauritania, Namibia and Uganda and took note of the extension of the sixth country programme for Kenya. In May [dec. 97/20], the Board approved first CCFs for the Comoros, Lesotho, Sierra Leone, the United Republic of Tanzania and Zambia. By a September decision [dec. 97/29], the Board adopted the first CCFs for the following countries: Angola, Benin, Botswana, Burkina Faso, Cameroon, Chad, Gabon, Guinea-Bissau, Malawi, Mauritius, Sao Tome and Principe, Senegal, Seychelles, South Africa, Swaziland and Zimbabwe. It postponed consideration of the first CCF for the Congo.

In a decision of 19 September [dec. 97/25], the Board approved the first CCF for Nigeria [DP/CCF/NIR/1] with the provision that the Administrator develop programmes in the areas identified in the CCF, using the following guidelines: the programmes must benefit the poorest

and deliver benefits at the grass-roots level; the components of the programmes must be prepared with the participation of the beneficiaries, from the poorest sections of the community, and implemented through organizations of civil society, including non-governmental organizations (NGOs); and the programme should be developed with monitoring components to enable the Administrator to report in 1998 on the content of the programme and to conduct evaluations on the programme's impact annually thereafter.

Arab States

Through the Regional Bureau for Arab States, UNDP oversaw programmes in 18 Arab countries in 1997 [DP/1998/17/Add.1 (Part II)]. They concentrated on poverty eradication, governance and support to countries in special development situations, and gender equality and the advancement of women. Compared with 30 years earlier, the quality of life had improved throughout the region. Life expectancy, literacy, school enrolment, access to health care and the availability of safe water and sanitation had doubled or tripled in the region as a whole. However, the averages masked the sharp variations between countries. The level of poverty in the region was estimated to be 34 per cent.

During 1997, special regional resources were allocated to enable programme countries to produce country-specific NHDRs, which had been important tools in raising awareness of the challenges facing countries, especially the potentially negative effects of the globalizing world economy. The policy dialogue on economic growth and social development that started at the 1996 regional meeting of experts on poverty alleviation and sustainable livelihoods culminated in the June 1997 launching of the document "Main elements of a strategy to eradicate poverty in the Arab States" and a June symposium, organized in cooperation with IMF, for finance and planning ministers to discuss sustainable growth in economic and human development. As a result, UNDP was able to facilitate the identification of the key poverty and social development issues in the region and how best to support programme countries in addressing them.

The first regional cooperation framework for the Arab States (1997-2001) incorporated the identified priorities and summarized the overall regional goal as enhancing the environment for SHD, especially in poverty eradication. Specific programmes included governance for social development; regional food security; building the capacity of the region's workforce for the information-based economy; social and economic reform and multilateral economic coop-

eration; microfinance and sustainable provision and use of energy; and the sustainable management of natural resources, with focus on water.

At the country level, elements of the regional poverty strategy were adapted to country-specific situations in almost all of the CCFs approved. Fifteen CCFs for Arab countries, approved by the Executive Board in 1997, identified poverty and sustainable livelihoods as a major thematic area. The remaining three CCFs, to be finalized and submitted to the Board in 1998, would also reflect regional priorities.

In Yemen, UNDP was working at the advocacy and policy levels, assisting the Government to formulate its NHDR, poverty alleviation action plan, labour policy and data management system. The programme also aimed to strengthen the capacity of local authorities in planning and implementation. Downstream, the programme aimed at the reintegration of the poor through a housing scheme and through the socio-economic development of the Socotra Archipelago, in collaboration with GEF. Special emphasis was placed on the integration of women through a micro-credit scheme. In Jordan, a multi-agency partnership assisted the country in initiating a major microfinance programme. With UNDP serving as the lead organizer and secretariat, a national microfinance conference was implemented that brought together over 100 policy makers and microfinance practitioners to discuss how to improve the use of microfinance for poverty alleviation and entrepreneurship both through parastatal development institutions and NGOs. As a result of the conference, a joint training programme was formulated for Jordanian microfinance institutions to be implemented in 1998-1999.

In countries that enjoyed high per capita income, UNDP brought issues of poverty and equitable distribution of income to the forefront. In Bahrain, UNDP, in cooperation with the Government, established a national SHD network, including ministries and national agencies that were involved in the analysis of the social, cultural and economic aspects of SHD. UNDP assisted the United Arab Emirates to initiate poverty eradication measures by conducting a poverty measurement and an evaluation aimed at improving its social assistance schemes. It also provided United Nations Volunteers to assist in vocational training. A mobile training centre was created for remote areas to enhance employment opportunities for the poor. In Morocco, UNDP, in collaboration with UNFPA, supported the application of the National Sustainable Development Network project, targeting priority provinces.

The first regional workshop on governance for social development (Beirut, Lebanon, December), attended by decision makers and officials, representatives of civil society organizations and academia, among others, discussed the impact of good governance and approaches in the context of social development. UNDP country-based programming in the Arab States reflected specific country needs for support in governance areas such as: elections and/or capacity-building for electoral bodies; the judiciary; the parliamentary system; social programming and management; decentralization; public service reform; and audit and accountability functions.

Countries in special development situations in the region received support from UNDP in order to enable them to respond to the needs of the situation, using special emergency resources and funding from target for resource assignment from the core (TRAC). UNDP provided Djibouti, Lebanon, Somalia, the Sudan and Yemen with resources for special programmes for specific rehabilitation or emergency situations. Emergency funds were allocated to Djibouti, Somalia and Yemen to manage the effects of floods and torrential rains. TRAC resources were allocated to support strategic planning in Somalia and Yemen; a civil protection and governance programme in Somalia; area rehabilitation, NGOs and female-headed households in Djibouti; and socio-economic rehabilitation in Lebanon.

In Algeria, UNDP focused support on four areas—employment promotion, support for socio-economic reforms, environmental protection and diversification of non-hydrocarbon exports. The year was devoted to the completion of activities begun under the sixth country programme and to the formulation of the first CCF (1998-2000). In Djibouti, UNDP support concentrated on supporting the Government's efforts to mobilize resources for its socio-economic programme through a round-table exercise (Geneva, May) with representation from major contributor countries, Arab countries and Arab funds. Lebanon, still tackling post-conflict rehabilitation and displacement issues, received UNDP support for rehabilitation and reconstruction in the south of the country. Work in 1997 included preparing a national programme for poverty alleviation, developing a poverty alleviation action plan, conducting a survey of national living standards, and carrying out a poverty mapping study using the unsatisfied basic needs approach. In Somalia, UNDP focused on governance and peace-building. Programmes included rehabilitation projects designed to bring harmony between conflicting groups. Assistance to regional seaports continued to stimulate local economies. UNDP initiated

a pilot area rehabilitation scheme in the Sudan, which had been affected by several years of civil conflict. The main aim of the project was to improve and sustain self-sufficiency in food production for the population living in conflict areas.

In 1997, UNDP's Regional Bureau for Arab States and the Regional Bureau for Africa collaborated in the formulation of programmes in support of countries in special development situations in the Horn of Africa subregion, including Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, with funding being provided either from TRAC or from regional resources for the two priority areas of rehabilitation and resettlement of displaced populations and for food security.

Gender equality and the mainstreaming of women in the development process was a theme in almost all UNDP-supported programmes in the region. That concern was reflected in the CCFs, particularly in relation to poverty alleviation and microcredit/microfinance schemes. At the regional level, the Centre for Arab Women's Training and Research, supported by UNDP and other sources, continued to be the focal point for creating gender-advocacy capacity and networking among Arab countries on gender issues. As an example at the country level, women in the Sudan benefited from programmes giving priority to female-headed households for credit from revolving funds, to training and to other enabling tools to raise their living standards in a sustainable manner.

During 1997, the UNDP/UNFPA Executive Board took action with regard to a number of country programmes for Arab States and, in September [dec. 97/29], approved the first regional co-operation framework for the Arab States.

By a January decision [dec. 97/6], the Board took note of the extension of the fifth country programme for Bahrain and for the sixth country programmes for Algeria and Jordan, and in May [dec. 97/20] approved the first CCFs for Lebanon, Morocco and Tunisia. In September [dec. 97/29], the Board approved the first CCFs for Djibouti, Egypt, Jordan, Kuwait, Saudi Arabia, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen. It took note of the extension of the fifth country programme for the Libyan Arab Jamahiriya.

Asia and Pacific

Significant economic, environmental and political events and trends in 1997 affected a large number of people in Asia and the Pacific and presented challenges to promoting SHD [DP/1998/17/Add.1 (Part III)]. Rapid globalization, accompanied by weak oversight of domestic investment

and financial markets, contributed to the financial crisis that began in South-East Asia in July 1997, which, in turn, set off a series of economic reverberations within the region and globally. Among the consequences were reduced purchasing power, growing unemployment and diminished prospects for sources of income in the short and medium term. Forest fires in Indonesia had a major environmental impact on South-East Asia and natural disasters had a devastating effect in many countries.

The UNDP Regional Bureau for Asia and the Pacific responded to those conditions and development demands by promoting more equitable socio-economic conditions in four areas of support—poverty alleviation, governance, the advancement of women, and environmental protection and natural resource management. Through the UN resident coordinators in the region, UNDP supported the strategic planning of UN-system development activities at the country level; aid coordination; the fostering of productive network arrangements across the region; and the facilitation of subregional and intercountry cooperation.

In the area of poverty eradication, UNDP assisted Indonesia and Thailand in carrying out national responses to ensure that the crisis did not cripple long-term economic growth and undermine national human development achievements. UNDP concentrated on policy guidance and programme support by engaging government officials and others in dialogue on the social and economic implications of the crisis and possible recovery strategies; establishing a mechanism through which relevant policy advice and recovery scenarios might be identified and incorporated into national policy agendas; and reorienting UNDP programme activities to take into account the implications of the crisis, especially with regard to the poor. In Malaysia, UNDP was supporting the Government in a study on globalization and policy implications on trade, services and financial sector liberalization.

All countries of the region, except for Afghanistan and the Democratic People's Republic of Korea, had prepared or were preparing NHDRs, with the support of UNDP. The reports had helped to stimulate national debate on poverty and human development issues and had provided policy makers with up-to-date indicators to assess and formulate appropriate development policies. For example, reports released at the end of 1997 in Cambodia, Mongolia and the Philippines initiated, respectively, national discussions on poverty, the impact of economic transition on people's socio-economic well-being, and the roles and conditions of women in society. In Thailand,

UNDP oversaw the reorientation of several programmes to address more directly poverty alleviation and SHD as primary goals, including a programme addressing participatory rural infrastructure and non-motorized urban transport planning, and another focusing on public participation in social and environmental impact assessments and developing community-based electricity and income-generation schemes. The UNDP country office in Fiji assisted Solomon Islands to address external and domestic debt arrears and widespread unemployment through such measures as reviewing the Government's proposed policy reform, assessing the civil service and other reform issues, and drafting a proposal for a medium-term development plan. In Viet Nam, UNDP joined other organizations in supporting a study on basic social services. Several organizations, including UNDP, were involved in publishing a report on malnutrition in Samoa. In December, a meeting of the heads of government departments and UN system agencies on nutrition issues in Samoa was convened to review the report's recommendations and discuss a national plan of action on nutrition for Samoa. A UNDP-supported project in Mongolia dealt with the development of water supply, sanitation and hygiene education, and 15 wells were drilled. UNDP and Mongolia were also collaborating on a national water and sanitation strategy.

The second Asia-Africa Cooperation Forum (Thailand, June), attended by senior officials from 55 African and Asian countries, held discussions on capacity-building, sustainable agricultural development and food security, and private sector development. In Pakistan, UNDP, in collaboration with officials in Kashmir, launched a multisectoral community-based programme focused on poverty eradication. UNDP continued to provide support to microcredit and microfinance initiatives in the region. For example, under a UNDP-supported programme in Tibet Autonomous Region of China, 163 poor families received small loans. In Yunnan Province and Yilong, China, 1,900 and 2,500 poor households, respectively, were organized into self-help groups; women comprised 94 per cent of the membership of those groups. A project in the UNDP-supported poverty alleviation programme in Myanmar facilitated access of poor communities to microcredit and provided small-business support services.

To enhance the competitiveness of small- and medium-scale industry in Sri Lanka, a UNDP/United Nations Industrial Development Organization project trained 25 executives from six national institutions in industrial project appraisal. In Bhutan, under the UNDP-supported

cottage and small- and medium-scale industries development programme, 118 women were trained in tailoring, weaving and vegetable dyeing, following which many graduates started their own businesses. Following a jute diversification programme in India, UNDP extended its activities to more small entrepreneurs in the non-formal sector in 1997, providing employment to over 2,500 persons.

In the area of governance and support to countries in special development situations, UNDP assisted the Election Commission in Bangladesh to strengthen the electoral process by training 382,000 election officials and polling agents, distributing training and voter education materials, and preparing media spots. In Nepal, two UNDP-supported programmes enhanced the planning and management capacities of locally elected bodies in 40 of the 75 districts. The programmes formed 632 self-governing community organizations, covering 17,289 households. A poverty eradication programme in Afghanistan promoted a democratic decision-making system at the grass-roots level, community empowerment towards sustainable rehabilitation, and the introduction of livelihood options. A total of \$1.8 million for initiatives in conflict areas in Sri Lanka was approved, including support for the resettlement of 10,000 families affected by conflict, the establishment of resettlement offices, the resuscitation of community-based micro-credit schemes to provide employment opportunities, and the rehabilitation of markets to stimulate the local economy. A project begun in April in the Philippines provided UNDP assistance to the Government, the Moro National Liberation Front and key actors in civil society in confidence-building measures to sustain peace in post-conflict areas, and included emergency and short-term assistance.

In Cambodia, UNDP provided assistance for a demining programme in which 2,043,184 square metres of land were cleared and 191 mine-awareness courses were conducted, reaching 28,000 villagers in 1997. In the Lao People's Democratic Republic, UNDP supported a survey on the effect of chemical defoliants on the people and environment as well as the destruction of over 40,000 unexploded ordnances. It also trained 466 students in explosive clearance. In response to the severe drought in the Democratic People's Republic of Korea, the UN system issued an appeal for aid. The Republic of Korea responded with a \$10 million contribution, including heavy equipment for infrastructure repair. UNDP facilitated the direct transfer of the equipment between the two countries. In October,

UNDP approved a further \$2 million in emergency relief.

Indonesia suffered a severe drought, resulting in food shortages, and UNDP assisted in coordinating relief efforts and in mobilizing \$1.2 million in contributions. A major typhoon struck Viet Nam in November, causing serious flooding. The Government's Disaster Management Unit supported UN and donor relief operations by providing updated information on damage, needs and donor assistance, and UNDP provided \$150,000 in emergency funds and mobilized another \$460,000 from other donors.

In the priority area of gender equality and the advancement of women, the Regional Network of Asia-Pacific Women Scientists for Sustainable and Equitable Development was launched in 1997, with support from UNDP. Through the Network's efforts, programmes were developed in providing access to advanced technology to poor women, promoting sustainable livelihoods, environmental regeneration and poverty eradication.

Environmental protection and management in the Himalayan eco-region was addressed by a six-nation (Bhutan, China, India, Myanmar, Nepal, Pakistan) initiative designed to respond to the threat posed to biodiversity by the region's increasing poverty, rapidly growing human population and other consequences of rapid development. With UNDP support, Maldives prepared its second national environment action plan, which provided a framework for sustainable environmental management and development, emphasizing the priority areas of biodiversity, climate change, environmental health and coastal erosion. In the Philippines, a government-owned bank and UNDP jointly financed community-based projects to promote sustainable livelihoods and environmental regeneration in the countryside. UNDP also initiated a \$1.5 million programme to increase private sector participation in environmental management initiatives. Together with other donors, UNDP supported a number of refrigerator manufacturers in Iran in efforts to convert to ozone-friendly production. The first such company began production of non-chlorofluorocarbon products in October.

For the Asia and Pacific region, non-core resources approved for 1997 totalled \$171.3 million, a 71 per cent increase over 1996. Approval of core resources for 1997 stood at 94.5 per cent of peak budget targets at the end of the year. Priority for resource allocations was given to least developed and low-income countries. By the end of 1997, 85 per cent of the 1997 budget line for countries in special circumstances in the region had been delivered, particularly for activities in Afghanistan,

Cambodia and the Democratic People's Republic of Korea.

During 1997, the UNDP/UNFPA Executive Board acted on a number of country programmes for Asia and the Pacific and, in March [E/1997/33 (dec. 97/10)], approved the first regional cooperation framework for the region and the first CCFs for Bhutan, India, the Lao People's Democratic Republic, Mongolia and Papua New Guinea. In May [dec. 97/20], the Board approved the first CCF for Iran. In September [dec. 97/29], the Board approved the first CCFs for Cambodia, the Democratic People's Republic of Korea, Fiji, Kiribati, Malaysia, Maldives, the Marshall Islands, Micronesia, Nepal, Niue, Pakistan, Palau, the Philippines, Samoa, Solomon Islands, Sri Lanka, Thailand, Tonga, Tuvalu and Vanuatu.

In January [dec. 97/6], the Board took note of a report by the Administrator on assistance to Myanmar [DP/1997/4] in which he stated that the first phase of the Human Development Initiative (HDI) had been completed and preparations were complete and implementation activities initiated on the HDI extension.

In March [dec. 97/10], the Board took note of the Administrator's report on assistance to Afghanistan [DP/1997/7] in which he stated that, as agreed by the Governing Council (the forerunner of the Executive Board), UNDP had been delivering assistance on a case-by-case basis since there was no country programme due to the security situation. The Administrator again sought the Board's authorization to continue to approve projects on a project-by-project basis over the next two years.

Europe and CIS

UNDP support in Europe and the Commonwealth of Independent States (CIS) aimed at addressing poverty in a region suffering from severe depression, with countries experiencing the sharpest reversals in living standards in the world during the 1990s [DP/1998/17/Add.1 (Part IV)]. An overriding issue and constraint that affected the implementation of UNDP activities in many countries was political and social insecurity and instability. The Regional Bureau for Europe and CIS supported the objective of eliminating poverty as countries coped with the shock of transition. Activities in the areas of governance, gender balance, environmental protection and economic and social policy were developed within a strategic framework that reflected a recognition of the desired impact on poverty and equity.

In supporting efforts to eradicate poverty, UNDP formulated its first regional poverty project, which was proving to be an important vehicle in analysing priorities for action. The project helped to define critical policy issues at the na-

tional and subregional levels, and provided a framework for linking national and regional activities and enhancing the effectiveness of the Poverty Strategy Initiative. Each country that prepared an NHDR included analysis of poverty.

In Bulgaria, poverty had become pervasive and unemployment was expected to increase as a result of the accelerated structural reforms that were under way. The UNDP-supported Human Security Survey and the annual NHDRs sought to identify ordinary people's perceptions of their situation and promote the building of consensus about solutions to the problems. In addition, an early warning report placed the emphasis on crisis prevention and the political implications of the country's human security context. UNDP was also engaged in the policy dialogue on unemployment. It successfully advocated the establishment of a social emergency fund in Bulgaria and supported projects for temporary employment schemes. Under those projects, \$4 million, including \$3.4 million in cost-sharing from the European Union (EU), had been allocated for the creation of over 20,000 man-months of employment. UNDP-supported business promotion centres in four regions of Bulgaria had contributed to the creation of 250 jobs.

New projects to provide direct support to small- and medium-scale enterprises were developed in Belarus, Bulgaria and Kyrgyzstan. Twelve counsellors went to Romania for a four-week training programme, organized and run by Romanian staff, to develop projects that were sustainable and had a significant multiplier effect.

Within the priority area of governance and support to countries in special development situations, the UNDP programme in Bosnia and Herzegovina grew from \$5.27 million to \$16.42 million during 1997. Projects were in the areas of social rehabilitation and peace-building, which were important steps in diminishing tensions among ethnic groups and between returning persons and those who had remained during the war. Rehabilitation of housing and social infrastructure resulted in the return of many persons to their places of origin. While unemployment remained high, projects provided training and fostered income-generating activities, in order to promote economic recovery. The programme had attracted substantial non-core financing, which rose from 33 per cent in 1996 to 62 per cent in 1997. Of that outside funding, 30 million came from Japan and \$12.6 million from the EU.

Through its regional programme to promote democracy, governance and participation, UNDP provided further assistance to countries in strengthening capacities of institutions addressing human rights. Several regional and country-

specific projects were initiated in promoting ombudsman-type and human rights protection mechanisms, with emphasis on legislation formulation, exchange of best practices, information-sharing and training. In cooperation with human rights institutions, UNDP organized the Third International Workshop on Ombudsman and Human Rights Protection Institutions (Riga, Latvia, 9-11 June) on the theme "Building democracy: from theory to practice". Participants from European and CIS countries exchanged experience with representatives of ombudsman and human rights protection institutions from other regions on the establishment and functioning of such institutions. Related projects were developed in Kazakhstan, Moldova, the Russian Federation, Uzbekistan and other countries. In Latvia, UNDP focused on the protection of human rights, increased integration among ethnic groups, social welfare reform and development of the NGO sector.

Under a regional project on training for external resources management, government officials from various countries were able to review how other countries had maximized both the flow and impact of external resources. In partnership with the United Nations Conference on Trade and Development and the World Bank, the UNDP project began a series of training seminars on external debt management and promoted software to facilitate that task. Training activities were designed to assist the most developed countries of Eastern Europe to establish their own technical and financial cooperation programmes.

In 1997, a four-year regional project was launched to support gender in development in Central and Eastern Europe and in CIS by providing assistance to improve institutional capacity to address gender issues. Its focus was on strengthening the capacity of national gender-in-development units and providing assistance on specific issues to Governments; supporting national and regional NGOs and assisting in establishing their networks; and reinforcing gender analysis and training capacity in each country.

With regard to environmental protection, assistance was provided to the Murmansk (Russian Federation) Regional Administration, which enabled it to prepare a sustainable development action plan for the region and a regional investment strategy for socio-economic development. Another project assisted in the restructuring of the Georgia International Oil Company, incorporating three components—rehabilitation of Gachiani (an oil-transit area close to Tbilisi), formulation of feasibility studies and promotion of investment projects. Progress was made on the rehabilitation of Gachiani, reversing an environ-

mental problem of oil leakage. That also solved an economic problem for the country and a financial problem for the company.

During 1997, the UNDP/UNFPA Executive Board took action with regard to a number of country programmes for Europe and CIS and, in March [E/1997/33 (dec. 97/10)], approved the first regional cooperation framework for Europe and CIS and the first CCFs for Croatia, Latvia, Poland, Romania and Uzbekistan. In January [dec. 97/6], the Board approved the first CCFs for the Czech Republic, Hungary, Kazakhstan, Kyrgyzstan, the Republic of Moldova and Slovakia. The first CCFs for Belarus, Bosnia and Herzegovina, Estonia and Lithuania were approved by the Board in May [dec. 97/20]; those for Armenia, Azerbaijan, Bulgaria, Georgia, Malta, the Russian Federation, St. Helena, Slovenia, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine were approved in September, when the Board also agreed to postpone consideration of the first CCF for Yugoslavia and took note of the extension of the fourth country programme for Albania [dec. 97/29].

Latin America and Caribbean

Two salient development issues in Latin America and the Caribbean were the aggravation of long-standing social inequities and the continued weaknesses of democratic systems of governance, said the UNDP Administrator in his annual report covering 1997 [DP/1998/17/Add.1 (Part V)]. Countries of the region had great disparities between rich and poor, urban and rural areas, and central and peripheral geographic zones. The negative aspects of social exclusion particularly affected women and indigenous peoples. Democracies had serious institutional weaknesses, particularly in the judiciary and public security systems, and corruption continued to be prevalent. As to the sustainable use of natural resources, much work remained to be done in formulating and implementing sound environmental and natural resources management policies.

In the area of poverty eradication, UNDP carried out applied research to establish an information base to contribute to the debate on linkages between macroeconomic policies and poverty, with the aim of guiding policy- and decision-making and complementing national projects dealing with anti-poverty measures. An important development in national poverty programmes was the increasing number of partnerships with the private sector. The regional Macroeconomic Policies and Poverty Programme, completed in 1997, resulted in conclusions on the relationships between macroeconomic policies and poverty and contributed

to the upstream dialogue on the impact of those policies on levels of poverty. UNDP cooperated with the Inter-American Development Bank (IDB) and the Economic Commission for Latin America and the Caribbean on that programme, with the participation of 15 countries of the region. National experts carried out country case studies using a common methodology for macroeconomic analysis to examine the causal factors of poverty. Statistical work was performed on available national accounts and household surveys in each of the countries for 1980-1996. In addition to the country case analyses, the programme produced three cross-country papers on poverty, macroeconomics and gender.

Some findings from the programme were: poverty reduction was correlated with increases in gross domestic product (GDP) and GDP per capita, increases in the minimum wage, reductions in unemployment and reductions in inflation; increases in poverty were correlated with increases in Gini coefficients, used to measure the degree of inequality in income distribution; there was a positive relationship between the incidence of poverty and the balance of payments; gender was not a relevant explanatory variable of changes in relative poverty; improvements in education were a significant factor in poverty reduction; and the movement of households from the rural sector, where poverty was high, to the urban sector, where it was lower, was likely to have an impact on total poverty.

The focus for the Caribbean was on promoting advocacy on poverty issues and on the conduct of broad-based national-level consultations, aimed at identifying impoverished groups and their location and the main poverty trends in each country. Capacity-building efforts were being put into place to support poverty measurement and the determination of poverty reduction strategies.

A programme was launched in Mexico to combat poverty through the generation of employment. In partnership with state governments and the private sector, UNDP was supporting the development of small businesses, the country's main sources of employment, through their integration into productive chains and local clusters.

UNDP was also supporting employment generation through technical assistance in marketing, business administration and credit. In partnership with local NGOs, 62 productive initiatives were implemented, including organic honey and organic gum production for export, managed tropical wood exploitation, organic agriculture, embroidered handicrafts, farmed prawns and ornamental fish. Approximately 30 per cent of those initiatives were being managed by women.

In the area of governance, UNDP began a judicial reform programme in 1977, together with IDB and other donors. The programme would contribute to the modernization and legitimization of judicial systems by promoting greater access for vulnerable groups, and would establish the legal environment and security to stimulate national and international investments.

Within the framework of the 1996 Guatemalan peace accords [YUN 1996, p. 168], UNDP cooperated with other UN organizations in demobilizing nearly 4,000 ex-combatants and in the construction of eight camps for temporary settlement. It also supported the resettlement of displaced people in six departments of Guatemala. Another activity was the dissemination of the Agreement on the Identity and Rights of Indigenous Peoples and technical, human and financial support provided to Mayan organizations. Support was provided to increase the participation of indigenous peoples in debates and proposals affecting them, such as education reform, the rights of indigenous women, popular participation, the preservation of sacred places and land rights. In an attempt to address Colombia's internal conflict situation, UNDP approved \$1.1 million for projects for displaced persons, promoting national reconciliation and institutional reforms.

With regard to gender equality and the advancement of women, UNDP, jointly with the United Nations Development Fund for Women (UNIFEM), began to coordinate a continent-wide inter-agency media and public education campaign on violence against women and girls in the region. The campaign would draw on the network of representatives and staff members of each sponsoring agency as well as the UN information centres in the region for advocacy, capacity-building and media communication, and work in partnership with a wide range of local and regional groups.

In the area of environment, UNDP assisted 23 countries in obtaining \$5.56 million from GEF to work towards their commitments under the United Nations Framework Convention on Climate Change [YUN 1992, p. 681] and the Convention on Biological Diversity [YUN 1992, p. 683]. Projects with a total value of \$37 million were approved to: conserve biodiversity through sustainable use in the coastal zone of Patagonia and the eastern wetlands of Uruguay; establish a programme for consolidation of the Mesoamerican Biological Corridor in Central America and Mexico; and initiate rural electrification in remote areas of Bolivia, using wind and solar energy.

UNDP obtained \$1.306 million from GEF to develop proposals aimed at: developing renewable energy sources in Ecuador and Panama; protect-

ing biodiversity in the Galapagos Islands; developing a long-term strategic programme to eliminate pollution and conserve the biological resources of the Rio de la Plata; and demonstrating the feasibility of hydrogen fuel cells in the mass transit system of Sao Paulo, Brazil. A UNDP/UNEP partnership agreement was signed in October to prepare a strategy to consolidate Tierramerica, a newspaper supplement, into a comprehensive communications platform; provide support within the priority areas of Ministers of Environment in Latin America and the Caribbean; and carry out a subregional study on trade and environment. UNDP and UNEP also established a regional advisory facility in Mexico with country office support. At the request of the heads of State who met at the Hemispheric Conference on Sustainable Development (Santa Cruz, Bolivia, December 1996), UNDP was formulating a project to support the establishment of a Knowledge Network for the Americas to promote the use of the new information technologies for the benefit of the development community through capacity-building, linking existing networks and disseminating publications.

During 1997, the UNDP/UNFPA Executive Board took action with regard to a number of country programmes for Latin America and the Caribbean and, in January [E/1997/33 (dec.97/6)], approved the first regional cooperation framework for the region and the first CCF for Belize. In March [dec. 97/10], the Board approved the first CCFs for Colombia and Panama and took note of the extension of the fifth country programme for Haiti. In September [dec. 97/29], the Board approved the first CCFs for Anguilla, Argentina, Barbados, the British Virgin Islands, Brazil, Chile, Cuba, Dominica, the Dominican Republic, El Salvador, Grenada, Guyana, Honduras, Jamaica, Mexico, Peru, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Uruguay and Venezuela. It agreed to postpone consideration of the first CCF for Montserrat and took note of the extension of the third country programmes for Antigua and Barbuda, the Cayman Islands, Saint Kitts and Nevis and the Turks and Caicos Islands and of the fifth country programmes for Costa Rica and Paraguay.

Global programme framework

In accordance with a 1996 request [YUN 1996, p. 777], the UNDP Administrator submitted to the UNDP/UNFPA Executive Board, at its January session, the revised text of the first global cooperation framework [DP/GCF/1].

The term "global programme" referred to all activities covered by the global, interregional and special activities of the UNDP budget, for which

the Board had allocated 4.2 per cent of total UNDP resources. The report contained a framework for the global programme for a three-year period beginning in 1997 that emphasized overall objectives, strategies and main activities. The global programme was aimed at advancing a multidisciplinary approach to development, integrating social, environmental and gender concerns into the macroeconomic framework. It was intended to support country offices and regional bureaux in programme formulation and facilitate their access to knowledge and tools for SHD. It was estimated that \$126 million in resources would be available for the global cooperation framework for the 1997-1999 period.

On 17 January [E/1997/33 (dec. 97/5)], the Board requested the Administrator, taking into account the Board's comments, to elaborate further the first global cooperation framework draft and to produce a revised proposal, including a strategic plan for implementation. The revised proposal should take into account, among other things: comments of delegations at the session; the need to focus on programme activities that had a global nature, could not be implemented under regional or country programmes, and could enhance national efforts to achieve SHD; the need to prioritize programme activities and focus them where UNDP could make a real difference; and the need to avoid duplication while strengthening collaboration with relevant bodies. The Board stressed that the revised proposal should contain an overview of ongoing activities to be discontinued during 1997-1999, and should specify how programme activities would be monitored and evaluated. In the meantime, activities for which commitments had already been made should continue and up to 33.3 per cent of global programme resources could be committed. The revised proposal should include a list of ongoing and planned activities.

In the revised first global country cooperation framework report for 1997-2000 [DP/GCF/1/Rev.1], UNDP stated that the process of redefining the global programme was the result of the reorientation of the UNDP focus towards the overarching theme of SHD.

The programme had four major purposes: to distil from country-level experience lessons learned, and identify new, innovative ways to promote SHD; to disseminate that knowledge globally and promote research, debate and application; to explore ways to translate global priorities into country-level follow-up action, multilateral initiatives and partnerships; and to encourage studies on concrete, practical policy measures for translating SHD from concept to action.

The goal of the first cooperation framework for the global programme was to refine the global agenda for attaining SHD into a series of interventions that could be implemented through UNDP. That goal implied three operational objectives: to develop UNDP interventions responding to global mandates, in particular those emanating from UN conferences, for adaptation by regional and country programmes and projects; to provide the technical guidance needed to respond to demands from regional and country programmes; and to identify gaps and emerging issues for attaining SHD and to work to incorporate them into the global agenda. To achieve those objectives, the global cooperation framework would concentrate on five areas: poverty elimination; gender equality; environmental sustainability; governance; and emerging and cross-cutting issues. Within each category, a few priority subprogrammes were being proposed, against which the bulk of the available resources (80 per cent) would be allocated. The programme would also support a limited number of other activities within those categories that represented long-term commitments of importance to SHD.

The report stated that UNDP shared the concern of the Executive Board in seeing concrete benchmarks and indicators against which the global programme framework could later be measured. Developing indicators in the concentration areas was one of the chief tasks of the global programme framework. For each concentration area, the report identified global needs for successful implementation of national strategies and identified subprogrammes.

Improvements in management and oversight arrangements were proposed in the report, which pointed out the need to simplify accountability linkages and decentralize authority.

For the 1997-2000 period of the cooperation framework, the global programme was allocated \$126 million from UNDP core funds. From that amount \$12 million was borrowed by the projects in the previous cycle to allow a smooth transition into the current cycle, another 9 per cent was allocated for the programme reserve and 7 per cent for contingencies. Some 11 per cent would be used to support additional programme activities such as costs relating to the Human Development Report and the Office of Development Studies. The remaining amount of \$78.2 million would be allocated to the five concentration areas.

The Executive Board, on 19 September [dec. 97/29], approved the revised global cooperation framework.

The Administrator, in his annual report covering 1997 [DP/1998/17/Add.2], listed global and interregional programmes, which focused on the

areas of poverty eradication, gender equality and the advancement of women, establishing an enabling environment for SHD, and environmental protection and regeneration. The main funding vehicle for those activities was the global cooperation framework. Under the Poverty Strategies Initiative, there were projects in 98 countries that provided upstream support in enhancing capacity for poverty analysis, policy review and the formulation of national poverty eradication strategies. The Initiative was financed by \$12 million in UNDP core resources and \$11 million in donor contributions. In 1997, the Gender-in-Development Programme supported country offices in the development of 35 national plans for the Fourth World Conference on Women [YUN 1995, p. 1169] follow-up and, in association with UNIFEM, engaged 20 United Nations Volunteers gender advisors to be placed in country offices and support resident coordinators. In the area of governance, UNDP initiated a global research project involving the Massachusetts Institute of Technology (Cambridge, United States) and 10 national research institutions in participating countries, including Honduras, Jordan, Pakistan and Poland, to analyse decentralization initiatives. An example of a 1997 programme in the field of environment was the UNDP Global Programme on Forests. A forest policy framework linking forest programmes with food security and sustainable livelihoods programmes was developed in cooperation with partner agencies and programme countries.

Improving implementation of regional cooperation programmes

By a 14 March decision [dec. 97/9] on guidelines for improving the implementation of regional cooperation programmes, the Executive Board requested the UNDP Administrator to present in 1998 an implementation strategy paper for each regional cooperation programme, and set forth a number of elements that each paper should incorporate. Emphasizing the need for clear, concise language in the regional implementation strategy papers, the Board also requested that each paper contain a strategy for monitoring and evaluation, including practical performance indicators and benchmarks. The Board emphasized the need for regional ownership of the regional programmes and the importance of regional execution by national, subregional and regional institutions, as well as the need to ensure sustainability in implementing thematic initiatives included in the regional cooperation programme. It requested the Administrator to present in 1998 a timetable for the mid-term review of all regional programmes and to include

in the strategy paper for each region a proposal on the methodology for the review. The Administrator was further requested to elaborate strategic guidelines for the development, implementation, monitoring and evaluation of a regional programme that would apply to all regions.

Programme planning and management

Change management: UNDP 2001

In March, the Administrator reported to the Executive Board on UNDP change management [DP/1997716/Add.7], a process begun in 1994 with an array of reforms aimed at recasting the organization's mission, priorities, programming arrangements and other defining characteristics. The purpose was to reposition UNDP on three fronts: as an effective partner in the new environment for development cooperation emerging after the cold war; as a unifying force to strengthen UN support for development; and as an effective voice for a revitalized system of international development cooperation. Those changes were undertaken simultaneously with efforts to build a leaner, more efficient and more accountable organization. After the first round of changes in 1994-1995, UNDP senior managers, having encountered some constraints to realizing the organization's new objectives, identified priority objectives for the next round in 1996-1997: to build a renewed organization that could get decisions made and implemented efficiently; to align UNDP values and structure with its new primary mission to help to eradicate poverty through SHD; to improve leadership styles and establish a culture among staff of efficiency, trust, learning, results-orientation, quality assurance and accountability; and to review and restructure its corporate and operational functions in order to provide the most cost-conscious, efficient and effective service to programme countries, the United Nations and the international community. That change management process, called "UNDP 2001", was intended to accelerate the directions that UNDP had already adopted.

The report proposed a number of changes to ensure the efficiency and effectiveness of UNDP country-level operations and strengthen the resident coordinator system, to mobilize resources on behalf of programme countries, to enhance programme focus and target resources for high-priority development needs, to insist on results-based management and monitoring of impact, to achieve efficiency gains, to strengthen accountability and performance measurement, to develop human resources, to develop infor-

mation systems that supported business processes and to restructure UNDP headquarters.

Following internal consultations on change management in the Executive Board, the Administrator issued a May report containing updated proposals [DP/1997/20]. He stated that the resident coordinator was accountable for the coordination of UN activities at the country level and would report to the Secretary-General through the UNDP Administrator. The UNDP regional bureaux would be responsible for the UNDP programme but not for the resident coordinator *per se*. The bureaux would support the operational activities of the resident coordinator as co-owners of the resident coordinator system. Such operational and system-wide activities would include: preparation and monitoring of the country strategy note (CSN); increased attention to common country assessments; and support for the round-table and Consultative Group meetings.

Under the UNDP resource mobilization strategy, the principle of the resource mobilization target (RMT), part of each CCF, acknowledged that UNDP core resources alone were insufficient to make a significant difference in the fight against poverty. Country offices would be asked to give more attention to RMT in order to attract more funds for nationally defined SHD goals. Resource mobilization would be undertaken with the support of the programme country Government. Funds raised by UNDP in support of the resident coordinator function did not need to be channelled through the organization but should serve the goals of promoting SHD, the report stated. Resident representatives would be accountable for ensuring that all resources mobilized at the country level fitted into the UNDP SHD framework, met the same criteria applied to all programmable resources and supported approved CCFs. Non-core resources would remain subject to Executive Board scrutiny through mid-term reviews and programme evaluations. Resident representatives should leverage resources within CCFs as part of their regular programme work, and performance appraisals should provide incentives to encourage them to identify legitimate opportunities for mobilizing non-core funds at the country level.

Noting that country offices needed context-sensitive technical support to help countries to achieve SHD goals, the report proposed a sub-regional resource facilities (SURF) system that would relocate the technical backstopping of country offices from headquarters to the sub-regional level. A technical group was formed to address issues arising in the SURF system, including costs, and final number of and criteria for the

location of the facilities. The system was a service to country offices, placing two technical functions—expert referrals and the capture of best practices in SHD—in subregional nodes linked to a small global hub at headquarters.

It was proposed that the independence and effectiveness of the UNDP evaluation function would be ensured by: maintaining the Evaluation Office as a separate unit reporting directly to the Administrator; using professional evaluators; reporting annually on evaluation plans and compliance rates; holding regional bureaux and resident representatives accountable for compliance with evaluation schedules; and providing for sanctions in cases of non-compliance. The relationship between evaluation and learning from past experience would be promoted.

UNDP had considered the possibility of decentralizing the regional bureaux in the field because it concluded that, in theory, only headquarters units needed to be located in New York. However, the decision on their relocation was postponed until the end of the 1998-1999 biennium and would be reviewed in the light of the results of the change proposals.

The report defined the roles of two units within UNDP—the Office of United Nations System Support and Services and the Emergency Response Division (ERD). The former would develop into an inter-agency unit and would support and monitor the performance of the resident coordinator system in humanitarian situations on a UN-wide basis. ERD would deal with the specific emergency responses and functions of UNDP.

Having considered the two reports on change management, the Executive Board on 23 May [E/1997/33 (dec. 97/15)] commended the Administrator and the UNDP staff for the change management process and its overall direction, which aimed to improve services through decentralization of decision-making and responsibilities to the country level and enhanced accountability measures. The Board recognized that UNDP change management should be undertaken within the ongoing UN reform process and stressed that national plans and priorities constituted the only viable frame of reference for the national programming of operational activities within the UN system. It also stressed the need to take into account the outcomes and commitments of relevant UN conferences, and the individual mandates of UN bodies, as well as the importance of financial, individual and performance accountability in UNDP.

The Board welcomed UNDP measures to improve its capacity to support the resident coordinator system and requested UNDP to continue

consultations with other funds and programmes on their roles and ownership in that regard.

Emphasizing the importance of core resources as the foundation of the UNDP resource base, the Board stressed that, in pursuing resource mobilization, UNDP country offices should not compromise their primary role of programme delivery. It welcomed the decision to establish a separate Evaluation Unit and the clearer link being made between evaluation, lessons learned and programme enhancement. The Board emphasized that the implementation of the human resource development policy of the change management process should be in accordance with the existing provisions of the UN common system.

Welcoming the Administrator's proposals to strengthen the country focus and operations of UNDP, the Board underlined the need for the change management process to take into account existing decisions and policies on capacity-building and national execution. It supported the phased introduction of a small number of subregional resource facilities and requested the Administrator to report to the Board in 2001 on an evaluation of the functions and impact of the facilities. The Administrator was requested to provide an interim report in 1998, through the Advisory Committee on Administrative and Budgetary Questions, on the budgetary and human resources implications and efficiency gains occasioned by the phased introduction of the facilities. While establishing the subregional resource facilities in phases, UNDP should take into account the diversity of circumstances; the need to involve national expertise; the need to avoid duplication; and the demand-driven nature of those facilities. The Board requested the Administrator to report on the criteria for staffing country offices and to identify any additional functions.

The Board urged the Administrator and UNDP staff to implement change management while maintaining the primary focus on programme delivery and quality at the country level. It requested the Administrator to incorporate change management into budgetary and corporate planning and to report thereon to the Board in 1997 in the context of the biennial budget. He was also asked to provide an updated implementation plan with quantifiable targets and to report on the implementation of the Board's current decision at each session. The Board noted the Administrator's proposal on focusing UNDP activities and core development services that were still subject to the Board's discussion without losing momentum in the change management process and programme delivery, and requested the Administrator to prepare a report for discussion in 1998. He was asked to include in the report requested

in 1996 [YUN 1996, p. 785] further analysis of implications resulting from the change management process on the future policy direction of UNDP, including the role of UNDP in implementing programmes and projects, national execution and resource mobilization at the field level.

Communication and information policy

In a March report [DP/1997/17], the Administrator outlined progress achieved in implementing the UNDP communication and advocacy strategy, as approved in 1995 by the UNDP Strategy and Management Committee, and provided information on steps taken to address various issues covered by a 1996 UNDP decision on the subject [YUN 1996, p. 769]. Progress in implementing the strategy, which aimed to raise public awareness and appreciation of UNDP activities within the larger framework of the UN role in development, had been made in the areas of building internal capacity for public information and advocacy; extending outreach to the media; and strengthening advocacy and building partnerships. Action had also been taken with regard to the production and distribution of publications.

To increase its internal capacity, UNDP had appointed a public affairs officer in nearly every country office, provided public affairs training for staff in every region, drawn up communication and advocacy strategies for more than 100 UNDP country offices, and instituted a weekly news bulletin, UNDP FLASH!, which was being distributed electronically in six languages. In countries with both a UN information centre (UNIC) and a UNDP office, public affairs activities were coordinated so that the United Nations was seen to speak with one voice.

As to extending outreach to the media, UNDP was working to build relationships with locally based media through press conferences, b r i e f

tions and visits to project sites. In order to increase radio and television coverage of UNDP, the half-hour television documentary series, AZIMUTHS, was produced 10 times a year and aired in over 180 countries; 30-second public-service announcements and video press releases were widely distributed to broadcasters; and radio and television coverage of the launch of the annual Human Development Report, UNDP work in crisis areas and special UN days was mobilized. Other activities included organizing conferences on such themes as governance and gender with leading institutions of higher learning, strengthening ties with parliamentarians, building alliances in its fight against poverty with donor countries and organizations, and outreach to the private sector.

Of the numerous UNDP publications, only a few were produced on a recurring basis: UNDP FLASH!; CHOICES (a quarterly magazine); Illustrated Annual Report; and periodic newsletters issued by some units. Since 1994, UNDP publications had been coordinated by a Publications Board. By the end of February 1997, the Board had reviewed 35 publications and two series of publications. It had made various suggestions, including recommendations to revise content, adjust design to comply with UNDP format, add language versions, increase accessibility by expanding production, and improve distribution. The Board also discussed electronic publishing and approved interim guidelines for Internet publishing.

With regard to linguistic balances, the report stated that most general publications were issued in the three working languages of UNDP: English, French and Spanish. Other language versions might be produced either on demand or for specific projects involving particular target audiences. Linguistic balances were also taken into account in implementing the advocacy and media dimensions of the strategy. As to accessibility, UNDP distributed its publications through: bulk copies being sent to country offices and UNICs; copies being sent to individuals on the UNDP mailing list (consisting of some 30,000 recipients); and copies being handed out at major conferences, briefings, meetings and other venues. Most publications were free of charge. Those for sale were distributed through outside publishers or distributors. With regard to electronic dissemination of information, which was of increasing importance, UNDP had a home page on the Internet and all 134 UNDP country offices had been encouraged to establish a Web site, some 20 offices having done so. On the programme side, initiatives such as the Sustainable Development Network Programme were making development information accessible to ever-larger numbers of people in a growing range of locations.

The change management exercise had reached four major conclusions on external communication and public affairs: communication and advocacy were essential to let the public and UNDP stakeholders know about the UNDP role in helping to achieve SHD; public affairs and advocacy were inextricably linked with resource mobilization; creating an information and advocacy culture within UNDP was critical and had to be embraced by all staff; and additional resources had to be allocated for those purposes. Recommendations to overcome constraints to public affairs included: identification of UNDP promotional messages to be used in contacts with the media; strengthening of linkages among staff

working on policy, operational and media matters; encouragement of staff to develop and communicate clear messages on the UNDP role; and more funding for communication and advocacy.

The UNDP Publications Board continued to work on policy guidelines for publications, looking closely at issues raised in the 1996 decision, namely, prioritizing publications, given UNDP financial and human constraints; avoiding duplication with other UN publications; and expanding accessibility to UNDP publications and their language versions through electronic dissemination and other means.

On 23 May [E/1997/33 (dec. 97/17)], the Executive Board welcomed the process initiated by UNDP leading to an improved strategy for communication and information policy and recognized the changes that had taken place since 1995 in creating better awareness for UNDP and the UN system in the media and in the area of advocacy. The Board stressed that such a strategy must be applied throughout UNDP and that its application should be monitored. It emphasized that more targeted, accurate, clear and frank public information was needed to generate support for increased resources for UNDP and stressed that strategic targeting of the communication and information activities was essential to make the most effective use of resources. It also stressed the importance of linguistic balance in electronic dissemination of information. The Board welcomed the proposals for monitoring and evaluation that were integral parts of information and communication activities and needed to be strengthened. It urged the Administrator to improve the focus and quality of public information on the impact of UNDP activities at the country level and to develop new types of statistics and publications to that end, including indicators of impact. The Administrator was asked to ensure that UNDP efforts in that regard were coordinated with those of the UN system, with a view to strengthening consistency in communication, and to report in 1998 on progress in developing and implementing the UNDP communication and information policy with particular reference to the implementation of the relevant change management recommendations (see above), including budgetary implications.

Target resource earmarkings for 1997-1999

In response to a 1995 Executive Board request [YUN 1995, p. 896], UNDP had provided in 1996 preliminary figures on the target for resource assignment from the core (TRAC) earmarkings for 1997-1999 for individual recipient countries. The revised and final figures were provided to the Board's March 1997 session [DP/1997/8].

Regarding indicative planning figures, UNDP would consider revisions to the gross national product (GNP) per capita for resource distribution purposes only within a period of one year after the establishment of the TRAC earmarkings. Thereafter, a revision would be considered only if it varied 10 per cent from the original estimate or if such a revision would lower the GNP per capita below one of the thresholds that were of special significance for calculations, or for the establishment of government obligations for local office costs. No downward revision of established figures was made where there had been increases in estimates of GNP per capita.

The 1994 per capita GNP estimates for 45 countries had been revised downward, resulting in higher TRAC earmarkings for 14 countries. For the remaining 31 countries, all middle-income except one, the change in GNP per capita did not result in higher earmarkings, since their TRACs were determined by the floor principles established in 1995 and their revised lower per capita GNP remained above the pertinent floor thresholds. The increase in TRAC resources for the 14 countries amounted to \$36.97 million for the three-year period. The floor data of two countries, South Africa and Suriname, had been corrected, resulting in an additional \$2.27 million in TRAC earmarkings.

In 1995, the Executive Board established an unallocated reserve of \$25 million for the three-year period to finance, among other things, upward revisions of 1994 basic data. Allocations resulting from adjustments totalled \$8.25 million. Consequently, the remaining \$16.75 million in the reserve could not fund the additional amount of \$37.98 million in TRAC earmarkings. The Administrator suggested that the unfunded portion of \$21.23 million be considered in the light of UNDP's resource planning processes and be accommodated in the context of future assignments from the budget line and/or further adjustments in TRAC earmarkings.

The report listed the preliminary and final earmarkings for regions and individual countries for the TRAC budget lines for 1997-1999. By region, 47 per cent of the total TRAC of \$ 1.663 billion would be used in Africa, 33 per cent in Asia and the Pacific, 8 per cent in the Arab States, 7 per cent in Latin America and the Caribbean, and 5 per cent in Europe and CIS. Sixty per cent was assigned to the least developed countries. The Administrator noted that the TRACs of net contributor countries (NCCs) would need to be reviewed after the accounts for fifth cycle (1992-1996) obligations and payments had been finalized. Thus, for NCCs that already had that status in the fifth cycle, the Administrator would

reduce their reimbursable TRACs by any unfulfilled net contributor obligations in the cycle.

An important element of the successor programming arrangements was the assumption of an initial \$3.3 billion financial envelope for total core resources for 1997-1999, or an average annual figure of \$1.1 billion. The TRAC figures for regions and countries were based on that financial framework; however, for prudent resource planning, the TRAC earmarkings would be based on an estimated \$1 billion in average annual contributions for 1997-1999.

On 14 March [dec. 97/10], the Executive Board took note of the report on TRAC earmarkings.

Internal audit and oversight

In March, the Administrator transmitted to the Executive Board the first annual report on internal audit and oversight services [DP/1997/16/Add.6] provided by the UNDP Division for Audit and Management Review (DAMR) for the year ended 31 December 1996. The sections of the report on internal audit, oversight and accountability, organization and resources, and quality service initiatives applied equally to UNDP, UNFPA and the United Nations Office for Project Services (UNOPS), as DAMR also provided internal audit and oversight services for the latter two organizations.

In 1996, DAMR issued 209 reports and had 84 works in process at the end of the year. It initiated 179 projects during the year. The Division provided internal audit services to 70 country offices and issued 91 internal audit reports, which contained 2,011 recommendations, as compared to 48 audit reports containing 1,402 recommendations in 1995. Of the 1996 recommendations, 1,663 were accepted by those audited and had been or were being implemented. The recommendations dealt with organization and financial operations, programme matters, general administration, personnel administration and office automation.

In the area of organization and financial operations, DAMR identified the following issues: the unclear relationship between resident coordinators and UNIC directors; the need for adjustments to cover emerging functions and functions that needed to be strengthened in line with the changed priorities in UNDP; structural changes coupled with the application of the Financial Information Management (FIM) system were needed to minimize duplications between the finance sections of country offices and the programme support units; the Division of Finance and DAMR were in the process of reviewing the functions of certifying and approving transactions with a view to clarifying the respective re-

sponsibilities of certifying and approving officers; certain internal financial controls needed to be improved; rules and safeguards regarding the transfer and replenishment of large amounts of cash at country offices needed to be established and strengthened; and UNDP headquarters needed to keep track of cooperatives and commissaries in the field.

Programme resources management was another area of concern because two systems were used in country offices causing much duplication of work. In addition, there was a need to improve the monitoring of programme/project expenditures. The report noted that cost-sharing contributions were frequently not received on time, due to lack of compliance with UNDP policy as well as lack of internal controls. The latter issue could be resolved through the application of FIM.

In the area of general administration, DAMR considered that more flexibility should be given to country offices in formulating specific procedures according to local situations, based on policies decided upon by the Board or headquarters. A Manual of Operations Management was being formulated for that purpose. Control of official vehicles, inventory control and management, and medical insurance were other issues that required better internal oversight. Reform of employment contracts was needed and was being addressed. Guidelines on investigations in cases where staff members were engaged in unsatisfactory conduct were already being prepared, as DAMR had recommended.

During 1996, a total of 42 Letters of Evaluation were prepared as a result of DAMR review of audit reports submitted and DAMR undertook 12 audit missions or reviews. Major issues arising from the audit missions were: capacity assessment by country offices was not undertaken consistently before engaging in the national execution modality; there was a lack of instructions on UNDP policies and procedures; failure to familiarize all parties concerned with the national execution financial accounting system; delayed delivery by UNDP of year-end financial statements; failure to transfer UNDP expertise to project management and insufficient financial and management oversight by some country offices of project operations; and implementation of projects by autonomous institutions that were not included in the chain of accountability. Those issues were being addressed during the ongoing process of revising the guidelines on national execution and DAMR would follow up on them.

The timeliness of the submission of audit reports by countries remained a major difficulty. Only 11 countries with audited expenditure of

\$122.7 million provided their audit reports by the deadline of 30 April 1996. In total, for the financial year ended 1995, DAMR received during 1996 audit reports from 70 countries with audited expenditure of \$405 million out of a total reported expenditure of \$634.8 million.

On 23 May [dec. 97/16], the Executive Board welcomed the format of the report on internal audit of UNDP. It took note of the report and of the observations made by delegations during its debate, and supported the Administrator's proposals to strengthen the internal audit function of UNDP.

Financing

In 1997, the Executive Board approved the zero-growth biennial support budget for 1998-1999, following the 19 per cent reduction in real terms implemented during 1992-1997. The budget was presented for the first time in a newly developed format that was fully harmonized with the budget presentations of UNICEF and UNFPA. The budget incorporated strategic redeployment of resources to finance major change initiatives from within the overall budget envelope.

The UNDP Administrator, in his annual review of the financial situation in 1997 [DP/1998/29 & Corr.1 & Add.1], described the state of UNDP finances at the end of the year and gave financial forecasts for 1998 and 1999. Regular resources activities were defined as those activities financed from voluntary contributions and related interest earnings and miscellaneous income. That category comprised core activities and the Special Measures Fund for Least Developed Countries (SMF/LDC). Other resources activities were those activities financed from sources other than regular resources; they were earmarked for specific programmes and included cost-sharing, government cash counterpart contributions and trust funds established by the Administrator.

In 1997, total expenditure exceeded the total income earned, leading to a drop in the available resource balance. Total income for the year was \$778.1 million, as compared with \$887.1 million for 1996, a decrease of 12.29 per cent. Total expenditure amounted to \$960.9 million, as compared with \$846.9 million in 1996, an increase of 13.46 per cent, leaving a shortfall of income over expenditure of \$182.8 million. When provision was made for assets write-down, the shortfall rose to \$197.2 million.

Voluntary contributions to regular resources (inclusive of SMF/LDC) fell by 10.3 per cent (\$87.1 million) to \$760.9 million in 1997. The decrease was due to reduced pledges for 1997 and to the strength of the United States dollar, which strengthened overall by 13 per cent in 1997. The

Administrator expressed concern about the timing of payments of contributions, especially those not denominated in United States dollars, which were often remitted later in the year, thus undermining the ability of UNDP to protect the value of the contributions through hedging and other risk-management strategies. About \$28 million in pledges was unpaid at the end of 1997.

Programme expenditure in 1997 increased by 21 per cent to \$654 million as against \$537 million in 1996. The use of the national execution modality continued to rise, in line with UNDP objectives, accounting for 55 per cent of total programme expenditure in 1997 (\$363 million) compared to 51 per cent in 1996 and 41 per cent in 1995. The share of regular resources programme expenditure for UNOPS, which rose from 19 per cent in 1994 to 25 per cent in 1996, remained stable at 25 per cent (\$162 million) in 1997. In contrast, the five largest UN specialized agencies continued to experience decline in delivery of programme activities. In 1997, \$76 million or 12 per cent of all programme activities were undertaken by those agencies, down from 29 per cent in 1994 (\$155 million in expenditure).

Programme expenditure increased in all regions except Latin America and the Caribbean. Africa accounted for the largest portion of expenditure, and that amount grew from \$222 million in 1996 to \$278 million in 1997. Expenditure in Asia and the Pacific increased from \$173 million in 1996 to \$201 million in 1997; in the Arab States, expenditure increased from \$34 million to \$64 million; in Europe and CIS, the figure rose from \$28 million to \$37 million; and in Latin America and the Caribbean, expenditure decreased from \$47 million to \$42 million.

Programme support paid to implementing agents dropped to \$53.7 million in 1997 from \$59.3 million in 1996, as a consequence of the increase in national execution and in the capacity of programme countries to implement projects/programmes, and of the new successor arrangements mandating that implementing agents earn not more than 10 per cent of project costs as programme support costs.

As at 31 December 1997, unexpended resources for regular resources activities amounted to \$285 million, compared to \$512.8 million a year earlier, a reduction due to both an increase in programme expenditure and the decrease in voluntary contributions. The balance of unexpended resources at the end of 1997 was the pool of resources available on that date to finance the organization's activities; however, the availability of that balance depended on the degree of liquidity of the assets held. Investments repre-

sented the largest component (\$257.5 million) of the unexpended resource balance.

The other resources activities comprised mainly third-party cost-sharing, government cost-sharing, government cash counterpart contributions, trust funds, management services agreements and Junior Professional Officers. Continuing the upward trend of the previous few years, contributions for cost-sharing activities increased from \$801 million in 1996 to \$941 million in 1997. Of the \$941 million received in 1997, \$843 million was attributable to programme country Governments (an increase from \$701 million in 1996) and \$98 million to third-party cost-sharing (a decrease from \$100 million in 1996). Programme expenditure for other resources activities rose to \$850 million in 1997 from \$667 million in 1996. Unexpended resources for those activities rose from \$515 million in 1996 to \$573 million in 1997.

Budget estimates 1998-1999

The Administrator submitted an August report [DP/1997/23] to the Executive Board on budget estimates for the biennium 1998-1999, which were presented in a new format as approved by the Board in January [E/1997/33 (dec. 97/6)] (see below). The proposed budget did not incorporate growth in real terms. Taking into account an increase in estimated income, the new budget in net terms was projected to be within less than 2 per cent of the net budget approved for 1996-1997. The budget proposals incorporated important elements, including an organizational restructuring, which supported the implementation of the UNDP 2001 change management process (see above). The relative share of the budget relating to country offices further increased with staff resources redeployed from headquarters. Thus, the budget supported the new direction of internal change in UNDP towards a country focus, increased effectiveness, and improved efficiency, accountability and management.

With regard to financing the implementation of change, the Administrator was committed to containing costs within the proposed no-real-growth budget. Therefore his proposals incorporated redeployment of existing resources. Should a need for additional resources be identified, the Administrator planned to pursue opportunities for identifying those resources primarily from donors that had expressed interest in supporting specific activities.

After six years of steady and time-consuming downsizing, the Administrator believed that further downsizing and budget cuts were not warranted. Further reductions would seriously affect the ability of UNDP to maintain its country office

network, particularly at a time when the workload in country offices had increased and the new legislated responsibilities of UNDP with regard to the resident coordinator system had expanded. However, since future official development assistance (ODA) and UNDP regular resources remained uncertain and difficult to predict, the Administrator recognized that, should ODA levels continue to decline with further declines in UNDP regular resources, another round of downsizing might be inevitable.

Net budget estimates for 1998-1999 amounted to \$527.3 million, an increase of less than 2 per cent of the approved estimates for the 1996-1997 biennium. Of the total budget, 77.7 per cent related to support to UNDP core programme activities while 22.3 per cent related to support to UN operational activities. The component relating to management and administration represented 21.2 per cent of the gross budget estimates. Resources allocated to country offices increased from 62.6 per cent to 64.5 per cent of the total budget.

The total number of staff was projected to increase from 4,055 to 4,064 owing to an increase in national Professional staff in the field, partially offset by a decrease in international staff. Programme support constituted 87.1 per cent of the total. Of those, 94.6 per cent were located in country offices and 5.4 per cent at headquarters. Total staff located in country offices was 82.9 per cent of the total and staff located at headquarters was 12.1 per cent of the total. The remaining 5 per cent were accounted for by the United Nations Volunteers and the Inter-Agency Procurement Services Office.

An overall resource planning framework was approved by the Board in 1995 [YUN 1995, p. 896], setting a target for contributions to UNDP regular (core) resources of \$3.3 billion for 1997-1999; however, the Administrator was concerned that the target for contributions to UNDP regular resources would not be reached, primarily as a result of possible overall trends in ODA. He had reviewed what the impact of different budget scenarios would be on the overall distribution of resources.

With regard to government contributions towards local office costs, the Administrator stated that he aimed to achieve an increase in the collection of those contributions from some \$38 million in 1996-1997 to \$60 million in 1998-1999. As a means of encouraging host Governments to fulfil their obligations, the Administrator suggested a mechanism for that purpose—an authority for him to establish a linkage with the programme resources that were allocated to a host country that did not meet its obligations in full. Any

shortfall in contributions would be covered by a downward adjustment of the allocation of programme resources to the country concerned. The Administrator believed that that approach would provide an incentive for Governments to fulfil their obligations towards covering part of local office costs through direct contributions in cash since the obligations were payable in local currency. He also recommended a change in the method by which income taxes were paid for staff members to Governments in respect of income derived from the organization. Currently, the amounts reimbursed for taxes were a direct charge to the UNDP biennial budget, without any corresponding offset. Under the recommended approach, a portion of the voluntary contributions of the countries concerned and equivalent to the amount of income taxes reimbursed would be shown as income to the biennial budget.

Reporting on development support services (DSS)—a decentralized consultancy fund made available to resident representatives for programme support and development activities at the country level—the Administrator stated that the approved allocation of \$6.2 million was fully utilized during the 1994-1995 biennium. Over the biennium, 1,248 consultancies had been funded covering a total of 1,316 months.

In an August report on the 1998-1999 budget estimates [DP/1997/31], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) stated that the proposed estimates for 1998-1999 of \$599.4 million gross reflected a 7.7 per cent nominal growth over the 1996-1997 revised appropriations of \$556.5 million; in net terms, the increase was 1.7 per cent. Recalling that the Executive Board had set the target for contributions to UNDP at \$3.3 billion for 1997-1999, or an average of \$1.1 billion per year, ACABQ said that, as of 1 July 1997, taking into account adjustments to pledges and the current exchange rate, pledges received amounted to \$783.7 million.

ACABQ noted that the rate of growth of total resources was larger than the rate of growth of regular resources. Total resources had increased by 8 per cent (from \$5.2 billion for 1996-1997 to \$5.7 billion for 1998-1999) while regular resources had decreased by 11 per cent (from \$2 billion to \$1.8 billion). If that trend were to continue, ACABQ believed that the Administrator would have to monitor the policy implications, and most particularly the capacity of regular resources to absorb the impact and administrative costs of that type of expenditure. ACABQ believed that particular attention should be given to ensuring that a fair share of support was charged to non-regular resources, particularly in view of

the steady decrease in regular or core resources. With regard to proposals to increase projected income from \$38 million to \$72 million, ACABQ cautioned that no measures had been proposed in case that figure was not attained and it called for appropriate contingency measures. ACABQ recommended that the Administrator further review the methodology for compiling and analysing data in order to find a system that would improve the accuracy of estimates. In view of the unpredictable resource situation, ACABQ believed that UNDP's contracting for staff services, whether on a long- or short-term basis, should ensure the possibility of quick response to changes in programmes and resource level, thus obviating the need to pay high termination indemnities. It also stressed the need to ensure that disbursements conformed to available resources.

On 19 September [dec. 97/24], the Executive Board approved the Administrator's proposals on government contributions towards local office costs and took note of his report on DSS. It requested the Administrator, taking into account ACABQ recommendations, to ensure that all the heads of the regional bureaux were accorded the same rank and to amend the budget accordingly, and to review the number of high-level positions at headquarters.

The Board approved gross appropriations in the amount of \$590.6 million for programme support, management and administration and support to UN system operational activities, indicating that income estimates of \$72.1 million would be used to offset the gross appropriations. Net appropriations for the 1998-1999 biennial support budgets were thus estimated at \$518.5 million. The Administrator was authorized to re-deploy resources between appropriation lines up to 5 per cent of the appropriation line to which the resources were redeployed. The Board requested the Administrator to report in 1998 on progress in implementing the 1998-1999 biennial support budget, taking into account relevant developments, including UN reform, progress on the implementation of the UNDP 2001 change process, the review of levels of core contributions, the effect of currency exchange fluctuations, the nature and type of country presence, taking into account the operational complexity of the programme, and the Board's discussions on other resources and, at that time, to make any necessary recommendations.

Regarding the funds administered by UNDP, the Board approved gross appropriations for the 1998-1999 biennium for the United Nations Capital Development Fund (\$12.86 million), the United Nations Development Fund for Women (\$10.69 million), the Office to Combat Desertifi-

cation and Drought (\$5.85 million) and the United Nations Revolving Fund for Natural Resources Exploration (\$1.53 million). The Administrator was asked to report in 1998 on progress in implementing the 1998-1999 biennial support budget for each of the funds, taking into account relevant developments, and to make any necessary recommendations.

Review of 1996 financial situation

In July, the Administrator, in his review of the UNDP financial situation in 1996 [DP/1997/24], provided an overview of the situation at the end of that year as well as financial forecasts for 1997, 1998 and 1999. An addendum [DP/1997/24/Add.1] included detailed information on contributions to and expenditure from the UNDP account, on the net flow of contributions to each participating Government, on the shortfall of contributions to local office costs after application of the accounting linkage, on income and expenditure of all trust funds in operation in 1996, and on the Reserve for Field Accommodation.

The overall income structure of UNDP underwent a considerable shift in 1996, said the Administrator. The proportion of voluntary contributions fell to 49 per cent of income versus 57 per cent in 1995. The decline was offset by a relative increase in resources mobilized for specific activities, which accounted for 45 per cent of UNDP income. Those specific contributions included project and programme cost-sharing, contributions to trust funds and sub-trust funds, and management service agreements. The shift to specific contributions had created new management challenges, in particular by increasing the administrative workload of UNDP, since most of those contributions required specific financial control and reporting as well as the management of cost-apportionment mechanisms.

Total overall income for 1996 amounted to \$2,340 million. Voluntary contributions to the UNDP general fund declined to \$848 million from \$900 million in 1995, a decrease of 6 per cent. The lower level of voluntary contributions resulted from the lower level of 1996 pledges and was aggravated by late payments by donor countries and the appreciation of the United States dollar. At the end of the year, total contributions due totalled \$403 million (\$288 million due in 1996 and \$115 million due in prior years).

UNDP resource mobilization efforts, on the other hand, resulted in an increase in third-party cost-sharing income to the UNDP general fund, which amounted to \$100 million at the end of 1996, compared to \$68 million in 1995, a 47 per cent increase. Total resources mobilized as government cost-sharing to the UNDP general fund

increased in 1996 to \$701 million. Five countries (Argentina, Colombia, Brazil, Panama, Peru) accounted for 73 per cent of that amount. Excluding Latin American countries, government cost-sharing income amounted to \$47 million in 1996, a 4 per cent increase compared to \$45 million in 1995. In Africa, government cost-sharing resources decreased in 1996 from \$9 million to \$3 million. Except in the Latin American and Arab States regions, the level of resources mobilized under cost-sharing arrangements with Governments was generally lower than the level of resources mobilized as third-party cost-sharing. Interest income earned in 1996 for the UNDP account amounted to \$51 million compared to \$60 million in 1995. That did not include interest income earned on cost-sharing resources (\$17 million), which was accounted for under extra-budgetary income.

With respect to other programmes, total 1996 income amounted to \$589 million compared to \$467 million in 1995. Income received by funds and trust funds rose to \$394 million, a 26 per cent increase compared to \$313 million in 1995. Interest income earned by funds and trust funds amounted to \$25 million in 1996 compared to \$18 million in 1995.

Total programme expenditure increased to \$1,650 million in 1996 compared to \$1,391 million in 1995. Programme expenditure from general resources (activities financed by voluntary contributions) increased in 1996 to \$544 million from \$490 million in 1995, an 11 per cent increase. The increase in cost-sharing expenditure to \$667 million from \$504 million confirmed that programme countries with high levels of mobilized resources also had high levels of programme delivery. A breakdown of programme expenditure by executing agent demonstrated the continued shift to national execution, accounting in 1996 for 70 per cent of the UNDP general fund programme expenditure, compared to 60 per cent and 53 per cent in 1995 and 1994, respectively. The share of other UN agencies, regional and Bretton Woods institutions further declined in 1996 to less than 17 per cent of the UNDP general fund programme expenditure. Programme expenditures of funds and trust funds increased by \$20 million.

The excess of income over expenditure in the UNDP account declined from \$247 million to \$148 million, a 40 per cent drop compared to 1995. Since programme expenditure increased while voluntary contributions decreased, the continuing surplus of income over expenditure in the general fund was mostly due to the increase of cost-sharing contributions.

On 19 September [dec. 97/291, the Executive Board took note of the Administrator's report.

Audit reports

At its January 1997 session, the Executive Board considered the report of the UN Board of Auditors on UNDP for 1994-1995 [YUN 1996, p. 1296] and the report of the Administrator [DP/1997/3] on the follow-up to the Auditors' recommendations. The Administrator provided a tabular summary of recommendations listed by area of audit, namely, financial issues, reserve for field accommodation, national execution, budgetary performance, management of funds and trust funds, and internal audit. The table indicated the UNDP response to each recommendation, which was provided to the Auditors during the preparation of their report, as well as the status of any follow-up action and the target date for completion, as at the date of compilation of the UNDP report (October 1996).

The Executive Board, on 16 January [dec. 97/3], requested the UNDP secretariat to provide in 1998 an updated overview of the implementation of the Auditors' recommendations and an updated timetable indicating the dates when follow-up action would have been completed in areas that needed to be addressed, namely, audit of projects, reserve for field accommodation, national execution, budgetary matters, management of funds and internal audit. The secretariat was also requested to provide an annual update on the progress achieved in implementing the Auditors' recommendations.

Harmonization of budget presentations

At its January session, the Executive Board considered a report [DP/1997/2] on the harmonization of the presentation of the budgets of UNDP, UNFPA and UNICEF. The report contained the proposal of the UNDP Administrator and the UNFPA and UNICEF Executive Directors for a biennial support budget. The process of developing a common format was begun in response to a 1994 decision of the UNDP/UNFPA Executive Board [YUN 1994, p. 805]. The organizations reported that they had agreed on a common format for presentation of their biennial support budgets, common terms and definitions relating thereto and a common methodology for the preparation of budget estimates. The efforts leading to the proposal had concentrated on developing comparable and transparent budget information, as well as the need to ensure that the unique nature and requirements of each organization were not jeopardized.

The report included a budget mock-up, reflecting the agreed formats proposed for use by the organizations in preparing their 1998-1999 budgets. Under the proposed financial framework, the total resources of all three organizations were divided into two major groups—regular resources and other resources. Regular resources were resources required for activities and were appropriated by the Executive Boards following their own reviews and those of ACABQ. Other resources, in the case of UNDP, were cost-sharing and trust fund contributions. In order to place resources required for support activities in the context of the overall resources available to the organization, the biennial support budget included a resource plan with three sections: one covering total resources (both regular and other) available to the organization; the second on use of resources, giving estimates relating to programme activities; and the third providing a reconciliation between estimates included under the use-of-resources section and estimates covered by the biennial support budget.

The proposed appropriation structure for the biennial support budget estimates was outlined in the report. In determining the kind of information to be provided to support the appropriation request, it was considered that the key information needed in that respect was: estimates by appropriation line; estimates by organizational unit; and estimates by expenditure category. A proposed summary table reflecting estimates by appropriation line only was included in the report, as were a proposed format for gross appropriation estimates by organizational unit and another for gross appropriation estimates by expenditure category. The methodology for budget formulation adopted by UNDP included adjustments for volume, cost, currency and inflation. A proposed table was also included in the report, covering all posts and providing information by source of funds and organizational unit. Information was also provided on the level of resources to be used for electronic data processing requirements in the biennial support budgets.

Commenting on the above report [DP/1997/10], ACABQ endorsed the procedures whereby the related accounts would be modified to reflect the proposed definitions and structure of the harmonization proposals and encouraged the organizations to continue their collaborative approach in preparing reports on common issues. It encouraged the organizations to share their experience in the harmonization exercise with other UN development organizations so that greater consistency would be promoted in the presentation of their support budgets. The preliminary views of ACABQ were that the results pre-

sented in the report would contribute to a comprehensive and transparent budget proposal. It expected to pronounce itself in detail on the matter once the 1998-1999 biennial support budgets had been prepared using the proposed format.

On 17 January [dec. 97/6], the Executive Board approved the proposed format for the biennial support budget of UNDP and UNFPA.

Management services agreements

The Administrator reported in July [DP/1997/24/Add.2] on the status of management services agreements (MSAs), by which UNDP provided management and other support services at the request of recipient Governments. The report provided information on MSAs for 1994-1996, in response to a 1992 Executive Board decision [YUN 1992, p. 567] recommending that such reports be submitted triennially for review by the Board. The previous report on the status of MSAs was reviewed by the Board in 1994 [YUN 1994, p. 804].

The provision by UNDP through UNOPS of MSAs in support of projects funded by the World Bank, including the International Development Association (IDA), the Inter-American Development Bank (IDB), the International Fund for Agricultural Development (IFAD), individual donor countries and recipient countries themselves, had become a routine mechanism for the utilization of development resources. MSAs were used, for example, for contracting for services and works for implementing structural adjustment projects, contracting expertise and training services for Governments, procuring equipment and building infrastructure.

The total cumulative value of projects implemented through the MSA modality, excluding those funded by IFAD, reached over \$ 1.5 billion at the end of 1996. That figure corresponded to nearly 300 projects implemented in 62 countries in all regions, of which 101 were ongoing at 31 December 1996; the balance were in the process of becoming operational or having been completed. The total number of active projects implemented under the MSA modality had steadily increased until 1992, when the subsequent downward trend brought the number of active projects in 1996 down to 97, equivalent to the 1991 figure. While overall project expenditures increased threefold over the period 1987-1996, expenditures under projects funded by individual donor countries had steadily declined. During 1990-1996, the number of active projects funded by individual donor countries decreased by 50 per cent, while expenditures on those projects decreased by 82 per cent, indicating a tendency towards projects of lesser dollar value. Programme countries, on the other hand, were increasingly

interested in using the MSA modality to implement activities funded by the national budget. Expenditures on MSA projects funded by programme countries had grown from less than \$1 million in 1992 to over \$35 million in 1996.

Japan remained the principal funder of MSA activities, having contributed \$34.03 million in 1994 for seven new projects, \$94.34 million in 1995 for eight new projects, and \$85.64 million in 1996 for nine new projects and one ongoing project. Other donors (Australia, Canada, Denmark, Italy, Spain, Sweden, Switzerland, United States) contributed a total of \$2.88 million in 1994 to two new projects, \$24.27 million in 1995 to 10 new projects and \$4.09 million in 1996 to two new projects and one ongoing project.

The total cost to UNDP and UNOPS of providing management services continued to be borne by the funding source. Management fees were calculated on a project-by-project basis and subdivided between UNOPS and UNDP, including UNDP country offices, according to the cost incurred by each organization for services provided to support MSA projects. The report, which included tables indicating cost recovery and distribution for MSA projects, as well as source of funding, stated that MSAs continued to increase the ability of beneficiary countries to utilize development resources and helped to guarantee that a greater proportion of external assistance was synchronized with their development priorities. For that reason, the Administrator recommended the continued utilization of the MSA modality.

On 19 September [dec. 97/29], the Executive Board recommended that the Administrator continue the MSA modality.

Procurement

In September [DP/1997/25], the Administrator notified the Executive Board of the availability of information on major equipment ordered and subcontracts awarded in 1996. Information for 1997 was contained in the Annual Statistical Report 1997 prepared by the Inter-Agency Procurement Services Office.

In 1997, total procurement of goods and services for UNDP technical cooperation programmes reached \$628.7 million, a significant increase from \$457.9 million in 1996 and \$303.4 million in 1995. Procurement from developing countries of those goods and services amounted to 66.5 per cent of total procurement, down in percentage terms from 73.9 per cent in 1996, but up in absolute terms (\$418 million as compared with \$335.7 million in 1996). Total procurement by the UN system for all operational activities (technical cooperation, humanitarian assistance and peace-

keeping operations) during 1997 was \$2.9 billion, and the share of procurement from developing countries was 41.4 per cent, as compared with \$2.7 billion and 44.8 per cent in 1996.

By a 19 September decision [dec. 97/29], the Board took note of the report on subcontracts and equipment.

Other technical cooperation

UN activities

In March 1997, the Department for Development Support and Management Services—the technical cooperation arm of the UN Secretariat—was incorporated into the newly created Department of Economic and Social Affairs (DESA).

During 1997, DESA had 1,342 technical cooperation projects under execution in a dozen substantive sectors, with a total project expenditure of \$76 million. Projects financed by the United Nations Development Programme (UNDP) represented \$50.7 million; those by trust funds, \$22.2 million; and by the United Nations Population Fund (UNFPA), \$3.1 million.

On a geographical basis, the DESA-executed programme included expenditures of \$23.9 million in the Middle East; \$23.5 million in Africa; \$16 million for interregional and global programmes; \$7.4 million in Asia and the Pacific; \$2.9 million in Europe; and \$2.3 million in the Americas. Project delivery in the Middle East, which included expenditures of \$11 million for the Iraq programme, was the largest, with a 31 per cent share of total delivery.

Distribution of expenditure was as follows: economic policy, \$16.4 million; energy, \$15 million; the associate expert programme, \$13.5 million; water, \$9.4 million; public administration, \$7 million; statistics, \$4.3 million; social policy, \$3.5 million; infrastructure, \$2.2 million; minerals, \$1.9 million; public finance, \$1.7 million; programme support, \$0.8 million; and population, \$0.3 million. Of the total delivery of \$76 million, economic policy comprised 22 per cent; energy (including the Iraq programme) comprised 20 per cent; and the associate expert programme, 18 per cent.

On a component basis, DESA delivery in 1997 included \$46.9 million for project personnel; \$18.4 million for equipment; \$4.3 million for training; \$4.2 million for subcontracts; and \$2.2 million for miscellaneous expenses.

UN Office for Project Services

The United Nations Office for Project Services (UNOPS), which became a separate entity within the United Nations on 1 January 1995 after having operated under UNDP direction, was a fully self-financing operation, with no assessed budget funding. In 1997, it was managing more than 2,000 projects in 146 countries, with project budgets in excess of \$1 billion.

1997 activities

The UNOPS Executive Director, in his annual report to the UNDP/UNFPA Executive Board covering 1997 activities [DP/1998/24 & Add.1,2], stated that UNOPS had come close to or had surpassed its 1997 financial targets and had operated in accordance with the self-financing principle.

Following the all-time high of \$533 million of new business acquired in 1996, the target for 1997 was set at \$573 million. That target was reached in October, and by the end of the year business acquisition amounted to \$705 million, exceeding the target by 23 per cent. The highest growth rate was registered for clients from the UN system other than UNDP although their share was less than 10 per cent overall. A significant increase was also reported in projects funded from UNDP core resources, which, at a total of \$374 million, represented twice the amount acquired in 1996. Management Service Agreements (MSAs) carried out on behalf of UNDP, on the other hand, dropped by over \$65 million, with new acquisitions amounting to \$158 million. That was the first decline in the acquisition of new MSAs, which had for over 10 years been the mainstay of UNDP non-core resources channelled through UNOPS. New Global Environment Facility projects (see PART THREE, Chapter VII) had dropped sharply, while those from the 1987 Montreal Protocol [YUN 1987, p. 686] on reducing the effects of ozone depletion had dropped slightly. New trust fund projects had risen in value in 1997.

The value of the total UNOPS portfolio, including loan administration (services only), reached \$3 billion. In 1997, there were 19 new loans, amounting to \$261 million, added to the UNOPS portfolio, bringing total acquisition during the year to \$964 million. The value of loans administered on behalf of the International Fund for Agricultural Development (IFAD) amounted to \$1.6 billion, exceeding for the first time the amounts of funds entrusted to UNOPS under the project portfolio.

With regard to delivery, the 1997 target was set in the Business Plan at \$500 million against funds entrusted for 1997. Provisional data indicated a delivery of \$464 million, yielding a delivery rate

of 93 per cent of the target. Delivery in the UNDP core budget portfolio, which had reached a record level of \$179 million in 1996, continued to grow and reached \$208 million in 1997. In addition to funds handled on behalf of clients, UNOPS issued an all-time high of \$147 million in disbursement authorizations under IFAD loans, bringing total delivery in 1997 to \$611 million.

Income was estimated at \$40.6 million in the 1997 Business Plan and provisional data indicated that income would be approximately \$40.5 million. As in previous years, the largest portion of income (87.2 per cent) was generated by project execution. The services-only category accounted for 10.1 per cent and other (mainly interest on the operational reserve) for 2.7 per cent of income. Owing to the increase in demand for services from UNDP in 1997, the share of income generated from funds owned by UNDP increased from 81 per cent in 1996 to 84 per cent in 1997.

The target for administrative costs had been set at \$38.5 million and preliminary data indicated that those expenditures amounted to \$35.3 million. Factors contributing to the lower-than-expected amount were a reduction in UNDP central service costs for the 1996-1997 biennium obtained entirely in 1997, and a lower-than-anticipated expenditure on the development and implementation of information systems. The overall average administrative overhead rate, representing administrative costs incurred for project services rendered, was, as in the previous two years, less than 7 per cent.

The Executive Director reported that overall financial performance in 1997 had again come very close to the targets set in the Business Plan and, in some instances, had even gone slightly beyond. Important performance marks were crossed for the first time, such as the \$900 million mark for total acquisition, \$600 million for delivery and \$40 million for income. Most significantly, in 1997 UNOPS was again able to operate in accordance with the self-financing principle.

Consistent with the principle that UNOPS should be available to the UN system as a whole, demand had evolved for new services. In 1997, UNOPS began providing services to UN entities whose responsibilities went beyond the area of development cooperation. New clients included the Department for Political Affairs, the Department of Peacekeeping Operations and the former Department of Humanitarian Affairs. Responding to the demand for demining activities in Angola, Bosnia and Herzegovina, Cambodia, Croatia, Iraq and Mozambique, UNOPS established a Mine Action Unit that combined technical, managerial and legal expertise. Programmes involved mine detection and clearance,

training of demining personnel, mine awareness and rehabilitation for victims. In the area of training, UNOPS designed a number of courses in the framework of its own activities in project management, contracting and procurement.

Budget estimates

In a July report [DP/1997/29], the Executive Director presented revised 1996-1997 budget estimates and 1998-1999 budget estimates for UNOPS. The revised budget estimates for 1996-1997 proposed an increase from \$65.4 million to \$70.6 million. The budget estimates for 1998-1999 were for \$84.7 million. The budget projections were based on the expectation that UNOPS would continue to operate in accordance with the self-financing principle.

For the 1996-1997 budget, funds committed by UNOPS clients for implementation of projects by UNOPS (known as the project portfolio) amounted to \$1.4 billion at the beginning of 1997. In addition, UNOPS administered loans on behalf of IFAD valued in excess of \$1.5 billion, bringing the overall value of development funds for which UNOPS assumed responsibility to nearly \$3 billion.

Income came from two main sources—project implementation and "services only" activities. It had been projected at \$67.2 million for the biennium, but was revised to \$77.4 million. In 1996, project delivery totalled \$430.8 million, which generated an income of \$31.6 million; in 1997, the Business Plan target for project delivery was \$500 million, with an income projection of \$35.3 million. Income in 1996 from services rendered to IFAD for loan administration and supervision of its projects totalled \$3.3 million, and income from that source was projected at \$4 million for 1997. Other income came mainly from interest and was projected at \$1.3 million in 1997.

The approved administrative budget for the 1996-1997 biennium was \$65.4 million. Actual expenditure for 1996 totalled \$32.2 million and projected administrative expenditure for 1997 was \$38.5 million. The increase of \$5.2 million would be met by UNOPS income. Differences from the approved budget were attributed to: the need to increase staff due to a greater volume of business; the establishment in 1997 of an office in Abidjan, Cote d'Ivoire; reimbursements to UNDP for providing services to projects implemented by UNOPS; and upgrading information systems.

For the 1998-1999 biennium, UNOPS anticipated that its portfolio, delivery and income levels would remain in the same order of magnitude as those expected for 1997. That forecast was supported by the 1997 Business Plan projections. Both income and administrative costs were pro-

jected at \$84.7 million for the biennium owing to the budgetary impact of the impending information system project and the funding principle that all UNOPS surplus income would be applied to that long-term investment.

In an August report on UNOPS budget issues [DP/1997/28], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) commented on the revised 1996-1997 budget and the 1998-1999 budget. It believed that the division of labour between UNOPS and UNDP merited some review in the light of the latter's newly defined emerging dual role. ACABQ stressed the need for UNOPS to diversify its portfolio. For the 1998-1999 biennium, it doubted that the increases in project delivery experienced in 1995 and 1996 could be sustained. Regarding the proposal to open a new field office, ACABQ believed UNOPS should explore the possibility of sharing common premises and services with other agencies in the field. It also trusted that UNOPS would investigate other electronic data processing systems already in use elsewhere in the UN system to determine if they could be cost effective in UNOPS operations.

The UNDP/UNFPA Executive Board, on 18 September [E/1997/33 (dec. 97/22)], approved the 1996-1997 revised budget estimates in the amount of \$70,579,000 and the 1998-1999 budget estimates in the amount of \$84,700,000, as well as the establishment of 37 additional posts and the relocation of one post from New York to the new Abidjan office.

Risk management, reserves and surplus income

The UNOPS Executive Director reported in July [DP/1997/26] to the UNDP/UNFPA Executive Board on risk management, reserves and surplus income. The UNOPS operational reserve was initially established by the Board in 1995 [YUN 1995, p. 900], following the UNDP model, at a level equal to 20 per cent of the annual administrative budget, or \$6.8 million, and had since been maintained at that level.

A comprehensive risk and liability review had revealed that the reserve formula did not adequately protect UNOPS against the risks of extraordinary or unanticipated contingencies that it could face as a self-financing operational entity. Under its financial regulations, the operational reserve needed to cover shortfalls in income, uneven cash flows, professional or contractual liabilities and liabilities associated with personnel contracts. Types of risks identified included: professional mistakes or misdeeds of personnel; contracts which the organization was bound to honour; diminished demand for serv-

ices and projects that could not be implemented as scheduled; and force majeure, such as natural disaster, civil instability or war.

UNOPS employed several types of financial and non-financial mechanisms to limit risk, with the operational reserve as the safety net and final recourse, applying conventions on jurisdictional immunity, assistance agreements, staff training to reduce contractual mistakes, and transfer of risks to other parties such as by buying insurance policies.

The report recommended that the funding level of the UNOPS operational reserve be set at 4 per cent of the combined expenditures on administrative and project budgets of the previous year. Based on 1996 expenditures, it was proposed that \$10.8 million in available unspent income be added to \$6.8 million already in the reserve, bringing the balance to \$17.6 million. Drawdowns would be reported annually in the UNOPS financial report while the reserve level would be reviewed biennially in conjunction with the budget submission.

In August [DP/1997/28], ACABQ welcomed the UNOPS report and recommended that the Executive Board accept the proposal on the reserve fund. ACABQ noted that UNOPS planned to use part of the unspent income in 1998-1999 for information systems development, estimated to cost \$4.3 million and, consequently, that amount would not be available from surplus income for the replenishment of the operational reserve.

On 8 September [dec. 97/21], the Executive Board decided to establish the level of the UNOPS operational reserve at 4 per cent of the combined expenditure on administrative and project budgets of the previous year, and to transfer unspent income to the reserve account. It approved the maintenance of the operational reserve at the level calculated annually according to that formula and requested the Executive Director to report on a biennial basis on the appropriateness of the level. The Board noted that the Executive Director would continue to report annually on UNOPS income and expenditure levels and on drawdowns from the reserve.

Auditors' report

In June [DP/1997/27], the UNOPS Executive Director submitted a report to the UNDP/UNFPA Executive Board on follow-up to recommendations contained in the financial report and audited financial statements for UNOPS covering 1995 issued by the Board of Auditors [A/51/5/Add.10]. The Auditors had identified three areas where scope remained for improving financial control and recommended that UNOPS: report to the Executive Board on progress in finalizing its Finan-

cial Rules and indicate a timetable for their presentation to the Board for approval; issue further guidance to certifying officers to clarify that only those purchase order orders or contracts signed and issued within the financial period represented valid obligations for that period; and closely monitor actual expenditure against budget to avoid the high incidence of overexpenditure.

The Executive Director responded to each of the recommendations and described the status of the implementation of the measures taken and preliminary target dates. He stated that UNOPS was making progress in achieving the stated goals and that efforts would continue to address outstanding issues. With regard to the Financial Rules, they were scheduled for revision in 1997. In the meantime, UNDP rules would continue to be applied. UNOPS had advised certifying officers about validity requirements. It agreed to monitor expenditure to avoid overexpenditure.

In response to the Auditors' recommendation that the annual Business Plan be improved, UNOPS stated that the 1996 Plan had been revised to focus on objectives rather than tasks and to include projections of financial targets by client and by division. As suggested, all objectives would be prioritized. Measures to assess the impact of its Business Plans on quality of service and client relations would be established, and an evaluation strategy would measure performance. In the appointment and management of consultancy services, UNOPS agreed to regularly review the extent of repeat recruitment of consultancy services, and, in that regard, to maintain and update a consultants' roster. In order to determine current market rates for consultancy services, UNOPS agreed that guidelines should be issued and suggested that, in view of differing practices, the matter could be best dealt with in an inter-agency context.

With regard to the recommendation that UNOPS should develop a workload assessment and costing system, it was reported that such a system would be developed in 1997. Another recommendation was for UNOPS to revise the bases for calculating Management Service Agreement (MSA) fees to reflect current costs more accurately. UNOPS intended to introduce up-to-date service unit costs in 1997 and to revise those cost schedules as appropriate. An agreement with UNDP that country offices provide a breakdown of their estimated costs for MSA activities was being pursued, as recommended, which would provide more accurate cost breakdowns. As part of the project acceptance process, UNOPS agreed to assess whether the costs of delivering a project were likely to be met by the charges agreed with clients.

UNOPS also agreed to report on annual surpluses and accumulated unspent resources (see above) to determine levels that were reasonable and consistent with its business objectives.

The Executive Board, on 18 September [dec. 97/23], took note of the comments made by UNOPS in response to the Board of Auditors' report. It requested the Executive Director to report in 1998 with an updated overview of the implementation of the Auditors' recommendations and to provide an updated timetable indicating the dates when follow-up action would be completed in the areas needing attention.

UN Volunteers

In a report to the UNDP/UNFPA Executive Board [DP/1998/20], summarizing the key features and achievements of the United Nations Volunteers (UNV) work in 1996-1997 and outlining the strategic directions adopted by the programme, the UNDP Administrator stated that the biennium marked a watershed in the life of UNV with the relocation of its headquarters to Bonn, Germany, in 1996 and the launch of Strategy 2000. In 1997, UNV had the highest number of serving UNVs (3,620 as compared to 3,242 in 1996 and 3,263 in 1995) and the most diversified programme in its 27-year history. It sought the advice of the Board as it prepared for activities in the next biennium and for the International Year of Volunteers.

While support to development cooperation and involvement with community work remained the hallmarks of the programme, there was a trend in 1996-1997 towards diversification of UNV activities into the areas of humanitarian and emergency relief, peace-building and electoral support, resettlement of demobilized soldiers and human rights education. The changing programme had been accompanied by greater flexibility in the terms and conditions of service for volunteers as well as the further broadening of volunteer profiles and their areas of work, to include, in addition to international UNV specialists and field workers, national UNVs, short duration humanitarian relief UNVs, locally contracted eco-volunteers, UN agency-supported HIV/AIDS and cultural heritage UNVs, United Nations International Short-Term Advisory Resources (UN-ISTAR) assignments involving the private sector, and the Transfer of Knowledge through Expatriate Nationals (TOKTEN) modality. The initiative to promote the involvement of people directly affected by the issues being addressed was intensified.

Strategy 2000 was launched at the beginning of 1997, providing UNV and its partners with a frame of reference for the scope and direction of

the programme from 1997 to 2000. The Strategy combined pro-active programme development, in the context of follow-up to global conferences, with the need to ensure responsiveness to the demands of partners in the programme countries. The major event in the implementation of the first track of Strategy 2000 was the Fourth UNV Intergovernmental Meeting, held in Bonn in December to debate "A Globalizing World: Roles for Volunteers?". The meeting adopted a declaration in which it called on UNV to increase attention to urban development, environmental management and preventive-curative development. It encouraged UNV to continue to develop innovative partnerships with civil society, to ground its actions in community-based participatory approaches, to promote environmental activism, and to increase the utilization of qualified nationals in their home countries within mixed teams of national and international volunteers. UNV was urged to expand its role as a global advocate for volunteers and for volunteering, and to work to increase access for volunteer assistance to international development cooperation institutions, regional organizations and the private sector. UNV was called on to study the impact of volunteer experiences on the front lines of development and to apply the lessons learned. Finally, the proclamation by the General Assembly of the year 2001 as the International Year of Volunteers was welcomed for recognizing, facilitating, networking and promoting the work of volunteers.

The main event of the second track of Strategy 2000—ensuring responsiveness to the needs of partner programme countries—was the undertaking in the second quarter of 1997 of a comprehensive workflow analysis of the operational processes of fielding and supporting UNVs. Task forces addressed issues of simplifying the application of UNV conditions of service, streamlining the volunteer recruitment process, and reviewing the computerized volunteer management system. Notable progress was made in all areas.

In the area of poverty eradication, UNV was engaged in working with self-help organizations of people living in poverty. In the Central African Republic, for example, a total of 54 international and national UNVs carried out community development activities within the framework of UNDP assistance to the National Poverty Eradication Programme. Through partnership with indigenous NGOs, UNVs helped more than 130 communities to develop approximately 170 micro-enterprises in areas such as agriculture and crafts. A literacy programme was carried out and 280 villagers who had completed the 48-day programme were trained to become trainers in their own communities. A poverty alleviation pro-

gramme in Mongolia involved 51 UNVs, some of whom helped to develop microcredit facilities to support local development initiatives. Others served in the areas of gender in development, skills training and income-generation activities. UNVs also supported the preparation of Mongolia's first human development report. In Cambodia, UNVs worked with local government authorities, UNDP and the United Nations Educational, Scientific and Cultural Organization to assist villagers to plant new rice varieties, improve water supply, plan new projects, use organic fertilizers and undertake their own resource mobilization.

Humanitarian relief was provided by UNVs in response to emergency situations. During the biennium, over 3,500 volunteers had short-term field-service assignments with UNV in emergency relief, support and protection of refugees and internally displaced persons, human rights promotion and monitoring, and post-conflict and peace-building activities, frequently in partnership with other UN entities. National UNVs were introduced for the first time in confidence-building and peace-building efforts in Armenia, Bosnia and Herzegovina, Burundi, Georgia, the occupied Palestinian territory and Rwanda to strengthen efforts to tackle the complex issues inherent in post-conflict situations. In post-war Bosnia and Herzegovina, over 60 UNVs assisted other agencies in repatriation and rehabilitation activities. In addition, in 1996-1997, the Organization for Security and Cooperation in Europe (OSCE) requested UNV to provide over 800 regional election coordinators and electoral observers. For subsequent municipal elections, OSCE again asked UNV to recruit and field 800 electoral observers. As part of UNV's collaboration with the White Helmets Initiative, 20 humanitarian relief activities were implemented in 20 countries during the biennium with financial support from Argentina, France and Germany as well as UNDP funding.

Post-conflict rehabilitation was another area of UNV concern, through such efforts as support for the promotion of human rights and ensuring sustainable livelihoods in rural areas. For example, a team of over 200 UNV human rights monitors assisted the United Nations Human Rights Verification Mission in Guatemala (MINUGUA) to reach out to remote communities to inform them of progress in peace negotiations and explain their human rights. In the West Bank and the Gaza Strip, UNVs mobilized young Palestinians to play a more active role to overcome the limited opportunities for training and employment. In Mozambique, where UNVs had been serving in peace-building efforts since the early 1990s, the emphasis was on long-term development. In

1997, 37 UNVs went to rural areas to support local efforts to improve community organizations, market rural products, access clean water and health services, ensure the sustainable use of natural resources and start small businesses. In addition, 23 UNV electoral advisers supported the National Election Commission in preparing local elections.

The TOKTEN programme played a valuable role in countries where circumstances were conducive to the contribution that expatriate citizens could make. TOKTEN was operational in 20 countries in 1996-1997 with over 700 advisory missions fielded. Examples of results of such missions included: introducing the United States Library of Congress classification system to Polish university libraries; drafting the first income-tax law in the occupied Palestine territory; transferring technology on fibre-optic communication systems in Iran; overhauling the management system in the Philippines Overseas Employment Office; developing genetically engineered plants to combat desertification in the upper Yellow River region of China; and designing curricula for mathematics education of schoolgirls in Uganda.

Short-term advisory resources (the UNISTAR programme) were made available in 20 countries in the biennium with a total of 157 assignments. Examples of such projects included the analysis of design, marketing and production issues in businesses such as jewellery, garments and auto parts manufacture in China; textiles in Morocco; shoe manufacturing in Ethiopia; and the marketing of herbs in Argentina. Other examples were the development of a Masters of Business Administration programme in Viet Nam, development of industrial safety standards in Angola, the re-design of municipal water and sewage systems in rural Albania, and the drafting of documentation for electricity regulations in Mozambique.

An innovative UNV pilot initiative was its support for community-oriented approaches to the HIV/AIDS epidemic. UNVs assisted national AIDS programmes in a number of least developed countries in Africa and Asia in the areas of information, education and communication; training and counselling; home-based care activities; and in strengthening local self-help groups. Another pilot initiative made use of "eco-volunteers", building on the capacity that already existed in many communities for solving environmental problems and seeking to extend their reach as change agents. UNV participated in establishing a network of national and local NGOs in 14 countries in Africa, Asia and Latin America. In all, 17 national UNVs and some 160 eco-volunteers worked for three years under the programme, which was completed in 1997. Examples were

maintenance of solar units in villages in India; promoting environmental and human rights education in informal community-based organizations in South Africa; and supporting community organization in neighbourhoods situated on the slopes of the Pichincha volcano in Ecuador.

In his report on the review of the financial situation for 1997 [DP/1998/29], the UNDP Administrator stated that overall contributions to the UNV programme fell by 32 per cent, from \$15.9 million in 1996 to \$10.9 million in 1997. UNV mobilized \$3.2 million in voluntary contributions, a drop of \$1.5 million from \$4.7 million in 1996. While UNV had received no cost-sharing contributions in the past, \$0.3 million was received in 1997. Total sub-trust fund contributions totalled \$7.5 million, down from \$11.2 million in 1996. An increase in the volume of business with UN specialized agencies helped to boost programme delivery, resulting in a higher number of volunteer assignments.

International Year of Volunteers

Acting on a 1996 proposal of UNV [YUN 1996, p. 792] to proclaim the year 2001 as the International Year of Volunteers, the Economic and Social Council, on 22 July 1997 [meeting 3] adopted **resolution 1997/44** without vote. The draft [E/1997/L.24/Rev.1] was orally revised on the basis of informal consultations [agenda item 6 (i)].

International Year of Volunteers, 2001

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"International Year of Volunteers, 2001

"The General Assembly,

"Recalling its resolutions 2659(XXV) of 17 December 1970, 31/131 of 16 December 1976, 31/166 of 21 December 1976, 40/212 of 17 December 1985 and 49/139 B of 20 December 1994, and bearing in mind decision 96/32 adopted on 10 May 1996 by the Executive Board of the United Nations Development Programme/United Nations Population Fund, in which the Executive Board acknowledged the importance of the contribution made by volunteers worldwide and expressed its support for the efforts of the United Nations Volunteers to promote further volunteer work,

"Taking into account its decision 35/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

"Noting the significant contribution that volunteers make in their own countries to improving the welfare and realizing the aspirations of their fellow citizens for improved economic and social well-being and the financing of their work largely through civil society, including the private sector, as well as the important achievements of volunteers assigned internationally to the attainment of the development goals of Member States,

"Noting also the assistance provided by the United Nations Volunteers, in particular to United Nations organizations and operations in the fields of social and economic development, humanitarian aid and the promotion of peace, democracy and respect for human rights and, above all, in helping to link these efforts closely to the populations for whom they are intended,

"Noting further the importance of new players taking the initiative at the local, national and international levels, in particular individuals and organizations of civil society, in partnership with Governments, as emphasized in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,

"Bearing in mind the conclusion of the Fourth World Conference on Women, that women should be enabled to benefit from lifelong learning, including volunteer activity, and noting that much volunteer activity is performed by women and that such socially useful work should be appropriately recognized and supported,

"Convinced that the need for volunteer effort is greater than ever in the light of the adverse impact of such global problems as environmental degradation, poverty, drug abuse and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the more vulnerable sectors of society and of the trend for civil society, in partnership with government and the private sector, to assume ever greater responsibilities in the development process,

"Convinced also that a year designed to enhance the recognition, facilitation, networking and promotion of volunteer service, with particular emphasis on activity at the local level, could make a significant contribution to generating increased awareness of the achievements and further potential of volunteer service, to encouraging offers of service from a greatly expanded number of individuals and to channelling resources to augment the effectiveness of such service,

"Noting with satisfaction that the proposal for the year has gained widespread support within civil society,

"1. Proclaims the year 2001 the International Year of Volunteers;

"2. Invites Governments, the United Nations system and intergovernmental, volunteer and non-governmental organizations and community-based organizations to collaborate and identify ways and means of enhancing the recognition, facilitation, networking and promotion of volunteer service in the preparations for and observance of the Year;

"3. Designates the United Nations Volunteers programme, without prejudice to existing priorities, as the focal point for the preparations, implementation and follow-up of the Year, in close collaboration with other organizations of the United Nations system, and encourages the United Nations Volunteers to continue the process of close collaboration and partnership with Governments and international and national volunteer and non-governmental organizations, in particular, with regard to the preparations for and implementation of the Year;

"4. Invites policy-making organs and the relevant organizations of the United Nations system to consider, in the context of their substantive mandates, the principles and objectives of the Year, making special efforts through new and existing programmes during the

period 1998-2001 and to pursue follow-up action to the Year for the benefit of all countries and peoples;

"5. Appeals to Member States, as well as all other participants in the observance of the Year, to highlight the year 2001 as a special occasion benefiting the peoples of the world in their quest for a better life for all, based on the voluntary commitment of individuals and groups to make available their time and to share their resources and skills in the interest of those less advantaged;

"6. Calls for a concerted promotional and information campaign on behalf of the Year at the national, regional and international levels, with the strong participation of the mass media;

"7. Requests the Secretary-General to take specific measures, within existing resources and with support from voluntary resources, through all the communications media at his disposal, in particular within the mandate of the Department of Public Information of the Secretariat, to give widespread publicity to the preparations for and observance of the Year and to disseminate information on the subject."

On 20 November [meeting 50], the General Assembly endorsed the Council's action by adopting **resolution 52/17** [draft: A/52/L.22 & Add.1] without vote [agenda item 12].

International Year of Volunteers, 2001

The General Assembly,

Welcoming the recommendation of the Economic and Social Council contained in its resolution 1997/44 of 22 July 1997,

Decides to take the action called for in that resolution, inter alia, proclaiming the year 2001 as the International Year of Volunteers.

Technical cooperation among developing countries

In his annual report for 1997 [DP/1998/17/Add.3], the UNDP Administrator stated that the Special Unit for Technical Cooperation among Developing Countries (TCDC) made efforts in the areas of trade, investment and finance to identify concrete measures to improve linkages between TCDC and economic cooperation among developing countries (ECDC) (see PART THREE, Chapter I). The Unit supported the Group of 77 and China in organizing the South-South Conference on Trade, Finance and Investment (San Jose, Costa Rica, 13-15 January), which produced a framework for cooperation in trade, finance and investment among developing countries [A/C.2/52/8]. In partnership with the Third World Network, the Special Unit provided developing countries with analyses of the effects of globalization on developing countries' economies. It supported the launching of a pilot information network connected to the Internet for small island developing countries. It brought together 23 developing countries at the Meeting of TCDC Pivotal Countries (Santiago, Chile, 17-19

November), which reaffirmed the increasing relevance of ECDC/TCDC in the context of globalization and identified areas for closer co-operation.

In the area of poverty eradication, the Unit supported the launching of the Microfin Afric Network, headquartered in Senegal, to share experiences in microfinancing and micro-enterprises, especially those related to women, in African countries. It also provided training on credit qualification and management. Other activities included the identification and dissemination of best practices on poverty reduction in Latin America, a workshop on municipalities and urban poverty in Latin American countries, and support to the health reform process in the Caribbean. In the area of production and employment, the Unit supported a network of Eastern Caribbean States in developing innovative approaches to increasing productivity, diversifying employment opportunities and improving international competitiveness. It also supported the TCDC national focal points meeting for Asia and the Pacific (Singapore, January) which discussed the expansion of TCDC.

As the substantive secretariat of the High-level Committee on the Review of TCDC, the Unit was involved preparing documentation for the tenth session of the Committee. It also prepared revised guidelines for the review of policies and procedures concerning TCDC (see below).

TCDC Committee action

The High-level Committee on the Review of Technical Cooperation among Developing Countries, at its tenth session (New York, 5-9 May) [A/52/39], reviewed progress made in implementing the 1978 Buenos Aires Plan of Action for Promoting and Implementing TCDC [YUN 1978, p. 467] and recommendations of the South Commission [TCDC/10/2]. It also considered progress made in implementing the new directions strategy for TCDC [TCDC/10/3] and reports of the UNDP Administrator [TCDC/10/4] on implementation of the guidelines for the review of policies and procedures concerning TCDC and on organizational and supportive arrangements for TCDC.

On 9 May, the Committee adopted three decisions. Regarding the review of progress made in implementing the Buenos Aires Plan of Action [A/52/39 (dec. 10/1 A)], the Committee reaffirmed the potential of TCDC and urged developing countries that had not done so to elaborate national policies for TCDC. It welcomed efforts made by developing countries and the UN development system to increase TCDC application and its role in bilateral and multilateral relations, which had culminated in a number of bilateral

agreements, as well as activities related to training, transfer of technology, reconstruction and the exchange of experience. Other countries' efforts to increase involvement in TCDC were also welcomed. The Committee noted actions taken towards expanding the TCDC Information Referral System database into a multidimensional information system, including data on individual experts, institutional capacities and centres of excellence, as well as best practices in developing countries, while recognizing the constraints on using the database. In that regard, it called on the Special Unit for TCDC to take measures to enable least developed countries to access international information networks, such as the Internet, so that they could utilize the TCDC database. The developing countries were commended for allocating resources from their national budgets for TCDC. The Committee encouraged developing countries that had not done so to establish national focal points for TCDC and where focal points were already established to ensure that they were adequately staffed and equipped. Reiterating that South-South cooperation should be viewed as a complement to North-South cooperation, the Committee called for triangular approaches to facilitate South-South projects. It encouraged developed countries to increase financial support for TCDC in the context of triangular arrangements or through bilateral and multilateral channels.

The Committee reiterated the recommendations of the Buenos Aires Plan of Action that, in designing and executing TCDC projects, priority be given to using local capabilities. It requested UN organizations to improve the incorporation of TCDC into their programmes and to mainstream the modality in the system's operational activities for development. UN organizations were called upon to assist developing countries to utilize TCDC for promoting small and medium-sized enterprises. The UNDP Administrator was called on to mobilize greater donor support in order to increase resources for TCDC. The Committee recommended that a new format and working methods be applied to its future meetings in order to lead to a more interactive debate and a more concrete outcome. It welcomed the focus that would be given to ECDC and TCDC by the Economic and Social Council later in the year and suggested that its reports be made available for the Council. The Committee noted that 1998 would be the twentieth anniversary of the adoption of the Buenos Aires Plan of Action, and recommended that the General Assembly hold a commemorative meeting to mark the occasion and mobilize support for implementing the new directions strategy for TCDC. The UNDP Admin-

istrator was requested to submit to the Committee at its next (1999) session a biennial report on the progress made in implementing the Buenos Aires Plan of Action.

In the second decision [dec. 10/1 B], the Committee, having reviewed progress in implementing the new directions strategy for TCDC, recognized that further progress could be achieved through the provision of adequate resources, strengthening the participating institutions and enhancing awareness of and commitment to the TCDC modality. The Committee recommended that the intergovernmental processes of the United Nations foster closer linkages on policy and operational aspects between TCDC and ECDC, and urged the UN development system to implement other recommendations in the new directions strategy, in particular new funding arrangements, expansion of the TCDC Information Referral System database, identification of pivotal countries for TCDC, promotion of triangular cooperation arrangements and dissemination of best practices in TCDC. The Committee welcomed the completion of a comprehensive directory of experts on small island developing States and the establishment by the UNDP Administrator of the Trust Fund for South-South Cooperation, to which it urged donors to contribute. It also welcomed the UNDP decision to allocate .05 per cent of its overall programme resources to TCDC during 1997-1999. The Administrator was again requested to instruct resident representatives to increase the application of the TCDC modality in technical cooperation activities and to ensure that the separate identity of the Special Unit for TCDC within UNDP was maintained. The Committee further requested the Administrator to report to it in 1999 on progress made in implementing its decision.

The Committee, by its third decision [dec. 10/2], commended the UN agencies that had taken measures to apply the guidelines for the review of policies and procedures concerning TCDC and urged others to take similar action. It requested the Administrator to carry out consultations on the guidelines with UN organizations, and to submit recommendations on the subject to the General Assembly in 1997 through the Economic and Social Council, with a view that recommendations would be submitted to the Assembly in 1998 in the context of the triennial policy review of operational activities for development of the UN system (see below). Noting the increased resources allocated for TCDC by UNDP for 1997-1999, the Committee requested the Executive Board to review periodically the volume of resources allocated for that purpose, as well as the impact of the TCDC modality on implementation

of UNDP programmes. The Administrator was requested, in relation to the increasing responsibilities of the Special Unit, to ensure it was adequately staffed, and to report to the Committee on implementation of its decision.

The Economic and Social Council, by **decision 1997/216** of 8 July, took note of the Committee's report on its tenth session. On 18 December, the General Assembly took similar action by **decision 52/446**.

Revised guidelines for TCDC

In October [E/1997/110], the Secretary-General transmitted to the Economic and Social Council the revised guidelines for the review of policies and procedures concerning TCDC. The guidelines, which had been applied on an experimental basis since 1993, were aimed at ensuring a coordinated approach to the promotion and application of TCDC by UN organizations. They were revised after consultations in May 1997 at a meeting of focal points of UN organizations, which was convened by the UNDP Special Unit for TCDC. The proposals provided innovative TCDC approaches in the context of new challenges facing the developing countries in the wake of current trends towards globalization of markets and production structures and liberalization of trade.

The revised guidelines required UN organizations and agencies to: improve the incorporation of TCDC into their programmes and projects and to continue to mainstream the TCDC modality into their operational activities for development; review the extent to which their policies facilitated TCDC; focus on initiatives that were likely to have a major development impact on many developing countries; give priority to development issues that were of interest to many developing countries, such as trade and investment, debt, the environment, poverty alleviation, production and employment, macroeconomic management, education, health, transfer of technology and rural development; promote further integration between TCDC and ECDC by supporting long-term development objectives in priority areas such as poverty alleviation, increased production, employment creation and the environment; identify "pivotal" TCDC countries; establish links with NGOs and the private sector in an effort to promote TCDC; promote funding modalities in support of TCDC activities; support developing countries in formulating TCDC policies; and document and disseminate information on innovative projects among developing countries.

The revised guidelines emphasized that the developing countries themselves had primary responsibility for the implementation of TCDC activities. However, UN organizations should

provide support to those countries through increased UNDP country allocations and programme resources and through the mobilization of additional funds from NGOs and the private sector. The report listed a number of ways that developed countries and their funding agencies could be encouraged to support TCDC through triangular arrangements. Among other proposals, it called for: developing countries to allocate funds for TCDC from their national budgets; implementation of TCDC projects using UNDP country allocations as much as possible; and each organization to provide a core budget for TCDC activities from its regular programme budget. The guidelines also included recommendations for coordinating, updating and improving data banks and information systems. Other recommendations concerned training, such as regular in-house orientation and awareness seminars on TCDC for staff of various organizations, and seminars covering approaches, methods and techniques for promoting TCDC; TCDC operational procedures; cost-effectiveness and comparative advantage of TCDC; and procedures for negotiating, concluding and implementing bilateral and multilateral TCDC agreements.

Noting that most organizations had established TCDC focal points, the report stressed the importance of assigning them clear terms of reference and, where feasible, to standardize their core functions. The report outlined the general responsibilities of the focal points of UN organizations. Under the revised guidelines, recommendations on the Special Unit's functions were listed, including: promoting coordination and consultation among TCDC focal points; organizing annual meetings of the focal points; promoting coordinated action between the UN focal points and national and sectoral focal points; and playing a proactive role within the UN system to expand TCDC application. Other recommendations called for further networking among institutions in developing countries and UN organizations and for procedures to make TCDC an integral part of relevant UN organizations by ensuring that TCDC be given first consideration. Regarding reporting procedures, the guidelines suggested that the High-level Committee should be provided with a descriptive account of the activities of UN organizations, indicating promotional and operational initiatives supported by them in respect of TCDC, and quantitative data reflecting their TCDC programmes and projects, including financial inputs, number of beneficiaries, experts/consultants and/or procurement from developing countries.

The report recommended that the revised guidelines be approved by the General Assembly after review by the Economic and Social Council.

South-South cooperation

In September, the Secretary-General, in response to General Assembly resolution 50/119 [YUN 1995, p. 848], submitted a report on the state of South-South cooperation [A/52/402], presenting an overview and analysis of South-South economic and technical cooperation worldwide and international support in that regard (see also PART THREE, Chapter I). The Secretary-General noted that there had been a marked upsurge in cooperation among developing countries. In the previous four years, more than 100 activities could be recorded involving actions to establish, revise, reinvigorate and launch initiatives in ECDC and TCDC, as well as in other modes of developing country cooperation. That was occurring at the same time as globalization of economies and progressive liberalization.

The approaches employed in achieving the common objective of consolidated economic spaces for trade, investment and financial growth varied among the different regions, and the report discussed the various means, whether through new treaties, organizations, free trade agreements, a policy of open regionalism, financial integration or conferences. The emerging trends of cooperation emphasized multisectoral cooperation with deeper cooperation content than mere free trade areas or customs unions. Recently, a trend could be seen towards developing regional/subregional production systems, for investment-technology cooperation and for regional financial cooperation, as well as for furthering the interconnections among those sectors. Examples were to be found in harmonization of regulations, mutual recognition of standards and, as in the Southern Cone Common Market (MERCOSUR) and the European Union, policy coordination. The deeper content and multisectoral cooperation enhanced the participatory capacities of developing countries in the global markets.

As to the operational state of South-South cooperation, the report noted that foreign trade, over the period 1990-1995, had expanded in developing countries at an annual average rate of 11.6 per cent, as compared with 7.4 per cent in world trade as a whole. That growth rate varied considerably, with most of the dynamism of mutual trade among developing countries to be found within the major geographical regions. Intra-regional trade accounted for 30 per cent of developing countries' trade and 8.6 per cent of total

world trade. Trade had been promoted by a number of instruments, notably the Global System of Trade Preferences among Developing Countries, the first round of which was concluded in 1988 [YUN 1988, p. 407].

Further cooperation was evident in monetary and financial areas, including trade finance and the development of capital markets. Intra-South investment had emerged in recent years as a significant tool for industrial cooperation among developing countries, particularly among Asian countries but also in Latin America and Africa. At the enterprise level, a number of South-based corporations had increased their assets, sales and employment during the preceding decade, and some had become transnational corporations. That was an area offering scope for further cooperation among such enterprises. A number of measures to promote investment cooperation, as proposed by the San Jose Plan of Action [A/C.2/52/8], were reiterated in the Secretary-General's report. The Plan called on the Group of 77 developing countries and China to: adopt measures to encourage investment among developing countries in manufacturing and service sectors, such as pooling of resources among enterprises; encourage direct investments through bilateral or multilateral agreements in order to improve financial and technical capabilities; and introduce new markets among developing countries, including free economic trade zones. Furthermore, developing countries' investment banks were urged to: develop cross-border operating capacities and skills; promote investments from other Southern countries through appropriate instruments; and expand their knowledge about investment opportunities in other Southern environs.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/630], adopted **resolution 52/205** without vote [agenda item 99].

Economic and technical cooperation among developing countries

The General Assembly,

Reaffirming its resolutions 33/134 of 19 December 1978, in which it endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries, 46/159 of 19 December 1991 on technical cooperation among developing countries, 49/96 of 19 December 1994 on a United Nations conference on South-South cooperation and 50/119 of 20 December 1995 on economic and technical cooperation among developing countries and a United Nations conference on South-South cooperation, as well as other relevant resolutions of the

General Assembly and the Economic and Social Council on economic and technical cooperation among developing countries,

Reaffirming also that South-South cooperation constitutes an important element of international cooperation for development and is an essential basis for national and collective self-reliance as well as a means of ensuring the effective integration and participation of developing countries in the world economy and that it is not a substitute for, but rather complementary to, North-South cooperation,

Recognizing the fact that developing countries have the primary responsibility for promoting and implementing economic and technical cooperation among themselves, and reiterating the need for the international community to support the efforts of the developing countries to expand South-South cooperation through the modality of economic and technical cooperation among developing countries,

Taking note of the decisions and recommendations contained in the Final Document of the Eleventh Conference of Heads of State or Government of the Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, and in this context welcoming the operationalization of the Non-Aligned Movement Centre for South-South Technical Cooperation, in Jakarta in 1998, and inviting all development partners to make use of and give support, as appropriate, to the Centre,

Taking note also of the Declaration adopted by the Ministers for Foreign Affairs of the Group of 77 at their twenty-first annual meeting, held in New York on 26 September 1997, in which the Ministers emphasized the increasing importance and complementarity of economic and technical cooperation among developing countries as a means of supporting and broadening the global partnership in international development cooperation,

Welcoming the San Jose Declaration and Plan of Action adopted by the Group of 77 at the South-South Conference on Trade, Investment and Finance, held at San Jose, Costa Rica, from 13 to 15 January 1997, which outlined concrete modalities on sectoral issues relating to trade, finance, investment and enterprise cooperation,

Also welcoming the outcome of the Second Asia-Africa Forum, held at Bangkok from 11 to 13 June 1997, as a mechanism to strengthen South-South cooperation, as well as the convening of the Second Tokyo International Conference on African Development in Japan in October 1998, and calling upon the international community to reaffirm its commitment in supporting Africa's development efforts,

1. Endorses the report of the High-level Committee on the Review of Technical Cooperation among Developing Countries on its tenth session and the decisions adopted by the High-level Committee at that session;

2. Takes note of the report of the Secretary-General on the state of South-South cooperation, which provides a comprehensive and systematic overview and analysis of economic cooperation among developing countries in the context of South-South cooperation worldwide and of United Nations system support for such cooperation;

3. Also takes note of the draft revised Guidelines for the Review of Policies and Procedures concerning

Technical Cooperation among Developing Countries, submitted by the Administrative Committee on Coordination, and recommends that the draft revised Guidelines be submitted through the Economic and Social Council to the General Assembly at its fifty-third session in the context of the triennial policy review of operational activities for development of the United Nations system;

4. Invites the United Nations Conference on Trade and Development and the Special Unit for Technical Cooperation among Developing Countries of the United Nations Development Programme, as well as other relevant organizations, taking into account their agreed mandates, work programmes and priorities, to undertake jointly further work on formulating concrete recommendations on the implementation of and follow-up to the San Jose Declaration and Plan of Action adopted by the Group of 77 at the South-South Conference on Trade, Investment and Finance;

5. Stresses the need to intensify the process of strengthening the various interregional dialogues and the exchange of experiences among subregional and regional economic groupings for the purposes of expanding South-South cooperation through integrating the modalities of economic and technical cooperation among developing countries;

6. Calls upon all Governments and relevant United Nations organizations, including the multilateral financial institutions, to consider increasing allocations for economic and technical cooperation among developing countries and to identify new funding modalities to promote South-South cooperation, such as triangular cooperation and private sector funding;

7. Welcomes the contribution made by some countries to the Voluntary Trust Fund for the Promotion of South-South Cooperation, and invites all countries, including developed countries, to contribute to the Trust Fund;

8. Urges the organizations and bodies of the United Nations system, and invites other relevant intergovernmental organizations involved in international development cooperation, to make concerted and vigorous efforts to mainstream the implementation of modalities of economic and technical cooperation among developing countries by giving them full consideration in the design, formulation, implementation and evaluation of programmes and projects in their operational activities;

9. Decides to hold a one-day commemorative meeting at the beginning of the fifty-third session of the General Assembly, in accordance with the relevant paragraphs of the first report of the General Committee, to mark the occasion of the twentieth anniversary of the adoption of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries, and to that effect requests the Special Unit for Technical Cooperation among Developing Countries, in its capacity as substantive secretariat of the High-level Committee on the Review of Technical Cooperation among Developing Countries and system-wide coordinator on technical cooperation among developing countries, to be responsible for the preparation and organization of the commemorative meeting, including the provision of adequate documentation, in consultation with Member States and relevant organizations and agencies of the United Nations system;

10. Also decides to include in the provisional agenda of its fifty-third session an item entitled "Commemorative meeting of the twentieth anniversary of the adoption of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries";

11. Requests the Secretary-General, in cooperation with the Special Unit for Technical Cooperation among Developing Countries and in consultation with Member States and relevant organizations and agencies of the United Nations system, to incorporate into his report for the triennial policy review of operational activities for development, for consideration at the fifty-third session of the General Assembly, an assessment and recommendations aimed at further strengthening the integration of the modalities of economic and technical cooperation among developing countries into the operational activities of the United Nations system, with a view to enhancing the global partnership in international development cooperation;

12. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Economic and technical cooperation among developing countries", and in that context requests the Secretary-General to report to it at that session on the implementation of the present resolution.

UN Capital Development Fund

During 1997 [DP/1998/17/Add.3], the United Nations Capital Development Fund (UNCDF) focused on quality and policy development by continuing to follow strategies outlined in its 1995 policy document [YUN 1995, p. 903] and to follow the strategies endorsed by the UNDP/UNFPA Executive Board in March (see below).

At the end of 1997, UNCDF carried out an in-depth review of its products, including local development funds, eco-development, microfinancing and blueprint infrastructure projects. It improved the dialogue between the programme countries and headquarters. It emphasized the improvement of synergy with UNDP, particularly in country offices, through Memoranda of Understanding and joint programming. UNCDF began a process by which it would merge local development fund and eco-type approaches into a single programme, thus combining some of the more innovative aspects of the eco-approach with the institutional strategy of local development funds (anchoring activities with local state institutions) in future programming.

Core contributions to the Fund remained at \$33 million in 1997. The majority of funding—59 per cent—went towards local development fund, eco-development and microfinancing projects. Grant increases and new project approvals (15) increased by 15 per cent to over \$63 million, but UNCDF was not as successful in reaching its target for delivery of ongoing projects, which dropped by 9 per cent to \$38.2 million. As it had stated in

the 1995 policy paper, UNCDF focused increasingly on Africa in its programming, raising project approvals for Africa by almost 7 per cent, to 64 per cent of all project approvals.

Activities in 1997 included: refinement of the eco-development concept through a discussion paper, seminars and an internal thematic review of several projects; validation of the local development fund concept at workshops and through an internal review; integration of feedback from papers on those subjects and into UNCDF operations; development of a paper on participatory approaches to guide staff and consultants; a review of the UNCDF microfinance portfolio; and establishment of staff task forces for both the eco-development and local development fund projects, which acted as a forum for the exchange and sharing of information.

Fifteen evaluations, two internal thematic reviews on eco-development and local development fund projects, and preparations for the thematic reviews of microfinance and roads projects were also undertaken in 1997. Evaluation findings of 1996 and lessons were reviewed with staff and results from those meetings were incorporated into new approaches for programming and project design. UNCDF reinforced the project monitoring and evaluation system by making Key and Diverse Resources and Expertise stakeholder workshops a standard part of the formulation process.

UNCDF continuously updated its Web site with case studies. A communications strategy was being formulated to ensure better dissemination of ongoing project experience. With regard to external relations and resource mobilization, UNCDF made a concerted effort to inform UNDP, donors, beneficiary Governments and other key partners of its policy and products.

During 1997, a methodology was developed that was used as a management tool in selecting 15 countries for greater concentration by UNCDF: Bangladesh, Benin, Bhutan, Burkina Faso, Cambodia, Ethiopia, Guinea, Haiti, Malawi, Mali, Mozambique, Nepal, Senegal, Uganda and the United Republic of Tanzania.

In an effort to improve collaboration between UNDP and UNCDF, the two organizations held joint programme exercises in Haiti and Malawi and Memoranda of Understanding were signed with UNDP resident coordinators in Bangladesh, Benin, Burkina Faso and Senegal. UNCDF recruited a specialist technical adviser in local institutions to cover Malawi, Uganda, the United Republic of Tanzania and Zambia, with the responsibility of providing backstopping to UNCDF projects in the region and supporting UNDP activities in the field of local governance. The

Joint UNDP/UNCDF Special Unit on Microfinance was established in 1997, bringing together the new MicroStart Programme with the UNCDF credit and microfinance portfolio.

UNCDF developed a partnership with the World Bank in countries where local development fund projects might be used as pilots to test policy and design strategies for the decentralization of capital budgets and provide lessons to government partners and the World Bank. It was expected that the UNCDF \$ 12 million project would precede a loan from the International Development Association of approximately \$380 million. UNCDF formed field partnerships with IFAD in three countries—Bhutan, Haiti and Malawi. It established trust fund agreements with Australia and UNDP in Viet Nam, and with the Netherlands and UNDP in Mozambique. It also collaborated with the World Bank on a major research/advocacy programme on decentralization and rural development.

Action taken with regard to decentralizing financial and programme functions included a paper on decentralization of programme functions from headquarters; the outposting of two programme managers to East and West Africa and one technical adviser to East Africa; and Memoranda of Understanding drawn up by UNDP and UNCDF on focus countries. UNCDF chose the Lao People's Democratic Republic as a test case, prepared a paper on decentralizing programme functions to the country office and signed a Memorandum of Understanding.

The Fund took a number of steps to strengthen its in-house capacities. It held two field-based programme officer workshops (in the Lao People's Democratic Republic in May, and in

Zambia in November). French-speaking, field-based programme officers participated in an eco-workshop in Senegal in June and staff participated in stakeholder workshops in Burkina Faso and Senegal. A workshop on local development funds was held in Uganda to provide a learning opportunity for staff. An agreement was made with the Asian Institute of Technology in Bangkok, Thailand, whereby the Institute would provide technical support for UNCDF programme development in Asia. UNCDF also recruited a monitoring and evaluation specialist and a regional technical adviser on local development funds.

On 14 March [E/1997/33 (dec. 97/8)], the UNDP/UNFPA Executive Board endorsed the implementation of the new UNCDF policy focus by which activities were concentrated on local governance, decentralization, participation and microfinancing. The Board also endorsed reorganization efforts and recommended that in monitoring and evaluation attention should be given to the Fund's modus operandi and the relationship between headquarters and the field. The Fund and UNDP were encouraged to intensify their collaboration, including in the design and implementation of country cooperation frameworks, taking into account the comparative advantages of UNCDF, such as in local governance and microfinancing. The Board requested the Fund to improve the dissemination of successful project experience, welcomed the commitment of a number of donor countries to support the Fund in a more predictable manner and invited others to contribute.

On 19 September [dec. 97/24], the Board approved gross appropriations for UNCDF for the 1998-1999 biennium of \$12.9 million.

Chapter III

Humanitarian and special economic assistance

In 1997, the United Nations, through the Department of Humanitarian Affairs (DHA), continued to engage in a broad spectrum of relief operations to provide humanitarian and special economic assistance to States and population groups stricken by war, internal strife and environmental disasters. Consolidated inter-agency appeals in 1997 were ongoing in or launched for Afghanistan, Albania, Angola, Chechnya in the Russian Federation, the Democratic People's Republic of Korea, countries of the Great Lakes region of Africa, Liberia, Sierra Leone, Somalia, the Sudan, Tajikistan and the territories of the former Yugoslavia.

During the year, DHA helped 46 Member States in coping with 66 natural disasters and environmental emergencies.

Humanitarian assistance

Strengthening coordination

Reports of Secretary-General. In response to Economic and Social Council resolution 1995/56 [YUN 1995, p. 927], the Secretary-General submitted, in July, an interim report [E/1997/98] containing a review of the capacity of the UN humanitarian system to respond to complex crises and disasters.

With regard to the framework through which the United Nations responded to humanitarian crises, the Secretary-General stated that the governing bodies of the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO) had adopted recommendations to strengthen their organizational capacity, as well as to encourage cooperation with the United Nations Department of Humanitarian Affairs (DHA) and other organizations to ensure a coherent system-wide approach to humanitarian assistance. DHA supported the Emergency Relief Coordinator (ERC) in discharging coordination responsibilities for complex emergencies and

natural disasters. The Inter-Agency Standing Committee (IASC), whose members were the heads or designated representatives of the UN humanitarian organizations—FAO, UNDP, UNHCR, UNICEF, WFP, WHO—had reviewed systemic issues in order to develop a more strategic system-wide approach to humanitarian assistance that would enable IASC members to respond better to crises but would also focus on capacity-building and enhance support with recovery and rehabilitation activities. The volatile nature of current conflicts and resulting threats to regional peace and security had brought about an increased role for the Security Council. Non-governmental organizations (NGOs), whose fieldworkers were implementing partners with UN organizations, were an integral part of humanitarian assistance activities.

Regarding the capacity of the United Nations to respond to complex crises, the DHA Humanitarian Early Warning System (HEWS) had improved the information processes serving the system but the early warning capacity could be strengthened further. The Secretary-General proposed that inter-agency consultations on early warning be resumed and the conclusions fed into the IASC process to facilitate contingency planning and preparedness. There was also a critical need to develop a common inter-agency method for contingency planning to provide a basis of common planning parameters. UN agencies in the field had generally developed adequate capacity to rapidly deploy staff and relief and logistical support materials. However, within the UN Secretariat, most rules and procedures were not conducive to rapid response. Thus, more flexible procedures should be pursued. Inadequate funding remained an important constraint to the development of contingency planning and implementation of situation-specific preparedness measures.

With regard to information collection, analysis and dissemination, DHA had formed the Integrated Regional Information Network (IRIN) to manage an up-to-date flow of information to and from humanitarian participants engaged in the Great Lakes region of Africa. An IRIN/West Africa was in the process of being established. DHA also had developed Reliefweb, which consolidated and organized information on current humanitarian emergencies and natural disasters and made it immediately available on the Inter-

net. A review of the UN role in post-conflict situations by the Consultative Committee on Programme and Operational Questions of the Administrative Committee on Coordination (ACC) had identified the need to develop a comprehensive approach covering action during crisis and post-crisis conditions; linking relief and development; and involving extended partnerships with other external participants and with national local authorities. ACC endorsed the need for broad elements of a strategic framework, emphasizing analysis of in-country environment; setting of policy parameters; and establishment of priorities for the response programme.

The Secretary-General noted that the monitoring of humanitarian activities should stress the interrelationships of projects and components and the effectiveness of management and coordination arrangements. IASC had agreed that simple field-based monitoring systems should be established in all complex emergency situations to facilitate accountability, optimize resource use, avoid duplication of effort and adapt to changing circumstances.

As to human resources and management, the Secretary-General stated that it was essential to recruit, train, support and retain the best staff available to work in crisis situations. On a system-wide basis, the Complex Emergencies Training Initiative was the main inter-agency forum in which training on issues of humanitarian assistance was discussed. The Office of the UN Security Coordinator and concerned UN agencies had strengthened the security system in the field in the wake of mounting casualties among UN personnel working under extremely hazardous conditions.

The Secretary-General observed that the capacity to monitor the overall direction and effectiveness of humanitarian operations needed to be strengthened, including the way in which funding and resource allocation decisions affected the materialization of a coherent response.

The Economic and Social Council, by **decision 1997/218** of 17 July, took note of the Secretary-General's report and requested that a more comprehensive report on humanitarian assistance be submitted at a subsequent session.

The Secretary-General, in an 8 October note to the General Assembly [A/52/443], stated that the review of the UN system's capacity to respond to humanitarian crises and disasters was still underway.

He referred to his July report on reform measures [A/51/950] (see below), a number of which pertained to the humanitarian sector. Since that report was due to be considered by the Assembly in 1997, the Secretary-General would report in 1998 on the implementation of the reform of the humanitarian sector as well as on further pro-

gress by IASC to strengthen the capacity of UN humanitarian assistance.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/168** [draft: A/52/L.48/Rev.1] without vote [agenda item 20].

Strengthening of the coordination of emergency humanitarian assistance of the United Nations

The General Assembly,

Recalling its resolutions 46/182 of 19 December 1991 and 51/194 of 17 December 1996 and Economic and Social Council resolution 1995/56 of 28 July 1995,

Taking note of the note by the Secretary-General,

Requests the Secretary-General to report, through the Economic and Social Council, to the General Assembly at its fifty-third session in 1998 on the further progress by the Inter-Agency Standing Committee in the strengthening of the capacity of the United Nations in humanitarian assistance.

JIU report. By a 12 September note [A/52/270], the Secretary-General transmitted to the General Assembly a report of the Joint Inspection Unit (JIU) on the execution of humanitarian assistance programmes through implementing partners.

JIU recommended classifying the various types of implementing partners according to their activity and performance, improving procedures for selecting such partners and establishing a roster of reliable partners. Regarding agreements with partners, JIU proposed that they include a provision of fund accountability and adequate audit, monitoring and evaluation coverage of their activities, and a clause defining their responsibilities and the consequences in case of default. Two types of administrative and financial procedures were suggested: one for short-term emergency responses, such as floods, earthquakes and limited refugee flows, and another for long-term assistance in situations such as internal and external conflicts that went beyond a specific time period. JIU further proposed an effective system for managing financial and human resources; the strengthening of monitoring and controlling mechanisms by humanitarian agencies and the establishment of an evaluation strategy by them; and the production of an organizational handbook to guide implementing partners.

Evaluation and reform

OIOS evaluation. In accordance with General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General, in April [E/AC.51/1997/3], transmitted a report of the Office of Internal Oversight Services (OIOS) on the in-depth evaluation of DHA. The general thrust of the report was that, for emergencies requiring a coordinated response, DHA should focus on support of IASC and

on coordination of emergency assistance without becoming operational itself, and that more attention should be given to natural disaster reduction programmes. Specific recommendations were made on support to field coordination through a DHA cadre of field support staff; early agreement on allocation of responsibilities in emergencies; operational predictability and addressing gaps in the response to emergencies; inter-agency consolidated appeals; relief practices in major emergencies; and dissemination of lessons learned and best practices. The Secretary-General stated that he concurred with the OIOS recommendations.

Reform measures. In his July report on renewing the United Nations: a programme for reform (see PART FIVE, Chapter I) [A/51/950], the Secretary-General presented his plans to enhance the UN response to humanitarian needs, which included a major restructuring of the Secretariat component responsible for coordinating humanitarian assistance. An office of the Emergency Relief Coordinator (ERC) would replace DHA, the responsibilities of which would be transferred to other entities that provided assistance on the ground. Its coordination and advocacy role would be bolstered and performed by the ERC, who would focus on the core functions identified by the Assembly in resolution 46/182 [YUN 1991, p. 421]. IASC would be further strengthened and continue to be the main consultative body for humanitarian agencies, chaired by the ERC. A six-member IASC Steering Committee would be established to enhance a rapid response capacity. IASC would be asked to identify measures to harmonize processes and further enhance the Consolidated Appeals process to ensure that appeals were needs-based and prioritized, taking into account the comparative advantages of each agency. In the field, a lead agency might be designated by the ERC to coordinate complex emergencies. The Secretary-General recommended that the General Assembly designate the ERC as the United Nations Humanitarian Assistance Coordinator and transfer the ERC's responsibilities for coordinating natural disaster mitigation to UNDP. He also recommended that a humanitarian affairs segment of the Economic and Social Council be established as soon as possible.

Resource mobilization

Central Emergency Revolving Fund

According to the Secretary-General's July interim report [E/1997/98] (see above), the Central Emergency Revolving Fund remained one of the primary mechanisms designed to ensure the rapid response of UN organizations to emergencies. The Fund, which was managed by the ERC,

since its establishment in 1992 [YUN 1992, p. 584] had been used 48 times to meet urgent relief requirements; \$124 million had been disbursed, of which \$111 million was reimbursed.

In 1995 and 1996, requests for utilization of the Fund declined dramatically. The absence of a waiver for high-risk loans (where there was no assurance of reimbursement from a donor) had made agencies reluctant to borrow from the Fund for fear of being unable to repay the balance. Also, individual organizations had made efforts both to increase their own interim emergency resources and to minimize administrative procedures that in the past had precluded action in advance of the actual receipt of funds. In addition, fewer large-scale emergencies had occurred during that period than in the first three years of the Fund's existence.

Consolidated Appeals

The Consolidated Appeals process remained the single most important mechanism for coordinating and facilitating the capacity of the UN system to meet its emergency resource requirements, according to the Secretary-General's interim report to the Economic and Social Council [E/1997/98].

In the last quarter of 1997, DHA began initiatives to substantially improve and strengthen the process. A user guide was being drafted and procedures for developing improved strategy, monitoring and review mechanisms were being developed.

During 1997, DHA prepared and issued inter-agency Consolidated Appeals for the following countries or regions: Afghanistan, Albania, Angola, Chechnya (Russian Federation), the Congo, the Democratic People's Republic of Korea, the territory of the former Yugoslavia, the Great Lakes region of Africa, Liberia, Sierra Leone and the Sudan.

White Helmets

In response to General Assembly resolution 50/19 [YUN 1995, p. 929], the Secretary-General, in a 10 November report [A/52/586], described developments in the White Helmets initiative, originated by Argentina. The White Helmets provided expertise on a standby team basis from various national volunteer corps to support activities in humanitarian emergency assistance and in the transition from relief to rehabilitation, reconstruction and longer-term development. The Secretary-General stated that 40 countries had established national focal points on White Helmets. He summarized activities carried out by the White Helmets, some of which were jointly

executed with United Nations Volunteers (see PART THREE, Chapter II). The Secretary-General concluded that the potential contribution of the White Helmets to preventive action deserved further exploration. However, the programme would need additional funding to continue its efforts and reinforce its achievements. It was hoped that Governments and private sources would contribute to the separate account within the Special Voluntary Fund, established by Assembly resolution 49/139 B [YUN 1994, p. 827].

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/171** [draft: A/52/L.32/Rev.1 & Add.1] without vote [agenda item 20 (e)].

Participation of volunteers, "White Helmets", in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development

The General Assembly,

Reaffirming its resolutions 49/139 B of 20 December 1994 and 50/19 of 28 November 1995,

Reaffirming also its resolutions 46/182 of 19 December 1991, 47/168 of 22 December 1992, 48/57 of 14 December 1993, 49/139 A and B of 20 December 1994, 50/57 of 12 December 1995 and 51/194 of 17 December 1996 and Economic and Social Council resolutions 1995/56 of 28 July 1995 and 1996/33 of 25 July 1996,

Recognizing that the success of the international community in addressing the growing magnitude and complexity of natural disasters and other humanitarian emergencies depends not only on the formulation of a well-coordinated global response but also in the promotion of a smooth transition from relief to rehabilitation, reconstruction and development,

Bearing in mind that prevention, preparedness and contingency planning for emergencies at a global level depend, for the most part, on the strengthened local and national response capacities as well as on the availability of financial resources, both domestic and international,

1. Takes note of the report of the Secretary-General, prepared in pursuance of its resolution 50/19, on the participation of volunteers, "White Helmets", in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development;

2. Encourages voluntary national and regional actions aimed at making available to the United Nations system, through the United Nations Volunteers, national volunteer corps such as the White Helmets on a standby basis, in accordance with accepted United Nations procedures and practices, in order to provide specialized human and technical resources for emergency relief and rehabilitation;

3. Expresses its appreciation for the commendable progress of the White Helmets initiative as another voluntary international effort to provide the United Nations system with volunteer expertise to respond, in a quick and coordinated manner, to humanitarian relief, rehabilitation, reconstruction and development,

while preserving the non-political, neutral and impartial character of humanitarian action;

4. Recognizes that the White Helmets, as an operational partner of the United Nations Volunteers, are an efficient and viable mechanism for making pre-identified and trained homogenous teams available to the United Nations system, in support of immediate relief, rehabilitation, reconstruction and development activities, in the light of the increasing number and growing magnitude and complexity of natural disasters and other emergencies;

5. Calls upon States to promote the facilitation of co-operative actions between the United Nations system and the civil society, through national volunteer corps, in order to strengthen the United Nations capacities for early and effective response to humanitarian emergencies;

6. Encourages States to identify and support their respective national focal points for the White Helmets in order to continue to provide the United Nations system with an accessible global network of rapid response facilities in case of humanitarian emergencies;

7. Invites States and the United Nations system to consider ways and means to ensure the integration of the White Helmets initiative into their programme activities, particularly those related to humanitarian and disaster relief assistance;

8. Invites the Secretary-General to consider the potential use of White Helmets as a resource for preventing and mitigating the effects of emergencies and post-conflict humanitarian emergencies and, in this context, to maintain an adequate structure for the White Helmets liaison functions, taking into account the ongoing reforms process;

9. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session, under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", on the actions taken in line with the present resolution.

Mine clearance

In 1997, the number of mine-action programmes increased further, according to a December report of the Secretary-General [A/52/679], submitted in response to General Assembly resolution 51/149 [YUN 1996, p. 800]. The report provided information on the activities of United Nations organizations, as well as those of other international bodies and NGOs involved in mine-action activities. It also presented details on ongoing mine-action programmes in Afghanistan, Angola, Cambodia, the former Yugoslavia (particularly Bosnia and Herzegovina and Croatia, including Eastern Slavonia), the Lao People's Democratic Republic and Mozambique and described assessment missions that had been carried out in Georgia, Guatemala, Iraq, Somalia, the Sudan and Tajikistan. With regard to resources for mine-clearance activities, the report noted that contributions and pledges to the Voluntary Trust Fund for Assistance in Mine Clearance, estab-

lished by Assembly resolution 49/215 [YUN 1994, p. 173], totalled \$41.6 million as at 1 November.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 76], the General Assembly adopted **resolution 52/173** [draft: A/52/L.69 & Add.1] without vote [agenda item 41].

Assistance in mine clearance

The General Assembly,

Recalling its resolutions 48/7 of 19 October 1993, 49/215 of 23 December 1994, 50/82 of 14 December 1995 and 51/149 of 13 December 1996 on assistance in mine clearance, all adopted without a vote,

Considering demining to be an important component of United Nations humanitarian and development activities,

Reaffirming its deep concern at the tremendous humanitarian problem caused by the presence of mines and other unexploded devices that have serious and lasting social and economic consequences for the populations of mine-infested countries and constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations and to reconstruction and economic development, as well as to the restoration of normal social conditions,

Reiterating its dismay at the high number of victims of mines, especially among civilian populations, particularly children, and recalling in this context Commission on Human Rights resolutions 1995/79 of 8 March 1995, 1996/85 of 24 April 1996 and 1997/78 of 18 April 1997 on the rights of the child and resolution 1996/27 of 19 April 1996 and decision 1997/107 of 11 April 1997 on the human rights of persons with disability,

Deeply alarmed that the number of mines being laid each year, as well as the presence of a large number of mines and other unexploded devices as a result of armed conflicts, exponentially outweighs the number of such mines that can be cleared during that time, and thus convinced of the necessity and urgency of a significant increase in mine-clearance efforts by the international community,

Noting the decisions taken at the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly with respect to Protocol II of the Convention and the inclusion in the Amended Protocol of a number of provisions of importance for mine-clearance operations, notably the requirement of detectability,

Recalling that the States Parties to the Review Conference declared their commitment to keep the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts of the United Nations and other organizations to address all the problems of landmines,

Recalling also the adoption at the Ottawa International Strategy Conference, "Towards a Global Ban on Anti-Personnel Mines", on 5 October 1996, of the Ottawa Declaration whereby participants undertook a commitment towards the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines and which, among other things, recognizes that

the international community must provide significantly greater resources to mine-awareness programmes, mine-clearance operations and victim assistance, as well as the Brussels Declaration of 27 June 1997,

Noting the adoption on 18 September 1997 at the Oslo Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, which, among other things, recognizes that States parties in a position to do so should provide assistance for mine-clearance and related activities, for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine-awareness programmes, and noting that the Convention was opened for signature at Ottawa on 3 December 1997 and that it has been signed by one hundred and twenty-two States,

Encouraged by the recent initiatives taken at conferences in Elsinore, Denmark, Bonn, Germany, and Tokyo, notably in relation to international standards and procedures for humanitarian mine-clearance operations, as well as the development of new technology for landmine detection and removal and the rehabilitation of landmine victims, which can serve as a basis on which to advance the safety, effectiveness and professionalism of these operations throughout the world,

Taking note of the Plan of Action on Landmines adopted at the First Continental Conference of African Experts on Landmines, held at Kempton Park, South Africa, and the adoption at Harare by the heads of State and Government of the Organization of African Unity of a resolution on the report of the Secretary-General of the Organization of African Unity on the issue of anti-personnel mines and international efforts to reach a total ban,

Emphasizing the importance of recording the location of mines, of retaining all such records and making them available to concerned parties upon cessation of hostilities, and welcoming the strengthening of the relevant provisions in international law,

Stressing the need to convince mine-affected States to halt new deployments of anti-personnel mines to ensure the effectiveness and efficiency of mine-clearance operations,

Recognizing the important role that the international community, particularly States involved in the deployment of mines, can play in assisting mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby traps,

Bearing in mind the serious threat that mines and other unexploded devices pose to the safety, health and lives of personnel participating in humanitarian, peacekeeping and rehabilitation programmes and operations,

Aware that the rate of mine clearance needs to accelerate substantially if the global landmine problem is to be tackled effectively,

Concerned about the limited availability of safe and cost-effective mine-detection and mine-clearance equipment as well as the lack of global coordination in research and development to improve the relevant technology, and conscious of the need to promote progress in this field and to foster international technical cooperation to this end,

Recognizing that, in addition to the primary role of States, the United Nations has an important role in the field of assistance in mine clearance,

Noting with satisfaction the inclusion in the mandates of several peacekeeping operations of provisions relating to mine-clearance work carried out under the direction of the Department of Peacekeeping Operations of the Secretariat, in the context of such operations,

Commending the activities already undertaken by the United Nations system, donor and recipient Governments, the International Committee of the Red Cross and non-governmental organizations to coordinate their efforts and seek solutions to the problems related to the presence of mines and other unexploded devices, as well as their assistance to victims of landmines,

Also commending the role of the Secretary-General in increasing public awareness of the problem of landmines, and in the establishment of the central landmine database and inventories of mine-awareness materials and mine-clearance techniques,

1. Takes note of the report of the Secretary-General on the activities of the United Nations in assistance in mine clearance;

2. Welcomes, in particular, the efforts made by the United Nations to foster the establishment of mine-clearance capacities in countries where mines constitute a serious threat to the safety, health and lives of the local population, and emphasizing the importance of developing national mine-clearance capacities, urges all Member States, particularly those that have a capacity to do so, to assist afflicted countries in the establishment and development of their national mine-clearance capacities;

3. Invites Member States to develop national programmes, in cooperation with the relevant bodies of the United Nations system where appropriate, to promote awareness of landmines, especially among children;

4. Expresses its appreciation to Governments and regional organizations for their financial contributions to the Voluntary Trust Fund for Assistance in Mine Clearance and other demining programmes, and appeals to them to continue this support through further contributions;

5. Encourages all relevant multilateral and national programmes and bodies to include, in coordination with the United Nations, activities related to mine clearance in their humanitarian, social and economic assistance activities;

6. Stresses the importance of international assistance for the care and rehabilitation, and social and economic reintegration of mine victims;

7. Emphasizes again, in this connection, the important role of the United Nations in the effective coordination of activities related to mine clearance, awareness and assistance, including those by regional organizations, in particular activities related to standards, technological development, information and training, and, in this regard, encourages the Secretary-General to develop further a comprehensive mine-clearance strategy, taking into consideration the impact of the landmine problem on the process of rehabilitation, reconstruction and development, with a view to ensuring the effectiveness of assistance in mine clearance by the United Nations;

8. Urges Member States, regional organizations, governmental and non-governmental organizations and foundations to continue to extend full assistance and cooperation to the Secretary-General and, in particular, to provide him with information and data as well as other appropriate resources that could be useful in strengthening the coordination role of the United Nations in the field of mine awareness, training, surveying, mine detection and clearance, scientific research on mine-detection and clearance technology and information on and distribution of medical equipment and supplies;

9. Takes note of the convening of the Mine Action Forum at Ottawa from 2 to 4 December 1997, and of the development there of An Agenda for Mine Action, and welcomes the proposals related to enhancing and coordinating action by international organizations, governmental and non-governmental organizations and foundations on mine-awareness, mine clearance and assistance to victims of anti-personnel mines, among other issues;

10. Calls upon Member States, especially those that have a capacity to do so, to provide the necessary information and technical and material assistance, as appropriate, and to locate, remove, destroy or otherwise render ineffective minefields, mines, booby traps and other devices in accordance with international law, as soon as possible;

11. Urges Member States and intergovernmental and non-governmental organizations and foundations that have the ability to do so, to provide, as appropriate, technological assistance to mine-infested countries and to promote scientific research and development on humanitarian mine-clearance techniques and technology so that mine-clearance activities may be carried out more effectively at lower costs and through safer means and to promote international collaboration in this regard;

12. Encourages Member States and intergovernmental and non-governmental organizations and foundations to continue to support ongoing activities to promote appropriate technology, as well as international operational and safety standards for humanitarian mine-clearance activities, including the early follow-up of the International Conference on Mine Clearance Technology;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the progress achieved on all relevant issues outlined both in his previous reports to the Assembly on assistance in mine clearance and in the present resolution, and on the operation of the Voluntary Trust Fund for Assistance in Mine Clearance and other demining programmes;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Assistance in mine clearance".

Humanitarian activities

Africa

Angola

In March, DHA launched a UN Consolidated Inter-Agency Appeal for Angola, which sought \$228,447,999 for programmes for the period

January to December 1997. Of that amount, \$71 million was for the demobilization of former combatants and their reintegration into civilian life; \$49 million for food aid; \$38 million for assistance for refugees; and \$24 million for mine clearance and a related accident prevention programme. The balance was earmarked for internally displaced persons and refugees; transport and logistics; health; food production and basic rural capacity; education and assistance to children; nutrition; and agency operational support.

By December, some \$82 million, or 41.2 per cent of the funds appealed for, was received.

In response to General Assembly resolution 50/58 D [YUN 1995, p. 905], the Secretary-General submitted a November report [A/52/563] in which he described international assistance for the economic rehabilitation of Angola, including the current situation in the country (see PART ONE, Chapter II), and humanitarian assistance as at 30 September.

WFP delivered 83,391 metric tons of food aid between January and June. An FAO/WFP assessment mission forecast an estimated cereal production of 431,000 tons, which was 14 per cent lower than 1996, due mainly to insufficient rain.

Between September 1995 and September 1997, UNICEF provided assistance in polio immunization; measles reduction; salt iodization; demobilization of under-age soldiers and reintegration with their families; and support for internally displaced persons and the families of soldiers in and around quartering areas. UNICEF was also active in mine-awareness activities, the provision of emergency education and water and environmental sanitation. WHO assisted in investigating and managing epidemics, developing policies on important health issues and strengthening the health surveillance and reporting system. An International Monetary Fund (IMF) mission verified encouraging progress in macroeconomic management. In addition, progress was made towards developing a medium-term plan intended to address issues of liberalization, privatization and other structural reforms.

UNDP approved a project on support to the development of mine clearance and awareness capacity with a budget of \$25,400,000. The United Nations provided \$1.9 million and UNDP \$1 million towards the project; additional contributions to the Trust Fund were needed to implement activities over the next two years.

Congo (Republic of the)

Fighting that erupted in Brazzaville (Republic of the Congo) in June 1997 caused thousands of fatalities and left the country's infrastructure in ruins and at least 650,000 people internally dis-

placed, according to DHA (see PART ONE, Chapter ID).

To respond to the immediate needs of the displaced, the United Nations in November launched an initial Consolidated Inter-Agency Flash Appeal covering the period from November 1997 to January 1998. The Flash Appeal sought \$17,730,595, for food and food production; health and nutrition; shelter; water and sanitation; coordination and security; and logistics.

In October [S/1997/814], the Secretary-General stated that owing to the security situation, access to most parts of the country was very difficult. All UN agencies had been evacuated from the capital and there was no permanent international presence in the country, except in Point Noire. On 1 October, WFP began a large-scale food distribution exercise in that city and UNICEF, together with the International Committee of the Red Cross (ICRC) and Médecins sans frontières, an NGO, were providing emergency health assistance to the displaced population there. Limited emergency assistance programmes in the south were halted following the intensification of the fighting. Access to the northern parts of the country, where many refugees from Rwanda and the former Zaire were located, had been extremely limited for security reasons. Médecins sans frontières and ICRC had provided basic health services in some areas, but since 1 October, ICRC had not had access to the north. On 15 October, Médecins sans frontières was informed by the authorities in Kinshasa that it could no longer transport supplies from Kinshasa to Brazzaville. UNHCR continued to provide assistance to some 8,000 Rwandan refugees in the area of Loukolela on the Congo River. Besides the enormous security risks under which those organizations operated, the main problem was the procurement and transportation of supplies.

Great Lakes region

In March, DHA issued a United Nations Consolidated Inter-Agency Appeal for the Great Lakes Emergency in Eastern Zaire, Burundi, Tanzania and Uganda, seeking \$324.5 million. The Appeal focused on the plight of nearly 1.3 million refugees and the displacement of hundreds of thousands of people escaping ethnic tensions, as well as war-related insecurity and sanctions (see PART ONE, Chapter II). Following a July mid-term review to take stock of the changes during the preceding few months, the total amount of the appeal was reduced to \$313 million. The mid-term review also considered the situation in the Central African Republic and the Republic of the Congo, countries not included in the initial Appeal.

Burundi

An overriding factor affecting humanitarian operations in Burundi was the extreme volatility and unpredictability of the conflict (see PART ONE, Chapter II). Negotiations with the Government to improve access, security and impartiality in the delivery of assistance and monitoring continued during the year. The affected population included some 592,000 displaced or regrouped persons, 177,000 returnees and 600 refugees.

The lack of a comprehensive policy on economic sanctions against Burundi had affected a number of major programmes. Agencies encountered delays in receiving food, seeds, fertilizer and exempted non-food relief items, such as shelter materials and blankets.

Despite the dangerous and difficult conditions prevailing in Burundi in 1997, major accomplishments were achieved in nearly every category of assistance. At the same time, certain parts of the country and population groups received inadequate assistance, or none at all, because of serious restrictions on funding and on access to populations in need.

One dilemma faced by the humanitarian community was how to assist the regrouped population. In March, the aid community called for the disbanding of the camps and limiting the provision of assistance to temporary, life-sustaining measures. Aid that would assist the creation or the permanent maintenance of the camps was banned and careful, case-by-case needs assessments were taken prior to any distributions.

In a positive development, over 50 per cent of the estimated 300,000 regrouped persons had returned to their homes by the end of November. The humanitarian community had encouraged the process by providing return packages comprising a 90-day food ration, seeds, tools and non-food items.

Living conditions among the displaced and regrouped were extremely cramped and unsanitary. Their plight was further exacerbated by outbreaks of epidemics such as typhus and cholera. Many camp inhabitants suffered from malaria, respiratory infections, diarrhoeal diseases, scabies and bacillary dysentery.

The western part of the country remained in a state of general insecurity for most of the year, and landmines left many of the displaced inaccessible and rendered the provision of assistance impossible. The security situation in the eastern and central parts of the country was generally good.

Rwanda

In response to General Assembly resolution 51/30 H [YUN 1996, p. 804], the Secretary-General

submitted a November report describing international assistance to Rwanda for the reintegration of returning refugees, the restoration of peace, reconstruction and socio-economic development between August 1996 and September 1997 [A/52/568]. Significant progress was made in providing humanitarian assistance despite the enormous humanitarian needs confronting the Government and the humanitarian community. The delivery of humanitarian assistance was constrained by insecurity, particularly in the northern and western regions of the country.

Significant developments were recorded in the areas of repatriation and refugees. In one of the largest single voluntary repatriation movements in African history, over 1.3 million Rwandan refugees returned to their home country during the period under review, largely owing to the turmoil in the eastern region of the former Zaire (see PART ONE, Chapter II). Over 850,000 refugees returned from the former Zaire and some 500,000 from the United Republic of Tanzania.

With regard to rehabilitation, reconstruction and socio-economic development, by the end of July WFP had dispatched six months of food assistance to 1.3 million returnees settled in 153 communities, thus ending its overall commitment to free food distributions. Existing water supply systems were being rehabilitated and pipelines extended. Shelter construction at the 96 officially designated government settlement sites and dispersed locations had intensified since the beginning of 1997, the Secretary-General reported. In 1996 and 1997, UN agencies supported the construction of almost 50,000 new houses. An estimated 30 per cent of the known new shelter requirements had been met. There were particular weaknesses in the education system and in providing health services and maintaining adequate standards of nutrition.

The Secretary-General observed that Rwanda's greatest challenge was coping with the legacy of the 1994 genocide. A promising start had been made on reintegration programmes, but substantial additional resources and, more importantly, a cessation of violence and sustained reconciliation initiatives were required for reintegration to succeed. While the emphasis was clearly on rehabilitation and reconstruction programmes, significant humanitarian assistance needs remained to be met. Continued support by the international community was necessary to ensure at least minimal assistance to the populations most in need.

Uganda

Throughout 1997, donor response to the humanitarian needs of refugees, internally dis-

placed persons and the most vulnerable groups in Uganda was made available through assistance programmes, ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC), NGOs and bilateral programmes.

UNHCR provided multi-sectoral emergency assistance, as well as care and maintenance. In the area of food security and agriculture, WFP provided general food rations to refugees, internally displaced persons and other vulnerable groups. FAO provided some 52,000 agricultural tool kits to internally displaced persons in the north and 30,000 to drought-affected farmers in eastern and north-eastern Uganda. Concurrently, NGOs were involved in food aid distribution, the provision of seeds and tools, the establishment of feeding centres, food-for-work initiatives and other activities aimed at improving food security levels.

Regarding health and nutrition, WMO provided technical backstopping for epidemiological and water quality surveillance, and was involved in drug supplies to populations in affected areas. UNICEF trained district health teams in disease and nutritional surveillance and emergency preparedness. It also provided therapeutic milk and non-food items and supported district-wide measles immunization and vitamin A distribution campaigns. The United Nations Population Fund (UNFPA) supported reproductive health projects for internally displaced persons.

With the impact of the conflict on the psychosocial development of children and adolescents receiving increased attention, UNICEF supported two main NGOs helping with the psychosocial recovery of abducted children. UNICEF also supported the establishment of four temporary schools for displaced children. It also provided water facilities to six camps for internally displaced persons and gave financial assistance towards improving the sanitation system in camps.

United Republic of Tanzania

The situation in the Great Lakes region continued to have significant negative repercussions for the United Republic of Tanzania in terms of its capacity to cater for both incoming refugee populations and its own residents in refugee-affected areas. The Government was attempting to find an appropriate balance between short-term emergency responses and continuing with the implementation of medium-term development plans designed to strengthen the development of support services in the affected regions.

The UN response to the refugee crises in 1997 was led by UNHCR, assisted by UNICEF, WFP, WHO and UNFPA. For the most part, the food requirements of the population in the refugee-affected areas were met. However, some shortages oc-

curred at the beginning of the year, mainly due to a sudden refugee influx and transport constraints due to road conditions. Although the bulk of the food provided came as in-kind contributions through WFP, a substantial amount of local food was purchased through local traders. UNHCR ensured the adequate provision or replacement of basic non-food items to refugees, such as shelter material, blankets, jerrycans, soap, clothes and sanitary material. The general health and nutritional status of the refugees was sound during the year, although the relatively high incidence of malaria and anaemia was a major concern. UNICEF launched a major anaemia study, which assisted in determining innovative methods of prevention and treatment. At the initiative of the refugee community, UNHCR, in consultation with UNICEF, launched a programme to provide education, mainly primary education to children. Assistance to unaccompanied minors in the camps was provided by UNICEF, UNHCR and ICRC.

Following the announcement in September of a national food deficit, the Government officially requested the WFP Executive Director to assist in the mobilization and delivery of 76,000 metric tons of food, 10 per cent of the total deficit. The WFP emergency operation was approved in November.

Liberia

In response to General Assembly resolution 51/30 B [YUN 1996, p. 810], the Secretary-General, in November [A/52/678], described emergency assistance to Liberia. He stated that the humanitarian situation had improved substantially. The peace process was on course, the fighting had ceased, and on 19 July Liberians had voted for their presidential and legislative representatives in internationally supervised and generally free and fair elections (see PART ONE, Chapter II).

In support of the peace process, the United Nations and its partners designed a reintegration programme for demobilized former combatants, which entailed the launching of quick-impact projects to bridge the gap between demobilization and the implementation of long-term reintegration programmes. The bridging projects were labour-intensive and community-based and involved such activities as repair of roads and bridges, fishing, cottage industries and skills training, as well as health-care services, counselling and civic education. War-affected civilians also took part in and benefited from the bridging programme. By 30 June, when the programme officially ended, it had provided short-term employment or training opportunities for more

than 30,000 war-affected persons, of whom approximately half were former combatants.

A special technical committee, led by UNICEF, was established to address the problem of demobilizing and reintegrating child soldiers. About 85 per cent of the children were reunited with their families, while 15 per cent were placed in transit homes.

Humanitarian assistance provided by the UN system included distribution of assorted food commodities by WFP; FAO monitoring of crop conditions and food supply and coordinated planning and implementation of the distribution of agricultural input, mainly seeds and tools; support by WHO and UNICEF to the Ministry of Health and Social Welfare for the provision of health and related services; health manpower resources development, and implementation of a project for strengthening primary health-care services by WHO; response by UNICEF to massive water and sanitation hazards; and UNICEF support to the Ministry of Education in revitalizing the education system. National NGOs grew in number, as did their contribution to the humanitarian effort.

The United Nations Consolidated Inter-Agency Appeal for \$31.2 million, covering the period 1 January-30 June 1997, which was launched in December 1996 [YUN 1996, p. 809], drew such a paucity of contributions that it was extended to run through 31 December 1997. The Secretary-General reported that, as at July 1997, only \$7,588,561 had been received in pledges and contributions. The need to await clarification of the situation in Liberia was also a factor in extending the appeal.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 E** [draft: A/52/L.40/Rev.1] without vote [agenda item 20 (b)].

Assistance for the rehabilitation and reconstruction of Liberia

The General Assembly,

Recalling its resolutions 45/232 of 21 December 1990, 46/147 of 17 December 1991, 47/154 of 18 December 1992, 48/197 of 21 December 1993, 49/21 E of 20 December 1994, 50/58 A of 12 December 1995 and 51/30 B of 5 December 1996,

Taking note of the statement by the President of the Security Council of 30 July 1997 in which the Council, *inter alia*, welcomed the successful holding of presidential and legislative elections in Liberia on 19 July 1997, and noted with satisfaction the declaration in the joint certification statement by the Secretary-General and the Chairman of the Economic Community of West African States that the electoral process had been free, fair and credible and that the outcome of the elections reflected the will of the Liberian people,

Having considered the report of the Secretary-General,

Commending the Liberian people on their courage, determination and resolve in proceeding with the elections under difficult circumstances,

Commending also the concerted and determined efforts of the Economic Community of West African States, the Organization of African Unity and the United Nations in restoring peace, security and stability in Liberia,

1. Expresses its gratitude to all States and intergovernmental and non-governmental organizations for their assistance and support for the Liberian peace process, and urges that such assistance be continued;

2. Calls upon all States and intergovernmental and non-governmental organizations to focus attention on the need to provide continued support to Liberia following the successful completion of the peace process so as to promote a culture of sustained peace in Liberia;

3. Also calls upon all States and intergovernmental and non-governmental organizations to provide assistance to Liberia in keeping with the "Agenda for Rebuilding Liberia" as submitted by the Government of Liberia during the fourth Ministerial Meeting of the *ad hoc* Special Conference on Liberia, held at United Nations Headquarters on 3 October 1997 under the chairmanship of the Secretary-General;

4. Urges the Government of Liberia to establish conditions essential to the democratic socio-economic development of Liberia, including the return and reintegration of refugees, displaced persons and demobilized soldiers, by honouring its pronouncement to uphold the rule of law, national reconciliation and the promotion of human rights as a national policy;

5. Commends the Secretary-General for his continuing efforts to mobilize relief and rehabilitation assistance for Liberia, and requests him:

(a) To continue his efforts to mobilize all possible assistance within the United Nations system to help the Government of Liberia in its efforts towards reconstruction and development of Liberia, including the return and reintegration of refugees, displaced persons and demobilized soldiers;

(b) To undertake, as soon as possible, in close collaboration with the Government of Liberia, an overall assessment of needs, with the objective of holding a round-table conference of donors for the reconstruction and development of Liberia;

6. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the progress made in the implementation of the present resolution;

7. Decides to consider at its fifty-third session the question of international assistance for the rehabilitation and reconstruction of Liberia.

Sierra Leone

In March, DHA reported that Sierra Leone was in a delicate transition; it had clearly emerged from its five-year civil war but had not yet secured lasting peace. Although hostilities had ceased for nearly a year, sporadic eruptions of violence threatened the countryside.

As of late February, some 517,000 of the estimated 1.6 million persons displaced at the height of the war had returned to their villages and had

started to rebuild their former lives. Moreover, the encamped population, which numbered 210,000 people at the height of the war, was estimated at 50,000 in March.

In March, DHA launched the United Nations Consolidated Inter-Agency Appeal for Sierra Leone, requesting \$68.2 million for the period ending February 1998. The Appeal was for food aid (\$37.4 million); assistance to returning refugees (\$17.8 million); health needs (\$4.1 million); food production (\$4 million); children in especially difficult circumstances (\$1.5 million); water and sanitation (\$1.5 million); and education (\$740,000).

Following the May coup d'etat (see PART ONE, Chapter II), humanitarian operations continued in the country despite the constraints posed by insecurity, lack of access and the imposition of regional and international sanctions.

Somalia

In response to General Assembly resolution 51/30 G [YUN 1996, p. 814], the Secretary-General submitted an October report on assistance for humanitarian relief and the economic and social rehabilitation of Somalia [A/52/532].

Despite the absence of major humanitarian crises in Somalia in 1997, hundreds of thousands of people remained in need of such assistance, including over a quarter of a million internally displaced persons.

The Secretary-General described relief and rehabilitation programmes provided by the UN system, the absence of civil institutions and the effect of the security situation on the delivery of humanitarian aid (see PART ONE, Chapter II).

DHA reported that contributions towards the United Nations Consolidated Inter-Agency Appeal for Somalia, which was launched in 1996 [YUN 1996, p. 813], had been slow and inadequate. As at 25 September 1997, only \$31.2 million (31 per cent) of the \$ 100.6 million required had been received.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 L** [draft: A/52/L.60 & Add.1] without vote [agenda item (b)].

Assistance for humanitarian relief and the economic and social rehabilitation of Somalia

The General Assembly,

Recalling its resolutions 43/206 of 20 December 1988, 44/178 of 19 December 1989, 45/229 of 21 December 1990, 46/176 of 19 December 1991, 47/160 of 18 December 1992, 48/201 of 21 December 1993, 49/21 L of 20 December 1994, 50/58 G of 20 December 1995 and 51/30 G of 13 December 1996 and the resolutions and decisions of the Economic and Social Council on emergency assistance to Somalia,

Recalling also Security Council resolution 733(1992) of 23 January 1992 and all subsequent relevant resolutions, in which the Council, inter alia, urged all parties, movements and factions in Somalia to facilitate the efforts of the United Nations, its specialized agencies and humanitarian organizations to provide urgent humanitarian assistance to the affected population in Somalia and reiterated the call for the full respect of the security and safety of the personnel of those organizations and the guarantee of their complete freedom of movement in and around Mogadishu and other parts of Somalia,

Noting the cooperation between the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the countries of the Intergovernmental Authority on Development, the Movement of Non-Aligned Countries and others in their efforts to resolve the humanitarian, security and political crisis in Somalia,

Noting with appreciation the continued efforts made by the Secretary-General to assist the Somali people in their efforts to promote peace, stability and national reconciliation,

Noting with concern that the absence of central authority and effective civil institutions that characterizes Somalia continues to impede sustained comprehensive development and that, while the environment has become conducive to some reconstruction and development-oriented work in certain parts of the country, the humanitarian and security situation has remained fragile in other parts,

Deeply concerned that intermittent drought and heavy rains which caused river flooding and consequent severe devastation, coupled with the dire economic situation and persistent civil conflict, have seriously impaired the traditional coping mechanisms of the people in some parts of Somalia and have aggravated the increasingly fragile food security situation in the country, worsening the overall humanitarian situation,

Welcoming the joint strategy for efficient and targeted assistance and the framework for collaboration developed and adopted by the United Nations and non-governmental organizations, and reaffirming the importance it attaches to the need for effective coordination and cooperation among the United Nations agencies and their partners,

Taking note of the report of the Secretary-General on assistance for humanitarian relief and the economic and social rehabilitation of Somalia,

Deeply appreciative of the humanitarian assistance and rehabilitation support rendered by a number of States to alleviate the hardship and suffering of the affected Somali population,

Recognizing that, while the humanitarian situation remains fragile in some parts, there is a need to continue the ongoing rehabilitation and reconstruction process alongside the national reconciliation process, without prejudice to the provision of emergency relief assistance wherever and whenever required, as security allows,

Noting with appreciation the efforts of the United Nations system aimed at working directly with Somali communities, whenever possible, in the absence of a recognized national government, and welcoming the continuing focus of the United Nations, in partnership

with Somali elders, other local leaders and skilled local counterparts at the grass-roots level, as well as non-governmental organizations, on a programme of assistance combining humanitarian and developmental approaches, given the varying conditions in different areas,

Re-emphasizing the importance of the further implementation of its resolution 47/160 to rehabilitate basic social and economic services at local and regional levels throughout the country,

1. Expresses its gratitude to all States and the intergovernmental and non-governmental organizations that have responded to the appeals of the Secretary-General and others by extending assistance to Somalia;

2. Expresses its appreciation to the Secretary-General for his continuing and tireless efforts to mobilize assistance to the Somali people;

3. Welcomes the ongoing efforts of the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the countries of the Intergovernmental Authority on Development, the Movement of Non-Aligned Countries and others to resolve the situation in Somalia;

4. Also welcomes the strategy of the United Nations focusing on the implementation of community-based interventions aimed at rebuilding local infrastructures and increasing the self-reliance of the local population, and the ongoing efforts by the United Nations agencies, their Somali counterparts and their partner organizations to establish and maintain close coordination and cooperation mechanisms available for the implementation of relief, rehabilitation and reconstruction programmes;

5. Emphasizes the principle that the Somali people, in particular at the local level, have the primary responsibility for their own development and for the sustainability of rehabilitation and reconstruction assistance programmes, and reaffirms the importance it attaches to the creation of workable arrangements for collaboration between the United Nations system and its partner organizations and their Somali counterparts for the effective execution of rehabilitation and development activities in those parts of the country where peace and security prevail;

6. Urges all States and intergovernmental and non-governmental organizations concerned to continue the further implementation of its resolution 47/160 so as to assist the Somali people to embark on the rehabilitation of basic social and economic services, as well as institution-building aimed at the restoration of civil administration at the local level in all those parts of the country where peace and security prevail;

7. Appeals to all States and relevant intergovernmental and non-governmental organizations to provide emergency disaster relief assistance, including food, medical and shelter supplies, as well as logistical support facilities to reach the segment of the population affected by the recent severe floods, to rescue those stranded by water and to curb the impact of potential health and economic consequences;

8. Also appeals to all the Somali parties concerned to seek peaceful means for resolving differences and to redouble their efforts to achieve national reconciliation that allows for transition from relief to reconstruction and development;

9. Calls upon all parties, movements and factions in Somalia to respect fully the security and safety of personnel of the United Nations and its specialized agencies and of non-governmental organizations, and to guarantee their complete freedom of movement throughout the country;

10. Calls upon the Secretary-General to continue to mobilize international humanitarian, rehabilitation and reconstruction assistance for Somalia;

11. Calls upon the international community to provide continuing and increased assistance in response to the United Nations Consolidated Inter-Agency Appeal for relief, rehabilitation and reconstruction assistance for Somalia covering the period from October 1997 to December 1998;

12. Requests the Secretary-General, in view of the critical situation in Somalia, to take all necessary measures for the implementation of the present resolution, and to report thereon to the General Assembly at its fifty-third session.

Sudan

Fighting in the Sudan intensified in 1997, bringing the country into its fourteenth year of continuous civil war. The combination of increased military activity and the onset of drought devastated large parts of the country, further destabilized and degraded the lives of millions of Sudanese civilians and put intense pressure on people already living below subsistence levels. Widespread malnutrition and a spread in infectious diseases disproportionately affected the war-displaced in the hard-hit regions of Bahr el-Ghazal, Upper Nile, Jonglei and Equatoria.

In February, the United Nations launched a Consolidated Inter-Agency Appeal for the Sudan, covering the entire year, requesting \$121 million for 33 projects in six priority areas: emergency food aid (\$43 million); health, nutrition and water/sanitation activities (\$22 million); agriculture, livestock and fishing activities (\$10 million); other emergency basic services (\$6 million); a refugees and returnees project (\$14 million); and inter-agency coordination and emergency programme support (\$24 million). Contributions and pledges received in response to the appeal totalled \$48,939,731.

Funding shortfalls and access restrictions limited relief efforts under Operation Lifeline Sudan (OLS). During 1997, the United Nations received approximately 40 per cent of the funds requested from donors. The impact of that funding shortfall was grave, and forced a severe cut-back in emergency services and food assistance. Malnutrition rates in hard-hit locations rose to over 50 per cent, and interventions in all programme areas, including nutrition, primary health care and water, were reduced.

The Secretary-General submitted an October report on emergency assistance to the Sudan

[A/52/525], covering the period October 1996 to July 1997, prepared in response to General Assembly resolution 51/30 I [YUN 1996, p. 817]. He stated that general insecurity seriously affected areas with large concentrations of at-risk populations and the spread of the conflict put new populations at risk at the same time that security-related incidents caused major setbacks for ongoing relief projects. Virtually all relief activities in the non-government areas of northern Bahr el-Ghazal were disrupted by militia, who launched attacks on surrounding villages, looting relief supplies and burning grain stocks, homes and non-movable supplies. Between August 1996 and July 1997, 56 evacuations of relief personnel occurred from 30 locations served by OLS southern sector due to militia activities.

During that same period, flight denials by the Government increased to an average of 17 locations per month and the Sudanese People's Liberation Movement refused flight clearances on 14 occasions. Barge operations were similarly restricted. In addition, landmines and ambush attacks were a constant threat to relief convoys travelling by road. Personnel of the United Nations and NGOs were routinely denied travel permits by the Government.

International NGOs continued to provide essential humanitarian services, including supplementary feeding, nutrition, disease prevention and treatment, sanitation, water, food-for-work, education and household food security. NGOs served as the main OLS implementing partners.

The UN system provided relief food assistance and assistance for health-related needs, emergency education, children in especially difficult circumstances, water and sanitation, and nutrition.

By the end of June 1997, a total of 386,847 refugees, mainly from Eritrea and Ethiopia with a small number from Chad, the Democratic Republic of the Congo and Uganda, were under the protection of UNHCR. Of those, 152,874 were living in 26 camps in eastern Sudan, receiving assistance for such needs as water, health, food and education.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 F** [draft: A/52/L.42/Rev.1] by recorded vote (95-38-13) [agenda item 20 (b)].

Emergency assistance to the Sudan

The General Assembly,

Recalling its resolutions 43/8 of 18 October 1988 and 43/52 of 6 December 1988, 44/12 of 24 October 1989, 45/226 of 21 December 1990, 46/178 of 19 December 1991, 47/162 of 18 December 1992, 48/200 of 21 De-

cember 1993, 49/21 K of 20 December 1994, 50/58 J of 22 December 1995 and 51/30 I of 17 December 1996 on assistance to the Sudan,

Noting the declining contributions to the 1997 consolidated inter-agency appeal for Operation Lifeline Sudan despite the progress made in the Operation, and noting also that considerable relief needs still remain to be addressed, in particular in the areas of non-food assistance, including assistance to combat malaria, and for logistics, emergency recovery, rehabilitation and development,

Recognizing the need in emergency situations to address the continuum of relief, rehabilitation and development so as to reduce dependence on external food aid and other relief services,

Taking note of the report of the Secretary-General,

1. Acknowledges with appreciation the cooperation by the Government of the Sudan with the United Nations, including the agreements and arrangements achieved to facilitate relief operations towards improvement of United Nations assistance to affected areas, and encourages the continuation of that cooperation;

2. Stresses the need for Operation Lifeline Sudan to be operated with a view to ensuring its efficiency, transparency and effectiveness, with the full participation of the Government of the Sudan in its management and operation, including the conduct of assessment, allocation, distribution and evaluation processes, as well as consultations in the preparation of the consolidated annual inter-agency appeal for the Operation;

3. Stresses also that Operation Lifeline Sudan should operate within the principle of national sovereignty and the framework of international cooperation in accordance with relevant national and international law;

4. Calls upon the international community to continue to contribute generously to the emergency needs, recovery and development of the country;

5. Urges the international community to give priority to assistance for the rehabilitation of roads, railways and airports and to the provision of means of road transport in order to facilitate relief supplies to the affected areas;

6. Calls upon the donor community and the organizations of the United Nations system to provide financial, technical and medical assistance, guided by the actions called for by the General Assembly in its relevant resolutions to combat malaria and other epidemics in the Sudan;

7. Takes note of and is encouraged by the signing in April 1997 of the Peace Agreement between the Government of the Sudan and many factions of the rebel movement for the achievement of peace in the Sudan, and is also encouraged by the joint announcement by the Government and the remaining faction of the rebel movement that they are engaged in peace talks, scheduled to resume in early 1998 under the auspices of the Intergovernmental Authority on Development of the countries of the Horn of Africa, and the acceptance by the parties of the Declaration of Principles as the basis for consultation and negotiation so as to establish durable peace and stability in the country and to facilitate relief supplies;

8. Urges the international community to support the programmes of rehabilitation, settlement and integration of returnees, refugees and internally displaced persons;

9. Stresses the importance of assuring safe access for personnel providing relief assistance to all in need and the importance of strict observance of the principles and guidelines of Operation Lifeline Sudan;

10. Urges all parties involved to continue to offer all feasible assistance, including facilitating the movement of relief supplies and personnel, so as to guarantee maximum success of Operation Lifeline Sudan in all affected parts of the country, with special emphasis on national capacity-building in the humanitarian field for governmental and non-governmental organizations;

11. Also urges all the parties to the conflict to desist from using anti-personnel mines, and calls upon the international community to refrain from supplying mines to the parties to the conflict and to provide the Government of the Sudan with financial and technical assistance in mine clearance;

12. Requests the Secretary-General to continue to mobilize and coordinate resources and support for Operation Lifeline Sudan and to report on the emergency situation in the affected areas and the recovery, rehabilitation and development of the country to the General Assembly at its fifty-third session.

RECORDED VOTE ON RESOLUTION 52/169 F:

In favour Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Jamaica, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova,* Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Against: Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Spain, Sweden, Ukraine, United Kingdom, United States.

Abstain: Albania, Argentina, Armenia, Burundi,** Ethiopia, Guatemala, Kyrgyzstan, Malta, Marshall Islands, Micronesia, Samoa, Slovenia, the former Yugoslav Republic of Macedonia.

*Later advised the Secretariat it had intended to vote against.

**Later advised the Secretariat it had intended to vote in favour.

Asia

Afghanistan

The more than 17 years of fighting, displacement and destruction in Afghanistan continued to have grave implications for the Afghan population and for stability in the region.

The protracted conflict had produced a refugee population that stood at least at 2.6 million in 1997, of whom 1.4 million were in Iran and 1.2 million in Pakistan. In addition, there were from 500,000 to 1,200,000 internally displaced persons within Afghanistan.

Humanitarian conditions varied considerably, with some parts of the country experiencing severe emergency needs, while others enjoyed relative stability and economic recovery.

In accordance with General Assembly resolution 51/195 A [YUN 1996 p. 819], the Secretary-General submitted an October report on emergency assistance to Afghanistan [A/52/536] covering the period from December 1996 to September 1997.

As at early August, \$38 million had been pledged and/or contributed to UN specialized agencies and NGOs in response to a 1996 appeal for \$133 million for the period from 1 January to 31 December 1997 [YUN 1996, p. 818].

Humanitarian programmes continued to operate throughout Afghanistan, despite ongoing fighting and tension, which presented many difficulties. In addition, the condition of women and girls in areas of the country under Taliban control prompted the Executive Committee on Humanitarian Affairs to outline a set of recommended policies and practical measures to promote the adherence by the authorities concerned to the 1979 Convention on the Elimination of All Forms of Discrimination against Women [YUN 1979, p. 895, GA res. 34/180, annex] and the 1966 International Covenant on Economic, Social and Cultural Rights [YUN 1966, p. 419, res. 2200 A (XXI), annex] and to reverse policies that were in contravention of the relevant conventions.

Humanitarian programmes focused on internally displaced persons, mine clearance, the voluntary repatriation and subsequent reintegration of Afghan refugees, and the provision of food aid, health services and education, safe drinking water and improved sanitation systems. A number of projects were implemented to support an increase in overall food production among settled farming communities, nomadic and semi-nomadic pastoralists, returnees and vulnerable groups. In addition, special attention was paid to children affected by the conflict.

Regarding rehabilitation and development activities, a UNDP programme aimed to rebuild indigenous capacities for recovery through the strengthening of grass-roots community and self-help resources. In Kabul, the United Nations Centre for Human Settlements (UNCHS) carried out a broad range of projects in the areas of community support and development, water supply, sanitation and drainage improvements, access improvements, energy, environment and culture. It also supported local government where that would underpin community-led regeneration.

GENERAL ASSEMBLY ACTION

On 19 December [meeting 78], the General Assembly adopted **resolution 52/211 A** [draft: A/52/L.68 & Add.1] without vote [agenda item 20 (c)].

Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The General Assembly,

Recalling its resolutions 47/119 of 18 December 1992, 48/208 of 21 December 1993, 49/140 of 20 December 1994, 50/88 A of 19 December 1995 and 51/195 A of 17 December 1996 concerning emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan,

Concerned about the continuation of the military confrontation in Afghanistan, threatening regional peace and stability, and the significant increase of internally displaced persons and interruptions in the process of repatriating refugees,

Deeply concerned about the massive loss of human life, the aggravated suffering of the most vulnerable groups, the destruction of property and the serious damage to the economic and social infrastructure of Afghanistan caused by eighteen years of war, and underlining the close interrelationship between ensuring peace and normalcy in Afghanistan and the ability of the country to take effective steps towards sustainable economic and social development, bearing in mind that the country continues to suffer from an extremely critical economic situation as a landlocked, least developed and war-stricken country,

Concerned for the well-being of the unarmed civilian population of Afghanistan, who face a long winter possibly deprived of basic foods, owing, inter alia, to the looting of United Nations premises and food supplies and to deliberate restrictions placed on the access of humanitarian organizations to some parts of the country and on other humanitarian operations,

Deeply concerned about the problem of millions of anti-personnel landmines and unexploded ordnance in Afghanistan, which continue to prevent many Afghan refugees and internally displaced persons from returning to their villages and working in their fields, and disturbed by reports of new mines being laid,

Deeply concerned also about the continuing discrimination against girls and women and other recurring abuses of human rights in Afghanistan and the inadequacy of measures taken to reverse the situation,

Commending the efforts of the United Nations Special Mission to Afghanistan headed by Mr. Norbert Holl to bring about the restoration of peace, normalcy and national reconciliation and the reconstruction and rehabilitation of war-stricken Afghanistan,

Affirming the urgent need to continue international action to assist Afghanistan in restoring basic services and the infrastructure of the country, and welcoming the efforts of United Nations agencies, programmes and associated bodies and other humanitarian organizations and agencies, including relevant non-governmental organizations, in this respect,

Expressing its appreciation for the assistance of the Office of the United Nations High Commissioner for Refugees in its continuing support for the repatriation of Afghan refugees from neighbouring countries, and reaffirming the principle of non-refoulement as contained in article 33 of the Convention relating to the Status of Refugees,

Expressing its gratitude to all Governments that have rendered assistance to Afghan refugees, in particular

the Governments of Pakistan and the Islamic Republic of Iran, and recognizing the need for continuing international assistance for the maintenance abroad and the voluntary repatriation and resettlement of refugees and internally displaced persons,

Expressing its appreciation to the States, intergovernmental organizations and associated bodies of the United Nations, as well as to other humanitarian organizations and agencies, including relevant non-governmental organizations, that have responded positively and continue to respond to the humanitarian needs of Afghanistan, as well as to the Secretary-General for his efforts to draw the attention of the international community to the acute problems of reconstruction in Afghanistan and for mobilizing and coordinating the delivery of appropriate humanitarian assistance,

1. Takes note of the report of the Secretary-General, and endorses the observations contained therein;

2. Requests the Secretary-General to continue efforts to develop plans for national reconstruction and rehabilitation, beginning in areas of peace and security;

3. Calls upon the relevant organizations of the United Nations to coordinate closely their humanitarian assistance to Afghanistan, in particular to ensure a consistent approach to human rights;

4. Calls upon the leaders of all Afghan parties to place the highest priority on national reconciliation, acknowledging the war-weariness of the Afghan people and their desire for rehabilitation, reconstruction and economic and social development;

5. Demands that all Afghan parties fulfil their obligations and honour their commitments regarding the safety and full freedom of movement of United Nations personnel and other humanitarian personnel, as well as the security of their premises in Afghanistan, and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies in their efforts to respond to the humanitarian needs of the people of Afghanistan;

6. Urges all parties to prevent the looting of United Nations premises and food supplies, not to hamper the delivery of humanitarian assistance and to facilitate the work of organizations in implementing humanitarian assistance, in particular the supply of food, medicines, shelter and health care, for which access to those in need is essential;

7. Expresses grave concern at the indiscriminate use of landmines in Afghanistan, which seriously impedes the delivery of humanitarian assistance;

8. Urgently appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other intergovernmental and non-governmental organizations to continue to provide, on a priority basis and as far as conditions on the ground permit, all possible financial, technical and material assistance for the restoration of basic services and the reconstruction of Afghanistan and the voluntary, safe and secure return of refugees and internally displaced persons with dignity and honour, and appeals to the international financial and development institutions to assist in the planning of the reconstruction of Afghanistan;

9. Calls upon the international community to respond to the inter-agency consolidated appeal for emergency humanitarian and rehabilitation assistance for Afghanistan to be launched by the Secretary-

General for the period from 1 January to 31 December 1998, bearing in mind the availability also of the Afghanistan Emergency Trust Fund;

10. Denounces the continuing discrimination against girls and women and other violations of human rights and international humanitarian law in Afghanistan, notes with deep concern their adverse effects on international relief and reconstruction programmes in Afghanistan, and calls upon all Afghan parties to respect fully the human rights and fundamental freedoms of all, in particular of women and girls, in accordance with all human rights instruments and standards, including the Convention on the Elimination of All Forms of Discrimination against Women;

11. Calls upon the organizations of the United Nations system to cooperate fully in the implementation of policies and measures recommended by the Executive Committee on Humanitarian Affairs, as mentioned in paragraph 7 of the report of the Secretary-General;

12. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the actions taken pursuant to the present resolution;

13. Decides to include in the provisional agenda of its fifty-third session, under the cluster of items on co-ordination of humanitarian assistance, the item entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan".

Iraq

Since 1991 [YUN 1991, pp. 207-211], the Security Council had attempted to alleviate the impact of UN sanctions on Iraq's civilian population and to meet their essential humanitarian needs by a variety of measures that would have allowed Iraq to sell a limited quantity of oil, under UN supervision, in order to fund the import of humanitarian goods. The most extensive of those measures was Security Council resolution 986(1995) [YUN 1995, p. 475], which authorized the sale of \$2 billion worth of oil over a period of 180 days to meet Iraq's essential humanitarian needs, as well as other defined purposes such as compensating the victims of Iraq's invasion of Kuwait in 1990 [YUN 1990, p. 149]. The 180-day period commenced on 10 December 1996.

(For details on humanitarian assistance to Iraq under the oil-for-food programme, see PART ONE, Chapter IV.)

Kazakhstan

The former Soviet Union initiated the Semipalatinsk (Kazakhstan) nuclear testing range on 29 August 1949 by exploding a plutonium bomb. Tests continued at the Semipalatinsk test site, which came to be called the Polygon, for more than 40 years until the President of Kazakhstan closed it in 1991. The explosion of over 500 devices within the Polygon profoundly damaged the communities in the Semipalatinsk region,

which continued to face a complicated web of hardship, linked to the testing of nuclear weapons, that destabilized most aspects of their lives.

The General Assembly, recognizing the seriousness of the situation in the Semipalatinsk region, adopted **resolution 52/169 M** (see below), in which it decided to consider the question in 1998.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 M** [draft: A/52/L.61/Rev.1 & Add.1] without vote [agenda item 20 (b)].

International cooperation and coordination for the human and ecological rehabilitation and economic development of the Semipalatinsk region of Kazakhstan

The General Assembly,

Recognizing that the Semipalatinsk nuclear testing ground, inherited by Kazakhstan and closed in 1991, has become a matter of serious concern for the people and Government of Kazakhstan with regard to its consequences for the lives and health of the people, especially children, as well as for the environment of the region,

Conscious that the international community should pay due attention to the issue of the human, ecological and socio-economic dimensions of the situation in the Semipalatinsk region,

Recognizing the need to coordinate national and international efforts aimed at the rehabilitation of the health of the affected population and the environment in this region,

Bearing in mind the need for know-how in minimizing and mitigating radiological, health, socio-economic, psychological and environmental problems in the Semipalatinsk region,

Recalling the Almaty Declaration of the heads of the Central Asian States of 28 February 1997, proclaiming 1998 as the Year of Environmental Protection in the region of Central Asia,

1. Stresses the need for greater attention and extra efforts with regard to the Semipalatinsk region and its population;

2. Requests the Secretary-General, in cooperation with interested Governments and relevant organizations and agencies, to compile a report on the humanitarian situation in the Semipalatinsk region in order to assist the Government of Kazakhstan in the formulation of a recommended overall action plan to address the humanitarian, ecological and economic problems and needs of the region;

3. Urges the international community to provide assistance in the formulation and implementation of special programmes and projects of treatment and care for the affected population in the Semipalatinsk region;

4. Invites all States, relevant multilateral financial organizations and other entities of the international community, including non-governmental organizations, to share their knowledge and experience in order to contribute to the human and ecological rehabilitation and economic development of the Semipalatinsk region;

5. Invites all Member States, relevant organs and organizations of the United Nations system, including the funds and programmes, to participate in the rehabilitation of the health of the affected population and the ecosystem of the Semipalatinsk region;

6. Decides to consider at its fifty-third session the humanitarian situation in the Semipalatinsk region under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

Tajikistan

Despite agreements reached in June 1997 between the Government of Tajikistan and the United Tajik Opposition (see PART ONE, Chapter IV), and government efforts to allocate limited resources to returning refugees and displaced persons, the economic situation in Tajikistan remained bleak and essential social services were largely dysfunctional, leaving a large percentage of the population extremely vulnerable.

The capacity of international organizations to deliver assistance to Tajikistan in 1997 was seriously curtailed as a result of concerns for the security of international staff. Three major security incidents occurred during the year that seriously disrupted all international assistance activities: a UN hostage crisis in Obigarm and Dushanbe, resulting in a three-month relocation to Uzbekistan of all UN agency staff between February and April; an outbreak of heavy fighting between government forces and opposition groups in Dushanbe and Khatlon in August; and another international hostage crisis in Dushanbe in November, which resulted in the death of one French aid worker and a significant reduction in the presence of international aid workers (non-UN) throughout much of the country.

A United Nations Consolidated Inter-Agency Donor Alert on Urgent Humanitarian Needs in Tajikistan, requesting \$22 million and initially covering the period December 1996 to May 1997, issued in November 1996 [YUN 1996, p.828], was extended for three months, until the end of August, and subsequently updated and extended until the end of the year. The updated requirement was \$33 million.

The International Donor Conference in Support of Peace and Reconciliation in Tajikistan (Vienna, 24-25 November) pledged \$95 million in assistance. A UN Open Trust Fund was to serve as a funding mechanism.

The World Bank, in April, approved a \$ 12 million credit for Tajikistan to help finance a Pilot Poverty Alleviation Project to support the Government's efforts to restore economic and social stability by helping to improve the quality of life

of the poorest segments of Tajikistan's population.

In December, IMF approved a \$10 million loan to Tajikistan under its emergency post-conflict assistance, to support the Government's economic programme for 1997-1998. The programme placed significant emphasis on structural reform, most importantly on privatization, land reform, bank restructuring and enterprise reform.

The Security Council President, in a 7 February statement [S/PRST/1997/6], had expressed deep concern over the deteriorating humanitarian situation in Tajikistan and called for emergency relief, including assistance for the return of refugees.

GENERAL ASSEMBLY ACTION

On 25 April [meeting 97], the General Assembly adopted **resolution 51/30 J** [draft: A/51/L.71] without vote [agenda item 21 (b)].

Emergency international assistance for peace, normalcy and rehabilitation in Tajikistan

The General Assembly,

Recalling Security Council resolutions 1089(1996) of 13 December 1996 and 1099(1997) of 14 March 1997, and the statement by the President of the Security Council of 7 February 1997, in which the Council expressed its deep concern over the worsening of the humanitarian situation in Tajikistan,

Recalling also the statement by the President of the Security Council of 12 March 1997 concerning the security and safety of United Nations and other international personnel associated with United Nations operations, as well as personnel of international humanitarian organizations,

Taking note of the reports of the Secretary-General of 5 December 1996 and of 5 March 1997 on the situation in Tajikistan,

Supporting the efforts of the United Nations, in particular those of the Special Representative of the Secretary-General, aimed at achieving a comprehensive political settlement in the inter-Tajik talks, and those of the personnel of the United Nations Mission of Observers in Tajikistan,

Welcoming the recent agreements reached between the Government of Tajikistan and the United Tajik Opposition, in particular those signed in Mashhad, Islamic Republic of Iran, and Moscow, aimed at achieving national reconciliation, and urging the parties to continue their efforts to solve the conflict peacefully,

Deeply concerned at the impact of the conflict on the humanitarian situation and on the social and economic infrastructure of Tajikistan, and aware that the sharp decline in the provision of social, health and education services, lack of heating fuel for hospitals, schools and homes and the sharp drop in the real income of most families have made it increasingly difficult for large sections of the population in Tajikistan to meet their basic needs,

Deploring the deterioration in the security situation, which necessitated the suspension of United Nations humanitarian activities in Tajikistan and has prevented the Organization from implementing fully the meas-

ures it had undertaken to ensure the coherent delivery of humanitarian assistance, in particular through the strengthening of coordination structures in Tajikistan,

Stressing the importance of ensuring the voluntary return, in safety and dignity, of all refugees and internally displaced persons to their places of permanent residence and of reintegrating them into the social and economic life of the country,

Deeply concerned about the danger posed by landmines in Tajikistan,

Bearing in mind the close interrelationship between ensuring peace and achieving national reconciliation in Tajikistan and the ability of the country to meet the humanitarian needs of its people and to take effective steps towards the rapid revitalization of the economy,

Affirming the urgent need to assist Tajikistan in its efforts to restore basic services and the infrastructure of the country,

Expressing its appreciation to the States, United Nations and other intergovernmental organizations and all relevant humanitarian organizations, agencies and non-governmental organizations, including the International Committee of the Red Cross, that have responded and continue to respond positively to the humanitarian needs of Tajikistan,

1. Encourages the efforts aimed at achieving national reconciliation in Tajikistan, and calls upon the parties to comply fully with all obligations they have assumed towards this goal, in particular to respect the ceasefire agreement;

2. Welcomes with appreciation the efforts undertaken by the Secretary-General in drawing the attention of the international community to the acute problems of Tajikistan and in mobilizing assistance for rehabilitation and reconstruction of the country;

3. Encourages Member States and others concerned to respond further both promptly and generously to the consolidated inter-agency donor alert on urgent humanitarian needs of Tajikistan for the period from 1 December 1996 to 31 May 1997 launched by the Secretary-General;

4. Encourages States to contribute to the voluntary fund established by the Secretary-General in accordance with Security Council resolution 968(1994) of 16 December 1994 in support of the implementation of the Agreement on a Temporary Ceasefire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks, signed at Tehran on 17 September 1994;

5. Condemns terrorist acts and other acts of violence in Tajikistan, and calls upon the parties to ensure the safety, security and freedom of movement of United Nations and other international humanitarian personnel;

6. Encourages the parties to cooperate in order to reduce the threat from the indiscriminate use of landmines to the civil population of Tajikistan and to the provision of humanitarian assistance, and welcomes in this regard the proposal to create a mine action centre in Tajikistan;

7. Requests the Secretary-General to continue to monitor the humanitarian situation in Tajikistan and to report to the General Assembly at its fifty-second session on the progress made in the implementation of the present resolution;

8. Decides to consider at its fifty-second session the question of the situation of Tajikistan under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

In accordance with the Assembly's April request, the Secretary-General, in October [A/52/500], discussed emergency assistance for peace, normalcy and rehabilitation in Tajikistan. His report covered the period from the adoption of the resolution to mid-August 1997.

UNHCR resumed its voluntary negotiation operation on 17 July following a five-month suspension. As at 10 August, over 2,000 Tajik refugees from northern Afghanistan had been repatriated. The return of some 3,900 internally displaced persons was facilitated by the Government and the International Organization for Migration.

The overall health situation was discouraging. In June, WHO was able to begin a one-year emergency programme to control malaria and typhoid. The Ministry of Health, together with UNICEF, was implementing a national programme to combat acute respiratory disease and diarrhoeal infections. UNICEF was also developing a national nutrition programme.

FAO was striving to resume and expand its programme. Under the FAO Technical Cooperation Programme, a one-year project for the coordination of emergency agricultural relief recovery intervention was launched in June. UNDP continued to be active in rehabilitation and development projects and had initiated efforts to guide the programming of international assistance to support the immediate medium- and long-term requirements of the country.

During the reporting period, due to changes in regulations, international organizations experienced many difficulties with the registration, importation and clearance of humanitarian medical supplies.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 I** [draft: A/52/L.46/Rev.1 & Add.1] without vote [agenda item 20 (b)].

Emergency international assistance for peace, normalcy and rehabilitation in Tajikistan

The General Assembly,

Recalling its resolution 51/30 J of 25 April 1997,

Recalling also Security Council resolutions 1113(1997) of 12 June 1997, 1128(1997) of 12 September 1997 and 1138(1997) of 14 November 1997,

Having considered the report of the Secretary-General,

Welcoming the successful conclusion of the inter-Tajik talks, conducted under United Nations auspices since 1994, with the signing in Moscow on 27 June 1997 by the President of the Republic of Tajikistan and the

leader of the United Tajik Opposition of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and welcoming also the progress made by the parties in the implementation of the General Agreement and the effective maintenance of the ceasefire between them since December 1996,

Commending the efforts of the United Nations, in particular those of the Special Representative of the Secretary-General for Tajikistan and of the personnel of the United Nations Mission of Observers in Tajikistan, in assisting the parties in the implementation of the General Agreement,

Noting that, despite the successful conclusion of the inter-Tajik talks and the efforts of the Government of Tajikistan to allocate limited resources to returning refugees and displaced persons, the economic situation in Tajikistan remains bleak and essential social services are largely dysfunctional, making a large percentage of the population extremely vulnerable,

Bearing in mind the close interrelationship between ensuring peace and achieving national reconciliation in Tajikistan and the ability of the country to meet the humanitarian needs of its people and to take effective steps towards the rapid revitalization of the economy, and reaffirming the urgent need to assist Tajikistan in its efforts to restore basic services and the infrastructure of the country,

Expressing concern that the security situation in parts of Tajikistan remains volatile,

Deeply concerned at the recent attack on the United Nations and other humanitarian personnel in Tajikistan,

Deeply concerned also about the danger posed by landmines in Tajikistan,

Welcoming the completion of the voluntary repatriation of Tajik refugees from northern Afghanistan, and stressing the importance of ensuring the voluntary return, in safety and dignity, of all refugees and internally displaced persons to their places of permanent residence,

Expressing its appreciation to the States, United Nations and other intergovernmental organizations and all relevant humanitarian organizations, agencies and non-governmental organizations, including the International Committee of the Red Cross, that have responded and continue to respond positively to the humanitarian needs of Tajikistan,

1. Takes note of the report of the Secretary-General, and endorses the observations and recommendations set out therein;

2. Welcomes the efforts aimed at achieving peace and national reconciliation in Tajikistan, and encourages the parties to implement fully the General Agreement on the Establishment of Peace and National Accord in Tajikistan, and also encourages the Commission on National Reconciliation to continue its efforts aimed at the institution of a broad dialogue among the various political forces in the country in the interests of restoration and strengthening of civil accord in Tajikistan;

3. Welcomes with appreciation the efforts undertaken by the Secretary-General in drawing the attention of the international community to the acute humanitarian problems of Tajikistan and in mobilizing assistance for the implementation of the General Agreement and the rehabilitation and reconstruction of the country;

4. Notes that the mandate of the United Nations Mission of Observers in Tajikistan adopted by the Se-

curity Council in its resolution 1138(1997) authorizes the Mission to coordinate United Nations assistance to Tajikistan during the transition period, and welcomes the intention of the Secretary-General to appoint the United Nations Resident Coordinator as Deputy Special Representative of the Secretary-General;

5. Welcomes the results of the donor conference convened by the Secretary-General at Vienna on 24 and 25 November 1997 to obtain international support dedicated to the implementation of the General Agreement, in particular in the areas of political reconciliation and democratization, the demobilization and reintegration of ex-combatants and the reform of power structures, and the repatriation and reintegration of refugees and internally displaced persons;

6. Encourages Member States and others concerned to continue assistance to alleviate the urgent humanitarian needs of Tajikistan and to offer support for the rehabilitation and reconstruction of its economy;

7. Welcomes the intention of the Secretary-General to prepare a full-scale consolidated inter-agency appeal for humanitarian assistance to Tajikistan for a period of 12 months beginning in January 1998;

8. Strongly condemns the recent act of kidnapping of the United Nations and other humanitarian personnel, and urges the parties to ensure the safety, security and freedom of movement of United Nations and other international humanitarian personnel as well as the safety and security of their premises;

9. Encourages the parties to cooperate in order to reduce the threat from the indiscriminate use of landmines to the civil population of Tajikistan and to the provision of humanitarian assistance;

10. Requests the Secretary-General to continue to monitor the humanitarian situation in Tajikistan and to report to the General Assembly at its fifty-third session on the progress made in the implementation of the present resolution;

11. Decides to consider at its fifty-third session the question of the situation in Tajikistan under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

Europe

Albania

The collapse of fraudulent investment schemes plunged Albania into a crisis of civil unrest and rebellion against the Government in early 1997 and brought near-total chaos to the country's infrastructure and institutional apparatus (see PART ONE, Chapter V). As a result, humanitarian needs were apparent throughout the country, requiring emergency food assistance, intervention in the health sector and assistance for the return of some 13,000 refugees from Italy and another 20,000 from Greece.

A United Nations Inter-Agency Mission visited Albania from 26 March to 1 April to assess humanitarian needs resulting from the economic and political crisis and civil disorder. The mission concluded that humanitarian assistance

was not required on a large scale. The projects and funding needs for WFP, UNICEF, WHO and DHA amounted to \$3,821,530. That figure was subsequently revised to \$10,332,522 due to an increase in WFP food requirements.

Chechnya, Russian Federation

The United Nations in 1997 continued to assist persons displaced as a result of the emergency situation in Chechnya, Russian Federation, where armed conflict had erupted in December 1994 between Russian Federation forces and Chechen separatists. That conflict had set in motion a rapid outflow of displaced persons—mostly women and children—and led to UN humanitarian action in 1995 [YUN 1995, p. 925] and 1996 [YUN 1996, p. 827].

In February 1997, DHA launched a United Nations Consolidated Inter-Agency Appeal for the Return and Reintegration of Displaced Persons from Chechnya, Russian Federation, for the period from January to December 1997, which sought \$11,853,100. The Appeal covered UNHCR, UNICEF, WHO and DHA activities targeting some 75,000 persons for return or integration assistance.

The former Yugoslavia

In 1997, the countries of the former Yugoslavia—Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (FRY) and the former Yugoslav Republic of Macedonia (FYROM)—were in a transition phase, still recovering from the effects of war (see PART ONE, Chapter V).

Bosnia and Herzegovina had witnessed substantial but uneven progress in the political, economic, social rehabilitation, and reconstruction spheres. In Croatia, the economy and social infrastructure of significant parts of the country had yet to recover fully from the effects of the war. In areas that had been exposed to military action, special efforts had to be made to advance the reconciliation and rehabilitation process. The economy in FRY continued to encounter difficulties, with limited economic output, a high unemployment rate and a weak social support system. In FYROM, the economy also remained weak.

A United Nations Consolidated Inter-Agency Appeal for Bosnia and Herzegovina, Croatia, FRY and FYROM, covering the period from January to December 1997, sought a humanitarian assistance programme valued at \$554.6 million, which was subsequently revised to \$443.8 million.

In November, DHA launched a United Nations Consolidated Inter-Agency Appeal for Bosnia and Herzegovina, Croatia, FRY and FYROM, for the period January to December 1998, for a total

of \$406.1 million, which was later revised to \$459.3 million.

Special economic assistance

African economic recovery and development

In 1997, the Committee for Programme and Coordination (CPC) discussed the harmonization of the United Nations System-wide Special Initiative on Africa, launched in 1996 [YUN 1996, p. 832], with the System-wide Plan of Action for African Economic Recovery and Development, adopted by CPC in 1992 [YUN 1992, p. 577] and endorsed by the Assembly later that year in resolution 47/214 [YUN 1992, p. 1046]. CPC observed that an Ad Hoc Committee of the Whole of the Assembly, which, in 1996 [YUN 1996, p. 829], had carried out a mid-term review of the United Nations New Agenda for the Development of Africa in the 1990s, adopted by the Assembly in resolution 46/151 [YUN 1991, p. 397], had noted that the System-wide Special Initiative was complementary to and might become an impetus for implementing all the elements of the New Agenda. The Steering Committee on Africa of the Administrative Committee on Coordination (ACC) had concluded that amalgamating the System-wide Plan and Special Initiative would be the optimal approach for successfully achieving the objectives of the New Agenda. CPC therefore recommended that the Special Initiative be renamed the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s.

New Agenda for the Development of Africa

The New Agenda for the Development of Africa, adopted by General Assembly resolution 46/151 [YUN 1991, p. 397], continued in 1997 to be implemented by the United Nations Conference in Trade and Development (UNCTAD), among other UN bodies.

UNCTAD action. The fifteenth executive session of the UNCTAD Trade and Development Board (TDB) (Geneva, 27 June) [A/52/15] considered an April report [TD/B/EX(15)/2] by the UNCTAD Secretary-General, which described UNCTAD's contribution towards implementing the New Agenda. The report covered UNCTAD activities in developing trade efficiency; improving trade-supporting services to facilitate trade and

exports; supporting the formulation of national policies promoting private sector development, including small and medium-sized enterprises (SMEs) and privatization issues; aiding African countries to join the global trading system; contributing to diversification in commodity-dependent countries; and providing continued support for debt management. UNCTAD's technical assistance efforts focused on risk management and foreign direct investment issues.

At its forty-fourth session (Geneva, 13-23 October) [A/52/15], TDB considered an August report [TD/B/44/12] by the UNCTAD secretariat, which reviewed Africa's recent economic performance, analysed the factors affecting its recent growth performance, and explored the medium-term prospects for maintaining that momentum and achieving sustainable growth. Recent trends in trade, external debt and agricultural policies were among the issues covered in the report.

The report observed that increasing investment in tradeable goods sectors and physical and human infrastructure was a prerequisite for sustained growth and required a considerable expansion of imports. However, such expansion was constrained by balance-of-payments considerations, which had been negatively affected by the external debt burden. Debt relief was therefore indispensable for a transition to a self-sustained growth process in sub-Saharan Africa. It further noted that export promotion in non-traditional sectors was an aim to be vigorously pursued; increased competitiveness could best be achieved through improvements in productivity brought about by higher investment in physical and human infrastructure; exchange rate stability was essential for the success of an export-oriented development strategy, although such a strategy might also call for the adoption of selective and temporary incentives for exports in non-traditional sectors; a balance was needed between food self-sufficiency, surplus extraction and price incentives and income security for producers; care was needed to avoid systematic biases against food crops; policy instruments and institutions that could be used to pursue those objectives should not be dismantled; and African agriculture required substantial investments in and maintenance of infrastructure, which could not always be undertaken by the private sector.

In its agreed conclusions of 4 November [A/52/15 (agreed conclusions 443(XLIV))], TDB observed that the recent performance in African economies gave rise to optimism. However, a speedy and substantial reduction of the debt overhang problem was critical if the current upturn was to be followed by sustained economic growth and if Africa was to be successfully integrated into the

world economy. The specificity of African economies was that the continent suffered from acute problems related to infrastructure and had supply-side constraints that inhibited the capacity for growth and export. Thus, TDB emphasized the need for major investment in human and physical infrastructure and for African countries to mobilize sufficient savings and funding in order to invest. As Africa had the highest debt-to-exports ratio of any continent, the Board welcomed the various debt-relief initiatives, particularly the IMF/World Bank initiative for the heavily indebted poor countries, which sought to bring the debt burden of countries to sustainable levels. TDB expressed the wish that agreement be reached to allow the greatest number of African countries to benefit from that initiative. UNCTAD should closely monitor the relationship between debt and the capacity of African countries to generate savings to support investment, and its technical support and advisory services for capacity-building in debt management for African countries should continue. UNCTAD should also continue to provide assistance to African countries in their preparations for negotiations in the context of the Paris Club of creditor countries. TDB noted with concern that the levels of official development assistance (ODA) had fallen in real terms to their lowest level. All donors were therefore invited to increase the level of ODA in accordance with internationally agreed targets. UNCTAD should continue to explore ways to increase resources for development for Africa, in particular analysing how ODA could be used as a catalyst to attract other types of flows. While Africa needed to attract foreign direct investment (FDI) and many countries had begun to improve laws and regulations governing FDI, a very small percentage of the total FDI flow went to Africa, mainly in the minerals and energy sector. It was recognized that macroeconomic stability was one of the prerequisites for building investor confidence and attracting FDI. Ways of attracting investment should be considered. UNCTAD should continue to explore such ways, including issues related to intra- and inter-regional investment cooperation and exchange of investment experiences.

United Nations System-wide Special Initiative on Africa

ACC consideration. ACC, at its first regular session of 1997 [ACC/1997/4] (Geneva, 10-11 April), discussed the implementation of the United Nations System-wide Special Initiative on Africa. The UNDP Administrator called attention to the substantial, measurable progress being made in relation to African ownership and country-level

implementation of the Initiative. He referred specifically to sector investment programmes at various stages of planning in Guinea, Mali, Malawi, Mauritius and Senegal in the area of education, and Ghana, Mali, Mauritius, Mozambique, the Niger, Senegal, Sierra Leone and Zambia in the area of health.

ACC members emphasized that listening to Africans with respect to their priorities was the only way to ensure sustained African ownership and leadership and lasting progress at the country level. They called for maximum use of expertise available in Africa and for diversified implementation strategies to ensure that each country's specific situation and priorities were addressed. Emphasis was also placed on the need for adequate investments in higher education and science and technology.

At its second regular session (New York, 31 October) [ACC/1997/20], ACC noted that although there had been some progress in a number of substantive areas of the Special Initiative, there appeared to be some loss in momentum in attention being given by the various agencies to coordinating activities in their respective sectors. Progress in linking the Special Initiative and the New Agenda had been achieved, with the Initiative being recognized as the implementation arm of the New Agenda (see above).

CPC action. At its thirty-seventh session (New York, 9 June–3 July), CPC had before it a May report [E/AC.51/1997/7] containing the proposed revision to the Special Initiative, in line with its 1996 decision on the subject [YUN 1996, p. 833]. The report described activities in the priority areas of water, food security, governance, and social and human development and summarized the decisions of the ACC Steering Committee of the Special Initiative.

Also before CPC was a May report [E/AC.51/1997/6] containing the proposed revision to the System-wide Plan of Action for African Economic Recovery and Development, adopted by it in 1992 [YUN 1992, p. 577] and endorsed by the Assembly in resolution 47/214 later that year [YUN 1992, p. 1046]. The revision was aimed at harmonizing the System-wide Plan of Action with the Special Initiative. It noted that the five major priority areas of the Special Initiative (see above) were fully contained in the System-wide Plan of Action. However, two significant priority areas in the Plan of Action—diversification of African economies and regional and subregional cooperation and integration—were not included in the Special Initiative. Therefore, the proposed revision included all seven areas.

CPC reiterated its concern about the proliferation of initiatives on Africa and the need to avoid

duplication. It recommended that, in order to establish a functional linkage between the New Agenda and the Special Initiative, the latter would be referred to as the United Nations System-wide Special Initiative for the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s. CPC requested that a progress report on the renamed Special Initiative be submitted in 1998.

UNDP action. In a report [DP/1998/17/Add.5] to the Executive Board of UNDP and UNFPA, the UNDP Administrator described progress made regarding the United Nations System-wide Special Initiative on Africa 1997.

Progress was evident in countries where government policies and strategies were clear and in those sectors where coordinating agencies had provided leadership. Some examples were: the World Bank's overall commitment to the Special Initiative and collaborative leadership with UNESCO, UNFPA, UNICEF and WHO of cluster coordination in education and health, which had resulted in greater programme coordination; UNDP and Economic Commission for Africa (ECA) leadership in governance, which was aimed at improving coordination arrangements and reinforcing resource mobilization strategies for the countries participating in the annual Africa Governance Forum; ECA leadership in the priority area of Harnessing Information Technology for Development (HITD), which had resulted in agreement that the African Information Society Initiative (AISII) would become the implementation framework for HITD; the association of the IMF/World Bank HIPC initiative with the Special Initiative, which had created an added forum for discussing issues surrounding Africa's debt problem; and UNIDO support for the Alliance for Africa's Industrialization, whose Plan of Action was adopted by the Conference of African Ministers of Industry in Ghana in May, which had further strengthened the integration of that priority sector within the Initiative.

With the clarification that all African countries were entitled to participate in the Special Initiative, regardless of their stage of development, resources for upstream capacity-building activities were becoming available. Cluster consultations and two technical working group meetings in Addis Ababa (December 1996) and in New York (September 1997) had made more explicit the extent to which policy and programme impediments needed to be overcome before countries could begin to access resource flows from sector investment programmes.

UN system delivery on its commitment to support the Special Initiative had been somewhat uneven. Information from various lead and co-

operating agencies on the progress of implementation of some priority areas was neither readily nor regularly available. Cluster consultations, joint work programmes, information exchanges and reporting were therefore of limited value.

UN country team retreats in Ethiopia, Ghana, Mozambique and Togo, led by resident coordinators, had helped to define the best ways to harmonize programming instruments and reporting requirements.

Democratic Republic of the Congo (former Zaire)

During the first months of 1997, the international community had to adjust its humanitarian activities in the former Zaire (renamed the Democratic Republic of the Congo (DRC)) (see PART ONE, Chapter II) to the reality of a country divided into two zones: the eastern provinces under the control of the Alliance des Forces démocratiques pour la Libération (AFDL) and the rest of the country. While humanitarian interventions by the United Nations focused on the complex emergency within the geographic areas under AFDL control, projects were also implemented in central provinces of the country and in the capital city (Kinshasa).

Report of Secretary-General. The Secretary-General, in a report on special assistance for the economic recovery and reconstruction of DRC [A/53/538], stated that in 1997 UN financing was evaluated at \$731.9 million, mostly from UNHCR (25 per cent) and WFP (43 per cent), and covered a wide range of sectors. The amount represented 74 per cent of external assistance to the country. Funds and human resources were mainly allocated to emergency operations in the light of the political turmoil that affected the country during the first part of the year.

The Government formulated a triennial programme, which it submitted to a meeting of the "Friends of the Congo", chaired by the World Bank in Brussels (Belgium) on 3 and 4 December. The programme reflected the Government's determination to boost the country's development and promote indigenous capability. UN entities in the DRC (ECA, FAO, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization, UNDP, UNFPA, UNHCR, UNICEF, WFP and WHO) adapted their programmes in order to address the Government's new priorities.

UNDP action. On 23 May [E/1997/33 (dec. 97/19)], the UNDP/UNFPA Executive Board encouraged UNDP and UNFPA to continue monitoring the implications for special assistance to the Democratic Republic of Congo and to be alert to the need for inter-agency assistance activities there. It asked

the UNDP Administrator and the UNFPA Executive Director to report on activities undertaken.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 A** [draft: A/52/L.14/Rev.2] **without vote** [agenda item 20].

Special assistance for the economic recovery and reconstruction of the Democratic Republic of the Congo

The General Assembly,

Noting that the Democratic Republic of the Congo is a least developed country with severe economic and social problems arising from its weak economic infrastructure as a result of years of mismanagement,

Noting also that the Democratic Republic of the Congo encounters serious difficulties in sustaining reconstruction and development programmes in spite of efforts that are being made by the Government and people of the Democratic Republic of the Congo,

Deeply concerned about the extensive destruction of life and property, as well as the severe damage to infrastructure and the environment, suffered by the Democratic Republic of the Congo as the result of recent events,

Bearing in mind that the Democratic Republic of the Congo also suffers from problems encountered by a country that has received thousands of refugees from neighbouring countries,

Recognizing the need for the Democratic Republic of the Congo to take all possible measures to ensure the safety and security of refugees and displaced persons and safe and unrestricted access for humanitarian assistance, in accordance with the principles and norms of humanitarian law and in conformity with national law,

Gravely concerned about the continuation of armed confrontation in the Great Lakes region, threatening regional peace and stability, and the attendant displacement of families and interruptions in the process of repatriating refugees,

Taking note of the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990, and the mutual commitment entered into on that occasion,

Convinced that the Democratic Republic of the Congo needs urgent international assistance to support the rehabilitation and reconstruction of its damaged economy,

Welcoming the "Friends of the Congo" meeting chaired by the World Bank at Brussels on 4 December 1997 as an important step in the establishment of a dialogue between the Government of the Democratic Republic of the Congo and the donor community on the future development of the Democratic Republic of the Congo,

1. Recognizes the ongoing efforts undertaken by the Government and people of the Democratic Republic of the Congo for national rehabilitation and reconstruction, and encourages the Government of the Democratic Republic of the Congo to pursue sound macro-economic policies and to promote good governance and the rule of the law;

2. Invites the Government of the Democratic Republic of the Congo to cooperate with the United Nations, its specialized agencies and other organizations in addressing the need for rehabilitation and reconstruction and reaffirming the need for respect for the provisions of humanitarian law;

3. Invites all Member States, the specialized agencies and other organizations of the United Nations system, as well as international development and financial institutions, to assist in the rehabilitation and reconstruction of the Democratic Republic of the Congo and to contribute appropriately, through bilateral or multilateral channels, towards the implementation of that rehabilitation and reconstruction in accordance with national priorities;

4. Calls upon regional and interregional organizations, as well as international development and financial institutions, to continue to give consideration to the establishment of a programme of assistance for the Democratic Republic of the Congo, in accordance with its national priorities;

5. Requests the appropriate organizations and programmes of the United Nations system to review regularly their current and future programmes of assistance to the Democratic Republic of the Congo and to cooperate closely in organizing an effective international programme of assistance;

6. Invites the executive boards of the United Nations funds and programmes to consider the special needs of the Democratic Republic of the Congo;

7. Welcomes the efforts of the United Nations Development Programme and other United Nations agencies, associated bodies and other humanitarian organizations and agencies, including relevant non-governmental organizations, in assisting the Democratic Republic of the Congo to restore basic services and the infrastructure of the country;

8. Calls upon the Government of the Democratic Republic of the Congo to facilitate, in accordance with its national priorities, the work of national and international governmental and non-governmental organizations;

9. Requests the Secretary-General:

(a) To promote participation in and support for a programme of financial and material assistance to the Democratic Republic of the Congo to enable it to meet its urgent needs for economic recovery and reconstruction;

(b) To submit to the General Assembly at its fifty-third session a report on the actions taken pursuant to the present resolution;

10. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", a sub-item entitled "Special assistance for the economic recovery and reconstruction of the Democratic Republic of the Congo".

Djibouti

In response to General Assembly resolution 51/30 E [YUN 1996, p. 835], the Secretary-General, in October [A/52/434], described progress in providing assistance for the reconstruction and development of Djibouti. The situation in the

country had been adversely affected by the evolving critical situation in the Horn of Africa, the presence of tens of thousands of refugees and persons displaced from their countries, the extremes of local climate, including cyclical droughts, torrential rains and flooding, and the extremely limited financial capacity to implement reconstruction and development programmes.

In addition, fighting between the Government and armed opposition groups in the north of the country resulted in a large displacement of the civilian population, and in the recruitment of over 12,000 soldiers who subsequently had to be demobilized and reintegrated into civilian life.

Djibouti had become a refugee-hosting country. The increasing number of displaced persons and refugees, combined with the continuous flow of illegal immigrants seeking jobs and assistance, was a matter of great concern to the Government. The refugee situation had affected not only general security but also the health sector and sanitation.

UN organizations were developing activities related to repatriation, food distribution and education, as part of the regrouping efforts to resettle refugees in camps. UNDP was preparing a \$500,000 project to address pressing rehabilitation needs through pilot activities in the three most affected areas of the country and UNHCR was providing assistance to refugees. UNICEF, WFP, UNESCO and WHO were also active in the country. A round table of donors took place in Geneva in May.

The Secretary-General concluded that there was immediate need for the rehabilitation and reconstruction of damaged or destroyed social infrastructures such as schools, dispensaries and water facilities in all regions that had been affected by civil strife. Budgetary support was also required for the Government's demobilization programme. The most feasible long-term solution to the presence of refugees would require regional political agreements to enable them to return to their countries and keep potential newcomers in their places of origin. The Secretary-General proposed reforming the education system in order to make it less costly, more accessible and more relevant to the needs of the country. He called on the international community to provide financial assistance to technical assistance projects.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 K** [draft: A/52/L.58/Rev.1 & Add.1] without vote [agenda item 20 (b)].

Assistance for the reconstruction and development of Djibouti

The General Assembly,

Recalling its resolution 51/30 E of 5 December 1996 and its previous resolutions on economic assistance to Djibouti,

Recalling also the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990, as well as the mutual commitments undertaken on that occasion and the importance attached to the follow-up to that Conference,

Noting that the economic and social development efforts of Djibouti are constrained by the extremes of the local climate, in particular cyclical droughts and torrential rains and floods such as those that occurred in 1989, 1994 and, more recently, in October and November 1997, and that the implementation of reconstruction and development programmes, as well as of the demobilization programme, requires the deployment of substantial resources which exceed the real capacity of the country,

Conscious that Djibouti is included in the list of least developed countries and that it is ranked 162nd out of the 175 countries studied in the Human Development Report 1997,

Noting that the situation in Djibouti has been made worse by the deteriorating situation in the Horn of Africa and in particular in Somalia, and noting also the presence of tens of thousands of refugees and persons displaced from their countries, which has placed serious strains on the fragile economic, social and administrative infrastructure of Djibouti and caused security problems in the country, in particular in the city of Djibouti,

Noting with concern that a number of priority projects have been suspended because of the decline in financial resources and because of the devastating effects of the incessant conflicts in the region,

Emphasizing that there is an urgent need to provide financial support in the areas of demobilization, reconstruction and rehabilitation of the regions affected by civil strife, with a view to strengthening peace and stability in the country,

Noting with satisfaction that the Government of Djibouti has begun to implement a structural adjustment programme, and convinced of the necessity to support that financial recovery programme and to take effective measures to alleviate the consequences, in particular the social consequences, of the adjustment policy being implemented, so that the country may achieve lasting economic results,

Noting with gratitude the support provided to relief and rehabilitation operations by various countries and by intergovernmental and non-governmental organizations,

Taking note of the report of the Secretary-General,

1. Declares its solidarity with the Government and people of Djibouti, who continue to face critical challenges owing, in particular, to the scarcity of natural resources and the continuing critical situation in the Horn of Africa, especially in Somalia;

2. Welcomes the implementation by the Government of Djibouti of the structural adjustment programme and, in that context, appeals to all Governments, inter-

national financial institutions, the specialized agencies of the United Nations system and non-governmental organizations to respond in an appropriate manner, as a matter of urgency, to the financial and material needs of the country;

3. Expresses its gratitude to the States and intergovernmental and international organizations which pledged to provide financial and material assistance at the round table on Djibouti which was held at Geneva on 29 and 30 May 1997;

4. Considers that implementation of the demobilization programme and of the national rehabilitation plan and reinforcement of democratic institutions require appropriate assistance in the form of financial and material support;

5. Expresses its appreciation to the Secretary-General for his efforts to make the international community aware of the difficulties faced by Djibouti;

6. Requests the Secretary-General to continue, in close cooperation with the Government of Djibouti, his efforts to mobilize the resources necessary for an effective programme of financial, technical and material assistance to Djibouti;

7. Also requests the Secretary-General to prepare a study of the progress made with regard to economic assistance to Djibouti, in time for the question to be considered by the General Assembly at its fifty-third session.

Other economic assistance

Central America

Pursuant to General Assembly resolutions 49/21 I [YUN 1994, p. 846] and 50/58 B [YUN 1995, p. 918], the Secretary-General, in an August 1997 report [A/52/297], presented an overview of UNDP international cooperation activities, carried out between July 1995 and July 1997, in support of the efforts of the Central American countries to implement a new sustainable development programme in the region.

While the report focused on the Central American isthmus, consisting of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, it also covered some activities in support of refugees in parts of southern Mexico.

According to the Economic Commission for Latin America and the Caribbean, Central America registered a sharp downturn in economic growth in 1996. Overall, the slump in economic activity triggered a rise in urban unemployment in most of the Central American countries, which was compounded by problems facing the agricultural sector following a poor yield in basic grains. Policy measures were introduced to reduce the fiscal deficit and tighten the money supply in order to correct macroeconomic imbalances. One positive sign of those measures, in addition to the total fiscal deficit gradually being brought under control, was the downward trend in inflation in

the region. Progress was also made in other areas, particularly regarding external debt negotiations.

Assistance to the subregion included the launching by UNDP of a programme that focused on peace and democratic governance; economic and social development; and sustainable development of the environment. The resources available for the first triennium totalled \$22 million, including UNDP core resources and additional resources mobilized from third-party sources. In addition to activities at the subregional level, UNDP continued to support peace and consensus-building processes in each country. It also contributed to the promotion of human rights and the rule of law.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 G** [draft: A/52/L.43/Rev.1 & Add.1] without vote [agenda item 20 (b)].

International assistance to and cooperation with the Alliance for the Sustainable Development of Central America

The General Assembly,

Reaffirming the resolutions in which it emphasizes and acknowledges the importance of international, bilateral and multilateral economic, financial and technical support, cooperation and assistance for peacekeeping and post-conflict peace-building in Central America, in particular its resolutions 50/58 B of 12 December 1995 and 50/132 of 20 December 1995, which provide a frame of reference for international assistance to and cooperation with the Alliance for the Sustainable Development of Central America, in support of national efforts to make the region a zone of peace, freedom, democracy and development,

Considering the relevant resolutions on assistance for mine clearance and the need to eliminate all mines and other unexploded devices in Central America with a view to restoring normal conditions for comprehensive development throughout the region,

Reaffirming that advances in consolidating democracy, sustainable development, justice and social equity, taking into account the gender perspective and regional integration, are mutually reinforcing dynamic objectives which are indispensable to a firm and lasting peace in Central America,

Stressing the importance of the new programme for the sustainable development of Central America and the setting of national and regional priorities in the political, economic, social, cultural and environmental spheres and in the areas of public security and regional integration,

Stressing also the importance and effectiveness of the commitments undertaken by the Central American Presidents at various regional summit meetings, in particular those which constitute the global framework for promoting and consolidating peace, democracy and sustainable development in Central America,

Reaffirming the need to continue focusing attention on the situation in Central America in support of re-

gional efforts to overcome the underlying causes of the conflicts and to continue strengthening the process aimed at consolidating a firm and lasting peace in the region,

Recognizing the valuable and effective contribution made by the organs, organizations and programmes of the United Nations system and by the various governmental and non-governmental mechanisms, the donor community and the Regional Consultative Group for Central America of the Inter-American Development Bank and the importance of the political dialogue and cooperation taking place between the European Union and Central America and the joint initiative of the industrialized countries of the Group of Twenty-four and the Group of Three (Colombia, Mexico and Venezuela) in the progress made towards consolidating peace, democracy and sustainable development in Central America and in the implementation of the new regional development programme,

1. Takes note with satisfaction of the report of the Secretary-General on international assistance to and cooperation with the Alliance for the Sustainable Development of Central America;

2. Emphasizes the importance of supporting and strengthening the new programme for international economic, financial and technical cooperation and assistance for Central America geared to the new circumstances in the region and based on the priorities laid down in the new sustainable development programme for the region;

3. Notes with satisfaction the efforts and achievements relating to mine clearance in Central America, and appeals to the organs of the United Nations system and to the international community, and in particular to the Secretary-General, to continue providing the material, technical and financial support needed by the Central American Governments to complete mine-clearance activities in the region, including those activities among the priorities of the new programme of international assistance to and cooperation with Central America;

4. Stresses the importance of international economic, financial and technical cooperation and assistance, both bilateral and multilateral, in supporting the efforts of the Central American Governments to implement the new programme for the sustainable development of the region;

5. Welcomes the establishment in 1996 of the new subregional cooperation programme in Central America of the United Nations Development Programme focusing on peace and democratic governance, strengthening of the rule of law, economic and social development and the environment and sustainable development, and recognizes the importance of the support provided by the Global Environment Facility for the implementation of the commitments undertaken by the Central American countries in international conventions on the environment;

6. Notes with satisfaction the signing by the Central American Governments of regional conventions on biodiversity, climate change and natural and man-made forests and on the prohibition of imports of toxic substances and waste, and calls upon the international community to continue supporting the Central American Governments in their efforts to continue comply-

ing with the commitments they have undertaken in those conventions;

7. Again stresses the need for the international community to maintain its cooperation with the Central American countries and to provide them with the necessary financial resources, in a sustained manner and on soft terms, with a view to promoting effectively the economic growth and development of the region;

8. Supports the decision of the Central American Governments to concentrate their efforts on the implementation of updated programmes with strategies for sustainable human development in previously determined priority areas, which help to consolidate peace and resolve social inequalities, extreme poverty and the social explosion;

9. Requests the Secretary-General, the organs, organizations and programmes of the United Nations system and all States, international financial institutions and regional and subregional organizations to continue providing the support needed to attain the objectives of the new programme for the sustainable development of Central America;

10. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

11. Decides to consider at its fifty-fourth session the question of international assistance to and cooperation with the Alliance for the Sustainable Development of Central America.

E/ Salvador

In accordance with General Assembly resolution 50/28 C [YUN 1995, p. 920], the Secretary-General, in October [A/52/433], outlined progress made in the reconstruction and development of El Salvador, including the strengthening of democratic institutions. He noted that between 1995 and 1997, the course of several projects was impeded because of limited resources; delays in the disbursement of internal and external funding; lack of continuity; lags in the progress of other initiatives on which a number of projects depended; and the specific nature of the process, for which there were no antecedents that might have facilitated rapid decisions.

The economic and social reintegration of former combatants of the Frente Farabundo Martí para la Liberación Nacional (FMLN) and of demobilized members of the armed forces of El Salvador (see PART ONE, Chapter III) was one of the most complex aspects of the 1992 Peace Agreement between the Government and FMLN [YUN 1992, p. 222]. The sustainability of the programme was closely linked to broader questions such as alleviating poverty, job creation and social integration. Land use and tenure, access to credit and technical assistance had to be linked to the development of productive and social infrastructure.

Social and production programmes designed to assist poor communities affected by the conflict were carried out. Those communities bene-

fited from initiatives for agricultural development, social infrastructure, training and technical assistance, credit, the establishment of micro-enterprises, social development and environmental management. The Secretariat for National Reconstruction focused on demobilization and promoted production infrastructure and capital investment projects in education, health, environmental protection and municipal development. The Social Investment Fund was concerned with reconstruction and improving living conditions, with assistance directed towards poor communities, including those affected by the conflict. UN agencies, including UNHCR, FAO and UNICEF, continued to provide assistance. An agricultural development project for small farmers in the Paracentral region was financed by the International Fund for Agricultural Development, UNDP and the Central American Bank for Economic Integration. WFP was supporting the project through food aid to promote soil conservation, environmental protection, crop diversification and the upgrading of housing and roads.

Between July 1995 and June 1997, external co-operation sources approved \$269 million, of which the Inter-American Development Bank provided some 61 per cent, the Central American Bank for Economic Integration about 25 per cent and the World Bank some 9.4 per cent. Those bodies participated in projects on widening, repair and upgrading of highways and roads, reconstruction of the transport sector, road signs, road crossings and bridge construction. The United States Agency for International Development continued to finance the rehabilitation of small-scale local infrastructure through the Secretariat for National Reconstruction.

In the area of strengthening democracy, reforms were made in the administration of justice, the electoral process, public security and human rights (for further details, see PART ONE, Chapter III).

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73] the General Assembly adopted **resolution 52/169 C** [draft: A/52/L.34/Rev.1 & Add.1] without vote [agenda item 20 (b)].

Assistance for the reconstruction and development of El Salvador

The General Assembly,

Considering the resolutions recognizing the importance of international cooperation for El Salvador and urging Member States and international institutions to continue to provide assistance to the Government of El Salvador in consolidating peace, democracy and development in the country, particularly resolutions 50/58 C of 12 December 1995 and 51/199 of 17 December 1996,

Having considered the report of the Secretary-General on assistance for the reconstruction and development of El Salvador, which describes activities undertaken with a view to achieving those goals, and the report of the Secretary-General on the assessment of the peace process in El Salvador, which stresses the implementation of the commitments laid down in the Peace Agreements and the progress and profound transformation that have taken place in the country since 1992,

Noting with satisfaction the renewed expression by the Government of El Salvador and all political forces of their political will to consolidate peace and development in a complex context and the efforts to develop programmes and projects of economic and social benefit aimed at the maintenance and consolidation of peace, the strengthening of democracy and sustainable development,

Recognizing that the reintegration of former combatants and demobilized members of the armed forces continues to be one of the most complex aspects of the social and economic commitments and that the sustainability of any such programme is linked to broader challenges, such as poverty relief, employment generation, social integration, public security and efficient, transparent and speedy administration of justice,

Recognizing also that, in spite of national efforts and the support given by the international community, the implementation of priority political, economic, social and environmental programmes and projects in the process of consolidating peace continues to be affected by, inter alia, the limited availability of financial resources, delays in the disbursement of internal and external funds, lack of continuity, deficiencies in the implementation of other initiatives having an impact on the implementation of a number of projects and by the special characteristics of a complex process,

1. Takes note with approval of the reports of the Secretary-General;

2. Again expresses its gratitude to the organs, organizations, funds and programmes of the United Nations system, to the donor community and to international development and financing institutions, both governmental and non-governmental, for the technical and financial assistance they have provided to El Salvador to execute programmes and projects for the implementation of the social and economic commitments and the strengthening of democracy, in support of and as a complement to efforts to consolidate peace;

3. Reaffirms that the continuation of programmes for the strengthening of democratic institutions and the promotion of sustainable development constitute the collective goals, aspirations and needs of the country in maintaining and advancing the consolidation of peace, democracy and sustainable development in El Salvador;

4. Urges the Government of El Salvador and all political forces to make every effort to support the development of medium-term and long-term national programmes and strategies, particularly social welfare projects, designed to improve the lives of the most vulnerable segments of the population;

5. Recognizes the need to continue to respond to the situation in El Salvador and the need for international support and cooperation as a complement to national efforts to promote the consolidation of a fully democratic State;

6. Reaffirms that external cooperation plays an important role in the consolidation of the peace process, the strengthening of democracy and sustainable development in El Salvador, and consequently appeals to the international community, particularly to the relevant organs of the United Nations system, international financial organizations and donor countries, which have contributed so much to the profound changes achieved in El Salvador, to continue to provide political, technical and financial support for achieving the goals, aspirations and needs of the Salvadoran nation;

7. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, and decides to consider at that session the question of assistance and cooperation for the sustainable development of El Salvador.

Lebanon

In response to Economic and Social Council resolution 1996/32 [YUN 1996, p. 823], the Secretary-General, in July [E/1997/96], described assistance for the reconstruction and development of Lebanon between July 1996 and June 1997. During the reporting period, the operating environment for national recovery and development activities became more difficult due to the impact of events in southern Lebanon compounded by the effects of the deadlocked regional peace process (see PART ONE, Chapter VI). The unsolved regional dimension affected perceptions about long-term stability, which was necessary for private investment to thrive.

On 1 January, UNICEF, UNFPA and UNDP started a new cycle of five-year country programmes. On 14 January, the Government and UNICEF signed an agreement concerning the UNICEF programme of assistance for 1997-2001, amounting to \$17.5 million, focusing on primary health care, basic education and basic social services, particularly for underserved groups and regions. The UNFPA country programme, amounting to \$7.5 million, was approved by the Executive Board of UNDP/UNFPA in March [E/1997/33 (dec. 97/10)], emphasizing reproductive health, including family planning, and basic data development and advocacy. The UNDP country programme of \$25 million was approved by the Executive Board in May [dec. 97/20], with governance and institution-building, social development and poverty alleviation, and environmental management and sustainable development being the main areas of focus.

WHO approved a new biennial programme (1997-1998) of support for Lebanon, amounting to \$2.5 million. In April, the United Nations Industrial Development Organization (UNIDO) released its country support strategy for Lebanon, which included 12 specific areas for cooperation

in terms of capacity-building at the policy, institutional and enterprise levels.

In a later report [A/53/123], the Secretary-General stated that the Lebanese Government had decided in May to execute a support programme for industrial, agricultural and tourism industries. It had also announced a wide-ranging agricultural development programme in July. The Government took a number of initiatives to deal with the plight of peripheral rural areas. In late 1997, Parliament approved the implementation of a priority programme for the Baalbeck-Hermel area, comprising agricultural credit, road-building and specific projects. In addition, the pace of ongoing and planned reconstruction activities in those areas was stepped up. Reconstruction development activities during the period from October 1996 to December 1997 included the completion of 150 contracts valued at \$369 million for electricity, telecommunications and roads and highways. At the end of 1997, 386 contracts valued at \$3.3 billion were in progress with a completion rate of 48 per cent.

By decision 1997/218 of 17 July, the Council took note of the Secretary-General's report.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 D** [draft: A/52/L.36/Rev.1 & Corr.1 & Add.1] without vote [agenda item 20 (b)].

Assistance for the reconstruction and development of Lebanon

The General Assembly,

Recalling its decision 48/450 of 21 December 1993,

Also recalling Economic and Social Council resolutions in which the Council called upon the specialized agencies and other organizations and bodies of the United Nations system to expand and intensify their programmes of assistance in response to the urgent needs of Lebanon,

Reaffirming Economic and Social Council resolution 1996/32 of 25 July 1996 and General Assembly resolution 51/30 C of 5 December 1996,

Aware of the magnitude of the requirements of Lebanon resulting from the extensive destruction of its infrastructure, which is impeding national rehabilitation and reconstruction efforts and adversely affecting economic and social conditions,

Reaffirming the pressing need to continue to assist the Government of Lebanon in the reconstruction of the country and the recovery of its human and economic potential,

1. Appeals to all Member States and all organizations of the United Nations system to intensify their efforts with a view to considering an increase of all forms of support, including financial grants and soft loans given for the reconstruction and development of Lebanon, in particular, donor countries are requested to consider playing a full part in the consultative group to

be established on the rehabilitation and reconstruction of Lebanon;

2. Calls upon all organizations and programmes of the United Nations system to support governmental requirements for national capacity-building and institutional renewal in the areas of social reconstruction and development, environmental management, public services provision and support for private-sector development, and for implementing priority field-based programmes in the rehabilitation and reintegration of displaced persons and in the reconstruction and development of Baalbeck-Hermel and the south Lebanon region;

3. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

States affected by sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

In response to General Assembly resolution 51/30 A [YUN 1996, p. 837], the Secretary-General, in October [A/52/535], presented information on special economic problems confronting States in the period following the Security Council's termination, by resolution 1074(1996) [YUN 1996, p. 316], of the sanctions it had imposed by resolution 757(1992) [YUN 1992, p. 352] against the Federal Republic of Yugoslavia (FRY) (Serbia and Montenegro).

The report described action taken by the Council and its subsidiary bodies during October and November 1996 and summarized replies received from seven States in response to the Secretary-General's request for information on the matter. Two of those replies were from the affected States of Bulgaria and Ukraine. The report gave updated information on assistance provided by UN specialized agencies and organizations to the affected States. It also covered participation by the affected States in the reconstruction and rehabilitation of the crisis-stricken areas in the former Yugoslavia.

The Secretary-General noted that the Security Council Committee established pursuant to resolution 724(1991) [YUN 1991, p. 219] concerning Yugoslavia was dissolved in November 1996. The Committee, in its final report, recognized that mitigating the adverse effects of sanctions on third countries was a serious issue that needed to be carefully considered in implementing economic sanctions.

In their communications to the Secretary-General, Bulgaria and Ukraine asserted that they had incurred significant economic losses as a result of the severance of economic relations with FRY and particularly the disruption of traditional transport links in the region during the period in which the sanctions were in force, and that they

had not received adequate assistance as compensation for their losses.

The relevant components of the UN system, including the international financial institutions, continued to implement substantial financial and technical assistance programmes in the affected countries.

Specific concerns of the affected countries in the areas of transport and infrastructure development, as well as trade and investment promotion, had been pursued through special regional initiatives and assistance arrangements under the auspices of the Organization for Security and Cooperation in Europe, the European Union and the European Bank for Reconstruction and Development and in cooperation with other regional organizations. However, substantial additional resources were needed to carry out long-term transport and infrastructure projects, which were particularly important for the functioning of the priority transport and customs corridors in the region.

As the focus of the UN humanitarian assistance programme in the former Yugoslavia had shifted from an emergency relief operation to providing for the return of refugees and displaced persons and supporting capacity-building, those longer-term support projects opened new possibilities for suppliers from neighbouring and other affected countries.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 H** [draft: A/52/L.44/Rev.1 & Add.1] without vote [agenda item 20 (b)].

Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia

The General Assembly,

Recalling its resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995 and 51/30 A of 5 December 1996 on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions on the Federal Republic of Yugoslavia,

Taking note of the report of the Secretary-General on the implementation of resolution 51/30 A and of the conclusions and recommendations contained therein,

1. Expresses concern at the persistence of special economic problems confronting neighbouring and other States affected by the consequences of the severance of their economic relations with the Federal Republic of Yugoslavia during the period when the sanctions were in force and during the period following the lifting of the sanctions, in view of their magnitude and adverse impact on the economies of those States;

2. Welcomes the support already given by the international community to deal with the special economic

problems of the affected States in view of the problems which the imposition of sanctions has posed;

3. Renews its invitation to all States and the relevant international organizations, both within and outside the United Nations system, in particular the international financial institutions, to continue to take into account the special needs of the affected States in providing assistance to them during the transition period following the lifting of the sanctions;

4. Encourages the affected States of the region to continue the process of multilateral regional cooperation in such fields as cross-border infrastructure projects and the promotion of trade and investment, thus alleviating the adverse impact of the sanctions;

5. Urges the relevant international organizations to take appropriate steps in order to broaden access for suppliers from the affected countries and to ensure their active participation in the process of post-conflict reconstruction and rehabilitation of the former Yugoslavia;

6. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, in order to assess the situation and to present an analysis of the implementation of the present resolution, with a view to concluding consideration of the question.

Disaster relief

In 1997, DHA provided assistance to 46 countries in their efforts to cope with the impact of 66 natural disasters and environmental emergencies. In 34 cases, disaster-affected countries requested DHA to launch appeals for international assistance on their behalf. In response, the international community reported over \$274 million worth of contributions in cash, kind, and services for emergency relief assistance, of which \$8 million was channelled through DHA. Fourteen DHA/United Nations Disaster Assessment and Coordination (UNDAC) missions were dispatched to disaster sites to assist with needs assessment and relief coordination. The DHA Warehouse, based in Pisa, Italy, organized 41 air and road shipments of relief goods to 21 countries affected by natural disasters, complex emergencies, or both.

Whole regions fell victim to large-scale disasters in 1997. In November, countries of the Horn of Africa, notably Somalia and parts of Kenya, were seriously affected by floods. Areas in Central and Eastern Europe were beset by torrential rains during the first half of July, resulting in unprecedented flooding over large areas of Poland, the Czech Republic, Germany, Romania and Slovakia. The Latin American and the Caribbean region suffered the consequences of the unusually strong impact of the "El Niño" phenomenon, causing the Governments of Ecuador and Peru to

declare states of emergency. The Asia and Pacific region saw the largest number of events requiring DHA involvement. Southern Viet Nam was struck by the most devastating typhoon in over 100 years. Iran suffered a series of earthquakes. Many South-East Asian and Pacific island countries were exposed to the effects of the strong "El Niño" phenomenon, leading to severe drought conditions. From September to November 1997, parts of Brunei Darussalam, Indonesia (see below), Malaysia, the Philippines, Singapore and Thailand were seriously affected by dense haze stemming primarily from large-scale forest fires in Indonesia.

International Decade for Natural Disaster Reduction

In response to General Assembly resolution 51/185 [YUN 1996, p. 840], the Secretary-General submitted a November report [A/52/560] on the International Decade for Natural Disaster Reduction (IDNDR) (1990-2000), proclaimed by the Assembly in resolution 44/236 [YUN 1989, p. 355].

The report gave an overview of the status of implementation of IDNDR activities, an elaboration of the action plan for the final phase of the Decade (1998-1999) and options for disaster reduction in the twenty-first century. It addressed the issue of the preparatory phase for the closing event of the Decade and also sought to provide a forward-looking overview on the status of the synergies with other major strategic concerns of the UN system. A review of regional and global activities of IDNDR and a summary of activities of UN organizations were also provided.

The Scientific and Technical Committee for IDNDR held two sessions in 1997 (Paris, 20-23 January; Geneva, 13-17 October). At both sessions, the Committee focused on the 1998-1999 action plan, on the closing event for the Decade and on the future of disaster reduction activities in the twenty-first century.

The first objective of the IDNDR 1998-1999 action plan was the consolidation of the Decade's achievements. According to the original programming targets, by the year 2000 all countries should have had in place, as part of their national plans to achieve sustainable development, comprehensive national assessments of risks from natural hazards integrated into development plans; mitigation plans of practical measures for application at national and local levels to address long-term disaster prevention, preparedness and community awareness; and ready access to global, regional, national and local warning systems. The second objective was to provide a platform for the future and permit a wide-ranging

discussion on options for functional responsibilities and institutional mechanisms for continued disaster reduction activities in the twenty-first century. The plan was organized along the following primary themes of action: hazard, vulnerability and risk assessment; disaster prevention and sustainable development; early-warning issues; political and public policy commitment; and shared knowledge and technology transfer. The action plan would be implemented at the national, regional and international levels.

The Scientific and Technical Committee recommended that the closing event of the Decade should include an important political component, which would be best addressed by devoting the high-level segment of the substantive session of the 1999 Economic and Social Council to disaster reduction and risk management. Alternatively, the Assembly might hold a special meeting. Political consideration of the Decade by the Council could be complemented by a programme forum that would involve all the IDNDR Framework of Action partners.

The report presented institutional options for disaster arrangements in the twenty-first century, including advocacy and promotion of disaster reduction within the international community's coordinated efforts towards achieving sustainable development; integration of disaster reduction into national development planning and programming as part of the UN coordinated approach towards technical cooperation and development at the country level; application of disaster reduction within the context of international scientific cooperation and transfer of technology; definition of disaster reduction as a component of public/private sector partnerships at the local, national, subregional and international levels; continuation and strengthening of disaster reduction as an element of disaster management under the coordinating responsibility of the United Nations and its focal authority for disasters (Office of the Emergency Relief Coordinator), with application responsibilities allocated to other parts of the UN system, as well as the NGO community active in that field; and emphasis on the multi-sectoral dimension of disaster reduction and the need for coordination of UN system initiatives under an ACC subcommittee type of arrangement.

Noting that the impact of natural disasters was on the rise, the Secretary-General concluded that disaster reduction had to become an essential element of sustainable development policies and economic planning. The only affordable solution to the escalating cost of responding to disasters and compensating victims for losses incurred was to invest in prevention and mitigation activities.

In a November report [A/52/561], the Secretary-General discussed the improved effectiveness of early-warning systems with regard to natural and similar disasters, as requested in Assembly resolution 50/117 B [YUN 1995, p. 940]. He evaluated the applicability of early-warning concepts for improving preparedness and minimizing risks that adversely affected the environment and elaborated on issues first identified in his 1995 report on the subject [ibid., p. 942].

The report considered early-warning measures as they applied to various types of hazards (hydro-meteorological, geological, technological); the use of technology; and the importance of local community involvement in determining the efficacy of early warnings, particularly in developing countries and those with special circumstances that increased their vulnerability to disasters. The report identified established and developing capabilities for early warning and recommended increased local use of warnings and related aspects of disaster management in order to minimize the risks of disasters.

The Secretary-General presented the following recommendations that had been developed to advance an effective international mechanism for early warning under UN auspices: concentrating resources on developing operational early-warning capabilities within disaster-prone developing countries; establishing a long-term commitment to public awareness, information programmes and other educational activities to broaden public understanding of locally experienced hazards, potential risks and the feasibility of disaster reduction measures; integrating early-warning systems within comprehensive disaster management programmes focused at local community levels; developing operational early-warning capabilities at the national level based on the needs of local communities most exposed to natural hazard risks; the assessment by individual countries of the effectiveness of their national early-warning and related response practices; agreement by the international community on guiding principles to assist national Governments to develop comprehensive and effective early-warning systems; the convening by IDNDR of a consultative forum comprising relevant UN agencies and departments to consider future operational early-warning responsibilities for all geophysical hazards within the context of coordinated UN programmes for social and economic development; undertaking an assessment of existing international arrangements and designated organizational responsibilities in early warning for technological hazards and effects associated with environmental conditions; conducting additional research to improve under-

standing of the nature and effects of hazards; and encouragement by development banks and other investors in national economic development programmes of effective early-warning practices as a means of protecting assets.

On 18 December, the Assembly, by **decision 52/443**, took note of the Secretary-General's reports.

El Niño

In 1997, the General Assembly asked the Secretary-General to facilitate, under IDNDR, a strategy towards the integration, mitigation and rehabilitation of the damage caused by the weather phenomenon known as El Niño—a disruption of the ocean-atmosphere system in the tropical Pacific that had important consequences for weather and climate worldwide.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/629/Add.4], adopted **resolution 52/200** without vote [agenda item 98 (d)].

International cooperation to reduce the impact of the El Niño phenomenon

The General Assembly,

Recalling its resolutions 44/236 of 22 December 1989, 48/188 of 21 December 1993, 49/22 A of 2 December 1994, 49/22 B of 20 December 1994, 50/117 A and B of 20 December 1995 and 51/185 of 16 December 1996 and Economic and Social Council resolution 1996/45 of 26 July 1996,

Taking into account that the El Niño Southern Oscillation Phenomenon, commonly known as "El Niño", has had an acute impact in several regions of the world, with particular severity and frequency in the coastal countries of the Pacific Ocean,

Noting that El Niño has a recurring character and has produced disastrous effects, resulting in large material, economic, human and environmental losses, with particular impact in the coastal countries of the Pacific Ocean, especially in developing countries,

Acknowledging with concern the possible effects that El Niño may have on global weather patterns, such as abnormal droughts and precipitation around the world, leading to food shortages and famine in several regions which could extend over a number of years and which may have potential impacts on world food supplies,

Taking into account that the major El Niño events of this century have occurred fairly regularly and are often preceded by a number of distinct warning signs, which, with an appropriate increase in and exchange of data and information, could assist in the modelling and prediction of its recurrence and enhance the capabilities of affected countries to mitigate the negative social, economic and environmental impacts that the phenomenon causes,

Acknowledging the need to enhance international and national efforts for a better scientific understanding of the origins of the El Niño phenomenon,

Considering that the national efforts of the countries affected have been insufficient owing to the magnitude of the natural disaster and that international cooperation and solidarity therefore become indispensable, in particular in the area of capacity-building,

Reaffirming that disaster reduction forms an integral part of the sustainable development strategies and national development plans of vulnerable countries and communities,

1. Invites States to incorporate in sustainable development programmes, at the national, regional and international levels, strategies to prevent, mitigate and rehabilitate the damage caused by natural disasters;

2. Calls upon States, relevant intergovernmental bodies and all others involved in the International Decade for Natural Disaster Reduction to participate actively in the financial and technical support for Decade activities, including those related to international cooperation to reduce the impact of the El Niño phenomenon, in order to ensure the implementation of the International Framework of Action for the Decade, in particular with a view to translating the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action into concrete disaster reduction programmes and activities;

3. Commends the national, regional and subregional efforts of affected countries, particularly those of developing countries, to reduce the impact of El Niño;

4. Requests the Secretary-General to facilitate, within the framework of the Decade, an internationally concerted and comprehensive strategy towards the integration of the prevention, mitigation and rehabilitation of the damage caused by the El Niño phenomenon, including the development of long-term strategies which take into due consideration the need for technical cooperation, financial assistance, the transfer of appropriate technology and the dissemination of existing scientific knowledge, as part of the Decade's activities, the International Framework of Action for the Decade and the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action, and taking into account the relevant parts of the Programme of Action for the Sustainable Development of Small Island Developing States;

5. Calls upon the secretariat of the Decade to continue to facilitate a concerted international approach to improvements in early-warning capacities for natural disasters and similar disasters with adverse impact on the environment, with particular reference to El Niño;

6. Welcomes the establishment of the Inter-agency Task Force on El Niño for cooperative work on the prevention and mitigation of and preparedness for natural disasters related to the El Niño phenomenon;

7. Calls upon the organizations and bodies of the United Nations system, especially the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the World Meteorological Organization, the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme and the United Nations Development Programme, as well as the International Council of Scientific Unions and the World

Climate Research Programme, within the framework of the Decade, to contribute further to a comprehensive approach and study of El Niño and to intensify their cooperation with the regions affected by the phenomenon, especially developing countries, small island developing States and landlocked countries;

8. Invites States to support the oceanographic and terrestrial observation networks to observe, describe and predict climate anomalies related to El Niño;

9. Invites States, intergovernmental organizations and all those participating in the Decade to provide technical and financial assistance, including national capacity-building, to developing countries to support global and regional observation systems and research, including the dissemination of data on El Niño, to prevent, mitigate and redress the negative effects of the phenomenon;

10. Requests the Secretary-General, within the context of paragraph 4 of the present resolution and within available resources of the secretariat of the Decade, to promote an intergovernmental meeting of experts, including representatives of academic and scientific institutions devoted to the study and analysis of El Niño, in order to facilitate the exchange of information and national experiences related to the monitoring of the phenomenon as well as of strategies for the reduction of its impact and to provide to the meeting the reports of regional meetings and symposia specializing in the phenomenon;

11. Urges the Secretary-General to include the El Niño phenomenon and its consequences in the ongoing activities of the Decade to improve the effectiveness and increase international coordination of early-warning systems with regard to natural and similar disasters with an adverse impact on the environment;

12. Recommends that long-term public awareness and information programmes related to natural disasters, including those induced by El Niño and similar disasters with an adverse impact on the environment, be integrated into comprehensive national disaster management programmes that focus on preventive strategies for risk reduction and that those programmes be included as integral elements of United Nations support for social and economic development programmes;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution, within the discussion on the implementation of the Decade, under the agenda item entitled "Environment and sustainable development", including proposals on how to integrate the prevention, mitigation and rehabilitation of the impacts of the El Niño phenomenon into the development of the disaster reduction strategy for the twenty-first century.

Disaster assistance

Cook Islands

On 1 and 2 November, tropical cyclone Martin battered the islands of Manihiki, Rakahanga and Pukapuka in the Northern Group of the Cook Islands. Manihiki island suffered the worst and most extensive damage when a sea surge swept

across the island, causing loss of life and destruction of most of the infrastructure and buildings. Government sources confirmed that the situation in Pukapuka and Rakahanga was stable and not critical.

The Government requested assistance from the international community, in particular the mobilization and deployment of an UNDAC team. DHA immediately dispatched a three-member team to the Cook Islands, two of whom assessed damage in Manihiki. The remaining team member stayed in Rarotonga for general liaison and coordination with local authorities and to monitor national and international response to the disaster.

The UNDAC team identified the immediate needs for international assistance, and the sum of \$20,000 was transferred to the Government to cover the costs of a one-week supply of emergency food for the Manihikians in Rarotonga, and emergency medical supplies and equipment. A proposal for a UNDP crisis fund of up to \$200,000 to meet some of the relief coordination costs identified by the Government was in the pipeline. An offer of assistance from the United States Official Fund for Disaster Assistance amounting to \$250,000, should it be needed, was made known to the Government.

Further requests for assistance from the United Nations and the international community would be known after a total assessment had been carried out. The UNDAC team expected that aid would be required for such priority areas as shelter, emergency food, water supplies, medical supplies and transportation costs of the immediate relief supplies, personnel and equipment.

Democratic People's Republic of Korea

The Democratic People's Republic of Korea (DPRK) was confronted with economic difficulties in 1997 due to a decline in agricultural and industrial output over several preceding years. Natural disasters, starting with floods in 1995 and 1996 and the drought and typhoon in 1997, exacerbated severe food shortage and further complicated economic problems.

The first United Nations Consolidated Inter-Agency Appeal for Flood-related Emergency Humanitarian Assistance, launched in June 1996 [YUN 1996, p. 821] for the period July 1996 to March 1997, received contributions amounting to \$34 million of the total requirement of \$43.6 million.

On 7 April 1997, DHA launched another Consolidated Inter-Agency Appeal for the country, calling for more than \$126 million for the period April 1997 to March 1998 for food aid, health services and food security. As a result of the expansion of WFP and UNICEF components of the

Appeal in July, the total was revised to \$184 million for the period. In 1997, WFP food aid helped some 2.6 million children aged six and under and 1 million hospital patients through nutritional feeding programmes. A further 1.1 million persons were helped through food-for-work activities to improve food security by recovering land, rehabilitating rural infrastructure and suggesting watershed management schemes. FAO assistance contributed greatly to the maintenance of the minimum food security level. UNICEF, WHO and NGOs contributed towards meeting immediate health needs and rehabilitating basic health services.

Indonesia

Exceptionally large-scale forest fires, which began in May/June, possibly due to land-clearing operations, persisted in Indonesia throughout 1997, and were a chief cause of heavy air pollution that also affected parts of several countries in South-East Asia from September to November, including Brunei Darussalam, Malaysia, the Philippines, Singapore and Thailand. The fires were aggravated by El Niño-induced drought conditions. The disaster caused significant damage to the environment and it was felt that it would have substantial long-term effects on the social, economic, health and ecological sectors.

The Government of Indonesia declared a national emergency and, while not formally appealing for international assistance, confirmed that it would welcome such assistance, especially to fight the fires.

On 27 September, an UNDAC team was urgently dispatched to Indonesia, at the request of the United Nations Resident Coordinator. Its task was to ensure close links between national and international relief coordination efforts and assess needs for international assistance in connection with the disaster.

As a result of joint efforts to mobilize international assistance, many countries, UN agencies, international organizations and NGOs provided various forms of aid, both in cash and in kind.

Apart from fires, a drought hit Indonesia's Irian Jaya province, resulting in a severe famine. The drought also led to a significant decrease in water supplies. Two UNDAC missions were sent to Irian Jaya to investigate the impact of the drought and the forest fires, as well as problems related to food security, water and health.

Madagascar

In response to Economic and Social Council resolution 1994/36 [YUN 1994, p. 855], the Secretary-General submitted to the General As-

sembly a November report [A/52/562] summarizing action taken with regard to the cyclones, floods and locust infestations that had affected Madagascar since 1994.

The Secretary-General described support provided to Madagascar following cyclones Daisy and Geraldine 1994 [YUN 1994, p. 854], cyclone Bonitain 1996 [YUN 1996, p. 842] and cyclone Grette in January 1997. He also noted that technical assistance and equipment had been provided to contain a locust emergency in May.

The Secretary-General stated that while the response of the international community to relief needs in the aftermath of disaster events had been consistently good, assistance with vital rehabilitation and durable reconstruction efforts had not been of the desired level.

Concerned entities of the UN system would, therefore, continue to mobilize the international community to address substantively the outstanding issues that would enhance Madagascar's capacity to manage the effects of recurrent natural disasters. The appraisal and planning mission, scheduled to take place at the end of 1997, would lay the foundations of comprehensive, multi-sectoral disaster reduction management, drawing on international and local expertise.

Montserrat

On 25 June, Montserrat was devastated when volcanic eruptions sent pyroclastic flows from the Soufriere Hills volcano sweeping over an area of approximately 4 square kilometres on its eastern and northern flanks, killing 19 people and destroying 10 villages, with infrastructural damage estimated at \$1.5 million.

In addition to meeting the cost for the construction of housing units, UNDP provided technical support to the Government in the area of civil engineering. In collaboration with the United Nations Volunteers (UNV) programme, a civil engineer was recruited and assumed responsibilities in Montserrat in September to work on physical planning.

In line with the importance attached by the UN system to the documenting and dissemination of lessons learned in dealing with disasters, UNDP would provide a consultant to assist in such a task for the future benefit of Montserrat and other small island developing States. The consultant would also prepare an advocacy strategy for the Government in its attempt to secure further financial and technical support from all possible sources.

The difficulties faced by UNDP in dealing with the emergency and rehabilitation support needs of Montserrat stemmed to a great extent from the current net contributor country (NCC) status con-

ferred on it at the start of the new programme cycle, which began in January 1997. With that status, Montserrat was a recipient of UNDP target for resource assignment against the core (TRAC) 1.1.1 and 1.1.2 resources only on a reimbursable basis. Access to other forms of emergency assistance, such as TRAC 1.1.3, was further constrained by the NCC status, and by the priority accorded to responding to the emergency needs of least developed and low-income countries globally, as well as by resource constraints affecting those sources. The Government of Montserrat requested a review of the country's funding status with UNDP.

UNDP action. On 19 September [E/1997/33 (dec. 97/29)], the UNDP/UNFPA Executive Board agreed to postpone the first country cooperation framework for Montserrat. The Board also endorsed a UNDP request for the provision of additional emergency assistance and rehabilitation support to Montserrat under TRAC line 1.1.3.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 J** [draft: A/52/L.56 & Add.I] without vote [agenda item 20 (b)].

Emergency assistance to Montserrat

The General Assembly,
Recalling its resolutions 46/182 of 19 December 1991 and 48/188 of 21 December 1993,

Deeply distressed by the grave situation in Montserrat caused by the eruptions of the Montsoufriere volcano,

Welcoming the efforts of the Governments of Montserrat and the United Kingdom of Great Britain and Northern Ireland and the States members of the Caribbean Community to assist the people of Montserrat and to alleviate their suffering,

Noting the response by Governments, the bodies and agencies of the United Nations system, international and regional agencies, non-governmental organizations and private individuals to provide relief,

Welcoming decision 1997/29 of 19 September 1997 of the Executive Board of the United Nations Development Programme and of the United Nations Population Fund to endorse a package of emergency relief measures to be made available to Montserrat,

Recognizing that the magnitude of the disaster and its long-term effects will require, as a complement to the efforts being made by the Governments of Montserrat and the United Kingdom, a further demonstration of international solidarity and humanitarian concerns to ensure broad multilateral cooperation in order to meet the emergency situation in Montserrat,

1. Expresses its solidarity and support to the Government and people of Montserrat;
2. Expresses its appreciation to those States, international agencies and non-governmental organizations that have provided emergency relief to Montserrat;
3. Calls upon all States to contribute generously to the relief, rehabilitation and reconstruction efforts;
4. Calls upon the United Nations Development Programme to finalize its proposals for a package of emer-

gency assistance to Montserrat at the earliest possible time;

5. Calls upon the Secretary-General to monitor the situation in Montserrat with a view to assessing the ecological and development impacts of the continuing volcanic eruptions as well as to assisting in the long-term needs of Montserratians, including the needs of evacuees and their rehabilitation;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the situation referred to in paragraph 5 above and on the progress made with the relief and rehabilitation efforts.

Papua New Guinea

A severe El Nino-induced drought affected much of Papua New Guinea throughout 1997. Associated fires devastated extensive areas of dry grassland, forest, tree plantations and gardens. At times, the haze restricted aviation. The problem was compounded by a prolonged series of nightly frosts that destroyed cash crops and staple root vegetables at points above 2,200 metres.

At the request of the Government of Papua New Guinea, an UNDAC mission was dispatched in November, with the aim of developing an appeal for international assistance. On 11 December, a United Nations Appeal for International Assistance on behalf of the Government of Papua New Guinea was launched, which sought \$4.2 million for food relief, water, agriculture, health and nutrition and emergency management.

Chernobyl aftermath

In an October report [A/52/537], submitted in response to General Assembly resolution 50/134 [YUN 1995, p. 146], the Secretary-General described action taken during the period 1996-1997 by the United Nations and other entities to address the consequences of the 1986 accident [YUN 1986, p. 584] at the Chernobyl (Ukraine) nuclear plant.

In May, a UN inter-agency assessment mission, composed of FAO, UNICEF, UNIDO, IAEA, WHO, UNEP, DHA and the International Federation of Red Cross and Red Crescent Societies, visited parts of Belarus, the Russian Federation and Ukraine to examine problems resulting directly from the accident. It focused on balancing real radiological risks against economic, social and psychological problems and on generating, together with the authorities of the concerned countries, realistic projects, that would lead to improved living conditions. The team's appraisal underscored the need for further substantial assistance in the areas of health, socio-psychological rehabilitation, environment, socio-economic questions and information poli-

cies. The members of the mission evaluated project proposals and selected several to be presented for consideration at an international conference on Chernobyl in November 1997.

In May, DHA organized, in cooperation with the Government of the Russian Federation, an international seminar on the theme "Chernobyl and beyond: humanitarian assistance to victims of technological disasters". The seminar resulted in recommendations relevant to the overall strategy of assistance on Chernobyl. It also outlined a methodology for addressing the life cycle of technological disasters, ranging from risk reduction and prevention measures and assessing the specific needs of those affected when a disaster struck, to the response itself and its effective coordination.

Regarding Chernobyl, the seminar recommended a shift in perspective towards strengthening primary health care in the affected regions and improving the prevention, detection and treatment of illnesses, regardless of whether they were directly attributable to radiation. As to economic problems, recommendations emphasized the need for self-sustaining mechanisms and outlined ways to involve the private sector in economic rehabilitation. It was also recommended that the socio-psychological rehabilitation centres should create business incubators to cultivate self-reliance and entrepreneurial skills.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/172** [draft: A/52/L.33/Rev. 1 & Add.1] without vote [agenda item 20 (f)].

Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

The General Assembly,

Reaffirming its resolutions 45/190 of 21 December 1990, 46/150 of 18 December 1991, 47/165 of 18 December 1992, 48/206 of 21 December 1993 and 50/134 of 20 December 1995, and taking note of the decisions adopted by the organs, organizations and programmes of the United Nations system in the implementation of those resolutions,

Recalling Economic and Social Council resolutions 1990/50 of 13 July 1990, 1991/51 of 26 July 1991 and 1992/38 of 30 July 1992 and Council decision 1993/232 of 22 July 1993,

Noting with appreciation the contribution made by States and by organizations of the United Nations system to the development of cooperation to mitigate and minimize the consequences of the Chernobyl disaster, and the activities of regional and other organizations, in particular the Commission of the European Communities, as well as bilateral activities and those of non-governmental organizations,

Welcoming the commitments made by Member States in the Programme for the Further Implementation of Agenda 21, to intensify cooperation, inter alia, in the prevention and reduction of major technological and other disasters with an adverse impact on the environment and in disaster relief and post-disaster rehabilitation in order to enhance the capabilities of affected countries to cope with such situations, and welcoming also commitments made in response to the appeal of the Secretary-General on the occasion of the tenth anniversary of the Chernobyl nuclear power plant accident,

Conscious of the long-term nature of the consequences of the disaster at the Chernobyl nuclear power plant, which was a major technological catastrophe in terms of its scope and created humanitarian, environmental, social, economic and health consequences and problems of common concern, requiring for their solution wide and active international cooperation and coordination of efforts in this field at the international and national levels,

Expressing profound concern about the ongoing effects on the lives and health of people, in particular children, in the affected areas of Belarus, the Russian Federation and Ukraine, as well as in other countries affected by the Chernobyl disaster,

Taking into consideration the findings and outcome of the United Nations needs-assessment mission to the affected areas of Belarus, the Russian Federation and Ukraine in May 1997, as well as the conclusions and recommendations of the United Nations-sponsored international seminar on the theme "Chernobyl and beyond: humanitarian assistance to victims of technological disasters", held in Moscow in May 1997,

Noting the readiness of Ukraine in principle to close the Chernobyl nuclear power plant by 2000, bearing in mind the need for adequate support from relevant countries and international organizations for that purpose,

Taking note of the report of the Secretary-General concerning the implementation of resolution 50/134,

1. Requests the Secretary-General to continue his efforts in the implementation of the relevant General Assembly resolutions and, through existing coordination mechanisms, in particular the United Nations Coordinator of International Cooperation on Chernobyl, to continue to maintain close cooperation with the agencies of the United Nations system, as well as with regional and other relevant organizations, with a view to encouraging the regular exchange of information, co-operation and coordination of multilateral and bilateral efforts in those areas, while implementing programmes and specific projects, inter alia, in the framework of relevant agreements and arrangements;

2. Invites States, in particular donor States, relevant multilateral financial institutions and other concerned

parties of the international community, including non-governmental organizations, to continue to provide support to the ongoing efforts made by Belarus, the Russian Federation and Ukraine to mitigate the consequences of the Chernobyl disaster;

3. Welcomes the decision of the heads of State and Government of the seven major industrial States and the European Union, adopted at Denver, United States of America, in June 1997, regarding assistance in securing the environmental safety of the sarcophagus covering the remains of the destroyed Chernobyl reactor and the allocation of 300 million United States dollars for a shelter implementation plan;

4. Expresses its appreciation for the contributions made to the shelter implementation plan at the International Chernobyl Shelter Pledging Conference for Governments, held in New York on 20 November 1997, and urges further contributions to the plan;

5. Welcomes the preparation by the United Nations, in cooperation with the Governments of Belarus, the Russian Federation and Ukraine, of the inter-agency programme of international assistance to areas affected by the Chernobyl disaster;

6. Welcomes also the convening by the United Nations of a special international meeting on Chernobyl, held on 25 November 1997, to generate further support for the populations of Belarus, the Russian Federation and Ukraine affected by the Chernobyl nuclear power plant disaster, and urges further contributions towards the implementation of the projects specified in the inter-agency programme;

7. Takes note with satisfaction of the establishment in Ukraine of the International Chernobyl Centre, with the active participation of Belarus and the Russian Federation, as an important step towards enhancement of the capabilities of the international community to study, mitigate and minimize the consequences of such accidents, and invites all interested parties to take part in the activities of the Centre;

8. Urges the United Nations Coordinator of International Cooperation on Chernobyl to continue his efforts aimed at strengthening international cooperation to overcome the health, social, economic and ecological consequences of the Chernobyl disaster in the most affected areas of Belarus, the Russian Federation and Ukraine, based on the inter-agency programme;

9. Calls upon the Secretary-General to continue the regular exchange of information with the countries concerned, relevant organizations and bodies of the United Nations system, with a view to enhancing world public awareness of the consequences of such disasters;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, under a separate sub-item, a report on the implementation of the present resolution.

Chapter IV

International trade, finance and transport

International trade followed a generally upward path in 1997 after a significant slowdown in 1996, when the growth of world trade slipped abruptly, with all the regions of the world sharing in the deceleration, albeit to different degrees. The slowdown was associated with a diminishing of the initial effects of widespread trade liberalization, particularly in developing countries, as well as with a sharp deceleration of import growth in developed economies and with a weakening of commodity prices. After two years of sustained increases, many non-oil commodity prices began to decline in 1996, especially those of interest to developing countries.

The Trade and Development Report, 1997—produced by the United Nations Conference on Trade and Development (UNCTAD), the focal point within the Organization for the treatment of the interrelated issues of trade, finance, technology, investment and sustainable development—focused on the growing income gaps among and within countries. Having considered the Report, the Trade and Development Board (TDB), UNCTAD's governing body, stated that those widening income gaps, to which elements of globalization might have contributed, were a challenge for policy makers everywhere.

The Economic and Social Council devoted its high-level segment in July to fostering an enabling environment for development: financial flows, including capital flows, investment and trade. In agreed conclusions, the Council stated that the opportunities created by globalization should benefit all countries, and the risks associated with it should be managed and minimized. Having considered the Council's conclusions, the General Assembly, in December, requested UNCTAD to continue to examine the implications of investment issues for development.

In other action on financial issues, the Assembly recognized that durable solutions to the external debt and debt-servicing problems of developing countries could contribute to strengthening the global economy and to the efforts of developing countries to achieve sustained economic growth and sustainable development, and stressed the need for strengthened international cooperation to prevent currency crises, which negatively affected not only developing coun-

tries but also the international financial and monetary system. The Assembly decided to consider in 1999 the question of convening, not later than 2001, a high-level international forum on financing for development to further the global partnership for development.

The International Trade Centre (ITC) continued to assist developing countries to increase exports. During 1997, ITC had national projects in 40 countries with project delivery of \$13.2 million.

In the area of consumer protection, the Assembly requested the Secretary-General to convene an interregional expert group to elaborate consumer protection guidelines that would cover sustainable consumption patterns.

In December, the Assembly approved TDB's recommendation that a diplomatic conference be convened to consider and adopt a convention on arrest of ships.

International trade

The Trade and Development Report, 1997 [Sales No. E.97.II.D.8] noted that there had been a significant slowdown in world trade in 1996. The growth in the volume of world merchandise exports reached only 4.6 per cent, against 10 per cent in the preceding two years, and there was also a weakening of commodity prices after two years of sustained increases. As output continued to grow at a more or less constant pace, the divergence between trade and output growth, which had been increasing since 1990, was greatly reduced and only a modest acceleration of growth in world trade was expected in 1997.

An important factor in the trade slowdown was a sharp deceleration of import growth in developed economies, from 11 per cent in 1994 to only 5.2 per cent in 1996. Particularly drastic was the drop in both the United States and Japan; in Western Europe, imports remained sluggish because of slower gross domestic product (GDP) growth, whereas other factors were at play in the United States and Japan. In those two countries, the income elasticity of imports (the ratio of the percentage change in import volume to that of

GDP from 1995 to 1996) dropped respectively from 4 to 2.6 and from 15.6 to 1, while it increased from 2.8 to 3.1 in Western Europe. In Japan, slower import growth coincided with a depreciation of the yen, after a surge during 1991-1995. In the United States, the rise in imports of capital goods, especially computers and related equipment, slowed dramatically.

In East Asia, export growth declined significantly, falling below the growth of output for the first time in many years. A major factor was a drastic fall in the prices of certain electronic and information equipment, largely on account of market saturation. In China, a reduction in export tax rebates in late 1995 had prompted enterprises to rush their exports, including those planned for 1996. By contrast, in Latin America, especially among the members of MERCOSUR (Southern Cone Common Market), the rate of acceleration of exports achieved in 1995 was maintained or even slightly exceeded in 1996.

In value terms, the slowdown in world exports was even sharper than in volume, growing by only 4.1 per cent as compared to 19.6 per cent in 1995. The average dollar prices of globally traded goods stabilized in 1996 after having increased by 10 per cent in 1995, due partly to the appreciation of the dollar vis-a-vis the currencies of several major trading countries, particularly France, Germany, Japan and the Republic of Korea.

The picture was similar for the value of world exports of commercial services, with growth decelerating to 5 per cent in 1996 from 14 per cent in the preceding year. That deceleration (for both exports and imports) was pronounced in Western Europe and Asia, whereas North America maintained the pace of expansion of 1995. Financial and insurance services, royalties and licence fees, construction services and other business services continued to be more dynamic than transportation or travel. The slowdown in growth in the value of world trade in commercial services could be attributed to the appreciation of the dollar against a number of major currencies and to the stagnation of trade in continental Western Europe.

The World Economic and Social Survey, 1997 [Sales No. E.97.II.C.1] observed that recent and prospective international flows of trade, direct investment and finance suggested that a global dynamism was continuing to build, although 1996 trade developments were a reminder that the international environment was subject to slowdowns as well as accelerations.

The dip in world trade expansion in 1996 hit Asia and the Pacific especially hard. Japan among developed market economies and China among developing countries experienced the sharpest slowdowns in the growth rates of export

volume. In Eastern and Southern Asia, where international trade had been credited as the main engine of the region's phenomenal economic expansion, the growth of exports fell below the growth of output. Latin America and the Caribbean and Africa saw their export volume slow only slightly. The transition economies of Central and Eastern Europe, however, saw the growth of their exports all but disappear.

One unusual factor in the slowdown in world trade growth in 1996—and an indication of how much the world economy had changed—was that developments in a single industry helped to explain changes in the aggregate flow of trade at the global level. The industry development in question was a temporary sharp drop in world demand for semiconductors and information-technology products. Furthermore, the rise in demand for office and telecommunications equipment slowed in 1996, after a sharp rise in 1995. Those phenomena very much affected the exports of several countries in Eastern and Southern Asia, which had become major suppliers to the world market.

While the dynamic Asian economies saw their export growth cut sharply, the slowdown in their import growth was more moderate. Liberalization measures served to stimulate import inflows, as was also the case in Latin America and the Caribbean. Other factors operated as well in the latter region, including recovery from recession in Argentina and Mexico and the regional cooperation policy embedded in MERCOSUR and other regional trading arrangements.

Western Asia's import volume bounced back after two years of decline resulting from drastic fiscal adjustment in the wake of lower oil revenues; regional import volume was estimated to have increased by almost 8 per cent, and similar growth was expected in 1997. In Africa, import volume in 1996 continued its substantial growth of the previous years, reflecting the acceleration of regional economic growth that began in 1994 and the robust growth in investment in such countries as Cote d'Ivoire, Egypt, Kenya, South Africa and Zambia. Although Africa's exports continued to be overwhelmingly shipped to developed-economy markets, exports to Eastern and Southern Asia increased strongly (from 1.5 per cent of total exports in 1990 to almost 6 per cent in 1996). That increase was largely attributable to the rapid growth of trade between South Africa and several countries in that region.

Economic and Social Council consideration. During its high-level segment (2-4 July), the Economic and Social Council at its substantive session carried out, in accordance with decision 1996/310 [YUN 1996, p. 862], a comprehensive

view of the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade" (see also below).

In its agreed conclusions [A/52/3/Rev.1 (agreed conclusions 1997/1)], the Council stated that an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system was a key element in fostering an enabling environment for development and was also essential for deepening the flow of technology and information around the world. The need to promote the universality of the World Trade Organization (WTO) and to facilitate the admission of developing countries and countries with economies in transition to market economies that applied for membership was stressed. The Council noted that trade liberalization should eliminate discriminatory and protectionist practices in international trade relations in order to improve access for the exports of developing countries. With the growing internationalization of the services sector, further action should be taken to facilitate the participation of developing countries in international service liberalization. Commodity exports continued to play a key role in the economies of many developing countries and the diversification of their economies was essential for their development. All countries should commit themselves to the liberalization of trade and investment policies and should foster international cooperation towards that goal. All members of WTO should implement their commitments fully and all provisions of the Final Act of the Uruguay Round [YUN 1994, p. 1474] should be effectively applied to maximize economic growth and development benefits for all, taking into account the specific interests of developing countries. The strengthening of the supply capacity of exportable goods and services in the least developed countries (LDCs), as well as market access, was called for. The Council encouraged the UN system, including the International Monetary Fund and the World Bank, WTO and the United Nations Development Programme, to provide co-ordinated support for action in that area.

In addition to the World Economic and Social Survey, 1997 (see above), the Council had before it the report of the Secretary-General on the high-level segment theme [E/1997/67] (see below).

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/626/Add.2], adopted **resolution** 52/182 without vote [agenda item 95 (b)].

International trade and development

The General Assembly,

Recalling its resolutions 50/95 and 50/98 of 20 December 1995 and 51/167 of 16 December 1996, as well as relevant international agreements concerning trade, economic growth, development and interrelated issues,

Emphasizing the importance of an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system,

Emphasizing also that a favourable and conducive international economic and financial environment and a positive investment climate are necessary for the economic growth of the world economy, including the creation of employment, in particular for the growth and development of the developing countries, and emphasizing further that each country is responsible for its own economic policies for sustainable development,

Taking note of agreed conclusions 1997/1 of the Economic and Social Council on the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade",

Noting that the mid-term review of the outcome of the ninth session of the United Nations Conference on Trade and Development will be held in 1998,

Noting also that the second Ministerial Conference of the World Trade Organization will be held at Geneva from 18 to 20 May 1998,

I

1. Reaffirms the role of the United Nations Conference on Trade and Development as the focal point within the United Nations for the integrated treatment of development and interrelated issues in the areas of trade, finance, technology, investment and sustainable development;

2. Also reaffirms its political will and responsibility with respect to implementing the agreed commitments reached at the ninth session of the United Nations Conference on Trade and Development, held at Midrand, South Africa, in particular the document entitled "A Partnership for Growth and Development", and, in this regard, welcomes the convening of a special high-level mid-term review meeting in 1998, which will contribute to the preparations for the tenth session of the Conference, to be held in Thailand in 2000;

3. Welcomes the efforts by the Secretary-General of the United Nations Conference on Trade and Development to build a lasting partnership for development with non-governmental actors, including through the "Partners for Development" initiative, to be held at Lyon, France, in 1998;

4. Takes note of the reports and the agreed conclusions of the fifteenth executive session and the forty-fourth session of the Trade and Development Board, and notes the important contribution that the Trade and Development Report, 1997, the World Investment Report and the Least Developed Countries, 1997 Report make to the work of the Board;

5. Notes that the Trade and Development Board recommended that the General Assembly change the name of the Intergovernmental Group of Experts on Restrictive Business Practices to the Intergovernmental Group of Experts on Competition Law and Policy and convene a fourth United Nations conference on the Set of Multilaterally Agreed Equitable Principles and

Rules for the Control of Restrictive Business Practices, as well as a diplomatic conference to consider and adopt a convention on arrest of ships, endorses the aforementioned change of name of the Intergovernmental Group, and stresses that the two conferences, as agreed by the Board, should be absorbed within the budget level proposed by the Secretary-General for the biennium 1998-1999;

6. Expresses its support for the efforts of the Secretary-General of the United Nations Conference on Trade and Development to implement fully the far-reaching reforms embodied in the outcome of the ninth session of the Conference;

7. Notes that the United Nations Conference on Trade and Development is making increasing use of information technology to enhance further its effectiveness, and urges the Conference to assist developing countries in fully benefiting from these new technologies;

8. Also notes the increasing importance and application of electronic commerce on international trade, and urges the United Nations Conference on Trade and Development, in cooperation with other relevant bodies of the United Nations system, to assist developing countries, in particular the least developed countries, and in this regard further notes the needs of the countries with economies in transition;

9. Recognizes that the United Nations Conference on Trade and Development, having a comparative advantage in tackling trade-related development issues, should continue to facilitate the integration of developing countries and countries with economies in transition into the international trading system, in a complementary manner with the World Trade Organization, and to promote development through trade and investment in cooperation and coordination with the International Trade Centre, relevant institutions of the United Nations system and other international organizations;

10. Requests the United Nations Conference on Trade and Development to continue, on the basis of the outcome of its ninth session, to identify and analyse the implications for development of issues relevant to investment, taking into account the interests of developing countries and bearing in mind the work undertaken by other organizations;

11. Invites the United Nations Conference on Trade and Development to continue, inter alia, to follow developments in the international trading system, in particular their implications for developing countries, to identify new opportunities arising from the implementation of the Uruguay Round of multilateral trade negotiations agreements, and to assist developing countries to participate effectively in multilateral trade negotiations;

II

12. Welcomes the outcome of the first Ministerial Conference of the World Trade Organization, held at Singapore from 9 to 13 December 1996, and its adoption of the Plan of Action for the Least Developed Countries;

13. Also welcomes the announcements by some developed and developing countries, at the High-level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development, of new or additional

measures on market access for the least developed countries, and recommends that a full report on the outcome of and follow-up to the Meeting be submitted to the Ministerial Conference of the World Trade Organization in May 1998;

14. Recognizes the importance of open regional economic integration in the creation of new opportunities for expanding trade and investment, and stresses the importance of those initiatives being in conformity with World Trade Organization rules, where applicable;

15. Stresses that, in the context of globalization and liberalization, there is need for the full integration of developing countries, in particular the least developed countries, and of countries with economies in transition, into the world economy, through, inter alia, improved market access for their exports, in accordance with the multilateral trade agreements;

16. Also stresses in this context the need for various measures to be taken by the international community, including increased trade-related technical assistance and human and institutional capacity-building for strengthening the supply capacity of exportable goods and services of developing countries, in particular the least developed countries, with a view to their full integration into the world economy;

17. Welcomes, in this regard, the recognition that the movement in the direction of greater openness for developing economies should be an orderly process backed by effective policies at the international and national levels and that those policies should entail a phased approach to integration, taking into account the circumstances of individual countries;

18. Reiterates the importance of trade liberalization in developed and developing countries and the need to continue liberalization, particularly in areas of interest to developing countries, through, inter alia, a substantial reduction of tariff and other barriers, and also reiterates the need for the elimination of discriminatory and protectionist practices in international trade relations, which will have the effect of improving access for the exports of developing countries, enhancing the competitiveness of their domestic industries and facilitating structural adjustment among developed economies;

19. Stresses that all members of the World Trade Organization should implement their commitments in respect of the Uruguay Round agreements in a full, timely, faithful and continuous manner and that all provisions of the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations should be applied effectively, taking into account the specific interests of developing countries, so as to maximize economic growth and the developmental benefits for all and, in this respect, reiterates the need for the full implementation of special and preferential treatment for developing countries in accordance with the Uruguay Round agreements;

20. Emphasizes the importance of the strengthening of, and the attainment of greater universality by, the international trading system and of accelerating the process directed towards accession to the World Trade Organization of developing countries and countries with economies in transition, and emphasizes the necessity for Governments members of the World Trade Organization and relevant international organizations to as-

sist non-members of the World Trade Organization so as to facilitate their efforts, with respect to accession, in an expeditious and transparent manner on the basis of World Trade Organization rights and obligations, and for the United Nations Conference on Trade and Development to provide technical assistance, within its mandate, thereby contributing to their rapid and full integration into the multilateral trading system;

21. Also emphasizes that the dispute settlement mechanism of the World Trade Organization is a key element with regard to the integrity and credibility of the multilateral trading system and the full realization of the benefits anticipated from the conclusion of the Uruguay Round of multilateral trade negotiations;

22. Deplores any attempt to bypass or undermine multilaterally agreed procedures on the conduct of international trade by resorting to unilateral actions over and above those agreed in the Uruguay Round, and affirms that environmental and social concerns should not be used for protectionist purposes;

III

23. Emphasizes the need for a balanced and integrated approach to issues of environment, trade and development, and recognizes that the objective of Governments should be to ensure that trade and environmental policies are mutually supportive so as to achieve sustainable development and that, in doing so, their environmental policies and measures with a potential trade impact are not used for protectionist purposes;

24. Encourages the United Nations Conference on Trade and Development to continue its work on trade, environment and development, in particular its special role in promoting the integration of trade, environment and development, by examining trade and environmental issues from a development perspective in co-operation with relevant bodies and international organizations, including the Commission on Sustainable Development, the United Nations Environment Programme and the World Trade Organization, as task manager for the Commission on Sustainable Development;

IV

25. Reaffirms the need to give priority to the problems facing the least developed countries, and reaffirms in particular that actions should be taken, as appropriate, to assist the least developed countries to maximize the potential opportunities and minimize the possible difficulties arising from the Uruguay Round agreements;

26. Urges Governments and concerned international organizations to implement fully and expeditiously the Ministerial Decision on Measures in Favour of the Least Developed Countries and to apply effectively the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Developing Countries, as well as the recommendations adopted at the High-level Intergovernmental Meeting on the Mid-term Global Review of the Implementation of the Programme of Action for the Least Developed Countries for the 1990s and at the ninth session of the United Nations Conference on Trade and Development, as they relate to trade and trade-related issues of concern to the least developed countries;

27. Requests Governments, organs, organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to take concrete measures to implement fully and as a matter of urgency the United Nations New Agenda for the Development of Africa in the 1990s, including the measures and recommendations agreed upon at its mid-term review, especially those related to trade and development;

28. Welcomes the adoption of an integrated framework for trade-related technical assistance at the High-level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development, convened by the World Trade Organization at Geneva on 27 and 28 October 1997, and invites the United Nations Conference on Trade and Development to enhance further the effectiveness and efficiency of its trade-related technical assistance activities for the least developed countries in collaboration with the World Trade Organization, the International Trade Centre, the United Nations Development Programme, the World Bank and the International Monetary Fund;

29. Invites the United Nations Conference on Trade and Development, the World Bank and the United Nations Development Programme to improve collaboration between the country-level programmes of the Conference for the least developed countries and the overall macroeconomic and sectoral policy dialogue in respect of those countries at the World Bank Consultative Group and United Nations Development Programme round-table meetings, bearing in mind General Assembly resolution 50/120 of 20 December 1995;

30. Stresses the need to give special attention, within the context of international cooperation on trade and development issues, to the implementation of the many international development commitments geared to meeting the special development needs and problems of small island developing States and of landlocked developing States, and to recognize that developing countries that provide transit services need adequate support in maintaining and improving their transit infrastructure;

31. Invites preference-giving countries to continue to improve and renew their Generalized System of Preferences schemes in keeping with the post-Uruguay Round trading system and with the objective of integrating developing countries, especially the least developed countries, into the international trading system, and stresses that ways and means should be found to ensure more effective utilization of those schemes, particularly by the least developed countries;

32. Notes the concern among the beneficiaries that the enlargement of the scope of the Generalized System of Preferences, by linking eligibility to non-trade considerations, may detract value from its original principles, namely, non-discrimination, universality, burden sharing and non-reciprocity;

33. Stresses the need for increased and more effective participation by developing countries in rule-making and standard-setting activities in the context of the international trading system;

34. Welcomes the successful outcome of the South-South Conference on Trade, Investment and Finance, held at San Jose, Costa Rica, from 13 to 15 January 1997, and stresses the need by all concerned to ensure, with the support of the international community, effective

follow-up to its Declaration and Plan of Action which recognized, *inter alia*, the importance of international trade as an unprecedented engine of growth for developing countries, the opportunities and challenges of globalization and liberalization, the need for the complete integration of the developing countries into the world economy and the international trading system, and the need to address the continued marginalization of the least developed countries in the world economy;

35. Requests the Secretary-General, in collaboration with the secretariat of the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-third session on recommendations for effective follow-up to the relevant sections of agreed conclusions 1997/1 of the Economic and Social Council;

36. Also requests the Secretary-General, in collaboration with the secretariat of the United Nations Conference on Trade and Development, to report orally to the General Assembly at its fifty-third session on the implementation of the present resolution, including developments in the multilateral trading system.

Trade policy

Trade in goods and services, and commodities

The Commission on Trade in Goods and Services, and Commodities held the second part of its first session in Geneva from 19 to 21 February [TD/B/44/5], the first part of the session having been held in 1996 [YUN 1996, p. 853]. The Commission had before it a report [TD/B/COM.1/3 & Corr.1] by the UNCTAD secretariat on integrating trade, environment and development: recent progress and outstanding issues. The report outlined the debate on competitiveness, market access, trade liberalization and the environment, eco-labelling and multilateral environmental agreements. It highlighted progress made as well as some unresolved issues and discussed trade liberalization and market access; process and production methods in the trade and environment interface; environment for development; positive measures and multilateral agreements; trade, investment and environment; and small and medium-sized enterprises.

In agreed conclusions, the Commission reaffirmed the importance of pursuing the work that the Commission on Sustainable Development in 1996 had proposed for UNCTAD [YUN 1996, p. 855] and encouraged UNCTAD to continue its technical assistance programme to promote a better understanding of the linkages between trade, environment and development. It decided to convene two expert meetings, one to examine positive measures in the context of promoting sustainable development and the other to examine the operation, and the possible trade and investment impacts, of environmental management standards on developing countries. The Commission noted

that the UNCTAD and WTO secretariats were jointly conducting a study on "Tariff peaks and escalation in the post-Uruguay Round context" and decided that the study should be made available to its second session in November. It also noted the interest expressed for future expert work in the following areas: examination of the relationships and interlinkages between the tourism sector, the environment and development in developing countries; analysis of the role of foreign direct investment in promoting access to and transfer of environmentally sound technologies to developing countries; and innovative instruments to improve the export possibilities for commodities produced in a sustainable way.

The Commission held its second session in Geneva from 17 to 21 November [TD/B/45/2]. For its consideration of diversification in commodity-dependent countries, it had before it a report by the UNCTAD secretariat on the role of Governments, enterprises and institutions [TD/B/COM.1/12.1] that analysed global trends and the relevant agents and actors in the diversification process, highlighting the role of government and enterprise sector strategies in diversification. The Commission also considered the report of the Expert Meeting on Vertical Diversification in the Food Processing Sector in Developing Countries (Geneva, 1-3 September) [TD/B/COM.1/8].

In agreed conclusions addressed to the international community, the Commission stated that further trade liberalization, improved market access and the avoidance of unilateral action would provide important support for the diversification efforts of commodity-dependent developing countries. Reductions of tariff peaks and tariff escalation facing those countries' exports would be important in that regard. International financial and technical support to commodity-dependent countries in their diversification efforts needed to be reinforced, and the Common Fund for Commodities should expedite its exploration of ways to utilize the resources of its First Account.

In conclusions addressed to Governments, the Commission stated that commodity-dependent developing countries should consider the advantages of regional arrangements and regional and South-South trade as a means of diversification and as a stepping stone to global trade. Improvement of supply capacities was crucial to effective diversification, as was the development of processing, marketing and distribution. The clustering of enterprises and free trade zones could help in promoting diversification by increasing forward and backward linkages and lowering transaction costs; Governments should identify ways to promote the participation of small and

medium-sized enterprises and small farms therein, such as export credits and trade finance.

The Commission addressed the following conclusions to UNCTAD: since joint ventures could provide a positive impetus to diversification, the UNCTAD secretariat should analyse the effects on diversification of joint ventures, mergers, franchises and similar arrangements in sectors where developing countries might have comparative advantage; it should study the extent of the relevance of Uruguay Round provisions in ensuring that developing countries could take advantage of opportunities created in regional trading arrangements; it should promote a better understanding of the implications of the Agreement on Subsidies and Countervailing Measures; in collaboration with the International Trade Centre (ITC), it should undertake studies on the positioning of enterprises of commodity-dependent countries in sourcing networks and the identification of market opportunities; it should provide technical assistance, including training, institutional capacity-building and access to information in the context of regional and global trade; and, in the area of technical cooperation, it should provide support for commodity diversification efforts in developing countries.

For its consideration of ways to improve opportunities to expand exports of goods and services from developing countries, the Commission had before it a report by the UNCTAD secretariat [TD/B/COM.1/13], which analysed dynamic markets and export sectors and trade in goods and services, and suggested possible future initiatives. It also considered the report of the Expert Meeting on Strengthening the Capacity and Expanding Exports of Developing Countries in the Services Sector: Health Services (Geneva, 16-18 June) [TD/B/COM.1/7].

In agreed conclusions, the Commission stressed that developing countries, particularly LDCs, required assistance in developing efficient supply and export capabilities and that special treatment for them could facilitate their integration into the multilateral trading system. Non-tariff measures not covered by multilateral trade agreements should continue to be identified and future negotiations in agriculture should take into account the interest of developing countries, particularly LDCs and net food-importing developing countries. Attention should be paid to completing the negotiations on emergency safeguards in services; electronic commerce should provide important opportunities to developing countries in expanding their exports of both goods and services; and the effective participation of developing countries in international

standard-setting bodies should be encouraged. The Commission stated that Governments should strive to ensure sustainable development through a stable macroeconomic and institutional environment; they should foster access to information infrastructure and avoid barriers to electronic commerce. Preference-receiving countries should make efforts to increase the use of generalized system of preferences schemes, and the most economically advanced developing countries should consider providing trade preferences to LDCs. Developing countries should make efforts to develop exports in services sectors where they had competitive advantages. UNCTAD should organize training seminars to assist developing countries and countries in transition to build their capacity to assess their national interests in preparation for trade negotiations, the Commission said. It should study issues arising from electronic commerce and help developing countries to take full advantage of its benefits and assist them in promoting economic cooperation and integration among themselves. It should also study the effects on the trade and development efforts of developing countries of the tourism sector and undertake a study of the export potential of developing countries in the business services sector.

Interdependence and global economic issues

The Trade and Development Board (TDB), at its forty-fourth session (Geneva, 13-22 October) [A/52/15], considered interdependence and global economic issues from a trade and development perspective and adopted agreed conclusions on income distribution and growth in a global context [agreed conclusions 440(XLIV)] (see below, under "Income distribution and growth").

On 18 December (**decision** 1997/319), the Economic and Social Council decided that the high-level segment of its 1998 substantive session would be devoted to the theme "Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for the developing countries and the least developed among them, in the context of globalization and liberalization".

Trade and environment

In response to General Assembly resolution 50/95 [YUN 1995, p. 950], the Secretary-General, in February [A/S-19/4-E/1997/13] transmitted to the Assembly's nineteenth special session and to the Economic and Social Council an UNCTAD secretariat report on trade and environment: concrete progress achieved and some outstanding issues. The report examined progress on the issue of

trade and environment since the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 670], noting that the post-UNCED debate had had a number of positive results, but that there was a perception that mutual understanding between the trade, environment and development communities was still evolving and that a larger consensus needed to be built. The debate also suggested that consumer preferences for "environment-friendly" products could provide trading opportunities for developing countries and facilitate the internalization of environmental costs and benefits by producers. The report described progress made in meeting the objectives of the programme areas of UNCED's Agenda 21 [YUN 1992, p. 672], which dealt with promoting sustainable development through trade and making trade and environment mutually supportive. It considered the results of WTO deliberations on trade and environment, as well as decisions on trade, environment and sustainable development adopted by the Commission on Sustainable Development at its second [YUN 1994, p. 765], third [YUN 1995, p. 837] and fourth [YUN 1996, p. 735] sessions. Outstanding and emerging issues addressed in the report were: access to and diffusion of environmentally sound technologies and products; trade, investment and environment; small and medium-sized enterprises; reflection of environmental costs and resource scarcities in commodity prices; and internalization of positive externalities.

The UNCTAD secretariat concluded that intensive intergovernmental deliberations had promoted increased awareness and understanding of trade and environment linkages, as well as greater confidence and mutual respect between trade, environment and developmental communities, and had reiterated a commitment to address trade and environment on the basis of multilateralism and cooperative approaches. Governments had taken steps to include Agenda 21 follow-up activities, particularly in the area of trade and environment, in the work programmes of WTO, UNCTAD and other relevant international organizations. Trade and environment linkages, however, had proved to be far more complex than originally envisaged and the debate had revealed the absence of a unique trade, environment and development agenda; it might therefore be necessary to examine the direction of that agenda and possible approaches to issues. The report presented recommendations on promoting sustainable development through trade, on making trade and environment mutually supportive and on outstanding and emerging issues.

By **decision** 1997/308 of 25 July, the Economic and Social Council took note of the report.

Special session of General Assembly. In June, the General Assembly held its nineteenth special session at which it adopted the Programme for the Further Implementation of Agenda 21 (**resolution** S/19-2) (see PART THREE, Chapter I). In a section on making trade and environment mutually supportive, the Programme stated that there should be a balanced and integrated approach to trade and sustainable development, based on a combination of trade liberalization, economic development and environmental protection. Trade obstacles should be removed with a view to contributing to the more efficient use of the Earth's natural resources in both economic and environmental terms.

Trade promotion and facilitation

In 1997, United Nations bodies continued to assist developing countries to promote their exports and to facilitate the movement of their goods in international commerce. The International Trade Centre was the main originator of technical cooperation projects in that area.

The TDB Commission on Enterprise, Business Facilitation and Development held two sessions during the year.

International Trade Centre

During 1997, the International Trade Centre (ITC), under the joint sponsorship of UNCTAD and WTO, undertook a major effort to increase its effectiveness and to get more mileage out of existing resources by sharpening its strategies, developing cost-effective tools and methodologies for customization on a country basis by national experts, and improving its management systems.

Major substantive accomplishments in 1997 [ITC/AG(XXXI)/167] included forward-looking new strategies for product and market development (PMD) and the promotion of trade in services; substantial progress in the development and testing of diagnostic tools and learning systems for small and medium-sized enterprises (SMEs); and new partnerships with national business organizations and international groups such as the World Economic Forum and the International Organization of Employers. ITC had national projects in 40 countries during the year, in addition to regional and subregional projects that reached a much larger number of countries. Its project delivery amounted to \$13.2 million, 4.4 per cent more than in 1996, of which some 37 per cent went to LDCs.

A major ITC activity in the PMD subprogramme was the formulation of a new strategy. ITC reas-

sessed its PMD work, undertook research in new areas and examined ways in which other technical assistance providers worked in PMD. The annual review of export performance and international demand for all developing countries and economies in transition was refined and studies were carried out on the identification of untapped potential for trade expansion and diversification in the post-Uruguay Round context. ITC also carried out multifaceted work for the promotion of commodity exports from developing countries; Contributed to the follow-up to the Uruguay Round; continued its programmes on the enhancement of market transparency and product networking and applied market research and development of tools in new areas; and implemented technical cooperation projects in PMD at the country and regional levels.

In trade support services, ITC concentrated on developing a strategic approach to trade promotion; providing information and advice to SMEs; export quality management; export packaging; legal aspects of foreign trade; trade information; and improving market transparency.

With regard to the human resource development (HRD) subprogramme, 1997 marked the first full year of implementation of ITC's new strategy for its HRD core service. The strategy called for ITC to focus its HRD resources on the development and introduction into field activities of four innovative technical assistance products: the Global Competitiveness Curriculum; the Trade Tutor Team-Building Programme; the Training Materials Development and Exchange Centre; and the Executive Forum on National Export Expansion Strategies.

With regard to international purchasing and supply management (IPSM), ITC's long-term objective was to help its partner countries manage their purchasing and supply operations for imported goods and services as cost effectively as possible. To that end, ITC concentrated on developing generic tools and related services to build national capacities for training, consultancy support and information to the IPSM community in the private and public sectors. ITC relaunched its public-sector procurement programme on the basis of a new strategic approach and with strengthened working relationships with WTO, the World Bank and other key institutions.

There were three salient developments in ITC's assistance at the regional and country levels in 1997: increased focus on the trade-related needs of LDCs and substantial work to address them; the application and adaptation at the country level of ITC's technical assistance tools and methodologies; and the search for effective approaches to reach rural populations and integrate them into

the global economy. The expansion of ITC activities in European economies in transition was notable, as was the development of major multi-country programmes to be implemented in Africa in 1998. ITC received 31 requests for comprehensive needs assessment in 1997 and completed 25 project formulation missions.

JAG action. The ITC Joint Advisory Group (JAG) held its thirtieth session in Geneva from 21 to 25 April [ITC/AG(XXX)/164]. JAG had before it reports on: ITC activities in 1996 [YUN 1996, p. 857]; an evaluation of the HRD subprogramme [ITC/AG(XXX)/158]; the ITC technical meeting 1996 [ITC/AG(XXX)/159]; ITC's HRD core service [ITC/AG(XXX)/161]; and the ITC Global Trust Fund's Consultative Committee [ITC/AG(XXX)/162].

JAG reaffirmed the importance of ITC's mandate and expressed appreciation for its valuable, practical, down-to-earth and highly operational work. It noted that it was important for ITC to continue prioritizing its activities in relation to available resources and to concentrate on activities aimed at creating business opportunities for developing countries and economies in transition, staying away from the policy debate. Capacity-building and human resource development for trade promotion were to remain ITC's primary concerns, with particular reference to LDCs. The Group expressed deep concern over the continuing decline of extrabudgetary resources for programmes and projects, and stressed the importance of increasing the share of national and regional projects in ITC's technical cooperation programme.

Pledges of Trust Fund contributions to ITC were announced by Canada, Denmark, Finland, France, Germany, Italy, Japan, the Netherlands, Norway, Spain, Sweden and Switzerland.

ITC administrative arrangements

In the context of a 1995 agreement between the UN Secretary-General and the WTO Director-General [YUN 1995, p. 959] with regard to the status of ITC as a joint body, the Secretary-General presented a December 1997 report [A/C.5/52/25] on administrative arrangements for ITC.

The report provided a historical overview of the Centre and proposed the following arrangements governing the preparation, review and approval of the ITC budget: the ITC budget format and the process of its review and approval by the General Assembly should be adapted within the framework of the Financial Regulations and Rules of the United Nations, the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, and relevant Assembly resolutions on the

budgetary process; the ITC programme of work would continue to be based on the UN medium-term plan for the period 1998-2001 and on the WTO programme of technical cooperation (included in the plan for 1997-1999); the UN Secretariat would continue to provide technical and administrative support to ITC in implementing its budget, on a reimbursable basis; and the accounts would be audited by the UN External Auditors and their findings would be reported to the Assembly and the WTO General Council.

In resolution 52/221 A of 22 December, the Assembly approved an appropriation of \$19.8 million for ITC for the 1998-1999 biennium.

Enterprise, business facilitation and development

The Commission on Enterprise, Business Facilitation and Development, established by TDB in 1996 [YUN 1996, p. 852] on the recommendation of UNCTAD IX, held its first session in Geneva from 20 to 24 January [TD/B/44/2]. It had before it an UNCTAD secretariat report on the changing nature of enterprises and competition and the implications for the formulation of an enterprise development strategy [TD/B/COM.3/2]. The report discussed major developments and policy issues concerning the changing nature of enterprises and of international competition; national determinants of enterprise development and competitiveness in developing countries, with particular reference to LDCs, as well as in economies in transition; and key issues relating to an enterprise development strategy, including an identification of areas for further work in respect of each issue, as well as the policy implications. It analysed the new dynamics of enterprise development and competition, stressing the importance of technological capability-building and innovation in sustaining competitiveness, and emphasizing the diversity among firms and national systems.

In agreed conclusions, the Commission recognized the importance for developing countries, in particular LDCs, and economies in transition, to develop enterprise development strategies; it also recognized that further analytical work and policy research within UNCTAD would be necessary in particular areas, and took note of the proposals made in that regard. The Commission decided to convene an expert meeting on the respective roles of government and the private sector, including non-governmental organizations (NGOs), and the interactions between them in creating a coherent policy framework and setting up effective support measures and structures for the development of SMEs and micro-enterprises, in particular those in LDCs. It asked the secretariat to begin analytical work and policy

research on ways to promote and facilitate effective inter-firm cooperation; the secretariat was also asked to develop its technical cooperation activities in the area of enterprise development and to provide a background note on information available on research bodies and other support institutions working in that area that might be constituted into a database.

Also before the Commission was an UNCTAD secretariat report on services infrastructure for development and trade efficiency assessment [TD/B/COM.3/3 & Add.1], which attempted to provide the proper conceptual, policy and practical bases for UNCTAD work on the subject.

In agreed conclusions, the Commission noted that, in a globalizing and liberalizing economy, the competitiveness of traders, particularly of SMEs, increasingly relied on access to information and information technologies and on the availability of simplified, compatible procedures and practices. In that regard, the Commission recognized the importance of continuing the work called for by "A Partnership for Growth and Development" [YUN 1996, p. 845] in the area of services infrastructure for development and trade efficiency. It took note of the expansion of the Trade Point programme and the interest of member countries in participating and requested the secretariat to solicit contributions for that purpose, evaluate the programme, and produce an information note on the basis of a cost-benefit analysis of practical ways to ensure the legal protection of the Trade Point and Global Trade Point Network names and logos.

The second session of the Commission was held in Geneva from 1 to 5 December [TD/B/45/3]. It had before it an UNCTAD secretariat report [TD/B/COM.3/9] on progress towards strategies for enterprise development. The first part of the four-part report described the outcome of the Expert Meeting on Government and Private Sector Roles and Interactions in SME Development (Geneva, 23-25 July) [TD/B/COM.3/6]; the Commission was asked to react to its findings and recommendations. The second part presented a progress report of activities in inter-firm cooperation, so that the Commission could decide on future work. The third part dealt with information on research bodies and other support agencies working in the area of enterprise development, which might be constituted into a database to facilitate both better research and project design. The last part contained information on cooperation between UNCTAD and other UN agencies and international organizations in the area of enterprise development.

In agreed conclusions, the Commission reaffirmed the importance of promoting and

strengthening the enterprise sector, in particular micro, small and medium-sized enterprises (MSMEs), and agreed on a number of recommendations addressed to the international community, to Governments and to UNCTAD. It stated that, in order to ensure policy coherence at the international level and to promote trade and technology transfer, the international community should encourage cooperation between firms in developed countries and those in developing countries and economies in transition. International financial institutions should develop and support specific programmes and initiatives to build and maintain private sector lending capacity to MSMEs, and the international community should work to support national regulatory environments that fostered and encouraged MSME growth. Governments should consider measures to strengthen MSME participation in the public-private sector dialogue; they should cooperate closely with the private sector, including representative bodies, and consider ways to improve policy coherence between macro, micro and trade policies. The Commission recognized the importance of close cooperation between UNCTAD and other UN bodies and international organizations in the implementation of its work on enterprise development.

The Commission also had before it an UNCTAD secretariat report [TD/B/COM.3/10] on the activities it had initiated to contribute to the development of infrastructure services specifically designed to assist the informal sector and to promote the development of micro-enterprises. The report also addressed trade efficiency issues, such as the trade efficiency strategy, legal dimensions of the Trade Point programme and inter-institutional cooperation in trade efficiency. An addendum [TD/B/COM.3/10/Add.1] contained a proposal for a trade efficiency assessment methodology. The Commission also considered the reports of two expert meetings, one on the use of information technologies to make transit arrangements more effective (Geneva 5-7 May) [TD/B/COM.3/5] and the other on telecommunications, business facilitation and trade efficiency (Geneva, 8-10 September) [TD/B/COM.3/7].

In agreed conclusions, the Commission acknowledged the important impact of microfinance in poverty alleviation and stated that Governments and other organizations should work with UNCTAD to create an enabling environment for microfinance institutions (MFIs). It noted the important facilitating role played by UNCTAD in bringing together international assets managers, banks, MFIs and Governments and encouraged it to continue to promote private sector involvement and facilitate exchanges of experience between

practitioners and between Governments, including among developing countries. In its conclusions on trade efficiency, the Commission encouraged the international community to provide financial support for effective transit arrangements, in particular the technical cooperation aspects. It noted that UNCTAD should consider the importance of using information technologies to enhance the efficiency and effectiveness of transit arrangements. The Commission stressed the specific needs of developing countries, especially LDCs, regarding access to international networks in general and to electronic commerce in particular and requested UNCTAD to undertake analytical work on trade efficiency and prepare reports on several topics. With regard to the trade efficiency strategy, the Commission stated that Governments should take measures to protect the names and logos used by the Trade Point programme at the national level. It decided to convene an expert meeting on capacity-building in electronic commerce: human resource development.

Commodities

The Trade and Development Report, 1997 [Sales No. E.97.II.D.8] stated that, after two consecutive years of substantial increases, non-oil primary commodity prices started to decline in 1996 and for the year as a whole were over 4 per cent lower than in 1995. That decline affected all major commodity groups except temperate foodstuffs. Slow growth in industrial countries, as well as oversupply and turmoil in metals markets, contributed to the downward pressure on prices during the year. After a more or less stable first quarter of 1996, prices started to weaken steadily for major non-oil commodity groups of export interest to developing countries. On an annual basis, prices of tropical beverages fell by over 15 per cent and those of minerals and agricultural raw materials by more than 12 per cent.

Expectations of a large coffee crop in Brazil weakened prices in spite of a tight supply situation; coffee prices declined on average by some 26 per cent in 1996, but on the whole prices proved less volatile than expected thanks to low stocks, especially in consuming countries, and also to the export ceiling adopted by the Association of Coffee Producing Countries. There was a sharp recovery in the early months of 1997 because first estimates of the Brazilian crop were well below the previous year's output and also because of labour unrest in Colombia. Prices of other tropical beverages held up much better in 1996. Cocoa prices remained firm and tea prices recovered from the declines recorded in 1995.

Banana prices were on average 7.5 per cent higher than in 1995, while sugar prices fell by 10 per cent. Despite a drop in the latter part of 1996, wheat averaged a 13.7 per cent increase and maize rose by 25 per cent. The rice market seemed to be more or less well balanced, with price fluctuations much weaker than for other commodities.

Among agricultural raw materials, rubber and cotton prices weakened considerably in 1996, as did those of minerals. Copper prices were particularly volatile, on average almost 22 per cent lower, and aluminium prices also fared badly and lost much of the gains recorded in 1995.

The major exception to that bleak picture was petroleum, the prices of which rose steadily throughout the year; by December, they were almost \$6 per barrel higher than 12 months earlier. While low stocks and a long cold winter contributed to the buoyancy of oil markets, the steady rise in oil prices also reflected continued production restraint by members of the Organization of Petroleum Exporting Countries and shortfalls in supply from other exporters due to technical problems. The much-delayed resumption of oil exports from Iraq (under Security Council resolution 986(1995) [YUN 1995, p. 475]) also led to speculative purchases and higher prices.

Common Fund for Commodities

The 1980 Agreement Establishing the Common Fund for Commodities [YUN 1980, p. 621], a mechanism intended to stabilize the commodities market by helping to finance buffer stocks of specific commodities, as well as commodity development activities such as research and marketing, entered into force in 1989 and the Fund became operational later that year.

As at 31 December 1997, the number of parties to it remained at 105 States and the European Community (EC) (European Union).

Individual commodities

Natural rubber. In accordance with the terms of the International Natural Rubber Agreement, 1995 [YUN 1995, p. 964], a meeting was held (Geneva, 6 February) [TD/RUBBER.3/19] of the Governments and the organization that were parties to the Agreement or had given notification of provisional application to decide whether to put the Agreement into force provisionally or definitively among themselves in whole or in part.

The Governments and the intergovernmental organization represented at the meeting decided to put the Agreement into force provisionally among themselves in whole as of 6 February 1997 up to a period of 12 months [TD/RUBBER.3/18].

As at 31 December 1997, 14 States had become parties to the Agreement and 10 States and EC had undertaken provisional application.

Consumer protection

In accordance with Economic and Social Council resolution 1995/53 [YUN 1995, p. 966], the Secretary-General submitted a May 1997 report on consumer protection [E/1997/61]. The report reviewed the progress achieved between 1995 and 1996, at the national, regional and international levels, in implementing the guidelines for consumer protection, adopted by the General Assembly in resolution 39/248 [YUN 1985, p. 571]. It described steps taken by Governments, the UN system and other intergovernmental organizations to implement the guidelines and reviewed the activities undertaken by civil society, particularly NGOs, concerned with consumer protection.

The report concluded that considerable progress had been made in implementing the guidelines. There had been a surge in consumer awareness, especially in terms of the sustainability of consumption patterns and the need to protect the interests of consumers in a globalized world economy. However, much remained to be done and there was a need to strengthen collaboration between the UN system, civil society, donors and Governments for the cost-effective use of limited resources in further work. The report contained a number of recommendations for the Council's consideration. It also suggested that an interregional expert group be convened to elaborate guidelines on sustainable consumption patterns, for submission to the Council in 1998, through the Commission for Sustainable Development.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council adopted **resolution 1997/53** [draft: E/1997/L.39, orally revised] without vote [agenda item 7 (a) & (b)].

Consumer protection

The Economic and Social Council,

Recalling General Assembly resolution 39/248 of 9 April 1985, by which the Assembly adopted guidelines for consumer protection,

Recalling also its resolutions 1988/61 of 27 July 1988 and 1990/85 of 27 July 1990, as well as resolution 48/7 of 23 April 1992 of the Economic and Social Commission for Asia and the Pacific, in which Governments were urged to implement the guidelines for consumer protection and the Secretary-General was requested to provide assistance to Governments to that end,

Recalling in particular its resolution 1995/53 of 28 July 1995, in which it requested the Secretary-General, inter alia, to elaborate guidelines in the area of sustain-

able consumption patterns and to examine the possible extension of those guidelines into other areas,

Noting that the Commission on Sustainable Development, at its third session, recommended that the guidelines for consumer protection be expanded to include guidelines for sustainable consumption patterns,

Taking note of Commission on Sustainable Development decision 4/13 of 3 May 1996, in which it requested Consumers International to assist the United Nations and its Member Governments in the early revision of the guidelines for consumer protection to include aspects of more sustainable consumption and production patterns,

Aware that the need for assistance in the area of consumer protection, in particular in developing countries and countries with economies in transition, remains great,

1. Takes note with appreciation of the report of the Secretary-General on consumer protection, prepared pursuant to Council resolution 1995/53, containing information on the progress achieved within the United Nations system in promoting the implementation of the guidelines for consumer protection, as well as on regional and international cooperation in promoting consumer protection;

2. Recognizes the impact the guidelines have had in many countries in promoting just, equitable and sustainable economic and social development through their implementation by Governments;

3. Also recognizes the important role of civil society, in particular non-governmental organizations, in promoting the implementation of the guidelines;

4. Welcomes the recent initiatives of the United Nations in partnership with international consumer organizations, such as Consumers International, donors and host Governments, in convening regional conferences on consumer protection, such as those held in Africa and in the Asia and Pacific region, for fostering the implementation of the guidelines and initiating the process of revising the guidelines and extending them into the area of sustainable consumption patterns and other possible areas;

5. Urges Member States, other entities of the United Nations system and relevant intergovernmental and non-governmental organizations to continue their efforts to implement effectively the guidelines for consumer protection and to continue work on the elaboration of guidelines to cover sustainable consumption patterns and other areas;

6. Requests the Secretary-General to undertake this work through the convening of an interregional expert group meeting, to be financed from extrabudgetary resources and in collaboration with interested Governments, Consumers International and other concerned entities active in this field, taking into account the recommendations emanating from the recently held regional conferences on consumer protection to include aspects of more sustainable consumption patterns;

7. Recommends that the interregional expert group meeting elaborate specific recommendations for guidelines for sustainable consumption patterns for submission to the Council at its substantive session of 1998 through the Commission on Sustainable Development at its sixth session;

8. Requests the Secretary-General to continue to examine the extension of the guidelines into other areas;

9. Also requests the Secretary-General to report to the Council at its substantive session of 1998 on the implementation of the present resolution.

Finance

Financial policy

During 1996, there was a continuation of the previous year's expansion of most major categories of external financing from international financial markets, the Trade and Development Report, 1997 [Sales No. E.97.II.D.8] stated. A similar expansion also characterized cross-border transactions in domestically issued securities of several countries. An especially large increase was recorded by issues of external bonds, but that could have been linked to some extent to the reduced recourse by borrowers to syndicated credits. The shares of developing countries and transition economies in most categories of financing remained fairly small, although they had risen substantially since the early 1990s for issues of both external bonds and international equities. Moreover, the economies of several such countries increasingly experienced effects of global financial integration.

During the first three quarters of 1996, there was continued growth, for the third consecutive year, in the total external claims on developing countries other than offshore centres of banks in the reporting area of the Bank for International Settlements (BIS). In the case of export credits, overall increases in net flows to developing countries and transition economies in 1995 and the first half of 1996 were accompanied by contractions for Africa and Latin America, and in 1995 for Eastern Europe. As in other recent years, financing from the international capital markets was heavily concentrated on a limited number of developing countries, although 1996 and early 1997 were also notable for first-time or renewed access to the market for internationally issued debt instruments for several countries. For example, eight developing countries or territories of East and South-East Asia accounted for almost two thirds of the exchange-rate-adjusted increase during 1996 in external claims on developing countries (other than offshore centres) of banks in the BIS-reporting area. The same eight countries, except Taiwan Province of China, accounted for 40 per cent of net international debt issues by developing countries and economies in transition, while five Latin American countries were recipients of more than 50 per cent of net flows in that form.

In 1996 and early 1997, significant shifts in capital flows to emerging financial markets and in recipient countries' policies towards such flows were witnessed. With the exception of the period following the crisis of Mexico's external payments in 1995, policies in the recipient countries during the 1990s were directed more to overcoming problems caused by large capital inflows than to the traditional preoccupation of earlier years, namely the attraction of inflows adequate to cover deficits on current account, while ensuring that investment in certain activities or sectors was reserved partly or wholly for residents. The inflows were largely the effect of changes in the portfolios of institutional investors associated with the process of integrating selected developing countries and transition economies into the global network of financial markets. Once that integration became well established, all the financial markets involved could expect to experience the effects of changing perceptions among international investors in both favourable and unfavourable directions.

The World Economic and Social Survey, 1997 [Sales No. E.97.II.C.1] stated that one economic objective of Governments worldwide during the 1990s was to reduce fiscal deficits. That was motivated in part by the recognition that deficits in many cases already were, or were becoming, unsustainably large, with deleterious effects on economic performance. However, the period was also typified by a more general desire to reduce the economic and social role of government. Anti-inflationary policies were often a central part of the policy package. They had succeeded in reducing the rate of price increases to historic lows in many cases. Triple-digit rates of annual inflation in developing countries became an exception, with several developing countries having attained annual inflation rates comparable with those that used to characterize the developed countries. Although the rate of inflation in many of the economies in transition remained higher than elsewhere, those countries, with a few notable exceptions, made steady progress in reducing the rapid price increases that accompanied the decontrol of their economies.

Financial flows

The World Economic and Social Survey, 1997 stated that the net transfer of financial resources and the net capital flows among groups of countries continued in 1996 to follow the broad pattern that began to be established in 1992. The developed economies as a group sent very considerable financial flows to the developing countries, more indeed than was needed to finance imports, with the remainder going into substan-

tial official reserve accumulation. The main development in 1996 was that the total dollar value of the net transfer to developing countries was about \$11 billion smaller than in 1995. However, that arose because the net-creditor developing countries virtually doubled the surplus that they transferred abroad, while the transfer to the net-debtor countries was virtually unchanged. The net transfer out of the developed countries was also somewhat smaller in 1996. The anomalous situation in 1995, when the economies in transition became a net supplier of financial resources to the rest of the world, appeared to have been reversed in 1996, owing to sharply increased imports in Central and Eastern Europe.

By all indications, the global pool of international finance continued to grow very rapidly. The total value of international arrangements of medium-term bank loans and bond issues passed the \$1 trillion mark for the first time. It took less than four years for that figure to be reached from half that amount. Almost all of those funds were absorbed by developed-country borrowers; however, after developing countries took about \$75 billion in new credits each year from 1993 to 1995, their borrowing leaped to almost \$120 billion in 1996. By the same token, global flows of direct investment had also burgeoned and, while those funds continued to be placed mainly in developed host countries, many developing countries and some transition economies attracted large investment inflows.

Economic and Social Council consideration.

At its high-level segment (2-4 July 1997), the Economic and Social Council carried out, in accordance with decision 1996/310 [YUN 1996, p. 862], a comprehensive review of the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade" [A/52/3/Rev.1].

Among other documents, and in addition to the World Economic and Social Survey, 1997 (see above), the Council had before it a report of the Secretary-General on the subject [E/1997/67] prepared by the UN Secretariat in collaboration with the Bretton Woods institutions (the World Bank Group and the International Monetary Fund (IMF)), WTO and UNCTAD. Defining an enabling environment, the report stated that it encompassed the whole panoply of national and international policies, measures and institutions in the economic, social, legal and political domains that influenced or affected the growth and development prospects of a country. The key characteristics of an enabling environment were well understood and generally accepted: stability, predictability, adaptability, growth orientation, transparent legal and regulatory frameworks,

and a strong base of social and physical infrastructures; it implied that countries followed sound and growth-oriented policies. However, efforts at the national level to improve the environment for development could not proceed in isolation from international policies and institutions and the global trends that framed the national environment for growth and development. Developing countries were particularly vulnerable to rapid changes in the international economic environment, determined primarily by the monetary, fiscal, trade and other policies of major industrialized countries, by market and technological forces and trends and by the policies pursued by multilateral financial institutions and WTO, as well as by the state of development cooperation in general.

The Secretary-General stated that the process of globalization was transforming the world economy and changing the nature of international economic relations. As part of that process, the developing world had also changed dramatically. Although new and dynamic centres of growth, trade and investment had emerged in Asia and parts of Latin America, and growth prospects were also improving in other parts of the developing world, for Africa and the least developed countries (LDCs) the risk of further marginalization remained real. The prospects of those countries were clouded by shrinking official development assistance (ODA), low levels of foreign direct investment (FDI), the burden of external debt and worsening terms of trade.

Addressing the subject of a framework of international cooperation and national policies, the Secretary-General stated that international cooperation and partnership had a vital role in creating a favourable climate for capital flows, investment and trade to flourish. A general consensus on the policies required to foster an enabling environment for development at the national level had emerged and experience showed clearly that those policies were also the most conducive to investment (domestic and foreign), capital inflows and successful integration into the world economy through trade. The Secretary-General put forward a number of recommendations for the Council's consideration, in which he emphasized: the need for strengthened international cooperation to enhance the benefits and mitigate the risks associated with globalization and to better integrate developing countries into the world economy; the need for sound and stable macroeconomic policies for accelerated growth through better integration in the world economy; and the importance of the availability and proper maintenance of adequate economic infrastructure. He also recommended that structural reforms aimed

at establishing a competitive domestic financial system, privatization and/or restructuring of public enterprises should continue to be implemented. The Secretary-General presented recommendations covering policy coherence, marginalization, ODA, external debt, volatility and vulnerability, capital flows, investment and trade.

In agreed conclusions [A/52/3/Rev.1 (agreed conclusions 1997/1)], the Council stated that it had considered the theme in the context of the global economic environment. It noted that, although the world economic outlook was favourable, growth was not spread widely enough and the gap between developed and developing countries remained unacceptably wide. Globalization was a fact and a dynamic force, but the risks associated with it needed to be managed and minimized through strengthened international cooperation and sound policies. ODA remained an essential source of external funding and, since its overall decline was a cause for serious concern, it was important to reverse it and to achieve internationally agreed ODA targets, focusing on developing countries, with particular priority being given to Africa and LDCs.

The Council welcomed the decision of the IMF Interim Committee to make the Enhanced Structural Adjustment Facility a permanent facility. Sound economic policies and the full application of the debt-rescheduling arrangements contributed to the improvement in the debt situation of a number of developing countries, and debt-relief measures had been undertaken by creditor countries both within the framework of the Paris Club (a group of creditor countries) and through the cancellation of debts. However, the heavy burden of external debt was a main obstacle to development efforts. The Council invited the international community to continue to explore ways to implement innovative measures to alleviate the debt burdens of developing countries, in order to help them to achieve sustained economic growth. In that context, the Heavily Indebted Poor Countries Debt Initiative was welcomed; the Council stressed the urgent need for developed countries to support it.

The increased integration of the world economy had the potential for increased volatility, particularly in international financial markets; the volatility in prices of primary commodities, interest rates and exchange rates had a disproportionate impact on developing countries. The increase in capital flows to emerging markets had contributed to sustained economic growth, but had complicated macroeconomic management; sound macroeconomic policies remained an essential ingredient to prevent volatility and IMF was encouraged to fully exercise its role of over-

seeing the international monetary system to ensure its effective operation. Most developing countries had liberalized their FDI alongside their trade regimes and an increasing proportion of FDI and portfolio capital was going to developing countries. However, FDI and portfolio flows were concentrated mostly in parts of Asia and Latin America, while Africa had received a very small part of total net private flows. A challenge to the international community in contributing to an enabling environment for development lay in encouraging capital and investment flows across a broader range of developing countries. FDI played an increasingly important role in countries with economies in transition; those countries would benefit more if the structure of FDI better reflected the need for investment in the productive and export sectors of their economies.

Global financial integration

In response to General Assembly resolution 51/166 [YUN 1996, p. 865], the Secretary-General submitted a September 1997 report [A/52/406], in which he provided an update of his 1996 review of global financial integration [YUN 1996, p. 864]. The report, prepared in consultation with IMF, the World Bank and UNCTAD, described steps taken to improve the macroeconomic environment for financial integration. It also discussed international cooperation to strengthen financial integration and addressed the issue of enhancing prudential oversight of financial markets.

The Secretary-General stated that 1997 had seen notable developments in many of the areas addressed in resolution 51/166. An important step in the process of liberalization and deregulation of financial markets was taken in April, when the IMF Interim Committee approved a plan to include the promotion of capital account liberalization among the purposes specified in the IMF Articles of Agreement. In the meantime, however, the financial turmoil in Thailand and other South-East Asian nations had raised further questions about the adequacy of the international framework for the highly integrated global financial markets.

There was broad international agreement on the desirability of capital account liberalization, but views differed on many of the issues that had to be addressed in implementing it. At the same time, there was universal concern that national economies, firms and individuals were vulnerable to the volatility currently inherent in global financial markets. To ensure the success of the liberalization of financial markets, complemen-

tary actions had to be taken to reduce their volatility, including creating, at both the international and national levels, a sustainable macroeconomic environment, a sound financial system and appropriate prudential arrangements. There was also a need for mechanisms to address a financial crisis if preventive measures failed.

Drawing attention to the Economic and Social Council's agreed conclusions 1997/1 (see above), the Secretary-General noted that there was a degree of commonality in the WTO objective of achieving a level playing field in the financial sector and the efforts being made in various other international forums, mainly within BIS, to develop an adequate regulatory framework. At the same time, it was necessary to ensure that the development concerns of the developing countries and economies in transition were taken into account in both sets of discussions. Such issues of policy coherence could be among those discussed by the Council in its dialogue with the Bretton Woods institutions and WTO, or could be pursued by the Assembly in its discussion of global financial issues.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/626/Add.1], adopted **resolution 52/180** without vote [agenda item 95 (a)].

Global financial flows and their impact on the developing countries

The General Assembly,

Reaffirming its resolutions 51/166 of 16 December 1996, entitled "Global financial integration and strengthening collaboration between the United Nations and the Bretton Woods institutions", and 50/91 of 20 December 1995, entitled "Global financial integration: challenges and opportunities", as well as Economic and Social Council resolution 1996/43 of 26 July 1996 on strengthening collaboration between the United Nations development system and the Bretton Woods institutions,

Stressing that, in the context of global financial integration, global financial flows present new challenges and opportunities for the international community and should constitute a very important element of the dialogue between the United Nations system and the Bretton Woods institutions,

Expressing its concern that a number of developing countries, in the course of liberalizing their external economic and financial regimes, have become more vulnerable to the volatile fluctuations of private capital flows in international financial markets, and stressing the importance at the national level in the countries concerned of a favourable climate of private financial flows, sound macroeconomic policies and appropriate functioning of markets,

Noting that the globalization of financial markets can generate new risks of instability, including interest rate and exchange rate fluctuations, which have the po-

tential to aggravate the volatility of short-term capital flows and to affect adversely the international financial system, requiring all countries to pursue sound economic policies and to recognize the external economic impact of their domestic policies,

Mindful that all countries should continue their efforts to promote sustained economic growth and sustainable development, in accordance with relevant General Assembly resolutions and recent United Nations conferences, and that the major industrialized countries, which have significant weight in influencing world economic growth and the international economic environment, have important responsibilities to cooperate with developing countries so as to enhance the efforts of the developing countries to address and alleviate their major problems in the areas of finance, trade and external indebtedness,

Recognizing the potential benefits for the world economy of greater freedom of capital movements, but at the same time noting that the capital account liberalization process could put additional stress on the economies that are already straining to adjust to globalization and in that regard necessitates, *inter alia*, effective management by those economies,

Welcoming the initiatives that the Bretton Woods institutions, especially the International Monetary Fund, have taken to address the question of the volatility of capital flows so as to contribute to minimizing its potential negative impacts on all countries, in particular developing countries,

1. Takes note of the report of the Secretary-General entitled "Global financial integration: an update";

2. Reiterates the need for broadening and strengthening the participation of developing countries in the international economic decision-making process;

3. Stresses that sound domestic macroeconomic policies of each country in regard to promoting macroeconomic stability and growth are primary elements for determining private capital flows and that the coordination of macroeconomic policies, where appropriate, and a favourable international economic environment play an important role in reinforcing their effectiveness;

4. Recognizes that a number of developing countries have been able to take advantage of the globalization of finance, and notes the need for the expansion of private capital flows and for broader access by developing countries to those flows, and therefore the need for the international community to assist low-income countries, especially those in Africa, in their efforts to create the enabling environment necessary to attract such flows;

5. Notes that a number of developing countries, among them most of the least developed countries, especially those of Africa, have not benefited from the globalization of finance and continue to be in great need of official development assistance;

6. Recognizes the need to explore ways to broaden appropriate enhanced cooperation and, where appropriate, coordination of macroeconomic policy among interested countries and monetary and financial authorities and institutions so as to enhance preventive consultation arrangements between such institutions as a means of promoting a stable international financial environment conducive to economic growth, particularly of developing countries, taking into account

the needs of developing countries as well as situations that may have a significant impact upon the international financial system;

7. Also recognizes the importance of ensuring transparency and accountability at the national level to achieve policy credibility and confidence-building as well as sound regulatory and supervisory arrangements so as to strengthen the domestic financial system, and further recognizes the importance of a stable international economic environment and stability in the international monetary system;

8. Stresses the need for strengthened international cooperation through strengthened regional and multilateral cooperation to prevent future currency crises, which negatively affect not only developing countries but also the international financial and monetary system;

9. Recognizes the benefit of exchange rate stability and a stable financial environment and the potential impact on all countries of lack of stability in the foreign exchange markets, and in that regard invites the International Monetary Fund to exercise fully its mandate to sustain effective surveillance over the underlying macroeconomic policies of its member countries, in particular those countries whose economies are particularly relevant for the stability of the international monetary and financial system;

10. Also recognizes that an effective International Monetary Fund surveillance mechanism requires, among other elements, the regular and timely provision of reliable economic and financial data from all Fund members, and in that regard invites the Fund, within its mandate, to explore how data can be gathered from other relevant sources in order to contribute to the effectiveness of its surveillance mechanism;

11. Takes note of the work of the Basel Committee on Banking Supervision, notes that some developing countries participated in the work of drafting banking standards, and recognizes the need for enhanced participation of developing countries in such work;

12. Invites the International Monetary Fund to ensure that, in exercising its role in promoting capital account liberalization, it does so in an orderly and flexible manner so as to enable member countries to tailor capital account liberalization to the circumstances of each individual country;

13. Requests the Secretary-General, in close cooperation with the Bretton Woods institutions and the United Nations Conference on Trade and Development, to analyse the current trends in global financial flows, make recommendations in the World Economic and Social Survey, 1998 and the Trade and Development Report, 1998 on ways and means to address the volatility of those flows, including measures to help economies to become more resilient with regard to currency fluctuations, and report on the effect of those fluctuations on growth and development, in particular in developing countries;

14. Also requests the Secretary-General, in cooperation with the Bretton Woods institutions and the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

Debt problems of developing countries

In response to General Assembly resolution 51/164 [YUN 1996, p. 867], the Secretary-General submitted a report [A/52/290] on the debt situation of the developing countries as at mid-1997. The report, prepared in consultation with IMF, the World Bank and UNCTAD, stated that in the past few years a debt relief initiative was prepared by the World Bank and IMF for a group of heavily indebted poor countries, mainly in Africa. That initiative, endorsed by the IMF Interim Committee and the Bank's Development Committee [YUN 1996, p. 867], as well as by the Assembly in resolution 51/164, represented a potentially important advance in the debt strategy: it embodied the principle of a durable solution to the debt crisis based on equitable burden-sharing among all creditors, including multilateral institutions. Putting the Heavily Indebted Poor Countries Debt Initiative into practice, however, would require a high degree of international commitment to implementing debt-relief policies. It deserved full implementation in a timely and flexible manner in all the countries that warranted the high degree of relief that it entailed.

Discussing recent trends in external debt, the Secretary-General stated that the external debt of net-debtor developing countries exceeded \$ 1.8 trillion at the end of 1996, having risen by an estimated \$ 110 billion during the year, or 6.4 per cent; about 45 per cent of that was owed by countries deemed to be severely indebted. In 1996, both the debt-to-exports ratio and the debt-to-GNP (gross national product) ratio of net-debtor developing countries declined to their lowest levels since the onset of the debt crisis; that was mainly due to the faster growth of output and export earnings, although some debt forgiveness in Africa also served to hold down the ratios in the region. The regional debt-servicing ratios showed a more divergent pattern, which explained why the overall debt-service ratio did not fall in 1996. In 1997, the World Bank listed 51 developing countries as severely indebted, that is, as having either a ratio of the present value of debt service to GNP of over 80 per cent, or a ratio of the present value of debt service to exports of over 220 per cent, each ratio averaged over the three years from 1993 to 1995. The World Bank's 1997 list was as long as its 1996 list. Of the 51 countries, 13 were middle-income countries, a reminder that debt vulnerability was not an exclusive feature of the poorest ones; moreover, although Africa remained by far the most heavily represented region, 19 countries were from other regions.

Updating the international debt strategy, the Secretary-General stated that assistance for coun-

tries faced with severe debt burdens had included two main elements: the adoption by debtor countries of macroeconomic stabilization and economic reform programmes supported by multilateral financial institutions, usually with new financing; and debt restructuring involving some combination of rescheduling, partial cancellation of debt-service obligations and reduction of the stock of debt. Debt relief, particularly that accorded by official creditors, was normally extended *pari passu* with evidence of strengthened macroeconomic policies. Over the preceding decade, the debt strategy evolved towards increasing the degree of concessionality of external assistance to low-income countries, as the severity of the debt overhang of such countries was increasingly recognized. Between January 1996 and June 1997, 19 debtor countries signed agreements with the Paris Club. With regard to private creditors, the Secretary-General noted that, with the implementation in 1996 of agreements for Panama and Peru (restructuring \$3.9 billion and \$8 billion, respectively), most middle-income debtors in crisis had taken advantage of the main mechanism for reducing their debt to commercial banks, the 1989 "Brady Plan".

The Secretary-General noted that the IMF/World Bank Heavily Indebted Poor Countries Debt Initiative was due to be implemented in 1997. The programme of action for implementation had two stages: the first stage was the Naples terms process, which entailed a rescheduling of debt-servicing obligations to Paris Club countries (and others) on Naples terms (adopted by the Paris Club in 1994). At the end of that period, the debtor could be accorded a stock-of-debt operation by the Paris Club (up to two-thirds reduction of debt), and at that point a decision could be made on whether the second stage was needed. The Boards of IMF and the Bank would decide whether Naples stock terms, together with comparable relief by other creditors, were sufficient to bring the country to a sustainable debt-service position: the "decision point". In April, Uganda became the first heavily indebted poor country to reach the "decision point". Six others were expected to reach it by the end of the year, among them Bolivia, Burkina Faso and Cote d'Ivoire.

The report concluded that while the overall debt situation of developing countries had continued to improve over the preceding year, a large number of developing countries remained in difficult debt situations. It welcomed the IMF/World Bank Initiative as having promising potential for reaching a durable solution to the debt problem of the poorest and most heavily indebted developing countries. The report warned, however, that the success of that complex undertaking would de-

pend on unprecedented coordination of a large number of creditors, the settlement of many substantive and technical details, enhanced flexibility, timely action and sufficient funding for its implementation.

The Interregional Debt Management Conference, jointly sponsored by UNCTAD and UNDP, was held in Geneva from 10 to 12 December [UNCTAD/GDS/DMFAS/Misc.12]. The Conference dealt with the institutional environment for effective debt management, integrated financial management systems, best practices in debt management, capacity-building and regional cooperation.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/626/Add.4], adopted **resolution 52/185** without vote [agenda item 95 (d)].

Enhancing international cooperation towards a durable solution to the external debt problem of developing countries

The General Assembly,

Recalling its resolutions 48/165 of 21 December 1993 and 50/92 of 20 December 1995, the relevant provisions of the report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and the Agenda for Development, as well as the results, as agreed, of all major United Nations conferences and summit meetings held since the beginning of the 1990s,

Recalling also its resolution 51/164 of 16 December 1996 on enhancing international cooperation towards a durable solution to the external debt problem of developing countries,

Reaffirming the urgent need for effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries and to help them to exit from the rescheduling process,

Noting that developing countries have undertaken stabilization and structural adjustment programmes that benefit those countries but also involve social costs,

Emphasizing the importance for debtor countries of continuing to pursue and intensify their efforts with respect to economic reform and stabilization and structural adjustment programmes to raise domestic savings and investments, take full advantage of market access opportunities where available, reduce inflation and improve economic efficiency, taking into account the need to address the social aspects of development, including the eradication of poverty as well as the vulnerability of the poorer strata of their populations,

Noting the improvement in the debt situation of a number of developing countries since the second half of the 1980s and the contribution that the evolving debt strategy has made to this improvement, noting with appreciation the debt-relief measures taken by creditor countries both within the framework of the Paris Club and through their cancellation and equivalent relief of

bilateral official debt, and welcoming the even more favourable debt-relief measures taken by the Paris Club on the basis of the Naples terms of December 1994,

Welcoming the admission of the Russian Federation to the Paris Club,

Stressing the need for a full, swift implementation of those initiatives, which will further assist developing countries, in particular the poorest and heavily indebted countries, especially in Africa, in their efforts to improve their debt situation in view of their continued very high level of total debt stock and servicing burdens,

Noting with concern the continuing debt and debt-servicing problems of indebted developing countries as constituting an element adversely affecting their development efforts and economic growth, and stressing the importance of alleviating the onerous debt and debt-service burdens connected with the various types of debt of many developing countries, on the basis of an effective, equitable, development-oriented and durable approach and, where appropriate, addressing the full stock of debt of the poorest and most indebted developing countries as a matter of priority,

Noting that the developing countries that have continued, at great cost to themselves, to meet their international debt and debt-service obligations in a timely fashion have done so despite serious external and domestic financial constraints,

Expressing concern that despite the debt-relief measures taken so far, those measures have not yet fully provided effective, equitable, development-oriented and durable solutions to the outstanding debt and debt-servicing problems of a large number of developing countries, in particular the poorest and heavily indebted countries, which continue to face serious debt problems,

Noting the situation in some creditor countries with economies in transition in addressing the external debt and debt-servicing problems of developing countries,

Stressing the need for continuing global economic growth and the necessity for a continuing supportive international economic environment with regard to, inter alia, terms of trade, commodity prices, improved market access, trade practices, access to technology, exchange rates and international interest rates, and noting the continued need for resources for the sustained economic growth and sustainable development of the developing countries, in accordance with the relevant General Assembly resolutions and recent United Nations conferences,

Stressing also the importance of finding durable solutions to the non-Paris Club bilateral debt, which has become a serious challenge to many developing countries,

1. Takes note of the report of the Secretary-General on the debt situation of the developing countries as at mid-1997;

2. Recognizes that effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries can contribute substantially to the strengthening of the global economy and to the efforts of developing countries to achieve sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences;

3. Notes that further progress, including swift implementation of innovative approaches and concrete measures, is essential for contributing to effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries, particularly the poorest and heavily indebted countries;

4. Also notes, while recognizing the benefits of liberalization of international capital flows, the potential adverse impact of the volatility of short-term capital flows and exchange rates on interest rates and the debt situation of developing countries, and stresses the need for coherence in implementing policies in order to mitigate the impact of such volatility;

5. Stresses the importance for developing countries of continuing their efforts to promote a favourable environment for attracting foreign investment, thereby promoting economic growth and sustainable development so as to favour their exit from debt and debt-servicing problems, and also stresses the need for the international community to promote a conducive external economic environment through, *inter alia*, improved market access, stabilization of exchange rates, effective stewardship of international interest rates, increased resource flows, access to international financial markets, the flow of financial resources and improved access to technology for the developing countries;

6. Also stresses that the evolving debt strategy must be accompanied by a favourable and supportive international economic environment, including the full implementation of the results of the Uruguay Round of multilateral trade negotiations, and the Marrakesh ministerial decisions in favour of the least developed countries and the net food-importing developing countries;

7. Further stresses the need for existing facilities to provide debt-relief measures through various debt conversion programmes, where possible, such as debt-equity swaps, debt-for-nature swaps, debt-for-child-development swaps and other debt-for-development swaps, to be widely implemented so that the countries concerned may be assisted in their development efforts, as well as to support measures in favour of the most vulnerable segments of the societies of those countries and to develop techniques of debt conversion applied to social development programmes and projects, in conformity with the priorities of the World Summit for Social Development, held at Copenhagen in March 1995;

8. Welcomes the steps already taken to implement the Heavily Indebted Poor Countries Debt Initiative and in this regard calls for its timely finalization and implementation so as to enable eligible countries to benefit from the Initiative;

9. Recognizes that the implementation of the Initiative requires additional financial resources from both bilateral and multilateral creditors without affecting the support required for development activities of developing countries and in this regard expresses its appreciation for contributions made by some bilateral donors to the Heavily Indebted Poor Countries Trust Fund of the World Bank and the Enhanced Structural Adjustment Facility/Heavily Indebted Poor Countries Trust Fund of the International Monetary Fund, and urges other bilateral donors and invites other international financial institutions that have not yet finalized

mechanisms for participation in the Initiative to do so as soon as possible;

10. Stresses the importance of implementing the Initiative's eligibility criteria flexibly, in a transparent manner, and with the full involvement of the debtor country, and also stresses the importance of continuously evaluating and actively monitoring the implications of the existing terms of the eligibility criteria in the implementation of the Initiative, so as to ensure sufficient coverage of heavily indebted poor countries;

11. Underlines the importance of the transparency and involvement of debtor countries in any review and analysis that is conducted during the adjustment period;

12. Welcomes the implementation since 1994 by the Paris Club of the Naples terms as well as the decision to go beyond the Naples terms to provide debt reduction for eligible countries, in particular the poorest and most heavily indebted countries, and invites all other bilateral, multilateral and commercial creditors to make an appropriate and consistent contribution to the common objective of debt sustainability;

13. Invites creditor countries, private banks and multilateral financial institutions, within their prerogatives, to continue the initiatives and efforts to address the commercial debt problems of the least developed countries and the requests for continued mobilization of resources through the Debt-reduction Facility of the International Development Association in order to help eligible least developed countries reduce their commercial debt;

14. Recognizes the efforts of indebted developing countries in regard to fulfilling their commitments on debt servicing despite the high social cost incurred and, in this regard, encourages private creditors and, in particular, commercial banks to continue their initiatives and efforts to address the commercial debt problems of middle-income developing countries;

15. Stresses the urgent need to continue to provide social safety nets to vulnerable groups most adversely affected by the implementation of economic reform programmes in debtor countries, in particular low-income groups;

16. Notes with concern the continuing burden of debt and debt-service obligations of middle-income developing countries, including in particular those in Africa, and encourages creditors, including multilateral financial institutions and commercial banks, to continue to support those countries in addressing these obligations effectively;

17. Expresses strong support for the continuation of Enhanced Structural Adjustment Facility operations, and stresses the need to find consensus regarding its funding modalities in the interim period 2001-2004, and in this regard invites the Executive Board of the International Monetary Fund to consider concrete measures in order to generate funds that can be used for this purpose;

18. Stresses the need for further efforts of all donors to secure adequate funding for the eleventh replenishment of the International Development Association in accordance with the agreed timetable and the need to start negotiations, at an appropriate time, for an adequate twelfth replenishment of the Association to a level commensurate with the needs of the poorest countries;

19. Reaffirms the Mid-term Global Review of Progress towards the Implementation of the Programme of Action for the Least Developed Countries for the 1990s, in particular the appropriate actions in favour of those countries concerning their official bilateral commercial and multilateral debt;

20. Stresses the need for new financial flows to debtor developing countries from all sources, in addition to debt-relief measures that include debt and debt-service reduction, and urges creditor countries and multilateral financial institutions to continue to extend concessional financial assistance, particularly to the least developed countries, in order to support the implementation of economic reforms and stabilization and structural adjustment programmes by the developing countries that will enable them to extricate themselves from the debt overhang and attract new investment and to assist them in achieving sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences, and the eradication of poverty;

21. Calls upon the international community, including the United Nations system, and invites the Bretton Woods institutions, as well as the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on development related to the question of external debt;

22. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

Income distribution and growth

On 22 October, the UNCTAD Trade and Development Board (TDB) adopted agreed conclusions [A/52/15 (agreed conclusions 440(XLIV))] on income distribution and growth in a global context. The Board expressed its appreciation for the section of the Trade and Development Report, 1997 [Sales No. E.97.11.D.8] on globalization, distribution and growth and urged the UNCTAD secretariat to continue to study aspects of globalization. It stated that, despite growing prosperity, world income gaps across and within countries over the past two decades had generally widened; that was a challenge for policy makers everywhere. An effective response would have many dimensions: a development strategy incorporating a faster pace of investment and growth held the key to adequate job creation and rising living standards for all; measures to achieve higher employment rates, fiscal stability and social objectives, including appropriate social safety nets, should complement policies fostering economic growth. Markets by themselves did not create the full range of factors needed to accelerate growth and meet the challenges of competitiveness associated with globalization. Government policy had a crucial role to play in promoting economic growth and competitiveness and reconciling them with social

objectives. Success in curbing inflation helped to create conditions for sustainable growth; if that was to be achieved, policy needed to be oriented towards avoiding deflation as well as a resurgence of inflation. Achieving higher and sustainable growth was a necessary condition for dealing with poverty in developing countries and labour-market problems in industrial countries, and was also essential to the avoidance of threats to international trade and payments.

Financing of development

In response to General Assembly resolution 50/93 [YUN1995, p.973], the Secretary-General submitted a report [A/52/399] on the financing of development, focusing on the sources of such finance and the private and official mechanisms that transformed finance into investment. The report noted that the developing economies, like all economies, had mainly relied on their domestically generated savings to finance their investment. In the 1990s, they were able to invest more than their own saving permitted, owing to positive net transfers of resources from abroad; the high saving rates in some developing economies suggested that savings could be increased in the countries with lower savings.

The developed economies as a whole usually saved more than they invested domestically and transferred the surplus abroad in the form of public and private investments, loans and grants. The degree to which the supply of savings from the developed world would continue to be available to supplement the domestic savings of the developing countries depended primarily on future growth in savings and investment in the developed countries. An urgent consideration was to make as many developing countries as possible into attractive placements for the world's international savings flows in order to spread economic growth, thereby bolstering the global supply of savings later.

In 1996, there was a net transfer of official resources out of the developing countries, as the new inflows of official loans and grants were less than the outflows of interest and principal. The trend in the net transfer through all sources of official flows taken together and measured in current dollars remained one of slow decline. Since 1990, with the end of the cold war and the higher priority in donor countries for fiscal consolidation, there had been a reassessment of ODA commitments in certain donor countries; in addition, financing needed for emergencies and humanitarian assistance had diverted considerable funding from regular development programmes. The consequences were acute for LDCs, which re-

mained heavily dependent on ODA for external financing. Moreover, the contraction of aid budgets created special difficulties for multilateral institutions; to overcome the adverse consequences for the replenishment of some funds, new approaches to financing were being sought.

With regard to mobilizing financial resources, the Secretary-General stated that the most effective way for developing economies to capture international savings was to adopt policies that enhanced their own domestic capital formation and thus their own savings also. Many of the steps necessary for creating such an enabling environment were beyond the control of individual developing countries and required international policy efforts. The domestic policies required for that purpose should aim to establish and maintain a stable macroeconomy, including sustainable levels of domestic and external indebtedness, said the report. In addition, adequate physical and social infrastructure were prerequisites for an environment conducive to long-term investment commitments and those too often warranted international assistance to finance and sometimes also to help design. A sound financial system, moreover, was crucial to the funding of productive investments.

The Secretary-General stated that there had been profound changes in the volume and nature of world financial flows, one of them being the explosion of international movements of private capital, in particular the increased participation of a number of developing countries in those flows. In addition there had been a shift in the composition of flows of finance for development from the public to the private sector. Recent years had also seen an increasing proportion of official flows being allocated to immediate humanitarian needs, to the detriment of allocations for longer-term development purposes. Although the total net transfer of resources to the developing world had increased dramatically over the past decade, the nature, distribution, composition, terms and conditions of those flows had also changed, raising the question of whether the new pattern was consistent with the international community's new consensus on development and appropriate to the needs of the developing countries. The Secretary-General suggested that the Assembly might wish to consider addressing those and other dichotomies between the international community's views regarding development needs and priorities and the current pattern of global resource flows.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second

Committee [A/52/626/Add.1], adopted **resolution 52/179** without vote [agenda item 95 (a)].

Global partnership for development: high-level international intergovernmental consideration of financing for development

The General Assembly,

Recalling its resolutions 46/205 of 20 December 1991, 48/187 of 21 December 1993 and 50/93 of 20 December 1995, and relevant resolutions, in which it decided, *inter alia*, to consider at its fifty-second session the convening of an international conference on the financing of development,

Recalling also the Agenda for Development, in which it is stated, *inter alia*, that due consideration should be given to modalities for conducting an intergovernmental dialogue on the financing of development,

Reaffirming that development is a complex multidimensional process and is one of the main priorities of the international community, for which Governments have individual and shared responsibilities,

Noting with concern the continuous decline of the official development assistance flows to developing countries, and that official development assistance remains a main source of external funding for developing countries, particularly those in Africa and the least developed countries,

Recognizing the need to further explore ways of generating new public and private financial resources to complement development efforts,

Reaffirming its resolutions 50/91 of 20 December 1995, 50/227 of 24 May 1996 and 51/166 of 16 December 1996, as well as Economic and Social Council resolution 1996/43 of 26 July 1996 on strengthening collaboration between the United Nations development system and the Bretton Woods institutions,

1. Notes the need for systematic, comprehensive and integrated high-level international intergovernmental consideration of financing for development, with a view to creating a broader-based partnership for development;

2. Also notes that various efforts have been undertaken both within and outside the United Nations system to address financing for development, and in that regard considers it important that efforts already undertaken and under way should contribute to the broader-based partnership for development;

3. Stresses the need for a process that will take stock of various efforts undertaken both within and outside the United Nations system on financing for development in preparing for high-level international intergovernmental consideration;

4. Decides to convene a resumed session of the Second Committee of the fifty-second session of the General Assembly for two days in order to solicit the views of Governments on the inputs required from a broad range of stakeholders, including actors both within and outside the United Nations system, as well as views on key elements that might be included in the consideration of the topic of financing for development, and to identify potential sources of such inputs;

5. Requests the Secretary-General to ensure that the reports requested at the resumed session of the fifty-second session of the General Assembly are compiled and forwarded to Governments at the fifty-third session of the General Assembly, with an index report in-

dicating recurring themes and key elements found therein, and also requests the Secretary-General to prepare a report to be submitted at the same time on the work of the United Nations to address financing for development;

6. Also decides to create an ad hoc open-ended working group to work during the fifty-third session of the General Assembly in order to undertake an in-depth examination of all the inputs requested, with a view to formulating a report containing recommendations on the form, scope and agenda of the high-level international intergovernmental consideration of the topic of financing for development, which will be submitted to the General Assembly at its fifty-fourth session;

7. Further decides to consider at the fifty-fourth session of the General Assembly the convening, *inter alia*, of a summit, international conference, special session of the General Assembly or other appropriate high-level international intergovernmental forum on financing for development to further the global partnership for development, not later than the year 2001.

Investment, technology and related financial issues

The UNCTAD Commission on Investment, Technology and Related Financial Issues held the second part of its first session in Geneva on 7 February [TD/B/44/4], the first part having been held in 1996 [YUN 1996, p. 869].

In agreed conclusions, the Commission encouraged UNCTAD to continue to promote dialogue among development partners and invited extrabudgetary contributions to support UNCTAD's programme. It recognized the need expressed by many developing countries for empirical studies to shed further light on the impact on development of liberalizing domestic investment regimes. The Commission welcomed the work of the World Association of Investment Promotion Agencies, endorsed the recommendations of the 1996 Expert Meeting on Competition Law and Policy [YUN 1996, p. 870], and took note of the report of the 1996 meeting of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting [Ibid.] and of the Chairman's stated intention to request the TDB President to undertake consultations in order to resolve the deadlock over the issue of expert-level activity. The Commission agreed to convene a further meeting on competition law and policy (see below) and meetings to examine and review existing agreements on investment and on investment promotion.

The Commission held its second session in Geneva from 29 September to 3 October [TD/B/44/14]. It had before it an overview of the World Investment Report 1997: Transnational Corporations, Market Structure and Competition Policy [Sales No. E.97.II.D.10], which noted that FDI continued to be a

driving force of the globalization process characterizing the modern world economy. The boom in FDI flows, accompanied by increasing flows of foreign portfolio equity investments, underscored the increasingly important role played by transnational corporations in both developed and developing countries. Their role was facilitated by the liberalization of FDI policies that had taken place in many countries as part of an overall movement towards more open and market-friendly policies. However, reaping the benefits of such liberalization required not only that barriers to FDI were reduced and standards of treatment established, but also that competition in markets was maintained. That third component of FDI liberalization was the special topic of the report, which examined the interaction between FDI, market structure and competition, and looked at policy implications.

The Commission also had before it the reports of subsidiary bodies. The Expert Meeting on Existing Agreements on Investment and Their Development Dimensions (Geneva, 28-30 May) [TD/B/COM.2/5] had reviewed bilateral investment treaties in pursuance of the mandate given in "A Partnership for Growth and Development" [YUN 1996, p. 845].

The Expert Meeting on Investment Promotion and Development Objectives (Geneva, 24-26 September) [TD/B/COM.2/8] reviewed country and regional experiences in investment promotion.

In agreed conclusions on existing agreements on investment, the Commission noted UNCTAD's work programme on a possible multilateral framework on investment, aimed at building capacity in developing countries and economies in transition, through training and advice, and with a view to helping those countries to participate as effectively as possible in discussions on international investment arrangements. It also noted with appreciation the contribution made by UNCTAD to the WTO Working Group on the Relationship between Trade and Investment and encouraged further cooperation in that field. UNCTAD should continue its work on analytical research and policy analysis to determine and assess the developmental implications of issues related to a possible multilateral framework on investment.

In agreed recommendations on recent developments in FDI trends and policies, the Commission recognized that many countries had undertaken a range of measures to attract FDI through liberalization and promotion of investment and encouraged them to pursue coherent and coordinated policies. Recognizing the specific needs of LDCs, as well as Africa, it stated that the UNCTAD secretariat should analyse the experiences of selected LDCs and developing countries in Africa

that had begun to attract increased flows of FDI and recommended that the World Investment Report 1998 reflect that analysis; it also recommended that the secretariat explore ways to disseminate that information on the Internet. The Commission recommended further technical assistance activities, including an evaluation of Africa Connect with recommendations for future action and appropriate follow-up, Investment Policy Reviews, and Science and Technology and Innovation Policy Reviews. The Commission called for work to elucidate the elements of appropriate competition policy and the benefits that could be gained from it, and on how to achieve coherence between FDI liberalization, trade policy and competition policy. It also called for reports on experiences gained with international cooperation on competition policy issues and the mechanisms used; and the impact of competition policy on inflows of FDI and on the overall growth of the domestic economy.

On 25 July (**decision** 1997/307), the Economic and Social Council decided that the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting and the Intergovernmental Group of Experts on Restrictive Business Practices should continue to meet in accordance with their agreed mandates and composition but within the overall limit of 10 expert meetings per annum; they should retain their existing intergovernmental character and status. The two bodies should operate within the framework of the Commission on Investment, Technology and Related Financial Issues, to which they should report. The Council further decided that each body should meet once a year unless otherwise decided and that a review of their functioning should be part of the special high-level review meeting envisaged in the 1996 Midrand Declaration [YUN 1996, p. 851].

Competition law and policy

The Expert Meeting on Competition Law and Policy met in Geneva from 24 to 26 November [TD/B/COM.2/9]. It had before it reports by the UNCTAD secretariat on empirical evidence of the benefits from applying competition law and policy principles to economic development in order to attain greater efficiency in international trade and development [TD/B/COM.2/EM/10] and on the review of technical assistance, advisory and training programmes on competition law and policy [TD/B/COM.2/EM/9].

In agreed conclusions, the Expert Meeting urged continued cooperation between UNCTAD and WTO in the area of competition law and policy, invited States members to assist UNCTAD in its technical cooperation activities, and recognized

the importance of strengthened international cooperation on the subject. It recommended that the consultations of the forthcoming meetings of the Intergovernmental Group of Experts on Competition Law and Policy (as the Expert Meeting was to be renamed) should focus on the principle of positive comity, on remedies and sanctions for antitrust violations, and on the treatment of abuse of dominance/monopolization analysis. The UNCTAD secretariat was asked to pursue its technical cooperation activities within available resources and to prepare for consideration by the forthcoming meeting of the Intergovernmental Group of Experts an updated review of technical assistance, a revised version of the study on the empirical evidence of the benefits of competition policy, and a preliminary report of a study on experiences gained with international cooperation on competition policy issues and the mechanisms used.

In a 24 October letter [A/C.2/52/7], the TDB President informed the Chairman of the General Assembly's Second Committee of TDB's action in respect of the resolution adopted by the Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, held in 1995 [YUN 1995, p. 961], and drew attention to TDB's 22 October consensus on changing the name of the Intergovernmental Group of Experts on Restrictive Business Practices to the Intergovernmental Group of Experts on Competition Law and Policy. The Board had also agreed to convene a fourth review conference in the year 2000.

By **resolution** 52/182 (see above), the Assembly endorsed the change of name of the Intergovernmental Group and stressed that the fourth review conference should be absorbed within the proposed budget for the 1998-1999 biennium.

Transport

Maritime transport

The Review of Maritime Transport 1997 [Sales No. E.97.II.D.9] stated that world seaborne trade registered its eleventh consecutive annual increase in 1996, reaching a record high of 4.76 billion tons. However, annual growth had slowed to 2.3 per cent, which was the lowest since 1987 and below the average annual rate of growth of 3.3 per cent over the period 1987-1995. Overall seaborne trade in 1997 was estimated to expand at 3.8 per cent over 1996, reaching 4.9 billion tons.

Total maritime activities in ton-miles in global trade increased in 1996 by only 1 per cent to 20,545 billion ton-miles, compared with 20,338 billion ton-miles in the previous year. The world merchant fleet expanded to 758.2 million dead-weight tons (dwt) at the end of 1996, representing a 3.2 per cent increase over 1995. The higher rate of fleet expansion reflected the balance between newbuilding deliveries (39 million dwt) and tonnage broken up and lost (20.3 million dwt), leaving a net gain of 18.7 million dwt.

The combined tonnage of developed market-economy countries and the major open-registry countries increased in 1996 by 3.3 per cent over 1995 to 542.5 million dwt. The developing countries' fleet continued to increase slightly, reaching 147.4 million dwt in 1996.

Arrest of ships

At its fifteenth executive session (Geneva, 27 June) [A/52/15], TDB endorsed the 1996 recommendation of the Joint UNCTAD/International Maritime Organization (IMO) Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects [YUN 1996, p. 871] that it propose to the General Assembly the convening of a diplomatic conference to consider and adopt a convention on arrest of ships. As a basis for the work of a possible conference, the UNCTAD and IMO secretariats prepared a revised set of draft articles and clauses for a convention [TD/B/IGE.1/5 & Corr.1] based on the work of the Joint Group.

In **resolution 52/182** (see above), the Assembly noted the Board's recommendation and stressed that the conference should be absorbed within the budget for the 1998-1999 biennium.

Transport of dangerous goods

The Secretary-General submitted to the Economic and Social Council a report [E/1997/16] on the work during 1995-1996 of the Committee of Experts on the Transport of Dangerous Goods. The Committee adopted new and amended recommendations on the transport of dangerous goods and reviewed its recommendations on their transport in multimodal portable tanks. It also reformatted the ninth revised edition of Recommendations on the Transport of Dangerous Goods into a model regulation, annexed to a basic recommendation. It decided to publish the tenth revised edition of the Recommendations in all the official languages of the United Nations by the end of 1997, but agreed not to recommend any date for the implementation of the recommendations.

In order to give effective follow-up to Agenda 21, adopted by the United Nations Conference on

Environment and Development in 1992 [YUN 1992, p. 672], particularly chapter 19 dealing with environmentally sound management of toxic chemicals, the Committee formed joint working groups with the International Labour Organization to develop harmonized criteria for the classification of chemicals presenting physical hazards. It also cooperated with other organizations on the development of harmonized classification criteria for chemicals presenting health hazards or hazards to the environment.

In 1997, the Committee's Subcommittee of Experts on the Transport of Dangerous Goods held its thirteenth (Geneva, 7-17 July) [ST/SG/AC.10/C.3/26 & Add.1-3] and fourteenth (Geneva, 8-18 December) [ST/SG/AC.10/C.3/28 & Add.1-3] sessions, while the Committee itself was scheduled to meet again in 1998.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council adopted **resolution 1997/3** without vote. The draft was recommended by the Committee of Experts on the Transport of Dangerous Goods [E/1997/16] [agenda item 7 (a) and (b)].

Work of the Committee of Experts on the Transport of Dangerous Goods

The Economic and Social Council,

Recalling its resolutions 1995/5 and 1995/6 of 19 July 1995,

Recalling also its decision 1996/301 of 26 July 1996, in which it invited the Committee of Experts on the Transport of Dangerous Goods, when examining the question of the periodicity of amendments to the Recommendations on the Transport of Dangerous Goods, to take fully into account the views expressed by delegations during the substantive session of 1996 of the Council,

Bearing in mind the increasing volume of dangerous goods in worldwide commerce and the rapid expansion of technology and innovation,

Bearing in mind also the continuing need to meet the growing concern for the protection of life, property and the environment through the safe transport of dangerous goods, while facilitating trade,

Aware that, in order to achieve internationally harmonized laws, the Economic Commission for Europe, the International Maritime Organization, the International Civil Aviation Organization and other specialized agencies and international organizations involved in activities related to the transport of dangerous goods and interested Member States have responded positively to the various resolutions of the Council adopted since 15 April 1953 and that, being committed to taking the recommendations of the Committee as a basis for the formulation of their requirements and regulations, including those concerning labelling and classification, those organizations therefore rely on the work of the Committee,

Aware also of the advice of the Committee to the effect that reformatting the provisions applicable to all modes of transport contained in the Recommendations on the Transport of Dangerous Goods into a model regulation, an-

nexed to a basic recommendation, that could be directly integrated into all modal national and international regulations would enhance harmonization, facilitate regular updating of all relevant instruments by the organizations or regulatory authorities concerned and result in considerable overall savings for the Governments of the Member States, the United Nations, the specialized agencies and other international organizations.

Reconfirming the need for the Committee to participate actively in relevant activities associated with the implementation of Agenda 21, as expressed in Council resolution 1995/6,

A. Work of the Committee of Experts during the biennium 1995-1996

1. Takes note of the report of the Secretary-General on the work of the Committee of Experts on the Transport of Dangerous Goods during the biennium 1995-1996 and in particular of:

(a) The adoption of new and amended provisions for inclusion in the Recommendations on the Transport of Dangerous Goods;

(b) The completion of the first step in the reformatting of the existing Recommendations on the Transport of Dangerous Goods into a model regulation annexed to a basic recommendation;

(c) The elaboration, pursuant to Council resolution 1995/6, of proposals for criteria for the classification of flammable, explosive and reactive materials, globally harmonized for various regulatory purposes, in cooperation with the International Labour Organization in the context of the implementation of chapter 19 of Agenda 21 and the concurrence of the Committee with the request from the International Labour Organization that it pursue the work in the biennium 1997-1998 on unresolved issues, on the same basis as in the biennium 1995-1996;

2. Commends the Secretary-General for the timely publication of the ninth revised edition of the Recommendations on the Transport of Dangerous Goods in all the official languages of the United Nations and for the publication of the second revised edition of the Manual of Tests and Criteria in English, French, Russian and Spanish;

3. Requests the Secretary-General:

(a) To circulate the new and amended recommendations to the Governments of Member States, the specialized agencies, the International Atomic Energy Agency and other international organizations concerned;

(b) To publish a consolidated version of the Recommendations on the Transport of Dangerous Goods, as amended, in the reformatted form of a model regulation, annexed to a basic recommendation, including the new and amended recommended provisions, in all the official languages of the United Nations, in the most cost-effective manner, no later than the end of 1997;

(c) To expedite the publication, in the most cost-effective manner, of the second revised edition of the Manual of Tests and Criteria in Arabic and Chinese;

4. Invites all Governments, the specialized agencies, the International Atomic Energy Agency and the other international organizations concerned to transmit to the Secretary-General their views on the work of the Committee, together with any comments that they may wish to make on the amended recommendations;

5. Invites all interested Governments, regional commissions and specialized agencies and the other interna-

tional organizations concerned, when developing or updating appropriate codes and regulations, to take full account of the recommendations, including the structure and format of such codes and regulations;

B. Programme of work for the biennium 1997-1998

6. Approves the programme of work of the Committee and its Subcommittee of Experts on the Transport of Dangerous Goods for the biennium 1997-1998 and the working arrangements and the priorities of work for that biennium, as follows:

(a) Global harmonization of systems of classification and labelling of chemicals (implementation of chapter 19 of Agenda 21), in accordance with Council resolution 1995/6;

(b) Second step in the reformatting of the Recommendations on the Transport of Dangerous Goods into a model regulation;

(c) New or revised recommendations on the transport of dangerous goods;

7. Requests the Secretary-General to take all necessary steps for ensuring representation of the secretariat of the Committee at appropriate meetings of international organizations committed to implementing the recommendations of the Committee or involved in the process of global harmonization of classification and labelling systems for chemicals;

C. Periodicity of amendments to the Recommendations on the Transport of Dangerous Goods

8. Takes note of the advice of the Committee that:

(a) A new and revised version of the Recommendations on the Transport of Dangerous Goods should be published after completion of the second step of reformatting, that is, in 1999, after the 1998 session of the Committee;

(b) The new and revised version should be implemented by the various international organizations concerned with the transport of dangerous goods through their respective modal instruments by 1 January 2001;

(c) No firm decision as regards a possible future four-year periodicity of amendments should be taken as long as the processes of reformatting the Recommendations on the Transport of Dangerous Goods into a model regulation, annexed to a basic recommendation, and of global harmonization of systems of classification and labelling of chemicals for the implementation of Agenda 21 have not been completed;

9. Invites the Committee to reconsider the issue at its 1998 session;

D. Report to the Council

10. Requests the Secretary-General to submit a report to the Council in 1999 on the implementation of the present resolution.

UNCTAD institutional and organizational questions

UNCTAD programme

In 1997, the Trade and Development Board (TDB)—the executive body of UNCTAD—held three sessions, all in Geneva: the fourteenth (24

March) and fifteenth (27 June) executive sessions; and the regular forty-fourth session (13-22 October) [A/52/15]. In March, the Board discussed the following items: issues arising from the 1996 Ministerial Conference of WTO [YUN 1996, p. 1441] that had implications for UNCTAD's future work; coordination and cooperation between UNCTAD and other international organizations; technical cooperation; UNCTAD's publications policy; preparations for the Board's forty-fourth session; and reorganization of the UNCTAD secretariat. In June, TDB considered matters requiring action in follow-up to UNCTAD IX [YUN 1996, p. 844]; issues arising from reports and activities of its subsidiary bodies; and institutional, administrative and related matters. It also adopted the text of the UNCTAD technical cooperation strategy.

At its October session, TDB engaged in a high-level discussion of the question of globalization, competition, competitiveness and development. The high-level segment comprised two panel discussions, one on "The perspective" and the other on "The future of competition: a prospective look at electronic commerce". During the segment, the "Partners for Development" initiative, envisaged in the UNCTAD IX Midrand Declaration [YUN 1996, p. 845], was launched. The UNCTAD Secretary-General accepted the offer of Lyon, France, to host the first meeting of "Partners for Development" in November 1998. TDB adopted agreed conclusions on: income distribution and growth in a global context [agreed conclusions 440 (XLIV)] (see above); review of progress in the implementation of the Programme of Action for the Least Developed Countries (LDCs) for the 1990s: policy reforms in agriculture and their implications for development [agreed conclusions 441 (XLIV)] (see PART THREE, Chapter I); and UNCTAD's contribution to the implementation of the United Nations New Agenda for the Development of Africa in the 1990s [agreed conclusions 443 (XLIV)] (see PART THREE, Chapter III). It also adopted a recommendation on the Third United Nations Conference on LDCs [rec. 442 (XLIV)] (see PART THREE, Chapter I), and a decision on the review of UNCTAD's technical cooperation activities [dec. 444 (XLIV)] (see below).

Technical cooperation activities

In an August report [TD/B/44/11 & Corr.1 & Add.1,2 & Add.1/Corr.1] to TDB's forty-fourth session, the UNCTAD Secretary-General gave an overview of technical cooperation activities in 1996, when UNCTAD's expenditures amounted to \$22.4 million, an increase over the \$22 million spent in 1995. Of that amount, \$6.1 million was financed by the United Nations Development Programme

(UNDP), \$15.8 million was from trust fund contributions and \$0.5 million was from the regular programme of technical cooperation. The continuing decline in the share of expenditures originating from UNDP, which was matched by an increase in trust fund contributions, arose in part from a UNDP decision to decrease the relative shares of funding for UNDP regional and interregional programmes and in part from changing UNDP priorities. However, the downward shift in UNDP funding was likely to be reversed as, earlier in 1997, UNDP and UNCTAD had agreed on a new programme to promote the effective integration of low-income developing countries into the international economy through increased investment and expanded trade.

By region, approximately \$5.7 million went to Africa, \$2.8 million to Asia and the Pacific, \$2 million to Latin America and the Caribbean, and \$3.4 million to Europe. Some \$8.5 million went to the interregional programme. The LDCs' share of technical cooperation expenditures in 1996 amounted to 31 per cent, up from the 1995 low of only 27 per cent. The Trust Fund for LDCs became operational in February 1997.

By programme, the Division on Services Infrastructure for Development and Trade Efficiency accounted for 56 per cent of total technical cooperation expenditures in 1996; the three other divisions, namely International Trade in Goods and Services and Commodities, Globalization and Development Strategies and Investment, Technology and Enterprise Development, each accounted for about 13 per cent. The balance (5 per cent) was represented by the Office of the Special Coordinator for LDCs and by activities reported for the secretariat as a whole.

In June [A/52/15], TDB adopted the text of the technical cooperation strategy [TD/B/EX(14)/3], which stated that the purpose of UNCTAD's technical cooperation was to promote the integration of developing countries and countries with economies in transition into the world economy and to assist Governments in creating and strengthening the policy and institutional environment for development.

In October, TDB adopted a decision [dec. 444 (XLIV)], as recommended by the Working Party on the Medium-term Plan and the Programme Budget, on the review of UNCTAD's technical cooperation activities. It requested the secretariat to explore ways to increase the predictability of funding for technical cooperation; to prepare, in consultation with member States, a handbook to assist possible beneficiaries of UNCTAD's technical cooperation; and to explore new modalities to ensure a better relative balance in the share of technical cooperation ex-

penditure of the various regions. It decided that the Working Party should carry out an in-depth evaluation of the Global Trade Point Network in 1998; and requested the secretariat to prepare the rolling three-year technical cooperation plan for 1998-2000 for consideration by the Working Party in 1997. The UNCTAD Secretary-General was asked to include in his next report on technical cooperation information on: the implementation of the UNCTAD technical cooperation strategy; the implementation of technical cooperation programmes in line with the areas established in "A Partnership for Growth and Development" [YUN 1996, p. 845]; the cost-effectiveness of the technical cooperation programme; and the establishment of quality control and standards.

Publications policy

As decided in 1996 [YUN 1996, p. 850], TDB, in March 1997 [A/52/15], received an oral progress report on the work of the secretariat Task Force on Publications Policy and requested the UNCTAD Secretary-General to complete his own report on the policy. In June, the Board decided to examine the policy in 1998.

Medium-term plan and programme budget

The UNCTAD Working Party on the Medium-term Plan and the Programme Budget held two sessions in 1997, both in Geneva.

At the first part of its twenty-ninth session (16-17 January) [TD/B/EX(15)/6], the Working Party reviewed an informal draft of the UNCTAD section of the proposed UN programme budget for the biennium 1998-1999 and endorsed the proposed revisions to UNCTAD's programme of work for 1996-1997. At the second part of that session (13-16 June), the Working Party had before it the proposed programme budget covering UNCTAD (section 11A) for the 1998-1999 biennium [A/52/6 (Sect. 11A)]. In agreed conclusions, the Working Party stated that section 11A provided an adequate basis for UNCTAD to carry out its mandate. It reconfirmed that the question of LDCs was an important issue to be worked on actively by all parts of the UNCTAD secretariat and agreed that the coordinating role of the Office of

the Special Coordinator for LDCs should be emphasized in the proposed programme budget. It also agreed that the important role and related activities of Intergovernmental Support Services should be fully reflected. Taking note of the importance placed by member States on cooperation between UNCTAD, WTO and ITC, the Working Party agreed that reference to WTO and ITC should be included in the programme budget.

At the first part of its thirtieth session (6-8 October) [TD/B/45/4], the Working Party reviewed the 1996 technical cooperation activities of UNCTAD and their financing (see above). In agreed conclusions, the Working Party noted that in Africa the value of regional projects exceeded that of national projects and expressed the hope that activities in that region should increasingly be undertaken at the country level; it also noted that the relative share of technical cooperation expenditures in the Asian and Latin American and Caribbean regions had diminished significantly over the past three years. The Working Party stated that some priorities should be set among UNCTAD's numerous technical cooperation programmes and projects; it recommended that progress in that area could be made in the context of preparing the three-year rolling technical cooperation plan for 1998-2000. It recommended a draft decision on the subject to TDB. TDB adopted that decision in October (see above).

At the second part of its thirtieth session (8 December), the Working Party continued to review UNCTAD's technical cooperation activities and their financing. It had before it a note by the UNCTAD secretariat on the 1998-2000 plan for technical cooperation [TD/B/WP/104] and an evaluation report on the TRAINFORTRADE programme [TD/B/WP/103]. In agreed conclusions, the Working Party invited the UNCTAD Secretary-General to consider the conclusions and recommendations contained in the evaluation report of the TRAINFORTRADE programme and to submit a progress report in 1998. It invited donor Governments and institutions to increase their contribution to the programme and encouraged the UNCTAD secretariat to increase its cooperation with other organizations, particularly ITC and WTO, in implementing TRAINFORTRADE.

Chapter V

Regional economic and social activities

In 1997, the five United Nations regional commissions continued to promote economic and social development throughout the countries in their areas. Four met for regular sessions during the year at their headquarters: the Economic Commission for Africa (ECA) (Addis Ababa, Ethiopia); the Economic and Social Commission for Asia and the Pacific (ESCAP) (Bangkok, Thailand); the Economic Commission for Europe (ECE) (Geneva); and the Economic Commission for Western Asia (ESCWA) (Beirut, Lebanon). The Economic Commission for Latin America and the Caribbean (ECLAC), located in Santiago, Chile, did not meet in 1997, having held a biennial session the previous year [YUN 1996, p. 919].

All five commissions continued to implement reform measures in the context of the overall UN reform process. Those reforms aimed at rationalizing the work of those bodies, allowing them to be more responsive to global challenges, taking into account the specific interests and needs of each region. In 1997, ECA, ESCAP and ESCWA adopted resolutions to restructure their programmes and organization. ECE adopted the Declaration on the Strengthening of Economic Cooperation in Europe and Plan of Action. Those measures were endorsed by the Economic and Social Council, which also adopted a resolution on ECLAC in the context of UN reform.

During the year, ECE and ESCAP celebrated their fiftieth anniversaries, while ESCWA began preparations for the celebration of its twenty-fifth anniversary in 1999.

Regional cooperation

On 7 February, the Economic and Social Council, by **decision 1997/203**, decided to consider at its substantive session, under the item entitled "Regional cooperation", the review and reform of the regional commissions.

In a May report [E/1997/40], the Secretary-General reviewed reform efforts by the commissions, as well as other activities, including follow-up to recent global conferences, and regional economic trends. An addendum [E/1997/40/Add.1] contained resolutions and decisions adopted at

recent sessions of the commissions, calling for action by the Council or to be brought to its attention.

On 25 July, by **decision 1997/314**, the Council noted the Secretary-General's report on regional cooperation, as well as other documents considered in connection with that subject, including summaries of surveys of economic and social conditions in: Africa [E/1997/41]; Europe [E/1997/42]; Latin America and the Caribbean [E/1997/43]; Asia and the Pacific [E/1997/44]; and Western Asia [E/1997/45]. The Council took note of the Secretary-General's note [E/1997/5] on UN reform and its impact on ECLAC, as well as his note [E/1997/51] on the project for a Europe-Africa permanent link through the Strait of Gibraltar.

Review of regional commissions

The Secretary-General, in his UN reform programme [A/51/950], stated that regional commission reforms had not involved an overall review of their role within a reformed United Nations. Consequently, there were a number of general issues spanning the work of the commissions, which the Economic and Social Council had to address. He recommended that the Council initiate a general review to consider the commissions' core competencies vis-a-vis global bodies and other regional and subregional intergovernmental bodies, and to evaluate the most appropriate division of labour with regard to standard-setting and technical cooperation, as well as prospects for further rationalization.

The General Assembly, in **resolution 52/12 B** of 19 December, invited the Council, in consultation with Member States and appropriate regional bodies, to conduct a general review of the regional commissions in 1998, and to submit a report thereon to the Assembly before the end of its fifty-second session.

Africa

In 1997, the Economic Commission for Africa (ECA) held its thirty-second session/twenty-third meeting of the Conference of Ministers (Addis

Ababa, Ethiopia, 5-8 May), with the theme "Accelerating trade and investment in Africa". Following a high-level panel discussion, a Declaration on Accelerating Trade and Investment in Africa was adopted. The Conference considered the report and recommendations of the eighteenth meeting of its Technical Preparatory Committee of the Whole, and heard special presentations on meeting the challenges of national communications infrastructure planning with public and private sector cooperation.

In a message to the Conference, the Secretary-General observed that the African continent was at a crossroads, with better prospects for development, as evidenced in economic reform and growth; a growing dynamism in the private sector and civil society; and the consolidation of democratic rule in many countries. However, there were still many conflicts and much strife throughout the continent. The United Nations would remain a steadfast partner through its programmes of peace-building and humanitarian assistance, and through technical assistance and regional cooperation. ECA would continue to be an important agent in African development.

The ECA Executive Secretary outlined the organizational restructuring of the ECA secretariat, with the senior management team revamped and high-caliber individuals recruited. He sought endorsement of three new institutional reform issues: streamlining of the Commission's inter-governmental machinery; rationalization of ECA-sponsored institutions; and continued strengthening and rationalization of the Multinational Programming and Operational Centres (MUL-POCs). That institutional reform would enable ECA to address adequately the issues of promoting trade and investment, boost development and alleviate poverty. It would also assist African countries to develop and use their institutions to expand and diversify exports and facilitate enterprise development; identify opportunities arising from the Final Act of the Uruguay Round of multilateral trade negotiations; and help promote an information and communications infrastructure by coordinating the African Information Society Initiative (AISII) (see below, under "Information technology").

The Conference was preceded by the eighteenth meeting of the Technical Preparatory Committee of the Whole (Addis Ababa, 29 April-2 May), which discussed the Conference theme, the ECA Report on the Economic and Social Situation in Africa, 1997, strengthening ECA's institutional framework for effectiveness and impact, and AISII.

The Conference of Ministers examined, amended and adopted the Technical Prepara-

tory Committee's report [E/ECA/CM.23/11], including the resolutions contained therein.

The Conference of Ministers also held a high-level symposium on strengthening private and public sector partnership in building national information infrastructure and enhancing the role of information and communications technology to facilitate trade and investment in Africa. The Ministers committed themselves to building an information society in their countries by putting in place national information and communications infrastructures.

Economic and social trends

Economic trends

According to the summary of the ECA survey of economic and social conditions in Africa in 1997 [E/1998/12], the rate of growth in Africa in 1997 was estimated at 2.9 per cent, as against 4 per cent in 1996, demonstrating the fragility of the economic recovery and emphasizing the predominance of exogenous factors in the determination of the out-turn. However, there was a large variation in growth across the continent, with countries' gross domestic product (GDP) ranging from a low of -8.7 to a high of 12.7 per cent. The lower performance was due to lower oil prices and weather conditions that affected agricultural output in the southern and northern subregions. The decline in the growth rate was reflected in all subregions, with the lowest rate in southern Africa, at 2.4 per cent, followed by North Africa, at 2.8 per cent. The highest rate was recorded in Central Africa, at 3.8 per cent, followed by West Africa, 3.7 per cent, and East Africa, 3.5 per cent. However, the overall regional per capita income posted a positive growth rate of 0.1 per cent.

Output in the industrial sector increased by 3.3 per cent in 1997, well below the 1996 rate of 5.4 per cent. While manufacturing industries maintained their 2.5 per cent growth, with expansion in construction (5.4 per cent) and energy and water (3.1 per cent), there was a slowdown in the mining subsector (3.3 per cent in 1997, as against 6.5 per cent in 1996). Production of 15 main minerals, representing 90 per cent of the sector's total output, with few exceptions, declined or stagnated in 1997. The overall mining production index (excluding oil) remained virtually unchanged, increasing marginally by 0.6 per cent. Gold production remained unchanged in Ghana, while in South Africa it declined by 2.2 per cent. The increase in copper production in Zambia was overshadowed by a steep decline in the Democratic Republic of the Congo (DRC). In

the oil sector, crude oil production increased from 368.4 million tons in 1996 to 378.4 million tons in 1997. New investment in the sector was expected to boost output in the future.

Inflation crept up from 25.1 per cent in 1996 to 28.3 per cent in 1997, due mainly to food price increases and/or political instability in some countries. Double-digit inflation was recorded in Kenya and Uganda for the first time and remained high in Angola, Burundi, the Congo, the DRC and the Sudan.

External debt

The debt overhang continued to pose a major obstacle to recovery and sustainable economic growth, particularly of the highly indebted poor countries. The overall external debt of African countries increased by nearly 3 per cent in 1997 to \$349 billion, from \$340 billion in 1996. Difficulties in meeting debt service obligations were reflected by the accumulation of arrears and the strong demand for rescheduling. Among efforts for alleviating the debt burden, the debt initiative for the heavily indebted poor countries of the World Bank and the International Monetary Fund was welcomed, with the expectation it could reduce the burden of the 32 poor and highly indebted African countries. Uganda and Burkina Faso were beneficiaries of the initiative in 1997, reducing their debt stock by 15 to 20 per cent.

Agriculture

The survey stated that agriculture production decelerated to 1.7 per cent in 1997, compared to a record rate of 5.2 per cent in 1996, due particularly to weather conditions in major producer nations and the dearth of modern technology, which continued to constrain productivity. The production of major export commodities, such as cocoa and coffee, fell well below their 1996 levels. Poor harvests were recorded, particularly in North, East and southern Africa, and had adverse consequences on the income and performance of processing industries. Modest growth was, nevertheless, recorded in West and Central Africa, although severe food shortages were reported in Burundi, the Congo and the DRC. Civil strife played a significant negative role, accentuating the region's food supply difficulties. According to the Food and Agriculture Organization of the United Nations (FAO), cereal production fell by about 10.5 per cent, from 126 million tons to 113 million tons. Fruits, jute and vegetables production were slightly lower than in 1996, while the production of pulses increased.

Trade

The ECA survey reported that trade had maintained a positive growth rate, with the value of exports increasing by 5.9 per cent, spurred by an 8 per cent growth in volume. Imports continued an upward trend at a rate of 7.6 per cent, 6.3 per cent of which was due to increased volume and 1.3 per cent to an increase in prices. Terms of trade marginally declined, by about 1 per cent.

The trade balance maintained a positive value at \$8.3 billion in 1997, made up of a surplus of \$32.9 billion for the oil exporters and a deficit of \$24.6 billion for non-oil countries. Despite the positive trade balance, the current account deficit increased from \$8.6 billion in 1996 to \$9.5 billion in 1997. The persistent deficit was attributed to the balance on services made up of interest payments on external debt, trade-related financial services and transport services. The volume of oil exports increased as a result of growth in production, particularly by countries not members of the Organization of Petroleum Exporting Countries (OPEC). Other exports of minerals maintained their previous year's level. Despite unfavourable weather conditions and a decline in agricultural exports, export volume increased due to a depletion of stock held over from previous years.

Policy developments

In 1997, the ECA survey said that the main policies pursued by African countries to achieve the macroeconomic goals of stability, growth and employment creation included financial policies (fiscal and monetary), structural reforms and social policies. Most countries also provided policy support for economic diversification and financial resource mobilization. To achieve those objectives, Governments set their own financial policies, including tight monetary policies, and adopted cautious expenditure policies. Structural reforms were mainly focused on measures to promote privatization, encourage private sector development, reform the agricultural sector, encourage sustainable agricultural development and export diversification, and improve and strengthen the civil service. Almost all countries with social needs programmes focused on combating poverty by increasing social sector spending on health services and primary education. However, the reduction and eventual eradication of poverty were expected to be the overarching policy challenges facing African Governments in the foreseeable future. To that end, they would need to develop ways to maintain high and durable growth, expand employment, and attain equitable income distribution in an environment of stable prices and a sustainable balance-of-

payments position. Despite a weak performance by economic groupings in Africa, there was an emerging consensus to promote economic integration to resuscitate and reinforce the process of economic recovery and socio-economic development, including through fiscal and customs reforms of the Central African Customs Union, and the integration programme of the West African Monetary and Economic Union. That was expected to result in the implementation of a common external tariff, thus achieving a customs union. The slow growth of the business sector in Africa was due to the lack of openness to trade, the high-risk environment, the low level of social capital, and poor infrastructure. Those factors were attributable to some extent to corruption, tax regulation and/or high taxes. High priority should be given to eliminating corruption and regulating taxes in all African countries to help business to flourish.

Social trends

The ECA survey reported that in 1997 there was a further exacerbation of some of Africa's perennial problems—destruction, death and displacement—although the ingredients for those deteriorating human conditions differed from country to country. In addition, in many African countries a crisis of governance remained pervasive, encompassing such shortcomings as popular participation, political accountability and transparency, and policy and institutional weaknesses. With a population growth rate of 2.8 per cent, the fastest in the world, almost 50 per cent of Africa's population, which had grown from 738 million to 795 million between 1996 and 1997, was under 14 years of age. As a result, the dependency ratio in Africa was the highest in the world. One consequence of the heavily youthful, non-productive population in Africa was the pressure exerted on already overstretched social infrastructure and facilities, especially in the health, education and housing sectors.

Access to health care continued to be generally poor as the gap between supply and demand for health services widened. It was estimated that Africa accounted for 90 per cent of traceable malaria deaths worldwide and two thirds—some 14 million—of the world's 23 million people with the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). In addition, the dearth in health and nutritional standards had brought Africa, with the exception of Algeria, Botswana, Cape Verde and Mauritius, back to 1960s levels of life expectancy.

Education suffered from low rates of school enrolment, wide gender and regional disparities, doubts about the relevance of the curriculum,

poor school infrastructure, and a lack of resources, despite the relatively high education budgets provided by States.

Evidence also suggested that the employment situation in Africa had not improved for most countries in 1997. The development of productive employment had not kept pace with the increased labour supply, which had grown at about 3 per cent per annum. Levels of wage employment declined or stagnated, real wages decreased, and working and living conditions continued to deteriorate. Unless determined and improved employment and development policies were implemented, the employment crisis was likely to continue into the new century.

African nations continued to seek good governance practice in the form of democratization. Elections were held in a number of African countries in 1997, including Algeria, Liberia, Kenya, Mauritania and Morocco, but obstacles to appropriate mechanisms for transition to democratic governance included the internal strife and widespread political instability currently engulfing a number of African countries.

Activities in 1997

In 1997, ECA made the transition to a new programme structure. New subprogrammes dealt with facilitating economic and social policy analysis; enhancing food security and sustainable development; strengthening development management; harnessing information for development; and promoting regional cooperation and integration. The cross-cutting issues of women in development and capacity-building underpinned those subprogrammes.

Development policy and regional economic cooperation

African recovery and development

In 1997, ECA continued to implement the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF) and the United Nations System-wide Special Initiative on Africa (see PART THREE, Chapter III). As secretariat of the UN Inter-Agency Task Force for African Economic Recovery and Development, ECA contributed to the mid-term review of UN-NADAF. As part of the joint ECA/United Nations Development Programme (UNDP) secretariat for the System-wide Special Initiative on Africa, ECA formulated a communications strategy designed to keep key partner agencies and stakeholders informed of activities under the Special Initiative, ensure inter-agency coordination, stimulate African ownership of the Special Initiative, and sus-

tain the political commitment of all actors to it. ECA and UNDP co-sponsored the Non-Governmental Organization (NGO)/Civil Society Organization Consultation on Governance in Africa, held in Addis Ababa in May, which was followed by an NGO forum in July to review governance programmes in Africa and mobilize resources for their implementation.

In the area of strengthening civil society participation, ECA reported on the establishment of an NGO resource centre to support and expand the capacity of NGOs in development and peace-building. An agreement was reached to use the framework of the African Information Society Initiative (see below, under "Information technology") as the means to implement the objectives of the Special Initiative. ECA, in collaboration with Special Initiative partners, co-sponsored a Special Initiative programme cluster on "Partnership with Africa through South-South cooperation". Building on its coordination responsibilities in Africa, ECA produced a work programme on South-South cooperation with a focus on fostering interregional linkages, facilitating linkages at the national level, exploring approaches to fostering linkages within Africa, and promoting the use of electronic linkages for South-South cooperation.

Trade promotion and development finance

The eighteenth meeting of the ECA Technical Preparatory Committee of the Whole (29 April-2 May) considered a paper [E/ECA/CM.23/8] entitled "After the Uruguay Round: global challenges and Africa's responses in selected areas", which aimed to help African policy makers assess trade policy options using the most accurate data possible and a state-of-the-art analytical framework. The Committee also considered a paper [E/ECA/CM.23/2] entitled "Promoting trade and investment to accelerate Africa's development".

The Committee noted the findings of the Global Trade Analysis Project at Purdue University (United States), that by the year 2000, Africa's overwhelming reliance on the European market would be eroded, as economic growth increased the demand for exports to Asia, and as the benefits of preferences for African exports to the European market were lessened due to trade liberalization. The Committee also noted that Africa was the only region expected to incur significant real income losses as a result of the Uruguay Round agreements. It observed that those losses could be eliminated through institutional and policy reforms. The Committee recommended that ECA should assist in mobilizing resources for commodity seminars at the national and subregional levels to help disseminate the re-

sults of the study and to introduce the proposed framework to policy analysts interested in regional and global trade issues. Investigations within that framework should be undertaken on: future prospects for African agricultural exports to Asia and their implications for food security and sustainable development; potential benefits from institutional and policy reforms aimed at the manufacturing sectors; further assessment of the impact of abolition of textile and apparel quotas in the year 2005 (since several African countries' exports to North America had been restricted); and analysis of the impact of regional trade agreements on intra-African trade.

The ECA Conference of Ministers issued a Declaration on Accelerating Trade and Investment in Africa, in which they affirmed that African countries should assume the primary responsibility for restructuring their economies to meet the challenges and opportunities of a globalizing and liberalizing world economy. Trade and investment were essential components in any credible strategies to accelerate country development and sustain high rates of economic growth. An increased rate of domestic savings was needed, supplemented by official development assistance (ODA) and foreign investment. The Ministers were concerned about the long-term declining trend of ODA, in spite of Africa's economic restructuring efforts and continuing need for development resources. They renewed their commitment to regional cooperation and integration, in line with the exigencies of expanding Africa's markets, as a prerequisite to attracting investment and engendering economic growth.

The Ministers were aware that to achieve their goals of accelerating economic growth and development, boosting domestic savings and investment, attracting private foreign capital transfers and expanding trade, they would have to promote a positive image of Africa as a safe place for business and investment; maintain peace, security, political stability and good governance; establish an adequate legal and regulatory framework; strengthen the institutional capacities of African countries; improve information flow on economic developments in Africa; modernize, expand and diversify production; reduce the cost of establishing and doing business; strengthen international competitiveness to better participate in the international trading system; and strive for genuine regional economic cooperation. The Ministers invited domestic and foreign investors to take advantage of the opportunities created by the improved policy and economic environment in their countries. They urged Africa's bilateral partners to continue to provide increased direct financial support on concessional

terms, and to extend indirect financial support through tax incentives to their national investors participating in infrastructure development projects in Africa. Multilateral development financial institutions would continue to play an important role in providing financial resources and technical assistance.

The Ministers requested ECA, in collaboration with the Organization of African Unity (OAU) and the African Development Bank (AfDB), to assist member States in identifying issues critical to accelerating trade and investment and to propose appropriate strategies, in collaboration with African Governments and leading African and global multilateral institutions. They recommended that emphasis be placed especially on practical strategies and economic and social innovations, with particular emphasis on regional cooperation, public-private partnership and international competitiveness, thereby pointing to new approaches to accelerate Africa's development process. ECA should also function as the clearing house for gathering and disseminating experiences and best practices from within Africa as well as from other regions.

The sixth session (Addis Ababa, 25 March-2 April) of the Conference of African Ministers of Finance met under the theme "Financial sector reforms and debt management". Among issues considered by the Conference were: the role of multilateral financial institutions; financial reform in Africa; the African debt problem; and the challenges and opportunities of capital markets in Africa.

The Technical Preparatory Committee of the Whole noted the deliberations of the Conference of the African Ministers of Finance on those issues and called for special attention to be given to the particular needs of the countries in conflict or post-conflict situations. It noted that the System-wide Special Initiative on Africa provided a framework for focusing assistance to those countries and that ECA had established an in-house task force to assist the Commission to address their special needs.

Information technology

The eighteenth meeting of the Technical Preparatory Committee of the Whole (29 April-2 May) considered a report [E/ECA/CM.23/7] on the African Information Society Initiative (AISII), adopted by ECA in 1996 [YUN 1996, p. 880]. The Committee noted the progress made in implementing the Initiative, including the creation of an African Technical Advisory Committee to oversee the implementation of AISII and its incorporation into the ECA work programme.

The Committee stressed the importance of AISII, especially in accessing information for development by African countries and linking Africa to the rest of the world. It recommended that ECA should set up a clear strategy and implementation plan with deadlines; that activities to be implemented should be related to the needs of ECA member States at the national level; and that a study be undertaken to determine those activities to be implemented on a priority basis. Implementation activities should not be overambitious but fit the human and financial resources available. There should be an implementation timetable and enhanced consultations and coordination of AISII activities with other agencies and African member States to avoid conflict of interest.

The Committee underscored the importance of geographical information systems and recommended that they be given due attention as were other information systems being developed under AISII. Emphasis should be placed on strengthening data communications systems in Africa and policy meetings organized in the context of the implementation of AISII should cover all African countries. The Committee urged member States of the West African subregion to support the strengthening of the West African Development Information System so that it could promote the activities being implemented under AISII within the subregion.

ECA, under its programme of harnessing information for development, produced two monographs: "Reader on information management strategies for Africa's development"; and "Strategies for human resources development for information management in Africa". Four case studies were undertaken illustrating the impact of information technology on Ethiopia, Mozambique, Nigeria and Senegal. Other publications and technical material prepared by the secretariat included issues of the Statistical Newsletter and the African Statistical Yearbook for 1996 and 1997; the Compendium of Intra-African and Related Foreign Trade Statistics; Africa in Figures; and the Directory of Statistical Data Processing Capacities and Databases in Africa.

The ECA secretariat offered technical assistance in the form of advisory services to public and private sector institutions in Ethiopia, Mozambique, the United Republic of Tanzania and Zambia as well as to the Association of African Universities. Advisory services in statistics, database management and census cartography were provided to Algeria, Botswana, Burkina Faso, Chad, Guinea, Mali, Mozambique, the Niger, Nigeria, Togo, Uganda and Zambia. Implementing AISII was a major priority of the ECA secretariat, which co-sponsored with UNDP two subregional seminars on the national potential of the Inter-

net: in Libreville, Gabon (18-20 March), and in Abuja, Nigeria (21-23 April).

Industrial development

The thirteenth meeting of the Conference of African Ministers of Industry was held in Accra, Ghana, in May, in cooperation with the United Nations Industrial Development Organization (UNIDO) and OAU. In preparation for the Conference, joint missions were undertaken to evaluate the implementation of the Second Industrial Development Decade for Africa (see below) with a view to identifying any shortcomings and the need to redirect programme objectives to respond to the emerging broader private sector development needs of the region. The Conference adopted the Plan of Action for implementation of the Alliance for Africa's Industrialization (see below). ECA strengthened its collaboration with UNIDO in industrial development activities through active involvement in the Alliance, which was launched in 1996 [YUN 1996, p. 734].

Second Industrial Development Decade

ECA continued its cooperation with UNIDO in implementing the programme for the Second Industrial Development Decade for Africa (1993-2002), endorsed by Economic and Social Council resolution 1992/44 [YUN 1992, p. 468].

A mid-term evaluation of the programme for the Second Decade was completed in 1997, noting that efforts should be redoubled to translate the Decade's objectives into concrete and practical programmes. Special implementation mechanisms, at the country level, needed to be established and/or strengthened and the existing national machinery (ministries of trade or planning) should be encouraged to assume that responsibility. It was noted that implementation strategies had not been adopted at the country level, that the African private sector was not fully prepared to assume the new responsibilities in the industrial investment process, and that financial support, including term lending from domestic and foreign sources, was not readily available for industrial projects.

It was recommended that the programme's scope and coverage should be narrowed to make it compatible with a country's capacity to mobilize its human, natural and financial resources for implementation; Governments should concentrate on those segments of the programme considered prerequisites for industrial development, while leaving the production and manufacturing aspects to the private sector; they should intensify efforts to promote the economic environment and political stability that would make

private sector initiatives possible and productive; the private sector and the industrial community should be supported to build their capacity and enhance competitiveness; the donor community should be invited to look seriously at the revised priorities, including the Alliance for Africa's Industrialization programme for private sector enhancement through partnerships; and the opinions, endorsement and participation of the private sector and chambers of commerce and other business associations should be solicited.

The Conference of African Ministers of Industry adopted the Plan of Action for implementation of the Alliance, which spelled out specific objectives to be achieved to fulfil Alliance goals; specific roles and actions to be undertaken at national, subregional and regional levels; and areas where donors assistance would be most needed. The Ministers also established an Alliance Steering Committee, consisting of selected ministers of industry and representatives of the private sector. At the country level, the key formulation and implementation mechanism would be the Industrial Partnership Council, consisting of representatives of the private sector and Government. To maintain global attention to the Special Initiative and African industrialization efforts, a special Group of Patrons, composed of selected heads of State, was being established under OAU auspices to serve as advocates for African industrialization. The Ministers also approved the establishment of a special fund for the Alliance, to be financed by contributions from UNIDO and by pledges. Other financing options included development of high-impact integrated programmes in collaboration with other UN agencies under the auspices of the Special Initiative and sectoral investment promotion forums at the national and subregional levels to attract private investment and foreign direct investment.

Report of Secretary-General. On 20 October, the Secretary-General reported to the General Assembly [A/52/480] on implementation of the programme for the Second Industrial Development Decade for Africa (1993-2002), providing an overview of economic reform, globalization and industry in Africa, describing support programmes of UNIDO and ECA, and outlining steps to reorient the Second Decade.

UNIDO allocated from its regular budget \$10.6 million to implement Decade projects and programmes during the 1996-1997 biennium. As at 31 August 1997, 96 projects had been implemented, 40 per cent of which were at the national level and 60 per cent at the regional level. Technical cooperation projects included support to industries establishing links between industry and agriculture, with special emphasis on food pro-

cessing, and between industry and transportation and communications. Multi-country and large-scale national projects promoted economic integration at subregional and regional levels directed towards the establishment of the African Economic Community. Special attention was accorded to the development and promotion of small- and medium-scale industries and cross-sectoral priorities such as human resources and technology development, acquisition and transfer, formulation of industrial strategies and policies, integration of women in industrial development, and energy and the environment.

Some Decade projects included: supporting a partnership between entrepreneurs from the Jua Kali in Kenya and rural women in Burkina Faso to boost entrepreneurship, create new manufacturing capabilities and promote quality and new product lines; increasing the "value-added" element to the processing of local raw materials; processing hides and skins into exportable leather products in eight eastern and southern African countries; manufacturing wood products to provide opportunities for the environmentally sustainable development of forest resources in seven western and central African countries; processing spices and aromatic products in Zanzibar; and introducing new salt production techniques in Nigeria. UNIDO also worked with African countries in the Mozambique Channel and Gulf of Guinea to create new enterprises and establish a private-sector-led industrial base. It also promoted better food quality and food security and introduced cleaner industrial production techniques in several African countries.

Decade activities were also supported by publications, research studies and ad hoc expert group meetings. Studies in 1997 related to the production of basic chemicals from natural gas; technology transfer, acquisition and negotiation; African metal industries in the South-South context; integrated development of natural resources and phosphate production; irrigation equipment in Sahel countries; leather and leather products; and small and cottage industries in Africa.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/627], adopted **resolution 52/208** without vote [agenda item 96 (a)].

Industrial development cooperation: Second Industrial Development Decade for Africa

The General Assembly,

Recalling the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, the International Development Strategy for

the Fourth United Nations Development Decade and the United Nations New Agenda for the Development of Africa in the 1990s,

Taking note of the declaration adopted by the Ministers for Foreign Affairs of countries members of the Group of 77 at their twenty-first annual meeting, held in New York on 26 September 1997, the communique adopted in New York on 25 September 1997 at the Meeting of Ministers for Foreign Affairs and Heads of Delegation of Non-Aligned Countries to the fifty-second session of the General Assembly and the Declaration on Africa's Industrialization, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session, held at Harare from 2 to 4 June 1997, concerning the importance of industrial development for developing countries, especially those in Africa, and the essential role of the United Nations Industrial Development Organization in this regard,

Reaffirming its resolution 50/94 of 20 December 1995 on the Second Industrial Development Decade for Africa, in which it requested the Secretary-General to report to it at its fifty-second session on the implementation of the resolution, and its resolution 51/170 of 16 December 1996,

Recognizing the importance of industrialization as a key element in promoting sustained economic growth and sustainable development in Africa, in accordance with relevant General Assembly resolutions and recent United Nations conferences, as well as its role in facilitating efforts for the eradication of poverty, the integration of women in the development process and the creation of productive employment,

Recognizing also the increasing role of the business community, including the private sector, in particular small and medium-sized enterprises, in enhancing the dynamic process of the development of the industrial sector,

Taking note of the Plan of Action for the Alliance for Africa's Industrialization, adopted by the Conference of African Ministers of Industry at its thirteenth meeting, held at Accra in May 1997,

Emphasizing the continuing need for the mobilization of adequate resources through domestic and international initiatives for the implementation of the programme for the Second Decade, including a favourable climate for foreign direct investment, private sector development, small and medium-sized enterprises and enhanced market access, and recognizing the need for African countries to use both human and financial resources more effectively in the process of industrialization,

1. Takes note of the report of the Secretary-General on the implementation of the programme for the Second Industrial Development Decade for Africa (1993-2002);

2. Calls upon all Member States to support the implementation of the programme for the Second Decade and the Plan of Action for the Alliance for Africa's Industrialization, taking into account the results of the mid-term review of the Second Decade;

3. Invites donor countries, United Nations funds and programmes, all relevant United Nations organizations and the private sector to participate in a meeting of donors to be organized by the United Nations Industrial Development Organization in collaboration

with the Economic Commission for Africa, the United Nations Development Programme and the Organization of African Unity, under the leadership of the African Development Bank and in cooperation with the World Bank;

4. Appeals to the international community and the relevant organizations and bodies of the United Nations system, in particular the United Nations Industrial Development Organization and the Economic Commission for Africa, in accordance with their agreed mandates, work programmes and priorities, to support the programmes of the African countries to intensify and expand industrial cooperation among themselves;

5. Urges African Member States to integrate the objectives of the Alliance for Africa's Industrialization into their national plans and in the establishment of institutional capacity for the formulation of mechanisms to follow up and monitor programmes and projects, including, where appropriate, the involvement of the private sector;

6. Requests the United Nations Industrial Development Organization, the Economic Commission for Africa and other relevant United Nations organizations, in accordance with their agreed mandates, work programmes and priorities, to work closely with Governments and the private sector in Africa at the national, regional and international levels to foster industrial production and development;

7. Calls upon the United Nations Industrial Development Organization and the Economic Commission for Africa, in accordance with their agreed mandates, work programmes and priorities, to strengthen their coordination with the United Nations Development Programme and other United Nations agencies and donors, with a view to accelerating the implementation of the programme and goals of the Second Decade;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution.

Transport and communications

ECA continued in 1997 to assist African countries with the development of their transport and communications infrastructure. It published monographs on: private sector participation in that sector; environmental issues in the transport and tourism sectors; road safety; and international transit facilitation along selected continental transport corridors.

The Conference of African Ministers of Transport and Communications, at its eleventh session (Cairo, Egypt, 22-27 November), examined the second mid-term evaluation of the Second United Nations Transport and Communications Decade in Africa, 1991-2000 (UNTACDA II) (see below). Resolutions were adopted on UNTACDA II and on the restructuring and development of railways in Africa. In conjunction with the Conference, the first African Transport Forum was organized, focusing on such topics as infrastructure financing; capacity-building for developing

transport and communications; transport safety; and transport-related environmental issues. The Ministers reaffirmed their firm commitment to regional cooperation and the fulfilment of the Decade's programme.

As recommended by the Commission, the Economic and Social Council, in **resolution 1997/5** (see below, under "ECA reform"), decided to abolish the Conference in 1999, at the end of UNTACDA II. Thereafter, the African Economic Community's Committee on Transportation, Communications and Tourism would become the regional forum to discuss the relevant issues.

Transport and Communications Decade

ECA undertook a number of joint activities in 1997 in support of UNTACDA II [YUN 1991, p. 301, ESC res. 1991/83]. Those activities included meetings on: urban and road transport; financing policies and practices for transport and communications in Africa; UNTACDA II programmes; and road safety. Advisory services were provided to Nigeria on harmonizing data in transport activities, and to member States of the Central African Customs and Economic Union on preparing harmonized navigation regulations for inland waterway transport.

To prepare for the eleventh Conference of African Ministers of Transport and Communications, ECA carried out a second mid-term evaluation of UNTACDA II, assessing progress in programme implementation, and the impact of programmes on the development of transport and communications in Africa. An overview was provided of country, subregional, subsectoral, regional and international activities. Remedial action in support of the programme was requested.

The Conference of African Ministers of Transport and Communications adopted a framework for action to accelerate implementation of the Decade programme between 1998 and 2000, and to build strong and efficient transport and communications systems in Africa in the twenty-first century.

Europe-Africa permanent link

The Secretary-General, in April, submitted a report [E/1997/51] from the Executive Secretaries of ECA and ECE on a Europe-Africa permanent link through the Strait of Gibraltar, which included a review of studies and activities carried out during 1995-1996 by Morocco and Spain. Technical aspects, project costs, traffic projections and the economic and financial viability of constructing a tunnel were examined. It was reported that the studies had entered the feasibility phase, and two fundamental tasks needed to be

carried out: a deep drilling survey, to gain more information about the subsoil and the deep areas of the Strait; and additional studies of the reconnaissance gallery envisaged in the basic option.

Two workshops considered different aspects of the project in 1997: on characterization of tunnel-boring machines for tunnelling flyschs (Tarifa, Spain, 20-21 February), under the auspices of ECA, ECE and the International Tunnelling Association; and on the methodology for establishing construction costs (Vienna, 11 April).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, by **decision 1997/314**, the Economic and Social Council took note of the Secretary-General's report.

On 22 July [meeting 37], the Council adopted **resolution 1997/48** without vote [draft: E/1997/L.33] [agenda item 10].

Europe-Africa permanent link through the Strait of Gibraltar

The Economic and Social Council,

Recalling its resolutions 1982/57 of 30 July 1982, 1983/62 of 29 July 1983, 1984/75 of 27 July 1984, 1985/70 of 26 July 1985, 1987/69 of 8 July 1987, 1989/119 of 28 July 1989, 1991/74 of 26 July 1991, 1993/60 of 30 July 1993 and 1995/48 of 27 July 1995,

Recalling also General Assembly resolution 43/179 of 20 December 1988, by which the Assembly declared the period 1991-2000 the Second Transport and Communications Decade in Africa,

Referring to resolution 912 (1989) adopted on 1 February 1989 by the Parliamentary Assembly of the Council of Europe regarding measures to encourage the construction of a major traffic artery in south-western Europe and to study thoroughly the possibility of a permanent link through the Strait of Gibraltar,

Referring also to the Barcelona Declaration adopted at the Euro-Mediterranean Conference, held at Barcelona, Spain, in November 1995, and to the work programme annexed thereto, which aims towards connecting the Mediterranean networks in the field of transport to the trans-European network so as to ensure their interoperability,

Referring further to the Lisbon Declaration adopted at the Conference on Transport in the Mediterranean, held at Lisbon in January 1997, and to the conclusions of the Pan-European Conference, held at Helsinki in June 1997, on corridors in the Mediterranean incorporating the permanent link,

Taking note of the follow-up report prepared jointly by the Economic Commission for Europe and the Economic Commission for Africa in accordance with Council resolution 1995/48,

Taking note also of the conclusions of the second and third meetings of the Western Mediterranean Transport Group, held at Rabat in September 1995 and at Madrid in January 1997, respectively, which included the permanent link among the priority corridors in the extension of the trans-European network,

1. Welcomes the cooperation on the project for the link through the Strait of Gibraltar established be-

tween the Economic Commission for Africa, the Economic Commission for Europe, the Governments of Morocco and Spain and specialized international organizations;

2. Also welcomes the organization, under the auspices of the United Nations and the International Tunnelling Association, of two seminars, one held at Tarifa, Spain, in February 1997 on the suitability of tunnel-boring machines for the project and the other held at Vienna in April 1997 on the methodology for estimating the cost of tunnels;

3. Commends the Economic Commission for Africa and the Economic Commission for Europe on the work done in preparing the project follow-up report requested by the Council in its resolution 1995/48, even though the necessary resources were not forthcoming from the General Assembly;

4. Renews its invitation to the competent organizations of the United Nations system and to non-governmental organizations, including in particular the International Tunnelling Association and the International Union of Railways, to participate in the studies and work on the permanent link through the Strait of Gibraltar;

5. Also renews its invitation to the European Commission to consider the possibility of participating in the consolidation of the studies and the development of the project both institutionally and financially;

6. Requests the Executive Secretaries of the Economic Commission for Africa and the Economic Commission for Europe to continue to take an active part in the follow-up to the project and to report to the Council at its substantive session of 1999;

7. Requests the Secretary-General to provide formal support and, to the extent that priorities permit, the necessary resources, within the regular budget, to the Economic Commission for Africa and the Economic Commission for Europe to enable them to carry out the activities mentioned above.

Natural resources, energy and cartography

ECA, in 1997, undertook various activities to promote sustained development of mineral and energy resources in Africa, through cooperation and integration, facilitating policy decisions and dissemination of "best practices", and supporting capacity-building.

Engineers, surveyors, planners and policy makers formulated guidelines for natural resources and energy development in Africa with emphasis on privatization and deregulation, with a view to avoiding some of the pitfalls encountered in the ownership and regulatory reform process and to explore Africa's natural resources and energy effectively.

Major monographs in 1997 dealt with: privatization and the African minerals and energy industries; promoting a sustainable energy economy in southern Africa; and the role of renewable energy technologies in energy efficiency and conservation programmes in selected African countries. Technical assistance included advisory missions on: formulating a strategic vision for the

Eastern and Southern African Mineral Development Centre; the national survey of Equatorial Guinea; a small-scale mining operations forum for countries of the Liptako-Gourma Authority (Burkina Faso, Mali and the Niger); solar energy use for rural electrification in Benin; and the energy programme of the West African Economic and Monetary Union.

Partnerships in the minerals and energy sectors took the form of enhanced cooperation with other UN agencies and departments, as well as the World Bank, OAU, AfDB, intergovernmental organizations and NGOs. ECA participated in a Multilateral Investment Guarantee Agency symposium on investments in the African mining sector (Denver, United States, June), and the UNIDO Expert Group meeting on "Introducing new technologies for abatement of global mercury pollution from artisanal gold mining in Africa: socio-economic aspects and gender issues related to artisanal gold mining in Africa" (Vienna, June).

A regional Conference of African Ministers, responsible for the development and utilization of mineral resources and energy (Durban, South Africa, November) discussed the theme of "Strengthening cooperation among development actors in the sustainable development and utilization of mineral and energy resources in Africa". The Conference objectives sought practical modalities for effective cooperation among African countries in mineral and energy resource development and utilization, and a constructive dialogue between government policy makers and the private sector.

The Conference adopted the Durban Declaration, which embodied the commitment of member States to integrate energy and mineral development strategies through enhanced cooperation. It contained separate sets of recommendations on the mineral and energy sectors. The Conference reinforced partnerships between UNIDO, ECA, the International Labour Organization, the United Nations Environment Programme and the World Bank in search of solutions to the constraints faced by artisanal gold miners in general and women in particular.

The Technical Preparatory Committee of the Whole supported the recommendations of the ninth United Nations Regional Cartographic Conference for Africa, held in 1996 [YUN 1996, p. 884], and expressed the hope that other sectors of the regional economy could take full advantage of global technological innovations. It noted that the ECA Cartographic Unit had been integrated into the Development Information Services Division, which would enable easy exchange,

sharing and integration of information between geo-spatial and other socio-economic sectors.

Food security and sustainable development

In 1997, ECA accorded high priority to ensuring food security and sustainable development, with activities to raise African policy makers' awareness of the interrelationships between food, population, environment and human settlements concerns in development planning. Some projects aimed to improve water resources management; strengthen cooperation among agencies concerned with sustainable development issues; and further the application of science and technology to agriculture and sustainable development concerns. ECA policy reports covered such issues as: harmonization of population and economic growth rates in ECA member States; "best practices" in the area of food security and human settlements; human resource development and capacity-building to implement the Habitat II Agenda [YUN 1996, p. 994]; and linkages between agriculture, population and environment. Other specific issues concerned the impact of environmental hazards on health and urban development, and policy responses to foster sustainable cities in Africa. An overview was presented of progress made in implementing Agenda 21, adopted by the United Nations Conference on Environment and Development [YUN 1992, p. 672]. Studies were made on: combating desertification in North Africa; the potential contribution of non-conventional food resources to food security in East and southern Africa; and post-Uruguay Round issues, with emphasis on enhancing Africa's capacity in analysing trade arrangements at regional and global levels as they related to agricultural production and food security.

Group training, workshops and seminars were organized for policy makers and experts in such areas as population, sustainable development of transboundary water resources, management and utilization. Technical assistance was given to follow up on the decisions of the first meeting of the African Regional Conference on Science and Technology [YUN 1995, p. 998]. Workshops were organized on capacity-building in developing and implementing indicators of sustainable development (Accra, Ghana, June), and on national fertilizer programmes (Addis Ababa, October).

Regional pilot projects involving five countries dealt with participatory management of farming systems and soil conservation at the village level. The Common Market for Eastern and Southern African States received assistance regarding food security and sustainable development projects. Malawi, Mozambique, Zambia and Zimbabwe

were helped in organizing a researchers network to study the effects of informal trade in food and agricultural products across national borders on national, subregional and regional food-security situations. A network of transporters and transport administrators from Djibouti, Eritrea, Ethiopia, Somalia and the Sudan was assisted in seeking lower road and rail transport costs to facilitate subregional trade in food and agricultural products.

Development management

ECA support of development management stressed public-private partnership in support of development; public sector reforms; and enhancing the interface between government and civil society organizations. Publications and reports were issued on the role of local government in enhancing popular participation; politics and administrative efficiency in Africa; accountability in managing public enterprises; public sector expenditure targeting and allocation to foster rural development and employment generation; and government institutional mechanisms to manage privatization programmes in Africa effectively.

Studies were conducted on topics related to: small- and medium-scale enterprises in Africa; guidelines for entrepreneurship; and investment in African multinational industrial projects.

Under the regular programme of technical co-operation, advisory services were provided for capacity-building for the Centre for Public Service Training at the University of Namibia, the African Training and Research Centre in Administration for Development in Morocco, and the African Association for Public Administration and Management in Kenya. Workshops were held on: management skills for public enterprises; commercialization and productivity improvement; motivation and productivity; performance improvement; and capacity-building and skills enhancement. ECA co-sponsored, with the UN Department for Development Support and Management Services, UNDP, the Swedish Government and Swedish International Services, a global forum on local governance. The African Centre for Civil Society was established in October as a resource centre for the institutional development and capacity-building of African civil society organizations.

Integration of women in development

Promoting the advancement of women in Africa continued to be a major priority for ECA in 1997. Publications included: "Women and peace process: perspective from Africa" and "Traditional and cultural practices harmful to the girl

child: a cross-sectional review". Meetings, conferences and seminars relating to women in development and peace were organized, including the Pan-African Conference on Peace, Gender, Equality and Development (Kigali, Rwanda, March). Projects to strengthen the leadership, networking and entrepreneurial skills of women in Africa were implemented under the Africa Leadership Fund for Women, established at ECA's African Centre for Women. A West African subregional follow-up meeting on implementing regional and global platforms for action was held in Dakar, Senegal, in November.

The ECA Technical Preparatory Committee of the Whole endorsed the recommendations of the eighteenth meeting of the Africa Regional Coordinating Committee for the Integration of Women in Development (ARCC) (Addis Ababa, 24-26 April). They related to its enhanced role in advocacy and policy guidance; implementation strategies; priorities; coordination of sub-regional programmes; exchange of information; and active participation in international forums. The Committee endorsed the request that ECA and ARCC support the full implementation of the Kigali Plan of Action on Peace, Gender and Development. It also endorsed the establishment of an African women's committee on peace, as a complementary organ to ARCC.

The ECA Council of Ministers [E/1997/37 des.829(XXXII)] noted the recommendations of the Women Leadership Forum on Peace, and endorsed the creation of the African Women Committee on Peace. The Ministers called on ECA to collaborate with OAU in providing a joint secretariat for the Committee and to assist it in establishing its own secretariat. The Executive Secretary was requested to submit the resolution to the OAU summit meeting of heads of State and Government for endorsement.

Social development

In 1997, ECA continued to monitor developments in the African social sector. It produced a major report on "HIV/AIDS and its implications for human development in Africa", examining the impact of the HIV/AIDS pandemic on the African social situation and its implications for Africa's long-term socio-economic transformation. Another major study on "Social security systems in Africa: trends and prospects" concluded that after examining all facets of modern social security provision, coverage was seriously limited, as the labour force was mostly in the informal and agricultural sectors.

In collaboration with the United Nations Children's Fund (UNICEF) and the World Bank, ECA organized a forum on cost sharing in the social

sectors in Africa (Addis Ababa, 10-20 June), which adopted the Addis Ababa Consensus on Basic Education and Basic Health.

In an effort to promote good governance in the region, ECA established in 1997 the African Centre for Civil Society (ACCS) to enhance cooperation between Governments and civil society organizations. Governments were encouraged to institute a regulatory environment conducive to the growth of indigenous NGOs and broaden their economic, political and social activity through the work of ACCS; strengthen the organizational, managerial and programmatic capacity of civil society organizations; and build civil society's capacity to develop innovative techniques to prevent conflict, strengthen peaceful, pluralistic democracy and peacefully resolve disputes.

Programme, administrative and organizational questions

The ECA Technical Preparatory Committee of the Whole reviewed the revised programme of work for 1997 [E/ECA/CM.23/CRP1] and the proposed programme of work and priorities for the 1998-1999 biennium [E/ECA/CM.23/10].

The Committee noted that the proposed 1998-1999 programme of work was significantly different from previous programmes in that it sought more effective control, monitoring and evaluation of programmes. There was a significant reduction in the number of meetings, reports, seminars and workshops, permitting more concentrated resources to support in-depth treatment of issues and more meaningful outputs.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ECA [E/1997/40/Add.1], adopted **resolution** 1997/6 without vote [agenda item 10].

Programme of work and priorities of the Economic Commission for Africa for the biennium 1998-1999

The Economic and Social Council,

Recalling General Assembly resolution 41/203 of 11 December 1986 and subsequent relevant resolutions on programme planning,

Recalling also resolution 809(XXXI) of 8 May 1996 of the Conference of Ministers of the Economic Commission for Africa on new strategic directions for the Commission, and endorsing in particular the new orientations of the Commission as outlined in the document entitled "Serving Africa better: strategic directions for the Economic Commission for Africa", as well as in the medium-term plan for the period 1998-2001,

Taking note of the programme of work of the Commission for 1997 as revised in compliance with paragraph 5 of resolution 809(XXXI), in which the Executive Secretary of the Economic Commission for Africa

was requested to revise, in close collaboration with the Bureau of the Commission, the programme of work for the biennium 1996-1997,

Having examined the proposed programme of work and priorities for the biennium 1998-1999,

Taking note of the new programme structure, which is characterized by congruence between organizational and programme structures, a reduction in the number of subprogrammes and the clustering of closely related activities under a single subprogramme to foster synergy and achieve greater efficiency and impact in the delivery of services,

Convinced that the proposals contained in the proposed programme of work and priorities for the biennium 1998-1999 will make a significant contribution to the economic and social development of Africa,

1. Endorses the programme of work and priorities of the Economic Commission for Africa for the biennium 1998-1999 as amended;

2. Requests the Secretary-General, in making his proposals for the programme budget for the biennium 1998-1999, to give special consideration to the development needs of the African region by providing the Commission with adequate resources to enable it to carry out fully the reforms already embarked upon;

3. Calls upon the General Assembly and its Second and Fifth Committees to ensure that adequate resources are made available to the Commission for the implementation of its programme of work;

4. Requests the Executive Secretary of the Economic Commission for Africa to ensure that the implementation of the programme of work is guided by the same principles that have underpinned reform and renewal at the Commission: professional excellence, cost-effectiveness in product management and programme delivery and effective partnerships with African regional organizations, the organizations of the United Nations system and other multilateral and bilateral donors in support of the development of Africa;

5. Commends the secretariat of the Commission for the innovative approach it adopted in designing its work programme and the activities therein.

ECA reform

The ECA Technical Preparatory Committee of the Whole examined a secretariat note [E/ECA/CM.23/4] containing proposals to reform the Commission's intergovernmental machinery. The abolition of a number of conferences and subsidiary bodies was proposed, along with the creation of new ones.

The Committee noted that those reforms built on previous ones initiated as of mid-1995. The new intergovernmental machinery would continue to enable the Commission to provide a broad view of the African economy. The option of convening special ministerial conferences on any issue as and when circumstances warranted was welcomed. It was felt that duplication of meetings between ECA and the OAU Economic and Social Commission would be reduced. Closer cooperation between the two organizations to

defend African interests in international economic negotiations was requested.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ECA [E/1997/40/Add.1], adopted **resolution 1997/5** without vote [agenda item 10].

Reform of the intergovernmental machinery of the Economic Commission for Africa

The Economic and Social Council,

Recalling the various resolutions that have implications for the mandate and operations of the Economic Commission for Africa, in particular General Assembly resolutions 32/197 of 20 December 1977 and 33/202 of 29 January 1979 on the restructuring of the economic and social sectors of the United Nations system and resolution 44/211 of 22 December 1989,

Recalling also resolution 618(XXII) of 24 April 1987 of the Conference of Ministers of the Economic Commission for Africa on the in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields,

Recalling further General Assembly resolutions 45/177 of 19 December 1990, 45/264 of 13 May 1991, 46/235 of 13 April 1992 and 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields, on the basis of which the regional commissions should be enabled fully to play their role under the authority of the General Assembly and the Economic and Social Council,

Bearing in mind resolution 809(XXXI) of 8 May 1996 of the Conference of Ministers of the Economic Commission for Africa on the new strategic directions for the Commission,

Having taken note of the new policy and programme orientation of the Commission as well as the steps being taken to restructure the secretariat, and conscious of the need to align the intergovernmental machinery to this new orientation in order to enable the Commission to address the emerging challenges and priorities of the region effectively,

Having reviewed the existing intergovernmental machinery of the Commission,

Decides that the structure and functioning of the intergovernmental machinery of the Economic Commission for Africa shall be as follows:

A. Organs dealing with overall development issues

1. Conference of African Ministers Responsible for Economic and Social Development and Planning and the Technical Preparatory Committee of the Whole

The Conference of African Ministers Responsible for Economic and Social Development and Planning shall provide legislative mandates and policy guidance for the work of the Commission, consider and endorse the programmes of work of the Commission, serve as a forum for articulating Africa's position on development issues on the agenda of the United Nations and decide upon the recommendations of its subsidiary bodies and of the Executive Secretary.

Since the mandate of the Conference encompasses the full spectrum of economic and social development issues, it shall assume the legislative responsibilities previously assigned to the Conference of African Ministers Responsible for Human Development, which shall be abolished.

The Conference shall meet biennially. Its next session shall be held in 1999. The Bureau of the Commission shall be expanded so as to include a representative from each of the five subregions of the continent—North, East, Southern, West and Central Africa. It shall consist of a chairman, three vice-chairmen and one rapporteur.

A Follow-up Committee is hereby established. It shall be composed of the members of the incoming and outgoing bureaux of the Commission. It shall meet as often as necessary, but at least once in inter-sessional years to review Commission affairs and progress in the implementation of decisions.

The meetings of the Follow-up Committee shall be convened by the Executive Secretary in consultation with the Chairman of the Commission as and when necessary.

The Technical Preparatory Committee of the Whole shall continue to provide technical support to the Conference and shall meet before each session of the Conference.

2. Intergovernmental Committees of Experts of the Subregional Development Centres

The five Intergovernmental Committees of Experts of the Subregional Development Centres shall meet annually and report to the Commission through the Technical Preparatory Committee of the Whole. In the years when the Commission does not meet, the reports of the Committees shall be presented to the Follow-up Committee of the Bureau of the Commission. The Committees shall oversee the overall formulation and implementation of the programme of work and priorities of the Subregional Development Centres and make recommendations on important issues concerning economic and social development in their respective subregions, as well as on the promotion and strengthening of subregional economic cooperation and integration.

3. Conference of African Ministers of Finance

The Conference of African Ministers of Finance shall be retained. It shall be convened biennially in alternate years with the Conference of African Ministers Responsible for Economic and Social Development and Planning. The Conference of African Ministers of Finance shall have a committee of experts to prepare for its meetings. This committee shall be convened before each session of the Conference.

B. Subsidiary bodies to be created or retained

1. Committee on Women and Development

The Africa Regional Coordinating Committee for the Integration of Women in Development, which shall be renamed "Committee on Women and Development", shall be retained and shall continue to play its role as an advisory forum of experts and policy makers, providing guidance to the Economic Commission for Africa in its work on the advancement of women. It shall also provide a platform for advocacy and assessing follow-up and implementation by African Govern-

ments of the regional and global platforms for action for the advancement of women. In particular, the Committee shall address issues relating to the economic empowerment of women, the protection of their legal and human rights and improved access to education and health. It shall meet biennially.

2. Committee on Development Information

As the Commission strengthens its role in assisting member States in developing their national information and communication infrastructure, it needs a body that brings together experts and policy makers to advise it in this area. The beginnings of such a body exist in the high-level working group that helped to articulate "Africa's Information Society Initiative: Action framework to build Africa's information and communication infrastructure" and in the African Technical Advisory Committee of Experts on Information Infrastructure, which was established to provide advice on the implementation of the Initiative. The Committee on Development Information shall build on the work of these bodies as well as that of the Joint Conference of African Planners, Statisticians, Population and Information Specialists.

The Committee shall include experts from such fields as planning, statistics and geographical information systems, as well as information specialists. It shall meet biennially.

3. Committee on Sustainable Development

The Committee on Sustainable Development shall serve as a forum of experts that will provide advice to the Commission in the interlinked areas of food security, population, environment and human settlements. It shall provide a platform for advocacy and the assessment of follow-up activities by African Governments to regional and global plans of actions, namely the African Common Position on Environment and Development, the African Common Position on the second United Nations Conference on Human Settlements (Habitat II), the Dakar/Ngor Declaration on Population, Family and Sustainable Development, adopted by the Third African Conference on Population, held at Dakar on 11 and 12 December 1992, Agenda 21, adopted by the United Nations Conference on Environment and Development, the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, the Programme of Action of the International Conference on Population and Development and the World Food Summit Plan of Action, and their implementation of those plans.

The Committee shall address specific measures to promote the protection and regeneration of the environment, enhance food security in Africa, promote sustainable human settlements and deal with issues arising from increased population growth. It shall meet biennially.

4. Committee on Human Development and Civil Society

The mission of the Committee on Human Development and Civil Society shall be to help strengthen civil society and human development. It shall enable the Commission to draw on the opinions of experts in the public and private sectors and civil society. The Committee shall conduct development and follow-up activities pertaining to global and regional action programmes such as the Copenhagen Declaration on

Social Development and the Programme of Action of the World Summit for Social Development and the African Charter for Popular Participation in Development and Transformation. It shall review major trends and issues of regional interest in the areas of human development and civil society and shall assume the functions of the Ministerial Follow-up Committee of Fifteen of the Conference of African Ministers Responsible for Human Development. The Committee shall meet biennially.

5. Committee on Industry and Private Sector Development

The Committee on Industry and Private Sector Development shall serve as a forum for addressing measures to strengthen the private sector. It shall focus on such issues as improving partnerships between the public and private sectors, stimulating private investment and creating a sound legal and regulatory framework for business. The Committee shall monitor and review progress in the industrialization of Africa and shall identify and recommend measures for accelerating the process of industrialization in the region.

The Committee shall assume some of the functions of the Conference of African Ministers of Industry. It shall provide policy and strategy guidance for enhancing programme formulation in pursuit of various aspects of subregional and regional industrial development. It shall also advise on strategies to facilitate Africa's industrial competitiveness through the promotion of complementarity and integration, taking into account global scientific and technological developments. It shall be composed of experts representing each private sector group, such as chambers of commerce, manufacturers' associations, capital market forums, labour and policy makers from relevant government departments. The Committee shall meet biennially.

6. Committee on Natural Resources and Science and Technology

The Committee on Natural Resources and Science and Technology shall assume the functions performed by the African Regional Conference on Science and Technology and the Conference of African Ministers Responsible for the Development and Utilization of Mineral Resources and Energy. It shall be composed of experts in these fields.

The Committee shall serve as a forum for the promotion of cooperation among African countries in the areas of science and technology and development and natural resources and for the provision of advice on science and technology issues relevant to the development of member States. It shall meet biennially.

7. Committee on Regional Cooperation and Integration

The Committee on Regional Cooperation and Integration shall assume some of the functions of the Conference of African Ministers of Trade and Regional Cooperation and Integration. In view of the important role trade plays in regional cooperation and integration, the main focus of this work shall be trade—intra-African and international trade. The Committee shall be composed of experts in the field of international trade and integration drawn from government as well as the private sector.

In addition, the Committee shall promote the implementation of measures designed to strengthen eco-

conomic cooperation and integration among African countries, assist African countries and their intergovernmental organizations in making the policy instruments for economic cooperation and integration of the African region more effective and identify measures to coordinate and harmonize microeconomic and macroeconomic policies among African countries as a prerequisite for accelerating regional economic integration. It shall meet biennially.

C. Conferences proposed for abolition

1. Conference of African Ministers Responsible for Human Development

The Conference of African Ministers Responsible for Human Development is abolished. Its legislative functions shall be assumed by the Conference of African Ministers Responsible for Economic and Social Development and Planning. The functions of its Ministerial Follow-up Committee of Fifteen shall be assumed by the Committee on Human Development and Civil Society.

2. Conference of African Ministers Responsible for Sustainable Development and Environment

The Conference of African Ministers Responsible for Sustainable Development and Environment was created in 1993, when the intergovernmental machinery of the Commission was restructured, with a view to providing legislative guidance for the work of the Commission in the area of Sustainable development and environment. Subsequently, it was found that its mandate duplicated that of the African Ministerial Conference on the Environment, which has a joint secretariat composed of the Economic Commission for Africa, the Organization of African Unity and the United Nations Environment Programme. Consequently, the Executive Secretary of the Commission was requested to undertake consultations on finding ways to resolve the problem of duplication.

The results of those consultations were presented to the Conference of Ministers of the Commission in May 1996. The abolition of the Conference of African Ministers Responsible for Sustainable Development and Environment resolves the problem of duplication with the African Ministerial Conference on the Environment.

3. Conference of African Ministers of Trade and Regional Cooperation and Integration

This Conference of African Ministers of Trade and Regional Cooperation and Integration is abolished to eliminate overlap with both the Economic and Social Commission of the African Economic Community and its Committee on Trade, Customs and Immigration. Some of the functions of the Conference shall be assumed by the newly established Committee on Regional Cooperation and Integration.

4. Conference of African Ministers of Transport and Communications

The last session of the Conference of African Ministers of Transport and Communications shall be in 1999, prior to the end of the Second Transport and Communications Decade in Africa. Thereafter, the Committee on Transport, Communications and Tourism of the African Economic Community shall become the regional forum for discussions on the relevant issues.

5. Conference of African Ministers of Industry

The last session of the Conference of African Ministers of Industry shall be in 2001, prior to the end of the Second Industrial Development Decade for Africa. Thereafter, the Committee on Industry, Science and Technology, Energy, Natural Resources and Environment of the African Economic Community shall become the regional forum for discussions. The newly established Committee on Industry and Private Sector Development shall also focus on industry in the broader context of private sector development.

D. Subsidiary bodies proposed for abolition

1. United Nations Regional Cartographic Conference for Africa

The functions of the United Nations Regional Cartographic Conference for Africa shall be assumed by the Committee on Development Information.

2. African Regional Conference on Science and Technology

The functions of the African Regional Conference on Science and Technology shall be assumed by the Committee on Natural Resources and Science and Technology.

3. Joint Conference of African Planners, Statisticians, Population and Information Specialists

The functions of the Joint Conference of African Planners, Statisticians, Population and Information Specialists shall be assumed by the Committee on Sustainable Development and the Committee on Development Information.

E. Sectoral ministerial meetings

Although several sectoral ministerial meetings are proposed for abolition, the Commission shall convene ministerial meetings on any issue as necessary.

ANNEX I

Terms of reference of the organs of the Economic Commission for Africa dealing with overall development issues

1. Conference of African Ministers Responsible for Economic and Social Development and Planning

The Conference of African Ministers Responsible for Economic and Social Development and Planning shall have the following functions:

(a) To provide legislative mandates and policy guidance for the work of the Economic Commission for Africa;

(b) To consider the programme of work and priorities of the Commission;

(c) To review and analyse the economic and social situation in the region;

(d) To identify and highlight the major economic and social development issues and concerns with a view to promoting policies and strategies for Africa's accelerated development;

(e) To suggest policy measures and actions for implementing various strategies and initiatives, including eliciting the support of the international community in support of that effort;

(f) To undertake periodic reviews of the follow-up to global conferences preparatory to the review and appraisal of the implementation of the relevant programmes of action of these conferences by the Economic and Social Council and the General Assembly;

(g) To conduct periodic reviews of the situation of the least developed countries and submit to the Economic and Social Council and the General Assembly, or any special conference, a report on the situation of the least developed countries in Africa;

(h) To encourage the establishment of appropriate mechanisms at the national, subregional and regional levels to promote the advancement of women;

(i) In close collaboration with the Organization of African Unity and the African Development Bank, to assist member States in promoting regional cooperation and integration, in particular in the implementation of the Treaty Establishing the African Economic Community, signed at Abuja on 3 June 1991;

(j) To foster policy coordination with the Organization of African Unity/African Economic Community on all international economic negotiations;

(k) To undertake a review of the work and the functioning of the subsidiary organs of the Commission;

(l) To review and assess the programme orientation of the secretariat and any recommendations submitted by the Executive Secretary.

2. Intergovernmental Committees of Experts of the Subregional Development Centres

The Intergovernmental Committee of Experts of the Subregional Development Centres shall have the following functions:

(a) To recommend strategies, policies, programmes and projects aimed at enhancing economic cooperation and integration within their respective subregions and with other African subregions, in conformity with the objectives of the African Economic Community;

(b) To submit to the Conference of African Ministers Responsible for Economic and Social Development and Planning the biennial draft programmes of work of the Subregional Development Centres and suggest measures for the successful implementation of those programmes of work. The latter should take into account the activities of the intergovernmental organizations with a view to supporting, not duplicating, those activities;

(c) To monitor through a continuous process and an appropriate mechanism the implementation of the approved programmes of work of the Subregional Development Centres and report thereon to the Conference; in this regard, the Committees shall consider the reports of the Follow-up Committees of the Subregional Development Centres;

(d) To review and analyse the economic and social conditions prevailing in their respective subregions with a view to making appropriate recommendations for measures likely to foster economic cooperation and integration among the countries concerned;

(e) To review and make recommendations on reports of sectoral meetings organized by or with the assistance of the Subregional Development Centres;

(f) To suggest measures aimed at mobilizing resources for the effective implementation of the programmes of the Subregional Development Centres;

(g) To carry out any duties assigned to them by the Conference in connection with their mandate;

(h) To establish liaison with other agencies, organizations and non-governmental organizations at the

subregional, regional and global levels and take into account their relevant recommendations;

(i) To make recommendations to the Conference.

3. Conference of African Ministers of Finance

The Conference of African Ministers of Finance shall have the following functions:

(a) To monitor and evaluate the impact of the international monetary and financial situation on the African economies and propose appropriate remedial action;

(b) To assess regularly the structure and magnitude of Africa's external debts, including the debt-servicing obligations of African countries, with a view to proposing effective measures to alleviate such debts;

(c) To review intra-African monetary and financial cooperation and suggest ways by which resource flows to Africa can be enhanced;

(d) To promote the exchange of information and the sharing of national experiences in dealing with monetary and financial matters;

(e) To devise strategies for strengthening Africa's position in international negotiations on monetary and financial issues.

ANNEX II

Terms of reference of the subsidiary bodies of the Economic Commission for Africa

1. Committee on Women and Development

The Committee on Women and Development shall have the following functions:

(a) To review periodically progress in the implementation of the regional and global platforms for action;

(b) To review and evaluate the activities carried out in the region within the framework of the relevant programmes for the advancement of women;

(c) To harmonize and coordinate the subregional programmes on women in development approved within the subregions;

(d) To report to the Conference of African Ministers Responsible for Economic and Social Development and Planning on the activities and programmes on women in development covered at the subregional and regional levels;

(e) To mobilize resources for the implementation of the programmes of action agreed at the subregional and regional levels;

(f) To participate in the activities and meetings of the United Nations and other relevant bodies;

(g) To organize the exchange of information and experiences on policies regarding the advancement of women in member States.

2. Committee on Development Information

The Committee on Development Information shall have the following functions:

(a) To review and advise on the implementation of "Africa's Information Society Initiative: An action framework to build Africa's information and communication infrastructure", with a view to suggesting measures to accelerate its implementation;

(b) To mobilize funding and technical assistance for the implementation of the Initiative;

(c) To identify and suggest techniques for the application of geographical information for natural resource exploitation and management;

(d) To examine and advise on progress by member States in all aspects of statistical development;

(e) To advise on the establishment of arrangements for the improvement of all aspects of methodology and practice in the areas of statistics, information science and geographical information systems (remote sensing and cartography);

(f) To coordinate training for African personnel in the areas of statistics, information science and geographical information systems.

3. Committee on Sustainable Development

The Committee on Sustainable Development shall have the following functions:

(a) To undertake periodic reviews of the implementation of regional and global programmes of action such as Agenda 21, adopted by the United Nations Conference on Environment and Development, the Programme of Action of the International Conference on Population and Development, the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, and the World Food Summit Plan of Action;

(b) To consider and make recommendations on a multidisciplinary approach to the implementation of the relevant programmes of action;

(c) To promote the formulation of policies and measures for environment protection, food security, improved human settlements and the integration of population variables into development planning;

(d) To provide advice to the Economic Commission for Africa in the formulation of activities for supporting member States in the interrelated areas of food security, population, environment and human settlements.

4. Committee on Human Development and Civil Society

The Committee on Human Development and Civil Society shall have the following functions:

(a) To assist member States in promoting measures to follow up the implementation of the regional and global programmes of action in social and human development and popular participation;

(b) To provide advice to the Economic Commission for Africa in formulating its programmes of work in the area of human development and popular participation;

(c) To encourage the integration of social and human dimensions into development policies, plans and programmes at both the macroeconomic and sectoral levels;

(d) To identify and highlight the major economic and social development issues and concerns with a view to promoting policies and strategies for human development and popular participation in development.

5. Committee on Industry and Private Sector Development

The Committee on Industry and Private Sector Development shall have the following functions:

(a) To assist the Economic Commission for Africa in the articulation of strategies and programmes for private sector development;

(b) To undertake periodic reviews and assessment of progress in implementing strategies for private sector development;

(c) To provide advice to the Commission on orienting its programme of work to give support to member States in fostering private sector development;

(d) To provide a forum where representatives of government and the private sector can share experiences and exchange information on best practices relating to support policy measures for private sector development;

(e) To review and monitor progress in industrialization in Africa;

(f) To identify and recommend measures for accelerating the process of industrialization in the region:

(i) To provide advice and information that will enable the Commission to formulate strategies for subregional and/or regional industrial integration;

(ii) To provide the Commission with advice on the best ways to assist member States in facilitating industrial development, including their promotion of industrial restructuring programmes;

(g) To assess periodically progress made in the industrialization process and in the implementation of integration strategies.

6. Committee on Natural Resources, Science and Technology

The Committee on Natural Resources, Science and Technology shall have the following functions:

(a) To promote measures to facilitate cooperation among African countries in the areas of natural resources, science and technology;

(b) To provide a forum for exchanging information and sharing experiences in these areas;

(c) To assist the Economic Commission for Africa in the formulation of programmes for the development and application of science and technology;

(d) To advise the Commission on ways to strengthen its support to member States in the area of natural resources management.

7. Committee on Regional Cooperation and Integration

The Committee on Regional Cooperation and Integration shall have the following functions:

(a) To undertake periodic review and assessment of Africa's trading position in the world economy;

(b) To identify and highlight major opportunities and constraints in trade and investment for African countries;

(c) To enhance the African trade sector through the adoption of appropriate measures, policies and strategies for the expansion of regional and external trade;

(d) In close collaboration with the Organization of African Unity/African Economic Community, to promote the implementation of measures designed to strengthen economic cooperation and integration among African countries;

(e) To assist African countries and their intergovernmental organizations in making more effective the policy instruments for economic cooperation and integration in Africa;

(f) In close collaboration with the Intergovernmental Committees of Experts of the Subregional Development Centres, to assist the States members of the Subregional Development Centres and their intergovernmental organizations in strengthening the existing institutional machinery for subregional economic cooperation and integration, as well as

strengthening existing institutions for subregional trade cooperation, within the framework of the Abuja Treaty;

(g) To identify measures to coordinate and harmonize microeconomic and macroeconomic policy among African countries as a prerequisite for accelerating regional economic integration.

Rationalization of ECA-sponsored institutions

The ECA Technical Preparatory Committee considered the findings and recommendations [E/ECA/CM.23/5] of the consultative missions mounted by the ECA secretariat as a follow-up to previous studies on the rationalization and harmonization of the ECA-sponsored institutions as well as proposals for a new framework for ECA's relationship with those institutions in the light of the ongoing reforms of the Commission. The recommendations were related to institutions in the cartographic, mapping and remote sensing group; the engineering and industrial technology group; the economic and social development group; the finance and trade group; and the minerals and transport group. In general, the findings of the consultative missions confirmed the recommendations of previous reviews. The Committee endorsed the recommendations submitted.

The ECA Council of Ministers endorsed the recommendations on the rationalization and harmonization of ECA-sponsored institutions [E/1997/37 (res. 827(XXXII))]. It called on governing bodies of institutions whose survival was doubtful due to lack of support to initiate, in consultation with the relevant host Governments, immediate measures towards their closure. It requested the Executive Secretary to identify those institutions with which the Commission would develop close partnership programmes for enhanced synergy and to seek alliances with cooperating partners to support efforts by member States to transform those institutions identified by the Commission into regional centres of excellence.

Multinational Programming and Operational Centres

The ECA Conference of Ministers considered a report [E/ECA/CM.23/6 & Corr.1] entitled "The MULPOCs: strengthening ECA's subregional presence", which contained proposals and recommendations covering all aspects of the MULPOCs' operations, including their mandate, geographical coverage, membership, location of headquarters and policy-making institutional framework.

The Ministers decided [E/1997/37 (res. 828(XXXII))] to rename the MULPOCs "Subregional Development Centres" (SRDCs). Their functions would be to: act as operational arms of ECA at the country and subregional level and as catalysts to

leverage ECA resources; be instruments for ensuring harmony between subregional and regional programme orientations and those defined by the strategic directions of the Commission; provide advisory services to member States, regional economic communities and subregional development operators, with back-stopping from the secretariat and other centres of excellence in the subregions; act as a mechanism to link ECA, member States, regional economic communities, ECA-sponsored institutions and other centres of excellence in the subregion; facilitate subregional economic cooperation, integration and development; promote gender issues; act as centres for policy dialogue; collect and disseminate information; and be coordinators of UN system activities for integration.

The Conference of Ministers also decided that the distribution and membership of SRDCs should be as follows: (a) North African Subregional Development Centre—headquarters: Tangier, Morocco; membership: Algeria, Egypt, the Libyan Arab Jamahiriya, Mauritania, Morocco, the Sudan and Tunisia; (b) West African Subregional Development Centre—headquarters: Niamey, the Niger; membership: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, the Niger, Nigeria, Senegal, Sierra Leone and Togo; (c) Central African Subregional Development Centre—headquarters: Yaounde, Cameroon; membership: Cameroon, the Central African Republic, Chad, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe; (d) Southern Africa Subregional Development Centre—headquarters: Lusaka, Zambia; membership: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe; and (e) Eastern African Subregional Development Centre—headquarters: Kigali, Rwanda; membership: Burundi, Comoros, the DRC, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Seychelles, Somalia, Uganda and Tanzania.

The Ministers appealed to the host countries of the SRDCs to provide the necessary facilities and support, including office accommodation, to reflect the enhanced presence of ECA in the subregions.

Cooperation between SADC and the United Nations

In response to General Assembly resolution 50/118 [YUN 1995, p. 1004], the Secretary-General reported in September [A/52/400] on cooperation between the United Nations and the Southern African Development Community (SADC), describing assistance to southern African countries

by Austria, Ecuador, Germany, Norway, Spain, Sweden and Thailand and by UN organizations.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/630], adopted **resolution 52/204** without vote [agenda item 99].

Cooperation between the United Nations and the Southern African Development Community

The General Assembly,

Reaffirming its resolution 37/248 of 21 December 1982, and all other relevant General Assembly resolutions on the promotion of cooperation between the United Nations and the Southern African Development Community,

Welcoming the strengthening of the Community through the admission of the Democratic Republic of the Congo and Seychelles as member States,

Welcoming also the creation of the Organ on Politics, Defence and Security, as part of the Community, and its role in conflict prevention and the maintenance of peace, which are essential for development within the region,

Recognizing the strengthening of democratic governance and other positive developments, including the consolidation of the peace process and the enhancement of democracy and the respect for the rule of law in the region,

Commending States members of the Community for demonstrating continued commitment to deeper and more formal arrangements for cooperation among themselves,

Reaffirming that the successful implementation of the development programmes of the Community can be achieved only if the Community has adequate resources at its disposal,

Noting that the effects of war, loss of life and destruction of economic and social infrastructures in southern Africa demand the continuation and strengthening of rehabilitation programmes to regenerate the economies of the countries of the region,

Noting with grave concern the recurrence of drought in the areas, the re-emergence of the El Niño phenomenon, with its probable effect of drought, and the risk of increased poverty, in particular in rural areas,

Welcoming with satisfaction the regional Food Security Strategy which regards poverty eradication as a prime concern, and in particular addresses the issues of improving access to food and nutrition,

Recognizing the valuable and effective economic and financial contribution that some organs, organizations and bodies of the United Nations system have made to complement national and subregional efforts to advance the process of democratization, rehabilitation and development in southern Africa,

Noting that the situation in Angola has recently become a source of great concern and that, despite earlier successes in the implementation of certain aspects of the Angolan peace process, that situation is still deteriorating,

Expressing its grave concern at the serious difficulties in the peace process in Angola, caused primarily by the slowness of the União Nacional para a Independência Total de Angola in implementing the Lusaka Protocol,

which are hampering efforts towards economic rehabilitation and national reconstruction as well as regional development projects,

Recognizing the risks, new challenges and opportunities posed by the process of globalization and liberalization on the economies of the region,

Noting the measures being taken by the Community in addressing the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic,

Welcoming the recognition at the regional level of the important role that women play in the development of the region, and taking note of the Declaration on Gender and Development adopted by the Community at its seventeenth Summit Meeting of Heads of State or Government at Blantyre, Malawi, on 8 September 1997,

1. Takes note of the report of the Secretary-General;

2. Commends the States Members of the United Nations and organs, organizations and bodies of the United Nations system that have maintained, enhanced and initiated development cooperation with the Southern African Development Community;

3. Calls upon the States Members of the United Nations and organs, organizations and bodies of the United Nations system that have not yet established contact and relationships with the Community to explore the possibility of doing so;

4. Expresses its appreciation to the international community for the financial, technical and material support given to the Community;

5. Renews its appeal to the international community to maintain current levels of, and increase where appropriate, its financial, technical and material support to the Community in order to enable it to implement fully its programme of action and to meet the reconstruction and rehabilitation needs of the region;

6. Appeals to the international community and to relevant organizations and bodies of the United Nations system to extend appropriate assistance to the Community in order to enable it to advance further the process of regional economic integration;

7. Welcomes the economic and political achievements and reforms undertaken within the Community, including the implementation of its programme of action, which are intended to address better the challenges of regional cooperation and integration now and into the next millennium;

8. Also welcomes the Community's efforts to make southern Africa a landmine-free zone, which resulted from a decision of the Community to de-mine the region and reclaim the land for productive purposes, and in this context takes note of the Declaration on Anti-personnel Landmines issued by the Community at its seventeenth Summit Meeting of Heads of State or Government at Blantyre, Malawi, on 8 September 1997, and appeals to the United Nations, its related bodies and the international community to assist and support the Community in its efforts;

9. Appeals to the United Nations, its related organs and the international community to assist the Community, with the appropriate resources, in implementing the programmes and decisions adopted by various United Nations world conferences, with specific emphasis on the enhancement of the role of women in the development process;

10. Appeals to the international community as well as to the United Nations system to continue to extend much-needed assistance to those countries of the Community that are engaged in the process of national reconstruction so as to enable them to consolidate their efforts to establish a democracy and enhance the implementation of their national development programmes;

11. Expresses its appreciation for the substantial contributions of Member States, United Nations organizations and non-governmental organizations towards meeting the needs of the Angolan people, and encourages additional substantial contributions;

12. Appeals to the international community to comply with all relevant Security Council resolutions on Angola pertaining to the peace process, which, together with other efforts, would facilitate the process of rehabilitation and reconstruction of the Angolan economy;

13. Expresses its conviction of the importance of sound, inclusive development strategies to avoid conflict and dislocation, recognizes the value of international cooperation, peacemaking and peacekeeping efforts, and stresses the need for the international community to continue to assist those countries receiving refugees in coping with the resulting economic, social, humanitarian and environmental challenges;

14. Appeals to the United Nations and the international community to assist in the strengthening of the region's capacity for sustainable water resource management and to respond generously with respect to the drought situation in southern Africa, so that famine may be averted in the region, by supporting the region in its drought preparedness and management strategies, especially through the strengthening of its capacity in drought mitigation, drought-monitoring, early warning and preparedness;

15. Appeals to the United Nations, its related organs and the international community to extend appropriate assistance to the Community Water Sector and to States members of the Community in order that they may advance further in the implementation of the Protocol on Shared Watercourse Systems of 1995 and in their preparations for the Community Water Sector Round-table Conference scheduled for October 1998;

16. Calls upon the international community to consider supporting the creation of special economic zones and development corridors in the Community, especially the Maputo Development Corridor, which is already under implementation with the active participation of the private sector;

17. Requests the Secretary-General, in consultation with the Executive Secretary of the Southern African Development Community, to continue to intensify contacts aimed at promoting and harmonizing cooperation between the United Nations and the Community;

18. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution.

session (Bangkok, Thailand, 23-30 April) [E/1997/38], considered policy issues related to the region, specifically opportunities and challenges into the twenty-first century. Issues considered were: regional economic cooperation; environment and sustainable development; poverty alleviation; transport and communications; statistics; and least developed, landlocked and island developing countries. Also considered were programme planning; strengthening inter-organizational cooperation to promote economic and social development; and technical cooperation activities. Activities of the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission were reviewed, as was the conference structure of the Commission.

The Commission decided to hold its fifty-fourth session in Bangkok in March or April 1998. The theme for that session would be "Asia and the Pacific into the twenty-first century: status of and prospects for social development".

In a message to the 1997 session, the Secretary-General noted that it coincided with the fiftieth anniversary of ESCAP's establishment. Over the past half-century, he said, the region had witnessed a range of dramatic economic, social and political changes and had made remarkable gains in human development. It had emerged as the most rapidly growing region in the world, with a constantly rising per capita income. The result had been impressive technological progress, continued economic advances and increasing integration into the global economy. At the same time, the region was home to the largest number of poor people, and conditions conducive to sustained economic growth were not in place in many countries. The greatest challenge ahead was to ensure that the economic and social dynamism that characterized some areas would spread throughout the region.

In a policy statement, the ESCAP Executive Secretary stated that the Commission's fiftieth anniversary was an occasion to reflect on the future course of ESCAP and on ways to make it more responsive to the needs of the vast region. Continuing efforts were needed to strengthen existing arrangements for regional and subregional economic cooperation, to which ESCAP should contribute by bringing countries together to share experiences and know-how. ESCAP's role in operational activities should meet the needs of the region's disadvantaged economies, and programmes should address more directly the different needs of countries at various stages of development, possibly on a tripartite basis. Citing a new conference structure, the Executive Secretary stated that reforms could enhance the rele-

Asia and the Pacific

The Economic and Social Commission for Asia and the Pacific (ESCAP), at its fifty-third

vance of ESCAP to its membership and streamline its work. A partnership with civil society was needed, including the private sector and non-governmental organizations (NGOs).

Economic trends

According to a summary of the economic and social survey of Asia and the Pacific [E/1998/13], the slowdown of world trade in 1997, particularly in sectors of major export interest to the developing countries of the region, was a factor in sharply widening the current account balance-of-payments deficits of a number of countries. That and the decline in 1996-1997 in the inflow of capital to developing ESCAP countries were two major elements in the international economic situation that had adversely affected the economies of the region and led some of them into serious crisis. Although the trade slowdown affected most economies, the reduced private sector financial flows affected the East and South-East Asian economies the most, while reduced aid flows impinged most on the least developed and the Pacific island economies. The economic performance of the least developed countries (LDCs) of the region (other than the five in the Pacific) remained relatively strong in 1997. Although growth prospects remained uncertain for some, most had striven to stabilize their economies and to improve medium-to-longer-term growth prospects by implementing stabilization and structural reform measures. In that regard, measures were under way to reduce budget and balance-of-payments deficits, reduce price inflation and improve saving-investment performance through greater mobilization of domestic resources. Trade, investment and financial sector reforms were being carried out to improve overall performance, and the private sector was being encouraged to play a larger and more active role in the saving-investment and production processes.

As for policies for growth and stability, the need for greater regional cooperation had been more urgently felt in the wake of the recent financial crises. So far, there had not been much progress on the proposed Asian fund, which merited serious consideration. Greater regional cooperation was also needed to address financial sector regulation, the setting of common prudential standards for that sector, and an early warning system for the appearance of significant non-performing banking assets or of other financial sector risks. Governments in the region might also explore the feasibility of establishing a private international credit insurance scheme dealing with cross-border financial claims.

Subregional economic performance

In 1997, the economic performance of the Pacific island nations continued to reflect the diversity of their economic structures, resource endowments, level of development and ability to respond to the external and internal shocks to which they were frequently subjected. The 3 per cent growth rate achieved in recent years did not match population growth rates and permitted almost no improvement in living standards. Although some countries had achieved somewhat higher growth rates in 1996 due to improved international prices for several commodities, prospects in 1997 were uncertain because prices for agricultural commodities and primary raw materials on which they substantially depended showed divergent trends.

Most economies of North and Central Asia had reversed the economic decline that had prevailed since the beginning of the 1990s, and they were on the path to positive growth. The Russian Federation recorded positive gross domestic product (GDP) growth in 1997, but Turkmenistan's economy further contracted owing to huge shortfalls in cotton and natural gas production, with spillover effects on the rest of the economy. The recent positive achievements of the region's economies reflected progress towards organizational, institutional and policy reforms started some years earlier to turn those formerly planned economies into modern market economies. The success of economic reform was most visibly reflected in the reduction of inflation rates and the stabilization of interest and exchange rates. With the restoration of stability, those economies were expected to receive further boosts in investment and growth through the year 2000.

In South and South-West Asia, GDP growth was relatively strong and steady, at 6 to 7 per cent in 1996-1997 in India, Iran and Turkey. In Pakistan and Sri Lanka, growth decelerated considerably in 1996, though Sri Lanka was expected to recover in 1997. The overall performance of countries in the subregion was considerably influenced by weather conditions affecting agricultural production, given the still large share of that sector in the economy. Industrial production responded well to recent policy reform and restructuring measures. However, industrial output expansion in many countries was severely constrained by power shortages and other infrastructure weaknesses. Service sectors were more resilient and contributed significantly to overall growth. Increased private sector participation in investment tended to strengthen that area, though investment rates continued to be generally low. Stagnant domestic savings rates and failure to attract foreign capital to any significant extent restrained investment

growth. Relatively high rates of inflation prevailed in Iran, Turkey, Pakistan and Sri Lanka. India, on the other hand, succeeded in lowering its inflation rate significantly.

In 1997, the economies of South-East Asia continued to perform strongly, with GDP growth rates only slightly lower than the 1991-1995 average, although Brunei Darussalam, the Philippines and Viet Nam achieved higher growth rates. However, those economies were adversely affected by the significant deceleration in world trade growth in 1996, particularly those sectors of importance to South-East Asian exports. Thailand was among the economies most affected, with its growth rate declining by nearly 2 percentage points, though the economy still registered a GDP growth of 6.7 per cent in 1996. Singapore's growth rate declined from an 8.5 per cent average in the first half of the 1990s to 7 per cent in 1996. The slowdown in GDP growth also highlighted certain weaknesses in the economies, mainly the widening current account deficits during 1994-1996. Since many currencies of the region were linked to the United States dollar, which had appreciated significantly against other major currencies, exports were affected adversely while imports were encouraged. A loss of creditor confidence in the financial system and in the ability of countries to repay debt caused a crisis, which affected a number of countries. Currencies came under serious pressure and were allowed to float during the second half of 1997, starting with the Thai baht in July. After that, currencies floated down precipitously, requiring some countries to negotiate financial assistance packages with the International Monetary Fund (IMF). The economies of China, Hong Kong and Taiwan Province of China were least affected by the financial turmoil in the region, although the latter two suffered bouts of instability. The Chinese yuan renminbi and the Hong Kong dollar remained stable throughout the crisis. The Republic of Korea was by far the worst-affected economy in the East Asian region, and was compelled in November to apply for IMF assistance. In response, IMF organized one of the largest financial rescue packages ever, amounting to \$57 billion. For China, prior to the financial turmoil, the principal concern was the need to moderate inflation without overly restraining the momentum of growth.

Of the three developed countries in the region—Australia, Japan and New Zealand—Australia's economic performance remained strong, with GDP growth rates expected to exceed 3 per cent in 1997. Budget and balance-of-payments deficits were reduced, inflation was low and government policies were adjusted to correct some

weaknesses in the economy. Japan's economy almost stagnated in 1997 after recovery from a prolonged recession, and New Zealand's slowed to a growth rate of 1.5 per cent in 1997, from a level of above 2 per cent in the previous two years. A demand slump in both countries was a common cause for the slowdown, but the Japanese economy had deeper structural problems and persistent difficulties in the financial sector.

Activities in 1997

ESCAP activities in 1997 were carried out under the six thematic subprogrammes approved by the Commission in 1994 [YUN 1994, p. 720]: regional economic cooperation; environment and sustainable development; poverty alleviation through economic growth and social development; transport and communications; statistics; and least developed, landlocked and island developing countries.

Development policy and regional economic cooperation

At its 1997 session, ESCAP considered a secretariat note [E/ESCAP/1045] entitled: "Asia and the Pacific into the twenty-first century: opportunities and challenges for the ESCAP region", which reviewed the ESCAP agenda as it approached the twenty-first century in the light of the emerging globalization and regionalization processes.

The Commission agreed that countries of the region would need to continue to liberalize policies and adapt and adjust to emerging conditions, including through prudent fiscal policies to avoid chronic fiscal deficits; a sound macroeconomic framework; steady investment in infrastructure; a flexible labour market; transparent and consistent legal and regulatory frameworks; and education and training to build up human resources capabilities. ESCAP should continue to provide policy recommendations to developing members and associate members, as well as advisory and technical services, particularly for LDCs, Pacific island States and economies in transition. ESCAP should facilitate the process of strengthening regional cooperation and develop closer relations with multi-channelled and multi-tiered intraregional and interregional cooperation mechanisms in the region. Developing countries should be assisted in developing "soft" infrastructure for trade and investment, including administrative and legal regimes. The Commission supported the ESCAP/Economic Commission for Europe (ECE) initiative to assist Central Asian economies and a joint ESCAP/ECE special programme for those economies.

The Commission recommended that ESCAP continue to accord high priority to the integration of LDCs, Pacific island economies and transition economies into the regional flows of trade and investment. Developed and more dynamic countries of the region should promote private capital flows to disadvantaged groups of countries within the context of industrial restructuring and relocation. Regional cooperation would help to reduce the gap in socio-economic development within and among countries and areas. Resources should be channelled to social investments to ensure sustained development and more equitable distribution of development benefits among all population groups, especially the poor, women and other disadvantaged and vulnerable groups. An efficient intra-Asian land-based transport system was needed to facilitate trade, investment and tourism flows. Priority should be given to the Asian land transport infrastructure development project in the New Delhi Action Plan on Infrastructure Development (see below), as well as to environment and natural resources development and management. Agenda 21, adopted by the 1992 Conference on Environment and Development [YUN 1992, p. 672], should be implemented with renewed vigour, with assistance directed to members and associate members through studies, advisory services, training, exchange of experience, institutional networking and twinning of institutions in developed and developing countries. ESCAP should develop a framework to chart the direction of its future work on development cooperation in the region in the twenty-first century.

The Commission had before it reports on the third session of the Committee on Poverty Alleviation through Economic Growth and Social Development [E/ESCAP/1055]; the implementation of resolutions and decisions relating to poverty alleviation through economic growth and social development [E/ESCAP/1056]; and the Regional Coordination Centre for Research and Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific [E/ESCAP/1057].

The Commission recommended that ESCAP continue to assist Governments in implementing the Agenda for Action on Social Development in the ESCAP Region [YUN 1994, p. 714] so as to enhance social development policies and programmes. Support to Governments should be strengthened in the targeting of programmes for social protection for the poor and in the decentralization of the social sector through partnerships with local-level organizations, and in devising an integrated and holistic approach to poverty alleviation, especially through studies on the social im-

pact of development projects. A regional strategy or programme of action on poverty alleviation should be adopted. Women's issues should be integrated into each subprogramme and the ESCAP secretariat should mainstream gender perspectives in all its policies and programmes without marginalizing the women's sector in the process of UN reform. Education, training and employment for the rural and urban poor, women, youth and other marginalized social groups should be promoted, particularly in the least developed and landlocked countries. National youth policies and programmes should focus on skills development and productive employment. Ways should be sought to promote the Agenda for Action for the Asian and Pacific Decade of Disabled Persons, 1993-2002. Implementation of regional guidelines was needed to promote non-handicapping environments for disabled and elderly persons. Research should be conducted on the root causes of poverty, including an inter-country policy analysis of various poverty alleviation strategies.

The Committee for Regional Economic Cooperation, at its sixth session (Bangkok, 12-14 March) [E/ESCAP/1049], recommended: the development of discussion papers on various aspects of trade efficiency; assistance in evolving national strategies for human resources development in information technology, in providing computer education and training for youth in the least developed and island economies, and in promoting the use of information technology by small and medium-sized industries; and in-depth studies of cross-border trade.

Senior policy makers and managers from the public and private sectors should be made more aware of regional linkages in trade and finance through studies and advisory and training services, including technical cooperation among developing countries (TCDC) arrangements. Priority should be given to promoting technology flows to developing countries, developing country access to new and advanced technologies, technological partnering, and using technology as a vehicle for poverty alleviation. In cooperation with the Asian and Pacific Centre for Transfer of Technology, ESCAP should prepare an inventory of environmentally sound technologies and implement the recommendations of the 1996 Seminar on Poverty Alleviation through Technological Capacity-building. Developing countries should be assisted to accede to the World Trade Organization (WTO) and to evolve a shared proactive agenda for further trade liberalization.

The Commission, in endorsing the report of the Committee, supported ESCAP initiatives in

trade efficiency in air cargo movement, information technology and cross-border trade and transactions. Regional economic cooperation was needed in response to globalization and liberalization, and in trade investment; science and technology, including information technology; and human resources development. Recognizing the importance of subregional cooperation in spreading the growth momentum and accelerating socio-economic development, the Commission requested continued efforts to promote inter-subregional linkages, particularly between North-East and South-East Asia. Discussion papers should be developed on various aspects of trade efficiency, and expert meetings organized on electronic commerce, including electronic data exchange; adoption of standards; laws and regulations on electronic commerce; and trade process re-engineering to simplify trade procedures in the region. In promoting regional cooperation in information technology, ESCAP should concentrate on human resources development, use of information technology by small and medium-sized industries, technology-blending and computer education and training for youth in least developed and island developing economies. Technical assistance to developing countries should support trade liberalization, particularly in the context of multilateralism and WTO, and studies should be undertaken on the relationship between multilateral environmental agreements, particularly those requiring the transfer of environmentally sound technologies to developing countries, and WTO agreements, such as the Agreement on Trade-related Aspects of Intellectual Property Rights.

Least developed, landlocked and island developing countries

The Commission endorsed the report of the Special Body on Least Developed and Landlocked Developing Countries on its third session (Bangkok, 21-22 April) [E/ESCAP/1064]. It noted the structural adjustment programmes and steps towards economic reform undertaken by LDCs. Domestic resources had been mobilized, the effectiveness of the public sector had been enhanced, and greater opportunities for the private sector had been provided. Sustainable economic growth required coordinated design and implementation of macroeconomic policies by key government institutions. There was a need to strengthen the capability of the central bank, the ministry of finance and the planning body, and human resources development programmes were required for that purpose. Further attention should be devoted to those LDCs facing additional constraints in trade and investment and in-

dustrial and infrastructure development because they were landlocked, which placed additional burdens on them in terms of transport costs and hazards. ESCAP should intensify efforts to implement and monitor programmes to address the specific problems of the least developed and landlocked developing countries, including the economic policy framework, external trade and investment, foreign direct investment, external finance and management of external debt.

Special problems of Pacific island countries

The Special Body on Pacific Island Developing Countries, at its fourth session (Bangkok, 18-19 April) [E/ESCAP/1063], adopted a set of conclusions and recommendations on the implications of recent developments for the trade and investment of Pacific islands and the coordination of development policy management. Particular attention was paid to problems facing small island States considering WTO membership, principally concerning the burden of payment of dues in relation to the size of the domestic economy, the limited human resources available to analyse the agreements and ensuing obligations, and the substantial changes in domestic laws required to execute those obligations. The economies of the Pacific island States had to become more competitive as their protection through preferential agreements eroded and as they undertook efforts to expand and diversify export products and markets. There was a call for greater exchange of experience between the Pacific and Asia, including through economic cooperation among developing countries (ECDC)/TCDC programmes and projects. The Special Body recommended wider discussion of issues raised in the area of coordination of development policy management and endorsed the programme of work for 1998-1999.

In endorsing the Special Body's report, the Commission recognized that Pacific island countries would continue to rely on international assistance as they made adjustments to their economies, and urged international agencies and donors to continue their aid. It also recognized that Pacific island countries would continue to require assistance on WTO issues and underlined the need for coordination among concerned agencies in that regard. ESCAP played a vital role as a bridge between Pacific island countries and Asian economies, especially in facilitating the sharing of development experience, such as in management development policy, trade and investment. TCDC and other tripartite arrangements were a useful means of achieving that objective. Pacific island countries should make more use of the training facilities and other programmes available to them.

Economic and technical cooperation

In 1997, ESCAP received \$22.18 million in contributions for technical cooperation activities—\$7.9 million from within the UN system, \$13.01 million from bilateral donors and developing members and associate members, and \$1.27 million from other organizations. The total was a decrease of some \$ 1.08 million from the previous year. Australia, Finland, France, Germany, Japan, the Netherlands, New Zealand and the United States were the largest contributors among developed nations, while China and the Republic of Korea were the largest contributors among developing member countries. In addition to cash contributions, donors and developing members provided 336 work-months of services. During the year, 92 technical assistance projects were initiated, with a value of \$8.2 million.

Technical cooperation among developing countries

The Commission considered a secretariat document [E/ESCAP/1069] on progress in the implementation of TCDC/ECDC activities and the obstacles encountered, as well as extrabudgetary-funded technical cooperation activities and the resource constraints experienced by ESCAP in promoting those activities. A number of TCDC focal points were not very active in some countries and did not exist in some Pacific island countries, contributing to the lack of awareness of TCDC opportunities and of those implemented for their benefit. In other cases, a lack of commitment to TCDC by the least developed, landlocked and island developing countries resulted in the inadequate provision of human and financial resources for TCDC activities. ESCAP held workshops for TCDC national focal points from selected Pacific island developing countries and for selected LDCs and disadvantaged economies in transition to sensitize them to TCDC and its benefits. In 1997, ESCAP signed a memorandum of understanding with Singapore for a third-country training programme. Negotiations were taking place for a similar arrangement with Malaysia.

The Commission urged the strengthening of ESCAP's TCDC programme to realize the potential of TCDC/ECDC in the promotion of the socioeconomic development. Priority requirements of the Pacific island countries should be taken into account when organizing future training programmes for those countries.

Transport and communications

Transport and Communications Decade for Asia and the Pacific

The Commission had before it a secretariat note [E/ESCAP/1059] containing an evaluation of

phase II (1992-1996) of the Transport and Communications Decade for Asia and the Pacific, proclaimed by the General Assembly in resolution 39/227 [YUN 1984, p. 624] and extended in 1991 [YUN 1991, p. 312].

The evaluation revealed that the Decade's programme of action was beyond the practical capabilities of ESCAP, and the decision to limit the second phase of the Decade to a regional action programme was a step in the right direction. There was a lack of coordination between ESCAP and UN agencies in developing a common approach, with the result that each agency identified and selected projects without reference to Decade objectives. In addition, coordination meetings and meetings of ministers responsible for transport and communications were not held. ESCAP's programme did not fully reflect the objectives of the Decade; however, implementation of its regional action programme during phase I (1985-1989) had been fairly successful. Substantive activities had been successfully implemented and, in some sectors, quality of outputs was high. Considerable progress was also achieved during phase II, but the scope and pace of implementation had been seriously affected during the last two years by a shortfall and uncertainty of resources from the United Nations Development Programme (UNDP). A number of proposals were made to implement effectively the regional action programme of the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific.

The Commission, in endorsing those recommendations, strongly urged that "lessons learned" be kept in mind. To ensure greater involvement, ownership and commitment by member Governments, projects should involve selected countries that had a matching national project or activity fitting the objectives of regional projects. Implementing agencies should be responsible for regional aspects, and member countries for country-level activities. The Commission expressed concern over the reduced level of financial support for the regional action programme and urged UNDP, other international organizations and agencies and all countries to give high priority to the Action Plan in their assistance programmes.

Infrastructure and communications

The Commission endorsed the recommendations of the 1996 Ministerial Conference on Infrastructure [YUN 1996, p. 894], including the New Delhi Declaration on Infrastructure Development in Asia and the Pacific, and the activities planned for phase I (1997-2001) of the regional action programme approved by the Conference.

It reiterated its support for the Asia land transport infrastructure development (ALTID) project as a priority item in the New Delhi Action Plan and its commitment to intra-Asia and Asia-Europe land bridges. Other projects that should be carried out as soon as possible included: the development of a container transport demonstration project in the northern corridor of the Trans-Asian Railway routes; a study on Trans-Asian Railway development in the southern corridor of Asia-Europe routes; and studies on the road network linking China, Kazakhstan, Mongolia, the Russian Federation and the Korean peninsula, and on Trans-Asian Railway development in north-south corridors. The importance of developing national programmes in support of the ALTID project was also stressed. Transit facilities to least developed and landlocked countries should be accorded high priority. ESCAP should assist member States in developing a comprehensive, integrated and interactive approach to policy development in traffic, transport and infrastructure aimed at sustainable transport, enhancing economic growth, controlling mobility and preserving nature and the environment. To make the Asia Infrastructure Development Alliance more effective, ESCAP should play an active role in its functioning and encourage more countries to join it. The Commission noted the increasing commitment of member Governments towards creating a more commercial environment in the transport sector through enhancing productivity and increasing the participation of the private sector. High priority should be accorded to inland water transport and coastal shipping.

Tourism

The Commission reaffirmed the important role of tourism in the socio-economic development of the Asian and Pacific region, and endorsed the recommendations and decisions of the 1996 Intergovernmental Meeting on Tourism Development [YUN 1996, p. 899]. It noted the suggestion that those recommendations and decisions should be translated into a plan of action as a framework for member countries to cooperate and promote tourism. The Commission supported the Meeting's view that tourism should be given high priority in the ESCAP programme and included in the title of the subprogramme on transport and communications. It also supported activities to promote sustainable tourism development and requested ESCAP to place special emphasis on activities related to the economic impact of tourism, environmental management of tourism development, infrastructure development and investment, human resources develop-

ment in the tourism sector, facilitation of travel to expand intraregional tourism, and regional and subregional promotion of tourism, with specific emphasis on areas not dealt with adequately by other organizations.

Noting that Malaysia had completed a long-term plan on ecotourism development, the Commission recommended that ESCAP should, in collaboration with the World Tourism Organization, encourage national plans to protect and preserve the environment while promoting tourism. It stressed the importance of promoting ecotourism and tourism linked to historical and cultural heritage. Particular attention should be given to the specific needs of countries in an early stage of tourism development, as well as to Pacific island countries. The Commission requested that the secretariat strengthen its catalytic role in promoting TCDC in tourism, as well as its working relationships with the World Tourism Organization and other organizations involved in tourism, to avoid duplication of effort. Donors should support the implementation of the New Delhi Action Plan on Infrastructure Development in Asia and the Pacific, particularly activities prioritized by member countries. The Commission agreed that the Committee on Transport and Communications should be renamed the Committee on Transport, Communications, Tourism and Infrastructure Development.

Industrial and technological development

The Commission considered a report [E/ESCAP/1078] on institutional framework and policy dialogue to promote industrial restructuring in the Asian and Pacific region. It described developments relating to implementing the recommendation of the 1992 Seoul Plan of Action for Promoting Industrial Restructuring in Asia and the Pacific [YUN 1992, p. 486] for the creation of a facility to conduct a dialogue to promote industrial restructuring in the region. The consensus seemed to suggest that there was no need for a new institutional mechanism or body to perform the function of a regional forum, and that an informal forum could be set up and serviced by the ESCAP secretariat within existing resources.

The Committee for Regional Economic Cooperation, at its sixth session (Bangkok, 12-14 March) [E/ESCAP/1049], discussed the establishment of an informal forum and concluded that its terms of reference were too broad and needed revision.

The Commission emphasized the importance of industrial restructuring in promoting international competitiveness and regional integration, and stressed that an informal regional forum to promote industrial restructuring could play a

useful role in promoting dialogue among policy makers, private sector representatives and professional experts and could serve to supplement national efforts in implementing structural changes in the industrial sector. Non-polluting and environmentally sound industrial relocation should be promoted. Governments should switch from a reactive to a proactive approach, creating regulatory and incentive regimes to induce industrial enterprises to evaluate alternative production techniques while undertaking restructuring. The Commission supported a proposed pilot project in three countries to demonstrate how industrial restructuring could be effected in small and medium-sized enterprises and agro-based industries through integrated environmentally sound technology transfer services.

The Commission also considered a report [E/ESCAP/1071] on the 1996 activities of the Asian and Pacific Development Centre (Kuala Lumpur, Malaysia).

Natural resources

Mineral resources

The Commission considered the report of the Coordinating Committee for Coastal and Off-shore Geoscience Programmes in East and Southeast Asia (CCOP) [E/ESCAP/1072].

CCOP had made significant progress in developing the human resources and technology of its member countries for geoscientific advancement, particularly in the areas of energy, minerals, coastal zones and geohazards. In the energy sector, projects related to resource evaluation and planning, reservoir management and pre-Tertiary geology had been initiated. In the mineral sector, efforts continued towards training in the application of computer technology to regional map compilation and interpretation of geoscientific data. The Programme on Geoscience for Integrated Coastal Zone Management and Development of Southeast and East Asian Coastal Zones, launched in 1995, continued to make significant progress, with the holding of roving seminars and task force meetings. In the geohazard sector, attention was focused on natural hazard mitigation and prevention.

The Commission noted the strong commitment of CCOP member countries and the support of cooperating countries and organizations. It also noted that the financial position of CCOP had improved considerably. Cooperating countries should continue to provide technical expertise to enhance human resources development related to geosciences in the region.

Mekong River Basin

The Commission had before it a secretariat note [E/ESCAP/1073] transmitting the report of the Mekong River Commission (MRC), established in 1995 [YUN 1995, p. 1017]. The Commission noted that MRC was continuing to shift from national to Basin-wide or regional priorities, and to carry out its work following a programmatic and strategic approach, with the future formulation of the Mekong Basin development plan as a planning tool. The plan was to be a comprehensive one, with a broad vision on many aspects to guide water management activities. UNDP and other international agencies and donor countries should provide increasing financial and technical support to MRC, so that the development of the water and related resources of the Mekong River Basin could continue well into the future.

Agriculture and rural development

The Commission considered a report on the Regional Coordination Centre for Research and Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific [E/ESCAP/1057]. Major developments in 1996 were summarized, as were issues calling for action by the Commission. Implementation of programmes in 1996, planned activities for 1997 and the financial status of the Centre were discussed.

The Commission recommended strengthening Centre activities to achieve poverty alleviation through the establishment of a network with national, regional and international agricultural research and development institutes and organizations. Research and development should take place on agricultural diversification, sustainability of upland agriculture, market development of upland crops, and effects of trade liberalization on agriculture. The Centre should conduct workshops and training courses to advance socio-economic studies and policy formulation in agriculture.

The Commission expressed concern over the continuing fragile condition of the institutional support resources; a substantial increase in the contributions of members and associate members was needed, as well as timely payment of such contributions. Expert services should be provided by Governments, donor agencies and partner institutes, preferably in the form of non-reimbursable loans.

The Commission also considered a report on the Regional Network for Agricultural Machinery (RNAM) for the period April 1996 to April 1997 [E/ESCAP/1077]. The Commission noted RNAM activities on testing of post-harvest and food-processing technologies for rural women;

training of trainers for entrepreneurship so that rural women could operate small agribusinesses; operation, repair and maintenance of agricultural machinery; a regional workshop on databases for agricultural machinery; and blacksmithing courses in selected LDCs.

RNAM should assist participating countries in developing appropriate machines for rice transplanting, as well as for soil and water conservation, and in holding regional agricultural machinery exhibitions and symposia.

Science and technology

The Commission considered a report on the Asian and Pacific Centre for Transfer of Technology [E/ESCAP/1051], expressing appreciation for its activities in support of technology-related institutions, intermediaries and enterprises in upgrading their indigenous capabilities, especially for the transfer of environmentally sound technologies to small and medium-sized enterprises. It recognized that the Centre had been working in partnership with the private sector and urged it to continue that effort on a fee-charging basis. It noted the Centre's activities in environmental management and urged it to further assist small and medium-sized enterprises in adopting International Organization for Standardization 9000 and 14000 concepts, including life-cycle assessment and eco-labelling. It proposed that the Mechanism for Exchange of Technology Information (METI) network should cover aspects of clean technologies and that national data banks and networks should be connected to the Centre's METI database. The Centre should strengthen activities to promote technology management, evaluation, assessment and the licensing of technology, as well as promote research and development, and cooperation among enterprises to blend indigenous and imported technologies. Participating countries should consider the secondment of professional staff to the Centre, increase efforts to meet its institutional costs and establish an endowment fund.

Social development

The Commission noted progress made by ESCAP in implementing its resolution 51/4 [YUN 1995, p. 1020] in the context of the Programme of Action of the 1995 World Summit for Social Development [YUN 1995, p. 1115].

The Commission stressed the need for cross-border collaboration to prevent HIV/AIDS and other communicable diseases, including the development of an area-specific information system and effective community-based prevention strategies.

ESCAP was working to strengthen organizations of disabled people and to promote their participation in the development process. It was including gender dimensions in implementing the Agenda for Action for the Asian and Pacific Decade of Disabled Persons, 1993-2002 [YUN 1993, p. 621]. The ESCAP Guidelines for the Promotion of Non-handicapping Environments for Disabled Persons were being promoted, and a regional publication was being prepared on indigenous production and distribution of devices to assist people with disabilities. ESCAP was also facilitating the Decade-focused work of the Regional Inter-agency Committee for Asia and the Pacific Subcommittee on Disability-related Concerns. A meeting of senior officials to mark the mid-point of the Decade was held in Seoul, Republic of Korea, from 26 to 29 September.

A regional network of national centres of excellence for human resources development research and training had been launched, and national and local organizations were providing literacy training for women. An expert group meeting to review phase III of the Jakarta Plan of Action on Human Resources Development in the ESCAP Region [YUN 1988, p. 282] was held in Bangkok in March.

The Fifth Asian and Pacific Ministerial Conference on Social Development (Manila, Philippines, 5-11 November) [E/ESCAP/1096] reviewed progress achieved towards attaining the goals and targets of the Agenda for Action on Social Development in the ESCAP Region, in the context of the Programme of Action of the World Summit for Social Development. While acknowledging the progress and continuous efforts made by many countries in poverty alleviation, employment generation and social integration, it noted with concern the social challenges that remained. It noted the "Message to Manila", issued at the NGO Forum on Social Development in Asia and the Pacific (Kuala Lumpur, September). The Conference recognized the social development repercussions of international economic volatility and agreed that the impact of the financial crisis in some parts of the region on the population at large should be monitored. Also, steps should be taken to ensure that social development targets and goals were not adversely affected by corrective economic measures being undertaken or planned. Proposals were made for national action and regional cooperation to accelerate implementation of the Agenda for Action in the light of current and emerging social development challenges in the region.

The Conference adopted the Manila Declaration on Accelerated Implementation of the Agenda for Action on Social Development in the

ESCAP Region. Annexed to the Declaration were recommendations for national action on planning and target-setting, mobilizing enablers and institutional support, mobilizing resources, capacity-building through human resources development, and monitoring and evaluation, as well as for regional and international action in support of national action and for follow-up action.

Children and youth

The Commission adopted a resolution [E/1997/38 (res. 53/4)], in which it encouraged member and associate member Governments to mobilize their agencies and civil society in combating sexual exploitation and sexual abuse of children and youth in their respective countries and in tourist destinations. They were also encouraged to suggest areas for technical cooperation programme development and implementation, including enforcement practices in combating prostitution and trafficking in children and youth; to encourage the tourism industry in their respective countries to adopt mechanisms to prevent sex tourism involving children and youth; and to pay attention to the deterrence and punishment of sexual exploiters of children and youth. Under the principle that a crime against a child anywhere should be a crime everywhere, as recommended by the Amsterdam Child Labour Conference (February 1997), all member States should ensure that sexual abuse and exploitation of children and youth were never tolerated and should take action to prosecute sexual exploiters of children and youth. Programmes and projects should be implemented to take into account the best interests of children and youth and to promote the protection of their rights, in accordance with international standards and agreements. Donor Governments and agencies should be encouraged to prevent the sexual exploitation and sexual abuse of children and youth, and to assist victims of such exploitation and abuse in reintegrating into communities and families, obtaining access to education, health and social services, and developing skills for alternative means of livelihood.

The Commission requested an inventory of data on the commercial sexual exploitation and sexual abuse of children and youth in the region, the extent and measures taken to stop the practice, and the range of health and social services available to them. The Commission requested the Executive Secretary to enhance the capabilities of social service and health personnel, through relevant gender-sensitive training, in assisting young victims of sexual exploitation and abuse in being reintegrated into society.

Women in development

On 30 April, the Commission adopted a resolution [E/1997/38 (res. 53/2)] on the implementation of the 1995 Beijing Declaration and Platform for Action for the advancement of women [YUN 1995, p. 1170]. Members and associate members were asked to accelerate implementation of the Declaration and Platform for Action in coordination with the Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific [YUN 1994, p. 716] by: strengthening national machineries for the advancement of women to enhance their role in mainstreaming a gender perspective into national plans and policies, policy formulation and planning, monitoring and evaluation, and in information and communications; and preparing and implementing national strategies and plans of action for the Platform for Action. They should enhance cooperation, collaboration and partnership among all levels of government and civil society, including NGOs and community-based organizations. The Commission urged donor countries, the private sector, funding agencies and regional and international financial institutions to assist developing countries, particularly the least developed, landlocked and island developing economies and the disadvantaged economies in transition, to implement both declarations and action plans.

The Commission requested the Executive Secretary to implement the recommendations on strengthening regional mechanisms adopted at the 1996 Regional Meeting on Strengthening National Machineries for the Advancement of Women and to convene a regional meeting of national machineries for the advancement of women every two years. Viet Nam would be asked to host the 1998 meeting. The Executive Secretary should continue to: promote measures to alleviate and eradicate the feminization of poverty, particularly by increasing access to productive resources, capacity-building, empowerment and social mobilization; convene, in cooperation with relevant UN agencies, a regional conference on trafficking in women and children; and promote TCDC by urging developing countries in Asia and the Pacific to contribute resources to accelerate the implementation of the Platform for Action.

Environment and sustainable development

The Commission, in 1997, endorsed the report of the Committee on Environment and Sustainable Development on its third session (Bangkok, 7-11 October 1996) [E/ESCAP/1052], which focused on a review of implementation in the ESCAP region of the outcome of the UN Conference on Environment and Development [YUN 1992, p. 670]. The Commission noted that considerable pro-

gress had been achieved in the Asian and Pacific region, at national and regional levels, in the implementation of Agenda 21. However, it noted that the lack of adequate financial resource allocation and of significant progress in the transfer of environmentally sound technologies and capacity-building were the main constraints to the implementation of Agenda 21 and the achievement of sustainable development.

While technology transfer had been implemented by the public and private sectors, Governments of developed and developing countries could assist in that process through workshops, demonstration projects, training, and developing strategies for ongoing commercial activities, as well as by specific incentives and policies, fiscal or otherwise, to transfer environmentally sound technologies to developing countries. In relation to building local capacity, more attention should be given to technology cooperation and partnerships between developed and developing countries and to promoting and using environmentally sound indigenous technologies and related knowledge that existed in developing countries of the region. The Commission concluded that further efforts should be made to increase levels of official development assistance. New and additional financial resources should be provided, and full implementation of Agenda 21's recommendations on technology transfer was urged. The Commission encouraged private sector participation for investment in infrastructure development and community participation to ensure that the poor had access to and could afford safe drinking water. The Commission called for more effective integrated water resources development and management practices and economic measures for more efficient use of water resources, including appropriate water-pricing policies and reuse of waste water. It expressed concern over the trend of increasing pollution of freshwater resources from various uses, especially in rapidly expanding urban areas and by industries.

The Commission observed that, owing to resource constraints, fossil fuels, particularly coal, would be used increasingly in many countries, resulting in environmental problems such as air and water pollution and waste disposal. An environmental plan, including the application of clean-coal technology, should be implemented. ESCAP should strengthen its activities, including TCDC, in new and renewable sources of energy.

The Commission recommended strengthening the framework of policies related to mineral resources development and management, including the promotion of private sector participation, and urged assistance to member coun-

tries in formulating and implementing effective policies and programmes to ensure a sustainable mineral supply. The Commission expressed support of ESCAP initiatives in promoting sub-regional cooperation in mineral resource assessment and development in North-East Asia, and urged the secretariat to continue those activities. It also supported training and guidance in the formulation of environmental impact assessment guidelines and policies.

Recognizing natural disaster reduction as an integral part of sustainable development, the Commission recommended that further national and regional efforts should be directed to enhancing preparedness and natural disaster reduction activities.

The Commission also considered a report [E/ESCAP/1053] on environment and sustainable development. It reviewed progress achieved in implementing the recommendations of the Beijing Ministerial Conference on Space Applications for Development in Asia and the Pacific [YUN1994,p.713] and the 1996 Commission resolution [YUN1996,p.907] on the third Ministerial Conference on Environment and Development in Asia and the Pacific [YUN 1995, p. 1023].

The Commission expressed satisfaction that the results of the Space Applications Conference were being translated into concrete actions at the national and regional levels and had had a tangible impact on national capacity-building in that area, and urged support for implementation of the Regional Space Applications Programme for Sustainable Development. UNDP was asked to support regional cooperative projects on integrated applications of space technologies. Early preparations should be made for the second Ministerial Conference on Space Applications for Sustainable Development in Asia and the Pacific, to be convened in 1999.

To promote implementation of the Regional Action Programme for Environmentally Sound and Sustainable Development, 1996-2000, action projects should be launched in conformity with the diverse natural, social and economic conditions of the region, enabling countries to participate and benefit in the process. Governments were urged to support regional and subregional projects to strengthen national capacity-building. ESCAP should integrate environmental considerations into its overall programme of work and develop ways to assess the environmental impact of development projects.

In a 30 April resolution [E/1997/38 des. 53/3], the Commission welcomed the Framework for the North-East Asian Subregional Programme of Environmental Cooperation, adopted in 1996 at the third Meeting of Senior Officials on Environ-

mental Cooperation in North-East Asia [YUN 1996, p. 908]. ESCAP, in collaboration with UNDP, the United Nations Environment Programme, the World Bank and the Asian Development Bank, should promote subregional environmental cooperation in North-East Asia, inter alia, by supporting implementation of the Framework and approved priority projects.

Natural disasters

Having reviewed the annual report of the Typhoon Committee [E/ESCAP/1074], the Commission noted its progress in the meteorological and hydrological areas, disaster prevention and preparedness, and training and research. It expressed support for a regional seminar on flood risk analysis and mapping. UNDP, the World Meteorological Organization and ESCAP should continue to support the Typhoon Committee, as should other donors, agencies and countries. Members of the Typhoon Committee were invited to make more extensive use of the TCDC programme for the exchange of expertise on various aspects of natural disaster reduction.

The thirteenth session of the Typhoon Committee was held in Hong Kong, China, from 25 November to 1 December.

Statistics

ESCAP, in 1997, endorsed the report of the Committee on Statistics on its tenth session [YUN 1996, p. 909], including strengthening the Committee's institutional structure, new terms of reference for its bureau and its endeavours to intensify interaction with the UN Statistical Commission (see PART THREE, Chapter XV).

The Commission noted that its operational activities in statistics had played an important role in enhancing the national statistical capacity of developing countries. It was suggested that the design of specific technical cooperation activities should take into account the shifting priorities and requirements in the countries of the region. The Commission endorsed the recommendations of the Working Group of Statistical Experts at its ninth session [YUN 1996, p. 908], including that the scope and pace of implementation of the 1993 System of National Accounts should depend on national needs and capabilities. It noted the shortage of personnel trained in national accounts in some countries, and welcomed efforts to develop subregional training workshops on the concepts of the application of the System. The Commission concurred with the Committee's observation that the definition and measurement of poverty were country-specific. Efforts should therefore be focused on providing

national policy makers with relevant, high-quality information rather than on formulating internationally comparable definitions.

The Commission reaffirmed its support for the ESCAP Statistical Information System and urged the secretariat to allocate resources for making the System operational and accessible to member countries as soon as possible. The Commission urged the use of the ESCAP World Wide Web site to disseminate statistical information. Noting that the adoption of the latest technology was severely hampered in many countries by the unavailability of skilled personnel, the Commission urged the secretariat and the Statistical Institute for Asia and the Pacific to provide more training and advice on information technology applications in statistics.

In 1997, the Working Group of Statistical Experts held its tenth session (Bangkok, 11-14 November); the ESCAP Working Party on the Application of New Technology to Population Data met for the first time (Bangkok, 24-26 September); a Seminar on the Use of International Comparison Programme Data was held (Beijing, 16-20 June); and a UN Statistics Division/ESCAP/ILO Workshop on Statistics on the Informal Sector (Bangkok, 12-16 May) took place.

The Commission also considered a report [E/ESCAP/1062] on the Statistical Institute for Asia and the Pacific, which covered activities and issues of concern, and its financial status, as well as a summary of the second session of its Governing Board (Bangkok, 20-21 November 1996). The Board had endorsed the recommendations of a task force, established by it to chart the future direction of the Institute.

The Commission asked the Institute to expand its training programme and to train trainers in statistics and data processing. In particular, it noted the importance of assisting the least developed, landlocked and island developing countries and economies in transition. The importance of training in such areas as social statistics and poverty estimation to improve the quality of human development indicators was stressed. The Institute should also play a central role in training statisticians in the region in the use of information technology and the development of databases, the Commission stated.

Programme and organizational questions

The Commission reviewed the implementation of the 1996-1997 programme of work [E/ESCAP/1065 & Corr.1] and endorsed changes to that programme for 1997 [E/ESCAP/1066]. It proposed that future programme planning provide for an assessment of implemented activities, ob-

jective markers be established to facilitate their evaluation, and future reports include data on regular budget and extrabudgetary resources and outputs delivered from previous years for comparative analysis.

Noting that in 1996 more than 30 per cent of regular budget work-months had been used to produce technical publications, the Commission suggested that those resources might be put to better use if redeployed to technical assistance activities such as training and advisory services. Further examination of the quality and relevance of publications was encouraged.

The Commission endorsed the draft programme of work for 1998-1999 [E/ESCAP/1067 & Corr.1]. It said the secretariat should analyse the challenges faced by the poorer countries of the region, particularly the least developed, landlocked and island developing countries, in gaining access to external private capital flows. A workshop on future regional trading arrangements within the overall framework of WTO should be arranged.

Conference structure

The Commission considered the recommendations of the independent review [E/ESCAP/1047] of ESCAP's conference structure, conducted by the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission (ACPR), pursuant to the Commission's 1996 request [YUN 1996, p. 910], as well as the report [E/ESCAP/1048 & Corr.1] of the Regional Preparatory Meeting on the Review of the Conference Structure of the Commission (Bangkok, 24-28 February 1997). Proposed changes were considered by the Commission in April, with a view to improving its functioning, including thematic priorities and subsidiary structure. General and specific recommendations were made regarding Commission sessions; subsidiary committees, together with proposed guidelines for their terms of reference; ministerial and other intergovernmental meetings; resource allocation and prioritization of activities; regional institutions subsidiary to the Commission; and the role of ACPR.

The Commission endorsed the recommendations of the Meeting. The terms of reference of the committees should be flexible to enable ESCAP to respond to new demands and adjust its priorities in the light of the region's rapidly changing economic and social circumstances. The reform should be ongoing within the framework of UN reform. Regular reviews would contribute to ascertaining the relevance of the work of the Commission to the requirements of members and associate members, and provide oppor-

tunities for further adjustments in the functions of the Commission and its committees.

On 30 April, the Commission adopted a resolution on the restructuring of its conference Structure [E/1997/38 (res. 53/1)].

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCAP [E/1997/40/Add.1], adopted **resolution 1997/4** without vote [agenda item 10].

Restructuring the conference structure of the Economic and Social Commission for Asia and the Pacific

The Economic and Social Council,

Recalling resolutions 143(XXX) of 5 April 1974, 210(XXXVI) of 29 March 1980, 262(XLIII) of 30 April 1987, 47/3 of 10 April 1991 and 51/3 of 1 May 1995 of the Economic and Social Commission for Asia and the Pacific on the conference structure of the Commission,

Recalling also General Assembly resolution 50/11 of 2 November 1995 on multilingualism, in particular paragraphs 1, 5 and 6 thereof,

Recalling further Commission resolution 48/2 of 23 April 1992 on restructuring the conference structure of the Commission, in particular the decision of the Commission to review its conference structure, including its thematic priorities and its subsidiary structure, no later than at the fifty-third session of the Commission,

Cognizant of General Assembly resolution 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

Reaffirming that the complexity of the development problems faced by the countries in the Asia and Pacific region, in particular the developing countries, increasingly demands that these problems be tackled in a comprehensive manner through interdisciplinary and intersectoral action,

Recognizing the increased responsibilities of the Commission, which comprises a geographical area containing 62 per cent of the population of the world and includes many developing country members and associate members, among which are least developed, landlocked and island developing countries and countries with economies in transition, which have special needs,

Recognizing also that the occasion of the fiftieth anniversary of the Commission provides a historic opportunity for the Commission to bring about the wide participation of its members and associate members and to sharpen the focus of its work to enable it to respond more effectively to the evolving economic and social needs of the members and associate members within a rapidly changing global paradigm, including the changing scope of regional cooperation, by utilizing fully the multidisciplinary advantage of the Commission and its increased capability in technical assistance activities,

Noting the comparative advantage of the Commission as the most representative body for the Asia and Pacific region in carrying out its role as the main general economic and social development centre of the United Nations system for the Asia and Pacific region,

Having considered the recommendations of the Regional Preparatory Meeting on the Review of the Conference Structure of the Commission, held at Bangkok from 24 to 28 February 1997,

1. Decides to revise the conference structure of the Economic and Social Commission for Asia and the Pacific, including its thematic and subsidiary structure, to conform to the following pattern:

1. The Commission

The Commission shall meet annually, each session comprising a senior officials' segment followed by a ministerial segment, for up to a maximum of seven working days to discuss and decide upon important issues concerning economic and social development in the region, to decide upon the recommendations of its subsidiary bodies and of the Executive Secretary, to examine and approve the programme of work and priorities and to take any other decisions required, in conformity with its terms of reference.

2. Subsidiary structure

The conference structure of the Commission should consist of the following five committees, which should meet at the intervals and for the maximum duration indicated below:

Committees	Periodicity	Maximum duration
Regional Economic Cooperation	Biennial	Three days
Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas	Annual	Three days
Environment and Natural Resources Development	Annual	Three days
Transport, Communications, Tourism and Infrastructure Development	Annual	Three days
Statistics	Biennial	Three days

The Special Body on Least Developed and Landlocked Developing Countries and the Special Body on Pacific Island Developing Countries should be retained and reinvigorated. The sessions of the Special Bodies should be held for a maximum of two days biennially, one each in alternate years, back-to-back with the annual sessions of the Commission.

In order to facilitate its work, the Committee on Regional Economic Cooperation shall have a high-level Steering Group, which shall meet annually for a maximum of three days. The Steering Group shall set its own agenda and organize its own work procedures under the overall direction of the Committee.

3. Ad hoc ministerial conferences

(a) Subject to the approval of the Commission, ad hoc ministerial conferences on specific issues may be organized, but starting in 1998 no more than one such conference should be held per year;

(b) In those years when a ministerial conference is held to cover issues normally discussed in a corresponding committee or special body, that committee or special body shall not be convened.

4. Ad hoc intergovernmental meetings

(a) Ad hoc intergovernmental meetings may be convened, with the prior approval of the Commission, to carry out a detailed examination of substantive and priority issues, including relevant cross-sectoral issues;

(b) No more than five such intergovernmental meetings may be held during a calendar year and the total number of days should not exceed twenty-five.

5. Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission

The functions of the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission shall be in accordance with the terms of reference contained in annex I to the present resolution. The Advisory Committee shall examine ways to enhance and improve its ability to advise and assist the Executive Secretary in drawing up proposals for the medium-term plan, the programme budget and the work programme priorities and resource allocation, consistent with the guidelines provided by the Commission, and to monitor and evaluate the implementation, outcome and effectiveness of the programme of work of the Commission, in accordance with paragraphs 2 and 3 of the terms of reference of the Advisory Committee, and shall report to the Commission on this issue at its fifty-fourth session.

6. Existing bodies under the auspices of the Commission

The following bodies under the auspices of the Commission shall continue to function as prescribed in their respective statutes and terms of reference:

(a) Asian and Pacific Centre for Transfer of Technology;

(b) Regional Coordination Centre for Research and Development of Coarse Grains, Pulses, Roots and Tuber Crops in the Humid Tropics of Asia and the Pacific;

(c) Statistical Institute for Asia and the Pacific.

7. General provisions

(a) Functions. The functions of the committees and special bodies are specified in their respective terms of reference in annexes II to VIII to the present resolution. Committees should select priority issues and focus on well-defined problems in order to show tangible results within specified time-frames;

(b) Rules of procedure. Unless otherwise specified by the Commission, the rules of procedure of the Commission, including those pertaining to the decision-making process, shall apply *mutatis mutandis* to the committees and special bodies;

(c) Informal session. An informal session among the heads of delegations during the ministerial segment of each session of the Commission should be organized on a year-by-year basis and should not be institutionalized. The agenda for the informal session should be decided by consensus and the annotated agenda should reach members at least thirty days before the opening of the session to ensure the efficiency and effectiveness of the session. Simultaneous interpretation should also be provided;

2. Invites the Executive Secretary, under the direction of the Secretary-General and in conformity with the goal of maximizing the impact of the United Nations in the field of economic and social development, to reorganize the secretariat so as to enhance its ability to service the subsidiary structure of the Commission and implement its revised programme of work under the framework of the medium-term plan for the period 1998-2001;

3. Requests the Executive Secretary to inform the Governments of members and associate members about the preliminary assessment of the organizational, staffing and financial implications of the revision of the intergovernmental structure subsidiary to the Commission within the next six months;

4. Also requests the Executive Secretary to report to the Commission at subsequent sessions on the implementation of the present resolution and on the impact and effectiveness of the revised conference structure, including its thematic priorities and its subsidiary structure;

5. Further requests the Executive Secretary to inform members and associate members, through the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission, of the progress made by the Commission towards the implementation of General Assembly resolution 50/227;

6. Commends the secretariat on the implementation of General Assembly resolutions establishing language arrangements for the official working languages of the Commission, and urges the Executive Secretary to continue his efforts to monitor closely the strict implementation of General Assembly resolution 50/11;

7. Decides to review the conference structure of the Commission, including its thematic priorities and its subsidiary structure, no later than at its substantive session of 2002.

ANNEX I

Terms of reference of the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission

The Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission shall have the following functions:

1. To maintain close cooperation and consultation between the members and the secretariat of the Economic and Social Commission for Asia and the Pacific.

2. To advise and assist the Executive Secretary in drawing up proposals for the medium-term plan, programme budget and priorities, consistent with the guidelines provided by the Commission.

3. To receive on a regular basis information on the administrative and financial functioning of the Commission and to assist and advise the Executive Secretary in monitoring and evaluating the implementation of the programme of work of the Commission.

4. To review the draft calendar of meetings prior to its submission to the Commission.

5. To exchange views with the Executive Secretary on the provisional agenda for each session of the Commission, bearing in mind chapter II of its rules of procedure.

6. To assist the secretariat in the formulation of the annotated provisional agenda for each session of the Commission before it is finalized.

7. To monitor the functioning of the thematic approach and the implementation of activities under it in order to provide an assessment of this approach and to suggest to the Commission, at the appropriate time, potential modifications or changes in the themes.

8. To carry out any other tasks to be entrusted to it by the Commission.

ANNEX II

Terms of reference of the Committee on Regional Economic Cooperation

The economic growth process in the Asia and Pacific region is characterized by increasing interdependence of its economies leading to a growing trend towards regional economic cooperation. The potential for enhanced cooperation will be realized more fully through the promotion and expansion of intraregional and inter-subregional trade and investment flows, technology development and transfer and industrial production linkages, all of which are strongly encouraged by the diversity and increasing complementarity of the economies of the region. In addition, such enhanced regional economic cooperation is imperative for spreading the growth impulse more widely across the region and mainstreaming the least developed, landlocked and Pacific island developing countries as well as countries with economies in transition.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Committee on Regional Economic Cooperation would:

1. Review and analyse global and regional trends and developments that have an impact on areas such as intraregional trade, investment, technology and financial flows, enterprise development, trade efficiency, information technology, industrial restructuring and relocation and technological development and transfer.

2. Serve as a mobilizer of ideas and a catalyst for action to promote regional economic cooperation by identifying and addressing major development issues and regional concerns and priorities in trade, investment, financial, information technology, industrial and technological areas and recommend policy options and measures to achieve tangible results and enhance national capacities to meet new challenges.

3. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as special concerns of the least developed, landlocked and Pacific island developing countries and countries with economies in transition, the environment, human resources development and women in development are adequately addressed.

4. Strengthen the cooperative relationship with relevant subregional organizations to promote intra-subregional and inter-subregional cooperation and linkages through the interchange of information and experiences and, in response to articulated needs, through the promotion of growth triangles and quadrangles or other special mechanisms and arrangements.

5. Accelerate follow-up to the decisions and recommendations of global conferences relevant to the work of the Committee at the national, subregional and regional levels and evaluate progress and provide guidance on the implementation of regional action programmes.

6. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries, within and outside the region, in its initiatives and activities to promote regional economic cooperation.

7. Promote liaison with relevant agencies of the United Nations system with a view to minimizing over-

lapping and duplication and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

8. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

9. Carry out such other activities as the Commission may direct from time to time in matters relating to regional economic cooperation.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall be composed of all members and associate members of the Commission.

The Committee shall meet biennially and its report shall be submitted as a background document to facilitate discussion on regional economic cooperation at the Commission sessions.

The Committee shall have a high-level Steering Group to develop innovative approaches and facilitate the exchange of views on pre-selected issues of current interest among a cross-section of representatives of government, academia and the private sector, in order to have in-depth discussion on a range of options in the area of regional economic cooperation and make specific recommendations. Its membership shall be drawn from members and associate members on a voluntary basis. Subject to the approval of members and associate members by consensus, representatives of development agencies, financial institutions, private sector organizations and non-governmental organizations may be invited to meetings of the Steering Group so that it may fulfil its role as a "think tank".

The Steering Group shall meet annually and its report shall be submitted to the Committee. In the years the Committee does not meet, issues discussed and recommendations made by the Steering Group could also be submitted directly to the Commission for its consideration.

ANNEX III

Terms of reference of the Committee on Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas

Poverty remains a most important issue in developing countries of the Asia and Pacific region which must be addressed in a holistic and integrated manner. Hence, poverty alleviation is a major focus of assistance to countries in their attempts to achieve economic growth and improve the quality of life in the context of sustainable development and the emerging global economy. The Committee on Socio-economic Measures to Alleviate Poverty in Rural and Urban Areas would therefore serve as a regional forum for the identification of social and economic development issues directly related to the alleviation of poverty and the development of appropriate strategies and policies to improve the quality of life of the poor.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Committee would:

1. Review and analyse the global and regional trends and developments that have an impact on the

poverty situation in the region, with a focus on their correlates in both the rural and urban contexts, and recommend development policy options and programme strategies.

2. Serve as a mobilizer of ideas and a catalyst for action in undertaking measures aimed at alleviating poverty in both rural and urban areas through the promotion of people's participation, including that of women and socially and economically disadvantaged groups, and capacity-building of national and local institutions and communities as well as human resources development and other means. Specifically, the Committee would recommend policy options and identify programmes that would address population issues and concerns, social development issues and concerns, human resources development, women in development, increased access to employment, education, health, shelter and credit, agricultural growth, especially through environmentally friendly inputs, the use of appropriate technologies, devolution of authority and participatory urban management and governance.

3. Accelerate follow-up to the decisions and recommendations of global conferences at the national, subregional and regional levels, monitor and evaluate progress in their implementation and provide guidance on the implementation of the regional action programmes relevant to the work of the Committee, inter alia, on population, social development, human resources development, rural development, women and urbanization.

4. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as special concerns of the least developed, landlocked and Pacific island developing countries and countries with economies in transition, the environment, human resources development and women in development are adequately addressed.

5. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries, within and outside the region, in its efforts and initiatives to deal with the issues of poverty alleviation in both rural and urban areas.

6. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

7. Carry out such other activities as the Commission may direct from time to time in matters relating to poverty alleviation.

8. Promote liaison with relevant agencies of the United Nations system with a view to minimizing overlapping and duplication and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on a limited number of pre-selected issues, and shall report to the Commission.

ANNEX IV

Terms of reference of the Committee on Environment and Natural Resources Development

The main objectives of the Committee on Environment and Natural Resources Development shall be to promote regional and subregional cooperation for sustainable development and to strengthen national capacities in the area of the environment, including the integration of environmental concerns into development strategies, in line with the provisions of Agenda 21 and other subsequent decisions, the development and management of natural resources, including water, mineral and energy resources (excluding infrastructural aspects of electric power), the diffusion and management of environmentally sound technologies, space technology applications and natural disaster reduction.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Committee shall perform the following specific functions:

1. Review and assess the state of the environment in the region and, where a regional perspective on the issues provides a clear advantage, highlight the major environmental concerns with a view to encouraging the integration of environmental concerns into development policies, strategies, plans and programmes of members and associate members, at both the macro-economic and sectoral levels.

2. Review and identify priority issues, assess progress and promote regional and subregional cooperation in the development and management of water, mineral and energy resources and in the application of space technologies, keeping in view the need to ensure sustainable development, and make recommendations on policies, strategies, methods and techniques for the proper investigation, development, utilization and management of those resources.

3. Promote regional and subregional cooperation in environmental protection and natural disaster reduction and encourage members and associate members to undertake their assessment of risks from natural hazards and to integrate the outcomes of such assessments into their development plans.

4. Promote opportunities for and provide guidance on the transfer and adoption of environmentally sound technologies and their diffusion, as well as on management and operational practices to contribute to the strengthening of national capacities for achieving sustainable development.

5. Encourage the setting of standards and the strengthening of legal frameworks for the development and management of natural resources and promote the application of environmental safeguards in manufacturing and product development.

6. Review the salient issues in the regional strategies and action programmes emerging from recent global conferences, international conventions and agreements, monitor the implementation of Agenda 21 at the regional level and articulate the region's response to relevant global initiatives, ensuring that such initiatives support the development of the region.

7. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as special concerns of the

least developed, landlocked and Pacific island developing countries and countries with economies in transition, human resources development and women in development are adequately addressed.

8. Promote liaison with relevant agencies of the United Nations system with a view to minimizing overlapping and duplication and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

9. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

10. Carry out such other activities as the Commission may direct from time to time in matters relating to the environment and natural resources development.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on a limited number of pre-selected areas on a rotating basis, and shall report to the Commission.

ANNEX V

Terms of reference of the Committee on Transport, Communications, Tourism and Infrastructure Development

The rapid growth in regional economies, trade and tourism is placing considerable strain on infrastructure facilities and services. It is also highlighting the importance of intraregional and interregional transport linkages as well as appropriate facilitation measures to ensure efficient utilization of regional linkages.

In the context of these developments, the Committee on Transport, Communications, Tourism and Infrastructure Development will address the following areas: roads, railways, urban transport, ports, shipping, inland waterways, dredging, multimodal transport (including freight forwarding), tourism and the infrastructural aspects of electric power.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Committee would:

1. Review and analyse global and regional trends and developments that have an impact on transport, communications, tourism and infrastructure development in the Asia and Pacific region.

2. Serve as a mobilizer of ideas and a catalyst for action in the transport, communications, tourism and infrastructure development sectors, recommend policy options to achieve tangible results in improving the efficient provision, management, operation, maintenance and pricing of transport, tourism facilities, infrastructure and services, taking into account equity, safety and environmental considerations, promote intraregional and interregional transport linkages, in particular the Asian Highway and Trans-Asian Railway, services, facilitation measures and tourism, and enhance national capacities.

3. Accelerate follow-up to the decisions and recommendations of global conferences at the national, subregional and regional levels, evaluate progress and provide guidance on the implementation of the New Delhi Action Plan on Infrastructure Development in Asia

and the Pacific being coordinated by the Commission. In this connection, aspects of work on civil aviation, telecommunications and postal services carried out by the specialized agencies in relation to the implementation of the Action Plan would also be addressed by the Committee.

4. Promote liaison with international financing institutions, relevant private sector organizations and non-governmental organizations to assist in the development of transport, communications, tourism, and electric power infrastructure and services.

5. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as the special concerns of the least developed, landlocked and Pacific island developing countries and countries with economies in transition, the environment, human resources development, socially and economically disadvantaged groups and women in development are adequately addressed.

6. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

7. Promote liaison with relevant agencies of the United Nations system with a view to minimizing overlapping and duplication and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

8. Carry out such other activities as the Commission may direct from time to time in matters relating to transport, communications, tourism and infrastructure development.

Within the context of its terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet annually, focusing on specific pre-selected sectors, and present its report to the Commission as a background document to facilitate discussion.

ANNEX VI

Terms of reference of the Committee on Statistics

The Committee on Statistics, in acting as the focus of regional statistical development, shall perform the following functions:

1. Review and analyse progress in the development of statistics in the region.

2. Assist in the strengthening of the statistical infrastructure in the countries of the region, promote the improvement of the quality of statistics, the international comparability of data and the appropriate application of new techniques, provide guidance in meeting emerging data requirements and arrange for the exchange of information on and experiences in statistical work and methods among the countries.

3. Promote observance of the fundamental principles of official statistics adopted by the United Nations Statistical Commission at its special session in 1994.

4. Participate actively in the initiation, development, revision, testing and implementation of international statistical standards, promote and monitor their application and promote their adaptation, as appropriate,

to the conditions and needs of the countries of the region.

5. Play the focal role in promoting close coordination of all aspects of the statistical activities of specialized agencies, relevant United Nations bodies and other international organizations in regard to their work in the Asia and Pacific region, *inter alia*, so as to achieve greater uniformity in concepts and definitions, reduce to a minimum the response burden on national statistical offices and maximize the effectiveness of technical cooperation activities.

6. Promote the generation and analysis of statistical data and encourage, with due regard to relevant international work, efforts to develop a set of standardized statistical indicators for the region relevant to the programme of work of the Economic and Social Commission for Asia and the Pacific.

7. Recommend programmes of technical assistance, training, education and research in the various fields of statistics and their application.

8. Review and analyse progress in the development of information technology applications and information resource management in the region, especially in the public sector, and make recommendations on issues concerning policies and strategies, as well as on programmes of technical assistance, training and research in this field.

9. Review and evaluate the activities of the secretariat and the implementation and effectiveness of the programme of work in the areas of statistics and computerized information processing, provide guidance on the work of the secretariat and make recommendations to the Commission about the future programmes of work, paying due regard to the recommendations of the United Nations Statistical Commission and other relevant bodies.

10. Make recommendations to the Governing Board of the Statistical Institute for Asia and the Pacific on the nature of and priorities in statistical training for the countries of the region.

11. Inform the United Nations Statistical Commission and, where appropriate, the statistical authorities of the specialized agencies and other relevant bodies, of its work, so that due attention may be given to the wider aspects of the issues considered by the Committee.

12. Work closely with other subsidiary organs of the Economic and Social Commission for Asia and the Pacific, coordinate activities with them and ensure that cross-sectoral issues such as the special concerns of the least developed, landlocked, Pacific island developing countries and countries with economies in transition, the environment, human resources development and women in development are adequately addressed.

13. Carry out such other activities as the Commission may direct from time to time in matters relating to statistics.

Within the context of the above terms of reference, the Committee should identify the tasks to be undertaken during a specified period. The Committee should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Committee shall meet once every two years and shall report to the Commission.

ANNEX VII

Terms of reference of the Special Body on Least Developed and Landlocked Developing Countries

The special problems and constraints on the economic and social development of the least developed and landlocked developing countries have been recognized by the international community, as well as within the context of the Programme of Action for the Least Developed Countries for the 1990s adopted by the Second United Nations Conference on the Least Developed Countries held at Paris from 3 to 14 September 1990, the International Development Strategy for the Fourth United Nations Development Decade and other international declarations. These constraints require focused priority attention in the Asia and Pacific region in order to mainstream them into the ongoing regional integration process and to associate them with the economic and social dynamism of the region. The Special Body on Least Developed and Landlocked Developing Countries provides a focused forum for addressing the special issues and problems facing these groups of countries, in the spirit of regional cooperation.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Special Body would:

1. Review and analyse the economic and social progress in the least developed and landlocked developing countries and undertake in-depth reviews of economic, social and environmental constraints on their development.

2. Serve as a mobilizer of ideas and a catalyst for action to identify and promote new policy options at the national, subregional and regional levels for the removal of constraints on the economic and social development efforts of the least developed and landlocked developing countries, with emphasis on the adoption of measures for increased mobilization of domestic and foreign resources, trade and private sector development, public sector reform and the provision of economic advice, on request, to Governments with limited internal capacity.

3. Assist in enhancing national capacities in the least developed and landlocked developing countries, inter alia, in relation to the formulation of development strategies at the national and sectoral levels.

4. Foster and strengthen intercountry cooperation arrangements for exchanges of experience and technical cooperation between and among the least developed and landlocked developing countries and with other developing and developed countries in the region.

5. Without duplicating work done elsewhere, review and analyse the special transit trade and transport problems of Asian landlocked developing countries, recommend suitable measures for solving these problems in accordance with international legal instruments, in particular article 125 of the United Nations Convention on the Law of the Sea, and encourage these countries and their transit neighbours to deal with problems within the context of bilateral cooperation.

6. Promote liaison with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries, within and outside the region, in its initiatives and ac-

tivities for the benefit of the least developed and landlocked developing countries.

7. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as the environment, human resources development and women in development are adequately addressed.

8. Accelerate follow-up to the decisions and recommendations of global conferences on the least developed countries at the national, subregional and regional levels, in particular the Programme of Action for the Least Developed Countries for the 1990s and any successor programme.

9. Promote liaison with relevant agencies of the United Nations system with a view to minimizing overlapping and duplication and strengthening cooperation with other organizations and other bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

10. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

11. Carry out such other functions as the Commission may direct from time to time in matters relating to the least developed and landlocked developing countries.

Within the context of its terms of reference, the Special Body should identify the tasks to be undertaken during a specified period. The Special Body should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Special Body shall meet biennially for two days, back-to-back with the Commission sessions and alternately with the Special Body on Pacific Island Developing Countries.

ANNEX VIII

Terms of Reference of the Special Body on Pacific Island Developing Countries

The special problems and constraints on the economic and social development of the Pacific island developing countries related to their isolation, small size and vulnerability to environmental hazards have been recognized by the international community and also within the context of the Programme of Action for the Sustainable Development of Small Island Developing States and other international declarations. These constraints require focused priority attention in order to mainstream these countries into the ongoing regional integration process and to associate them with the economic and social dynamism of the region. The Special Body on Pacific Island Developing Countries provides a focused forum for addressing the special issues and problems facing this group of countries, in the spirit of regional cooperation.

Under the overall supervision of the Economic and Social Commission for Asia and the Pacific, the Special Body would:

1. Review and analyse the economic and social progress in the Pacific island developing countries and undertake in-depth reviews of economic, social and environmental constraints on their development.

2. Serve as a mobilizer of ideas and a catalyst for action to identify and promote new policy options at the na-

tional, subregional and regional levels for the removal of constraints on the economic and social development efforts of the Pacific island developing countries.

3. Assist in enhancing national capacities in the Pacific island developing countries, inter alia, in relation to the formulation of development strategies at the national and sectoral levels.

4. Foster and strengthen intercountry and inter-subregional cooperation arrangements for exchanges of experience and technical cooperation between and among the Pacific island developing countries and with other developing and developed countries in the region.

5. Promote liaison, in particular through the Pacific Operations Centre of the Commission, with development agencies and financial institutions, private sector organizations, non-governmental organizations and donor countries, within and outside the region, in the initiatives and activities of the Special Body for the benefit of the Pacific island developing countries.

6. Review the implementation and effectiveness of the programme of work of the secretariat and make recommendations to the Commission about future programmes of work and, in this process, ensure that cross-sectoral issues such as the environment, human resources development and women in development are adequately addressed.

7. Accelerate follow-up to the decisions and recommendations of global conferences on small island developing countries at the national, subregional and regional levels, in particular the Programme of Action for the Sustainable Development of Small Island Developing States.

8. Promote liaison with relevant agencies of the United Nations system with a view to minimizing overlapping and duplication and strengthening cooperation with other organizations and bodies at the subregional, regional and global levels to maximize the effectiveness and impact of the activities of the Commission.

9. Work closely with other subsidiary organs of the Commission and coordinate its activities with them.

10. Carry out such other functions as the Commission may direct from time to time in matters relating to the Pacific island developing countries.

Within the context of its terms of reference, the Special Body should identify the tasks to be undertaken during a specified period. The Special Body should indicate the outcomes expected from each task, set a time-frame for the achievement of each task and monitor its implementation and effectiveness.

The Special Body shall meet for two days biennially, back-to-back with the annual sessions of the Commission and alternately with the Special Body on Least Developed and Landlocked Developing Countries.

Subregional matters

In 1997, the Commission recognized the importance of subregional cooperation as an effective way to accelerate socio-economic development in the region. It noted initiatives taken, including the establishment of growth triangles and quadrangles in South-East and South Asia. ESCAP should continue to promote inter-subregional linkages, particularly between North-East and South-East Asia. A North-East Asia business forum should be

established. The Commission supported technical assistance activities to follow up its 1996 resolution [YUN 1996, p. 911] on strengthening subregional economic cooperation among south-western member countries of ESCAP, including members of the Economic Cooperation Organization (see below).

The Commission also considered a note on strengthening inter-organizational cooperation in the promotion of economic and social development in the region [E/ESCAP/1070], which described collaborative activities undertaken through the Regional Inter-agency Committee for Asia and the Pacific (RICAP). It also highlighted technical cooperation activities carried out by ESCAP in cooperation with UN bodies and specialized agencies, financial institutions and intergovernmental and non-governmental organizations, as well as the role played by the ESCAP Pacific Operations Centre in effecting inter-organizational cooperation in the Pacific.

Cooperation between the United Nations and the Economic Cooperation Organization

In response to General Assembly resolution 51/21 [YUN 1996, p. 911], the Secretary-General reported in August [A/52/313] on cooperation between the United Nations and the Economic Cooperation Organization (ECO). The report reviewed cooperation between ECO and UNDP, ESCAP, the United Nations Children's Fund, the United Nations Population Fund, the United Nations International Drug Control Programme and other agencies.

UNDP was conducting a study on the reorganizational aspects of the ECO secretariat and, with the United Nations Conference on Trade and Development (UNCTAD), was undertaking efforts to enable ECO to benefit from the Advanced Cargo Information System and the Automated System for Customs Data and Management, within the framework of the ESCAP project on international transport development in the ECO region. ESCAP, under the terms of the 1993 memorandum of understanding [YUN 1993, p. 613] between the two organizations, was working with UNCTAD on a transit treaty framework for ECO. It coordinated the third consultative meeting of the heads of subregional organizations (Tehran, 18-19 May), jointly hosted by ECO and Iran. ECO attached high priority to transport and communications, and ESCAP, UNCTAD and the Islamic Development Bank were finalizing a comprehensive joint project on international transport development in the ECO region. In that regard, an Extraordinary Summit Meeting of the Heads of State and Government of ECO members (Ashgabat, Turkmenistan, 13-14 May) adopted the Ash-

gabat Declaration, reiterating the importance of transport, communications and gas and the oil pipeline network for the region and determining priority projects, plans and programmes.

GENERAL ASSEMBLY ACTION

On 21 November [meeting 51], the General Assembly adopted **resolution 52/19** [draft: A/52/L.20/Rev.1] without vote [agenda item 34].

Cooperation between the United Nations and the Economic Cooperation Organization

The General Assembly,

Recalling its resolution 48/2 of 13 October 1993, by which it granted observer status to the Economic Cooperation Organization,

Recalling also that the Charter of the United Nations provides for the existence of regional arrangements or agencies for dealing with such matters as maintenance of international peace and security as are appropriate for regional action, provided that their activities are consistent with the purposes and principles of the United Nations,

Recalling further its resolution 51/21 of 27 November 1996, in which it urged the specialized agencies and other organizations and programmes of the United Nations system to initiate, maintain and increase consultation and programmes with the Economic Cooperation Organization and its associated institutions in the attainment of their objectives,

Bearing in mind that the Treaty of Izmir, signed at Izmir, Turkey, on 12 March 1977, later revised at Ashgabat on 11 May 1996 and signed at Izmir on 14 September 1996, created a permanent body for intraregional cooperation, consultation and coordination in order to enhance economic, social and cultural development, and bearing in mind also the measures being taken by the Economic Cooperation Organization aimed at the reorganization and restructuring of the organization,

Convinced that the maintenance and further strengthening of the cooperation between the United Nations system and the Economic Cooperation Organization promote the implementation of the goals and principles of those organizations,

1. Takes note of the decision of the heads of State and Government of the States members of the Economic Cooperation Organization welcoming the adoption of General Assembly resolution 51/21 on cooperation between the two organizations and endorsing the cooperative arrangements entered into by the Economic Cooperation Organization with various entities of the United Nations system for joint efforts towards the implementation of the economic projects and programmes of the Economic Cooperation Organization;

2. Notes with appreciation the report of the Secretary-General on the implementation of resolution 51/21, and invites the Secretary-General of the United Nations to continue his efforts, in consultation with the Secretary-General of the Economic Cooperation Organization, to promote and expand cooperation and coordination between the two secretariats in order to increase the capacity of the two organizations to attain their common objectives;

3. Notes with satisfaction the emphasis placed in the Ashgabat Declaration, issued by the Extraordinary

Summit Meeting of the Heads of State and Government of the States members of the Economic Cooperation Organization, held at Ashgabat on 13 and 14 May 1997, on the meaningful development of economic cooperation in priority areas of transport and communications and energy with a view to facilitating the access of the landlocked States members of the Economic Cooperation Organization to world markets;

4. Welcomes the continuation of efforts towards further consolidation of interregional consultations and exchange of views on issues of common concern through such useful forums as the annual meeting of the executive heads of Asia's subregional organizations and the Economic and Social Commission for Asia and the Pacific, which held its third meeting at Tehran in May 1997;

5. Urges the specialized agencies and other organizations and programmes of the United Nations system to continue and increase consultation and cooperation with the Economic Cooperation Organization and its associated institutions in the attainment of their objectives;

6. Invites the relevant international financial institutions to give appropriate consideration to regional development plans, including projects and programmes of the Economic Cooperation Organization, in order to extend their assistance in the implementation of these programmes and, in particular, to the establishment of a comprehensive transport and communications infrastructure in the region of the Economic Cooperation Organization that would provide the landlocked countries with greater mobility to promote interregional trade and to establish mutually beneficial economic and commercial interaction with other regions;

7. Invites the Economic and Social Commission for Asia and the Pacific, as the regional arm of the United Nations, to assume a more active role in promoting cooperation with the Economic Cooperation Organization, and reiterates in this regard its request made in paragraph 5 of resolution 51/21 in the context of the report to be submitted by the Executive Secretary of the Commission to the Commission at its fifty-fourth session, in 1998;

8. Takes note with satisfaction of the fact that it is proposed to introduce the Advance Cargo Information System and the Automated System for Customs Data of the United Nations Conference on Trade and Development, which are compatible with other systems, in the States members of the Economic Cooperation Organization, with the technical assistance of, inter alia, the Conference;

9. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Economic Cooperation Organization".

Europe

The Economic Commission for Europe (ECE), at its fifty-second session (Geneva, 21-24 April

1997) [E/1997/36], observed the fiftieth anniversary of ECE, and focused on the strengthening of economic cooperation in Europe, adopting a Declaration on the subject [E/ECE/1346], the related Plan of Action [E/ECE/1347 & Corr.1] and a note on its implementation [E/ECE/1354].

In the Declaration, ECE Governments, in celebrating the fiftieth anniversary, affirmed the Commission's relevance and their commitment to provide it with fresh impetus so that, in concert with other regional organizations, it would be able to take up the challenges that the region faced at the dawn of the twenty-first century. Commission reform, which was outlined in the Plan of Action, met the threefold aims of focus, flexibility and efficiency. Activities were streamlined, strengthened or discontinued. The number of programme elements were reduced by 60 per cent, and the intergovernmental structure from 14 principal subsidiary bodies (PSBs) to 7. That resulted in the work of the Commission focusing on the following areas: environment; transport; statistics; trade, industry and enterprise development; economic analysis; energy; timber; and human settlements. ECE members decided to set up a consultative mechanism so that some activities could be discontinued and others launched in response to changes in the needs of member countries and the realities of the region. They also agreed on a structure for organizing activities to meet specific requests from sub-groups of member countries, in particular the countries in transition and the Mediterranean countries. The intergovernmental structure of ECE was made more homogeneous and transparent, thereby simplifying decision-making and increasing cost-effectiveness. Cooperation was to be enhanced with other regional and subregional organizations, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the Organisation for Economic Cooperation and Development (OECD), as well as with institutions and the European Commission, and a dialogue with the business community and civil society was to be intensified.

The Plan of Action provided a comprehensive framework for translating into action the strategic directions set out in the Declaration. It presented general orientations and main changes in the work programme as a whole and in each particular area. It also dealt with cross-sectoral issues, working methods and efficiency, and relations with other bodies and with each other.

On 24 April, the Commission recommended fE/1997/36 (dec. A(52))] that the Economic and Social Council endorse the Declaration on the Strengthening of Economic Cooperation in Europe and

the Plan of Action, which the Council did on 18 July by **decision** 1997/224.

The Commission held an exchange of views with the chairmen of the PSBs on reform implementation and the future, including cross-sectoral activities and new ways of developing relations between and among PSBs. It agreed that all PSBs should be provided with resources as specified in the Plan of Action.

The Commission also considered the diversification of its activities designed to assist the integration of the countries in transition into the European and global economies [E/ECE/1348]. It requested the Executive Secretary to respond to requests for assistance to the countries in transition from individual countries, groups of countries and subregional groupings/initiatives, it being understood that member countries would be kept informed. It also requested further strengthening of cooperation and networking on those activities within the UN system, the European Commission in the framework of the EU PHARE and TACIS programmes, and other organizations, financial institutions, subregional groupings and interested donors, including the business community.

The Commission confirmed the importance of the ECE Regional Advisory Services Programme, focused on the implementation of policies, conventions, norms, standards and guidelines developed in ECE, and that a particular effort be made to design supporting projects. The Executive Secretary was asked to continue efforts to increase extrabudgetary funds for the Programme, inter alia, by exploring various forms of co-financing, and to organize a brainstorming meeting for that purpose with development assistance agencies of ECE member States.

In other decisions, the Commission agreed that the Executive Secretary should continue efforts to strengthen and promote cooperation and partnership with other UN bodies and other institutions active in the region, in particular OSCE, the European Commission, OECD and the Council of Europe, as well as subregional groupings and initiatives. The Commission agreed to formalize the relationship between ECE and OSCE. It emphasized its support for activities undertaken to address Mediterranean questions and requested that efforts to identify ways to enhance economic cooperation in the Mediterranean be continued.

Activities related to strengthening cooperation within the ECE region included the establishment of a Coordinating Unit for Operational Activities to deal with issues and activities that responded to the needs of specific groups of countries: countries in transition, sets of countries belonging to the same subregion, or groups

of countries spread throughout the region but having a common interest in a specific issue where ECE had recognized expertise. The Unit would support and coordinate operational activities undertaken by ECE, including by the Regional Advisers.

In the course of 1997, operational activities undertaken in cooperation with, or in the framework of, subregional organizations or initiatives increased significantly. Cooperation with the Black Sea Economic Cooperation Pact (BSEC), the Central European Initiative (CEI) and the Commonwealth of Independent States (CIS) included exchanges of information, provision of expertise, and the joint organization and support of mutually agreed activities. ECE supported CEI activities on small and medium-sized enterprises and prepared a project on sustainable energy development. In November, it decided to cooperate on concrete projects in the environment sector. Cooperation with the Interstate Economic Committee of the CIS Economic Union was formalized in a Memorandum on Interaction; a Protocol for the exchange of information was signed in April.

Economic trends

According to the summary of the economic survey of Europe, 1997 [E/1998/11], the economic situation in much of the ECE region improved significantly, with Western economies recording the best gross domestic product (GDP) growth since 1989, an average of 3.3 per cent, and transition economies of Eastern Europe, the Baltic States and CIS registering a 1.7 per cent GDP growth, the first positive average growth rate since 1989. That reflected the continued steady growth in Eastern Europe and an apparent end to seven consecutive years of falling GDP in the Russian Federation.

On 25 July 1997, the Economic and Social Council, by **decision 1997/314**, took note of the summary of the economic survey of Europe, 1996 [YUN 1996, p. 912].

Eastern Europe, Baltic States and CIS

In Eastern Europe and the Baltic States, 1997 was generally a year of relatively high growth rates. However, large drops in GDP in Albania, Bulgaria and Romania and a sharp deceleration of growth in the Czech Republic resulted in a 2.8 per cent average rate of growth for Central and Eastern Europe, much lower than in 1996 (4.1 per cent). Apart from the Czech economy, growth rates were generally higher in 1997 than expected at the start of the year, and in Croatia, Poland and Slovakia GDP increased by 6 per cent or more. A

strong recovery appeared to be well established in the Baltic States, where growth in 1997 ranged between 5 per cent, in Lithuania, and 9 per cent, in Estonia. In Albania, Bulgaria, the Czech Republic and Romania, policy makers had been grappling with the consequences of severe financial crises in 1996 and 1997, the result of poor macroeconomic fundamentals and weak reform programmes, especially as regards the banking and enterprise sectors, and a lack of a political and social consensus on a radical reform programme. Bulgaria made considerable progress towards establishing macroeconomic stability, especially since the creation of a currency board in July 1997, but a long process of structural adjustment still lay ahead. The increasing divergence in terms of economic reform and development between south-east European countries, together with Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), and those of Central Europe and the Baltic States was a matter of growing concern.

A major feature of recovery in Central Europe was the rapid growth of the industrial sector, with industrial output growing more than 11 per cent in Hungary and Poland, by some 7 per cent in Croatia, and by more than 6 and 13 per cent in Latvia and Estonia, respectively. Industry also attracted a large share of the expansion in fixed investment, especially in Croatia, the Czech Republic, Poland, Romania, Slovakia and Slovenia, resulting in a changing structure and improved competitiveness of exports of manufactured goods. The sector appeared also to be the main generator of private sector employment. Only in the Czech Republic was the services sector the major source of jobs.

In Eastern Europe, despite high rates of economic growth, there was only a marginal rise in the level of employment in 1997, largely due to Poland's performance, where output had been growing strongly for five years. Unemployment rates remained high (an average of 11.6 per cent in Eastern Europe and 6.3 per cent in the Baltic States).

In spite of serious setbacks in some south-east European economies, inflation rates had fallen markedly in most transition economies over the last few years, although progress was less marked in Eastern Europe in 1997. Apart from Albania, Bulgaria and Romania, the average increase in consumer prices in Eastern Europe and the Baltic States in 1997 ranged from 4 per cent in Croatia to more than 18 per cent in Hungary. The rate of increase in wages continued to fall, and widespread improvements in productivity, largely associated with increased output, had considerably lowered the growth in unit labour costs. An im-

portant feature of measured inflation rates in Eastern Europe and the Baltic States was their significant component of relative price adjustments. Despite the rapid liberalization of goods prices, the prices of many services, as well as for energy, were being only gradually increased to market levels so as to avert social unrest.

As regards CIS countries, the major macro-economic development in 1997 was the apparent end of seven years of falling output in the Russian Federation. The increase in GDP was marginal and prospects for continued recovery were uncertain. Nevertheless, there were signs of improvement in various parts of the economy. The manufacturing industry cited recovery in a number of sectors, consumer demand was revived for the first time since 1990, and Russian manufacturers appeared to be regaining shares in their domestic market. A major achievement in the Russian economy was a reduction in the inflation rate, from an annualized quarterly rate of 400 per cent in early 1995 to 2.8 per cent in the last quarter of 1997. Output also improved in all other CIS countries in 1997, except for Turkmenistan and Ukraine. There was also a significant fall in inflation rates in most countries, due to tight monetary policies and stable exchange rates, although higher productivity and increased price stability in the Russian Federation, the principal trading partner of the other CIS countries, also had an influence.

Western Europe and North America

The relatively high growth rate of the Western economies was heavily influenced by the unexpected strength of the United States economy, where buoyant domestic demand was responsible for an increase in GDP of 3.8 per cent, the largest since 1988. Despite perennial fears that the introduction of new technology was eliminating jobs, total employment since 1991 had risen 13 per cent. In 1997, the average unemployment rate was 4.9 per cent, the lowest since 1973. Fixed investment in the United States in 1997 raised the productive capacity of the manufacturing industry by more than 5 per cent, and, despite the rapid growth of the past six years, capacity utilization rates were still several points below their 1989 peak. Productivity in manufacturing rose by nearly 4.5 per cent in 1997 and easily absorbed the rise in wages, with unit labour costs actually falling. The greatest number of new jobs in the United States were created in the services sector, in particular in business services which had high rates of investment in new technology.

In Western Europe, GDP growth averaged 2.7 per cent in 1997, an improvement over the 2 per cent increase in 1996. There was a steady im-

provement in domestic demand, which tended to have a multiplier effect through the European economies because of close trading links. Nevertheless, Western European growth was still largely driven by exports and especially by the import demands of North America, the transition economies of Eastern Europe and CIS, and developing countries outside East Asia. Fixed investment picked up somewhat in 1997, but was still weak in France, Germany and Italy. Even in the United Kingdom, where growth had been relatively strong for the past four years and profits relatively high, increases were not very large. Investments tended to be in machinery and equipment and focused on rationalization of production rather than on expanding new capacities.

Western market economies saw the persistence of very low rates of inflation in 1997 and the absence of any serious incipient labour or other pressures. The increase in consumer prices averaged less than 2 per cent, the same as in the United States. Among factors cited to explain that trend were: labour-market deregulation, the declining influence of trade unions, increased competition in more open and interdependent economies, and widespread fear of unemployment, especially in Europe, where in the 1990s priority had been given to fiscal consolidation over growth and employment. Nevertheless, the experience of the United States and many smaller economies of Western Europe also suggested that growth, investment and rising productivity were playing an important role in sustaining low inflation and increased employment.

Activities in 1997

Trade, industry and enterprise development

The Committee for Trade, Industry and Enterprise Development, at its first session (Geneva, 9-11 December 1997) [ECE/TRADE/214], adopted its new structure. It welcomed the establishment of the Centre for the Facilitation of Procedures and Practices for Administration, Commerce and Transport (CEFACT), and noted the contribution of regional Electronic Data Interchange for Administration, Commerce and Trade (EDIFACT) boards to the promotion of UN/EDIFACT. The Committee encouraged active ECE participation in discussions on trade facilitation in the World Trade Organization (WTO). It confirmed the continuation of the Working Party on International Contract Practices in Industry, and agreed to: organize, in collaboration with the World Intellectual Property Organization and in consultation with WTO, a forum on the protection of intellectual property in transition economies; prepare

briefing papers on the legal aspects of financing trade and private enterprise; extend the build-operate-transfer (BOT) Group for a further two years; consider at its next session the experience of the Real Estate Advisory Group in advising Governments on developing viable real estate markets; and organize, in Prague, Czech Republic, in 1998, a conference on the revision of the European Conference on International Commercial Arbitration. The Committee confirmed the standing nature of the Working Party on Standardization of Perishable Produce and Quality Development and its five meetings of experts, and agreed to continue the Working Party on Technical Harmonization and Standardization Policies, requesting it to prepare a paper on different modalities of fostering cooperation on technical harmonization issues among ECE member States. The Committee approved the establishment of ad hoc groups of experts on the chemical industry and on steel, and adopted programmes of work for each. It also adopted its own programme of work for 1998-1999.

On 24 April [E/1997/36 (dec. B(52))], the Commission endorsed the 1996 decisions of the Working Party on Facilitation of International Trade Procedures and of the Committee on the Development of Trade endorsing an ECE recommendation on use of the UN/EDIFACT Standard and recommending that the Economic and Social Council adopt it as an international UN recommendation. The Council, by **decision 1997/225** of 18 July, endorsed the Commission's decision.

The Working Party on International Contract Practices in Industry, at its forty-sixth session (Geneva, 29 September-1 October) [TRADE/WP.5/62], held a forum on the prospects for promoting foreign direct investment in the transition economies. ECE was asked to prepare a comprehensive report on and to publish an extended version of the proceedings. The Working Party agreed to establish an ad hoc drafting group to complete the Guide on Real Estate Transactions in the Countries of Central and Eastern Europe.

A workshop, "Trade Finance in Transition Economies: Practical Ways to Support Exports and Imports", was held (Geneva, 27-28 November) [TRADE/1997/7/Add.1].

The Working Party on Technical Harmonization and Standardization Policies, at its seventh session (Geneva, 5-7 May) [ECE/STAND/46], adopted a draft intergovernmental agreement on technical harmonization to strengthen the role of international standards and reduce technical obstacles to international trade. The Working Party took measures to improve cooperation in the ECE region on standardization-related issues in the

areas of coordination, harmonization, conformity assessment, metrology, quality policy and competitiveness. The Working Party streamlined its activities and adopted a revised work programme for 1997-2001.

Transport

The Inland Transport Committee, at its fifty-ninth session (Geneva, 13-17 January) [ECE/TRANS/119 & Add.1], discussed, among other things, assistance to countries in transition, transport trends and policy and transport economics, road transport, regulations for the construction of vehicles, rail transport, inland water transport, combined transport, customs questions, transport of dangerous and perishable goods and transport statistics.

The Committee adopted a draft Protocol on Combined Transport on Inland Waterways to the 1991 European Agreement on Important International Combined Transport Lines and Related Installations (AGTC Agreement), opening it for signature from 1 November 1997 to 31 October 1998. It also approved guidelines for the safe packing of cargo in freight containers and vehicles and encouraged their early publication.

The Regional Conference on Transport and the Environment (Vienna, 12-14 November) [ECE/RCTE/CONF./8/FINAL] discussed major issues concerning transport and the environment in the ECE region, including a strategic approach towards sustainable transport: reconciling economic, environmental and social objectives; establishing environmental targets for the transport sector and ways to reach them; achieving sustainable transport in countries in transition; and how to best promote less polluting modes of transport.

The Conference adopted the Vienna Declaration [ECE/RCTE/CONF./2/FINAL] and the Programme of Joint Action [ECE/RCTE/CONF./3/Rev.1] on Transport and the Environment and invited ECE to promote their objectives and implementation. It noted that the Protocol on Combined Transport on Inland Waterways to the AGTC Agreement, opened for signature at the Conference, had been signed by 12 States. ECE members were encouraged to become contracting parties to the Protocol, and the Working Party WP.24 of the ECE Inland Transport Committee was asked to promote effective implementation of the standards and parameters contained therein. The Conference also encouraged members to become contracting parties to the Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, which had been signed by 22 States. It invited the Inland Transport Com-

mittee's Working Party WP.29 to ensure the further development of the Agreement, including the preparation of proposals for rules to be annexed to it. The Conference endorsed draft amendments to the 1971 European Agreement supplementing the 1968 Convention on Road Traffic, aimed at promoting the use of vehicles in international transport that complied with international environmental standards in force; ECE members were encouraged to implement them.

In the Vienna Declaration, ECE member States undertook to work towards sustainable transport, reducing the negative impact of transport and traffic on the environment and human health by promoting measures to reach volumes and patterns of transport compatible with sustainable development. Taking into account the costs and benefits of transport and the specific characteristics of the situation of individual countries, they decided, among other things, to work towards a close integration of environment, health and transport policies at the local, national and international levels; integrate the principles of sustainable development, in particular the protection, precautionary, prevention and polluter pays principle, in their transport policies; and promote those means of transport that best contributed to the attainment of those goals and principles of sustainable transport. The Conference also identified action to promote energy-efficient and less-polluting vehicles and fuels and efficient and sustainable transport systems, to protect sensitive areas, and to promote sustainable urban transport, safe transport of dangerous goods and the prevention of water pollution.

The Programme of Joint Action contained a detailed description of possible measures and solutions to be taken at the international and national levels.

Energy

On 24 April (E/1997/36 (dec. C(52))), the Commission endorsed the decision of the Working Party on Coal and that of the Committee on Energy at their 1996 sessions to approve the new United Nations Framework Classification for Reserves/Resources: Solid Fuels and Mineral Commodities. It requested the ECE secretariat to publish by November 1997 the Framework Classification to facilitate its use by major coal and mineral industries worldwide, and it recommended that the Committee on Sustainable Energy monitor its application commencing in 1997 and that the Economic and Social Council consider measures for its worldwide application.

The Council, by **decision 1997/226** of 18 July, noted the Commission's decision and invited UN

Member States, international organizations and the regional commissions to take appropriate measures to ensure worldwide application of the Framework Classification.

The Committee on Sustainable Energy (formerly the Committee on Energy), at its seventh session (Geneva, 5-7 November) [ECE/ENERGY/32], suggested ways to introduce the Framework Classification, including the preparation, by ECE and by a UN task force, of an action plan for regional and subregional application of the Framework Classification in western Europe (European Union member States), central/eastern economies in transition, CIS member States, Asia, Latin America and Africa; the holding of training seminars in each region and subregion; and consideration by the ECE Working Party on Gas in 1998 of the suitability of incorporating the existing national Gas and Petroleum Classifications into that umbrella Classification.

In other decisions, the Committee set up an Ad Hoc Group of Experts on the Extension of European Electricity Interconnection to coordinate the activities of a project on the subject and adopted its terms of reference. The Committee also adopted its own terms of reference and those of the Working Party on Gas and the Steering Committee of the Energy Efficiency 2000 Project; and approved tasks for the Ad Hoc Group of Experts on Coal and Thermal Power.

Agriculture

The Meeting of Experts on Coordination of Standardization of Fresh Fruit and Vegetables, at its forty-third session (Geneva, 12-16 May) [AGRI/WP.1/GE.1/50], discussed a revision of standards for apples, pears, citrus fruit, broccoli, tomatoes, table grapes and asparagus, and postponed to its next session discussion on peas, onions, beans, garlic, plums, peaches, nectarines and cultivated mushrooms, as well as on a proposal to include provisions for miniature fruit and vegetables in UN/ECE standards, the usefulness of sizing, and the establishment of a list of countries using code-marks.

The Timber Committee, at its fifty-fifth session (Geneva, 6-9 October) [ECE/TIM/89], reviewed its activities in support of sustainable forest management, to which it had attached the highest priority. Following discussion of the special topic "Markets for certified forest products", the Committee agreed to address certification-linked issues in its programme of work. The Committee reviewed preparations for the Temperate and Boreal Forest Resources Assessment 2000, and urged countries to provide the information requested and sufficient political and financial support to their national correspondents

to enable them to accomplish their task. It also noted preparations for the Lisbon Ministerial Conference and the results of the first meeting of the Intergovernmental Forum on Forests. It approved its programme of work for 1998-2002.

Environment

In 1997, the Committee on Environmental Policy held a special session (Geneva, 21-22 January) [ECE/CEP/33] to consider implementation and fine-tuning of the environmental performance review (EPR) process and selection of the next countries to be reviewed; possible initiation of work on European energy conservation; inputs for the 1997 special session of the General Assembly and the Commission on Sustainable Development (see PART THREE, Chapter I); activities under the "Environment for Europe" process; and work under the European Environment and Health Committee.

The Committee requested its Bureau to summarize major experiences and problems in the EPR process, and to present proposals for its further improvement to the Committee's fourth session (see below). It decided to conduct a review of Slovenia in May 1997; the next EPRs were to be conducted in Kazakstan, Lithuania and Ukraine. It asked a group of experts with environmental and energy expertise to submit in 1998 a "white paper" and draft guidelines on energy conservation in Europe for consideration and transmission to the fourth Ministerial Conference "Environment for Europe" (Århus, Denmark, June 1998). The Committee discussed the development of an international instrument on the eradication of water-borne diseases and invited delegations to arrange for the participation of experts in an informal consultation, to be convened by the Regional Office for Europe of the World Health Organization and ECE, to elaborate further details of the initiative.

The Committee on Environmental Policy, at its fourth session (Geneva, 26-28 May) [ECE/CEP/35], reviewed the environmental performance of Slovenia and adopted recommendations for strengthening Slovenia's environmental policy and management. It considered ongoing activities under the "Environment for Europe" process, including work on energy conservation, and was informed of preparations for the fourth Ministerial Conference. Progress under regional environmental conventions and the negotiation of a draft convention on access to environmental information and public participation in environmental decision-making were also reviewed.

Human settlements

The Committee on Human Settlements, at its fifty-eighth session (Geneva, 15-17 September) [ECE/HBP/104], agreed on the terms of reference of an advisory board to be called the Housing and Urban Management Advisory Network. It recommended that resources be mobilized to ensure that the Network was fully established before the end of January 1998 and agreed to evaluate the Network's activities and decide on its future in 1999. Concerning housing privatization, the Committee decided that training facilities on privatization in countries in transition should be set up; ECE was asked to organize a training workshop on financing and privatization in one of those countries. The Committee reviewed its current programme of work and agreed to seek better cooperation and synergies with organizations within the ECE region and with the United Nations Development Programme and the World Bank.

Statistics

The Conference of European Statisticians, at its forty-fifth session (Geneva, 10-12 June) [ECE/CES/52], reviewed the integrated presentation and coordination of international statistical work in the ECE region, through the examination of the European Comparisons Programme, price statistics, minimum standards for metadata on the Internet, environmental accounting, household incomes and expenditures, international trade in financial services and other programme elements. It examined ECE-Eurostat-OECD joint data collection, best practices for official statistics and the impact of information technology development on statistical operations, including managerial considerations.

Latin America and the Caribbean

The Economic Commission for Latin America and the Caribbean (ECLAC) did not meet in 1997. The Commission's twenty-seventh session was to be held in Oranjestad, Aruba, from 11 to 16 May 1998.

Economic trends

According to the 1997 summary of the economic survey of Latin America and the Caribbean [E/1998/14], the region's economies in 1997 secured one of their best performances in a quarter of a century, combining an average growth rate of 5.3 per cent, compared to 3.2 per cent dur-

ing 1991-1996, with an average rate of inflation of under 11 per cent. Per capita gross domestic product (GDP) increased by 3.6 per cent, an increase of 14 per cent since the start of the decade. That was due especially to significant improvements in Argentina, Costa Rica, El Salvador, Mexico, Peru, Uruguay and Venezuela and continued strong growth in Chile and the Dominican Republic. Brazil, on the other hand, experienced only modest growth. Growth was widespread, with no country experiencing negative growth and six countries (Argentina, Chile, the Dominican Republic, Mexico, Peru and Uruguay) expanding activity by 6 to 8 per cent. In seven economies, the pace of growth was in the 4 to 6 per cent range, while in nine others it was around 3 per cent. Only Haiti, Jamaica and Saint Lucia experienced little or no growth. The region's overall success in 1996-1997 was stimulated by growth in investment, which far exceeded growth in GDP. The ratio of investment to GDP was expected to reach 24 per cent for the year, the highest in the 1990s. Investment growth, which was especially marked in Argentina, Bolivia, Costa Rica, the Dominican Republic, Mexico, Nicaragua and Venezuela, was financed by external capital, since domestic savings increased more slowly than GDP. Another contributing factor to the acceleration of economic capacity was export growth, which was strong in a number of countries.

Regional economic activity in 1997 was affected by the "El Niño" phenomenon, which caused serious drought in most of Central America and in some Caribbean countries and heavy rainfall in South America, hurting agricultural output, causing some damage to infrastructure and reducing catches of cold-water fish species.

Inflation rates continued to decline, from 882 per cent in 1993 to 11 per cent in 1997, the lowest level in 50 years. Single-digit inflation was achieved in 13 of 22 countries. In most countries, the rate of price increase slowed or remained low; only Barbados, the Dominican Republic, Ecuador and Haiti experienced increased inflation rates. Venezuela continued to have the highest inflation in the region, despite having succeeded in reducing it from 103 per cent to 38 per cent.

Urban unemployment declined slightly, from 7.7 to 7.4 per cent, due not to job creation but to reduced labour force participation, except in Argentina and Mexico, where a resumption of faster growth helped generate jobs and reduce unemployment. In Brazil, Colombia and Uruguay, on the other hand, the employment rate declined.

In the external sector, the region's current account deficit increased from \$36 billion in 1996 to \$60 billion in 1997, or 3.2 per cent of GDP,

largely influenced by large deficits in Argentina, Brazil and Mexico and a smaller-than-usual surplus in Venezuela. In nine countries, the ratio of the deficit to GDP was over 4 per cent, and in six of those countries, it exceeded 5 per cent. The pattern of foreign trade returned to that of the earlier part of the decade, when imports had grown faster than exports. As a result, the foreign deficit widened from around \$8 billion in the two previous years to \$28 billion in 1997, mainly attributable to the shift in the merchandise trade balance to a deficit of some \$11.6 billion, after two years of surpluses. The 18 per cent growth in the value of imports was due largely to a strong volume increase, since import prices were lower for almost all countries. The upswing in the volume of merchandise imports was due to the accelerated growth of domestic demand in most countries. That trend was most striking in Argentina, Bolivia, Ecuador, Mexico, Nicaragua and Venezuela, which all had large increases in import volumes. Other factors included real appreciation of the currency in practically all countries, especially Mexico and Venezuela, tariff reductions, and loosening of import restrictions in Central American countries and on some products in Brazil. Export volume increased by more than 11 per cent, twice the rate of increase in output, and exceeded the predicted increase of 7 per cent in world trade volume for 1997. Average export prices increased for most countries, with the exception of Argentina, Bolivia, Mexico, Uruguay and Venezuela. For those countries, the lower average export price was due to falling international prices of petroleum, grains and beef hides. Other products of great importance to the region, however, underwent price increases, most notably coffee and bananas, which were chiefly responsible for better export prices in Central America, where the trend was most pronounced; prices of beef, shrimp, aluminium, zinc and, to a lesser extent, copper also went up.

External debt

In 1997, the region's total external debt expanded to \$645 billion, an increase of 2.5 per cent, less than that of the previous year. Only Brazil, Chile and Colombia recorded significant increases in external liabilities, due largely to increased private sector borrowing, while Argentina's increase reflected expansion of public external debt. A number of countries improved the structure of the maturities of their public external debt, while continuing efforts to reduce the cost of financing. External debt burden indicators for 1997 generally improved, although for a few countries, particularly in Central America, indicators still revealed cause for concern. Bolivia

and Peru made progress in external debt negotiations. In March, Peru signed an agreement restructuring some \$8 billion in external commercial debt, including late instalments and interest. In August, the World Bank approved a debt relief programme for Bolivia under the terms of the heavily indebted poor countries initiative.

Activities in 1997

Development policy and regional economic cooperation

The report on Commission activities between 1996 and 1998 [E/1998/41] stated that the ECLAC Economic Development Division continued in 1997 to analyse the economies of Latin America and the Caribbean and disseminate the results through its annual publications—*Economic Survey of Latin America and the Caribbean* and *Preliminary Overview of the Economy of Latin America and the Caribbean*—as well as electronically via the ECLAC Web page. The Division continued to study employment problems, especially the impact of structural reforms on employment, and government policies aimed at changing production patterns and promoting sustainable development and social equity, with an emphasis on assessing their effectiveness. It also carried out operational activities in fiscal policy and decentralization and implemented a project on privatization processes in Bolivia and Nicaragua. Two regional seminars were held on fiscal policy, stabilization and adjustment.

The Latin American Centre for Economic and Social Development (CLADES), which focused on information management for economic and social development, placed special emphasis on substantive analysis of information management, in the context of new productive linkages in the information industry and competition and cooperation among the public and private entities involved. Its operations during 1996-1997 were aimed particularly at strengthening information management in public and private institutions in the region. Seminars (in Chile, Cuba, Guatemala, Nicaragua and Venezuela) and training seminars (in Argentina, Brazil, Chile, Cuba, El Salvador, Guatemala, Nicaragua and Venezuela) were conducted to examine new aspects of information management for development, share experiences, and increase the awareness of information system directors and decision makers of the role of information in the socio-economic context.

During the 1996-1997 biennium, the Latin American and Caribbean Institute for Economic and Social Planning (ILPES) sought to meet the concerns and priorities of member Governments with respect to strategic State management. In 1997, it organized the nineteenth meeting of the

Presiding Officers of the Regional Council for Planning (Madrid, Spain, 20-21 November), which discussed the Institute's functioning and examined strategic design and basic infrastructure. It held a seminar on political parties and strategic State management (Brasilia, Brazil, 28-29 November) and a technical seminar on strategy design and infrastructure (Santiago, Chile, 29-30 September). ILPES conducted nine international courses and a national course for over 300 participants from 14 countries. Some 14 regional courses on project preparation and evaluation were held for public-sector professionals, in the framework of the technical cooperation agreement with the Ministry of Planning and Cooperation of Chile. The Institute undertook 20 advisory missions to 20 central Governments and decentralized bodies and academic institutions in various countries of the region, including extensive assistance to El Salvador in institution strengthening and to Honduras for the submission of a project proposal for restructuring in the context of State reform. It issued studies on political parties and strategic management and on confronting poverty at the municipal level.

In the area of regional integration and cooperation, ECLAC monitored and evaluated activities and provided technical support to Governments in economic integration and cooperation among themselves. It prepared documents that addressed: diversification of markets and merchandise exports within the framework of the Latin American Integration Association, the Southern Cone Common Market (MERCOSUR) and the Andean Community; MERCOSUR, especially its future prospects; the intensification of economic links between the various subregional agreements in Latin America and the Caribbean; some specific features of integration; a summary of the debate and conclusions of the meeting on the promotion of intraregional trade and investment in Latin America and the Caribbean; and the North American Free Trade Agreement.

Industrial, scientific and technological development

The Joint ECLAC/United Nations Industrial Development Organization (UNIDO) Industrial and Technological Development Unit continued to analyse the industrial restructuring process and to design policies to enhance the competitiveness of the countries of the region during the 1996-1997 biennium. The Unit's activities included studies carried out as part of various projects, resulting in the issuance of seven books, 17 articles and 26 official ECLAC documents. The Unit also organized nine conferences and seminars and conducted a number of training courses, most

of which were at the postgraduate level. In addition, it held 23 computer application training workshops and developed seven versions of the relevant programmes for that purpose. The Unit also carried out 42 technical assistance missions to countries of the region.

Under the United Nations Development Programme (UNDP)/ECLAC regional project to promote innovation and competitiveness in the Latin American and Caribbean business sector, activities relating to various countries were carried out and technical assistance was provided in connection with policies on export promotion, human resource development, and technological innovation and diffusion. Government agencies were given support in the design of industrial policies and the modernization of business associations.

The first phase of the ECLAC/International Development Research Centre project on productive restructuring, industrial organization and international competitiveness in Latin America and the Caribbean was completed, and the second phase launched in 1997 with the start-up of research activities concerning the forestry cluster in Argentina, Brazil, Chile, Colombia and Mexico. Work began on the project "A natural resource-cluster development strategy: its growth, distributive and environmental implications", and a cooperative agreement was signed with Colombia to prepare reports on forestry, dairy-product and petroleum-industry clusters. Work on the development of a methodology to evaluate the export competitiveness of countries or groups of countries in markets of great importance to Latin America and the Caribbean culminated in the design of a range of computer programs that together comprised the Competitive Analysis of Nations software system. Work also began on the project for small and medium-sized industrial enterprises in Latin America and the Caribbean and international competitiveness, the aim of which was to assess such firms' competitiveness and development and to propose ways to strengthen their ability to compete. Under an agreement with Chile, activities were conducted to coordinate and supplement efforts to optimize the use of available resources to promote and develop micro-enterprises and small and medium-sized businesses. A joint meeting was held in July to publicize Chile's programme in that area and to encourage the exchange of experiences relating to the development of the production sector in Latin America.

International trade and development finance

During the biennium, ECLAC activities focused on the design of policies and mechanisms to foster the gradual expansion and improvement of

the trade linkages of Latin America and the Caribbean with the global economy, and their continued adaptation to changes associated with current trends towards globalization and increasing trade and financial liberalization. The International Trade, Finance and Transportation Division produced publications relating to Latin American and Caribbean trade policies. Further studies were produced on access to service markets and the promotion of economic ties between Japan and Latin America and the Caribbean. The 1997 edition of the *Panorama de la inserción internacional de América Latina y el Caribe* updated information published in 1996.

Development finance activities covered a joint ECLAC/UNDP regional project on financial policies for changing production patterns with social equity; issues related to savings, financial institutions and capital formation; pension systems reform; a joint ECLAC/Netherlands project on income distribution and poverty in recent stabilization and adjustment policies in Latin American and Caribbean countries; and a joint ECLAC/German Agency for Technical Cooperation project on reforms of the financing of health systems in Latin America and the Caribbean.

Natural resources and energy

In 1997, ECLAC's activities in natural resources and energy were directed at improving institutional management; defining the functions of the State, especially with respect to privatization and regulation; contributing to the design and application of public policies for integrated natural resource management; and supporting the regional implementation of international agreements relating to natural resource and energy management. Efforts were directed at strengthening regional technical mechanisms of analysis and consultation charged with ensuring implementation of international legal and political instruments relating to sustainable development. The subprogramme had developed a substantial technical assistance capability in integrated coastal zone management, employing an approach that incorporated the concept into a country's general sustainable development strategy.

In the area of water resource management, advisory assistance was provided on privatization of public utilities, especially with respect to regulation of monopolies. The subprogramme supported the formation of watershed authorities to promote multiple use of water resources, and followed up on implementation of the recommendations of Agenda 21 [YUN 1992, p. 672]. It continued to contribute to the Inter-American Dialogue on Water Management. Support was provided to municipalities in the management of wa-

tersheds, coastal areas and other natural zones. ECLAC, along with the Latin American Energy Organization, continued to support the project on energy and sustainable development covering energy and equity, energy and economic growth, energy and the environment, and reform, privatization and regulation of the energy sector.

Transport

The ECLAC Transport Unit carried out research into transport services in the context of integration, modernization and privatization of port operations, and the relationship between road infrastructure and urban transport. It also prepared a statistical newsletter and a shipping yearbook. Advisory services were provided to various countries with regard to urban transport, passenger transit, rail transport, multimodal transport, port privatization and labour reform. The Unit collaborated with the World Bank, the Inter-American Development Bank and the Institute for Latin American Integration on issues relating to the development of land-bridges and rail networks in the Southern Cone. Technical assistance and training on port modernization were provided within the framework of a joint programme with ESCAP.

Social development

In 1997, the ECLAC programme of work in social development was implemented against a background of economic recovery and adaptation to changes in the global economy, which created favourable conditions for achieving progress in overcoming poverty. The 1997 edition of the Social Panorama of Latin America was published. Work was concluded on the joint project with the Statistics and Economic Projections Division concerning analysis and assessment of recent socioeconomic progress in Latin American countries and the impact of social policies.

Technical assistance was provided, with UNDP assistance, to the Dominican Republic to assess the availability and quantity of basic information for developing a strategy for targeting social programmes. Technical cooperation activities were initiated with Honduras to formulate anti-poverty policies and to design and evaluate social policies and programmes. ECLAC activities also included analysis of social policies, with a view to the elaboration of methods to improve their design and implementation. A project on social programme management was launched and two expert meetings were organized to examine progress made in selected social programmes in Argentina, Brazil, Chile, Colombia, Mexico and

Paraguay. A meeting was held jointly with the Organization of American States (OAS) and Chile on the social institutional framework for overcoming poverty and for achieving equity, as was an expert meeting to analyse State reforms. Execution of the OAS/ECLAC Joint Programme on Social Policies for Latin America continued, supporting Argentina in its evaluation of programmes for older persons; Paraguay, to assess the effects of its school nutrition programme; and Chile, to assess the results of its micro-enterprise support programme. In addition, a regional course on the formulation and assessment of social projects was held. In the area of drug abuse, a regional meeting of experts was organized on illicit drug economics and consumption in Latin America and the Caribbean (Santiago, Chile, 13-15 January). Technical assistance was provided to the National Council for Narcotics Control of Chile for the analysis, evaluation and planning of the implementation of the national policy and plan for drug abuse prevention and control.

Regional follow-up to World Summit for Social Development

In follow-up to the World Summit for Social Development [YUN 1995, p. 1113], ECLAC organized the first regional conference (Sao Paulo, Brazil, 6-9 April), at which it presented a document entitled "The Equity Gap: Latin America, the Caribbean and the Social Summit". It contained an analysis of the social situation in the countries of the region; a summary of the economic and social reforms under way; and policy proposals for the attainment of Summit objectives.

The conference adopted the Sao Paulo Consensus [LC/G.1972 (CONF. 86/4)], by which ECLAC member countries renewed their commitment to actions to achieve objectives agreed upon at the World Summit. Among them were: prioritization of issues on the social agenda, and ensuring an appropriate allocation of resources to incorporate social equity into growth; guaranteeing that social development was a State priority; intensifying the complementarity between high, stable growth rates and human development; strengthening the role of social policies as State policies in the quest for higher levels of social equity and social integration; ensuring integrated approaches to the economic, social and environmental dimensions of development; and establishing a regional information database of successful experiences in social policy. The Commission secretariat was asked to convene a meeting within two years to analyse progress made and obstacles that remained.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council adopted **resolution 1997/56** [draft: E/1997/L.41] without vote [agenda item 7 (c)].

First regional meeting convened by the Economic Commission for Latin America and the Caribbean to evaluate the World Summit for Social Development

The Economic and Social Council,

Recalling paragraph 95 (h) of the Programme of Action of the World Summit for Social Development, in which the Summit recommended that regional commissions, in cooperation with the regional intergovernmental organizations and banks, convene, on a biennial basis, a meeting at a high political level to review progress made towards implementing the outcome of the Summit, exchange views on their respective experiences and adopt the appropriate measures,

1. Welcomes the convening by the Economic Commission for Latin America and the Caribbean of the first regional meeting to evaluate the World Summit for Social Development, which was held at Sao Paulo, Brazil, from 6 to 9 April 1997, with the participation of high-level representatives of Latin American and Caribbean countries;

2. Expresses its appreciation for the final document of the meeting, known as the Sao Paulo Consensus, in which the signatories undertook, inter alia, commitments related to the implementation of the Programme of Action of the World Summit for Social Development;

3. Invites other regions to convene their respective evaluation meetings on the Summit.

Integration of women in development

ECLAC activities in the area of the integration of women in development centred on follow-up to the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 [YUN 1994, p. 739], the Platform for Action of the Fourth World Conference on Women [YUN 1995, p. 1170], and preparations for the seventh session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean (Santiago, Chile, 19-21 November). That Conference evaluated progress made in implementing the Regional Programme of Action. It was preceded by two meetings of the Presiding Officers of the Regional Conference (Mexico City, 27-28 May; Santiago, 17 November) and a meeting of specialized agencies and other organizations of the UN system (Santiago, 18-21 November), which analysed constraints affecting the continuity of programmes and projects as well as opportunities for exchange and coordination within the framework of follow-up to the Platform for Action and the Regional Programme of Action. An expert meeting (Santiago, 28-30 April) was held on the relationship between non-governmental women's organizations and

the State and its impact on the modalities of organizations and movements.

During the biennium, increased efforts were made to ensure that women's issues were taken into account in all ECLAC programmes. Activities carried out in that context included an examination of projects executed by substantive divisions and units of the ECLAC secretariat with a view to the inclusion of elements of gender analysis in their terms of reference and interdivisional meetings to carry out joint analyses of studies on the status of women. During the second half of 1997, training workshops were held within ECLAC to facilitate the institutionalization and mainstreaming of the gender perspective in the activities of the work programme and in technical co-operation for development. The Women and Development Unit prepared various studies, including "Sustainable development, poverty and gender in Latin America and the Caribbean: working towards the year 2000", "Access to power and participation in decision-making in Latin America and the Caribbean: policies for gender equity looking to the year 2000", and "Female human resources development: growth and equity as priorities".

Environment and human settlements

ECLAC's work in the area of environment and human settlements continued within the framework of the region's effort to implement Agenda 21, to follow up the United Nations Conference on Human Settlements (Habitat II) [YUN 1996, p. 992], and to fulfil the Latin American and Caribbean Regional Plan of Action on Human Settlements [YUN 1995, p. 1044]. Activities were carried out in coordination with the subprogramme on natural resources and energy, particularly in areas relating to the implementation of multilateral agreements, with special emphasis on those concerning the transboundary movement of hazardous wastes and the conservation of biodiversity. Many activities of the ECLAC/German Agency for Technical Cooperation project on the environmentally sound management of urban and industrial waste tied in with analytical and other work to strengthen regional cooperation in connection with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal [YUN 1989, p. 420], in collaboration with the Convention secretariat. Work on the question of environmental policy repercussions on international trade concerned the analysis of environmental aspects of subregional economic integration agreements (particularly MERCOSUR) and the interaction between international trade and the environment in Latin America and the Caribbean. Issues relating

to the types of environmental information needed for urban management were examined under a project on urban management in selected medium-sized cities. In 1997, the second phase of the project was conducted and a second regional technical seminar (Santiago, 4-5 December), in collaboration with Italy, was held.

In the field of human settlements, the document entitled "Human settlements: the shelter of development" was updated and revised for submission to the sixth Regional Meeting of Ministers and High-level Authorities of the Housing and Urban Development Sector in Latin America and the Caribbean (San Jose, Costa Rica, 26-28 November).

Population

In 1997, the activities of the Latin American Demographic Centre (CELADE) focused on applied research, technical cooperation and training in demography. Its main research activities centred on the monitoring and analysis of demographic trends in the countries of the region; the formulation of methods for the use of demographic inputs in the design, implementation and evaluation of policies, programmes and projects at national, regional and local levels; and the design and upgrading of computer programs for conducting population analyses. Studies undertaken included "Impacto de las tendencias demográficas sobre los sectores sociales en América Latina: contribución al diseño de políticas y programas", "Metodología para determinar el ingreso y la proporción de hogares pobres", and "Información sobre población y pobreza para programas sociales". A number of studies were prepared and published concerning population estimates and projections, as well as specific topics relating to vulnerable groups, primarily in Bolivia, Chile, Guatemala, Paraguay and Peru. In addition, CELADE produced the final Windows version of the retrieval of data for small areas by microcomputer (REDATAM-Plus) computer program and three related tools: Access Plan, EduPlan and ZonPlan.

Technical assistance was provided to Mexico and Paraguay on population policies. Under an agreement with the Inter-American Development Bank, CELADE continued to provide support for the execution of social investment projects in Guatemala, Nicaragua, Paraguay and Peru. It also cooperated with national institutions in Guatemala, Nicaragua and seven Caribbean countries to promote intensive use of REDATAM-Plus and REDATAM/Geographic Information Systems (GIS). The twentieth intensive regional course on demographic analy-

sis for development was held in 1997; substantive assistance was given to the University of Chile for conducting the seventh international postgraduate course on population and development, sponsored by the United Nations Population Fund. Support also continued for universities, government agencies and non-governmental organizations in population studies, teacher exchanges and in-service training.

Food and agriculture

The work of ECLAC's Agricultural Development Unit focused on coordination between agro-industries and agricultural producers; the agricultural land market; technological innovation and national agricultural research systems; the long-term outlook for the farm sector; the rural labour market; and an analysis of forestry/agricultural resource-based clusters. A planning workshop was held in April for a project on policy options to promote the development of agricultural land markets; case studies began for Bolivia, Guatemala and Peru. Studies funded by the Food and Agriculture Organization of the United Nations (FAO) began on the land market in various areas in Mexico and in north-eastern Brazil. Technical assistance was provided to Paraguay as part of a joint UNDP/World Bank project on rural development strategies. At FAO's request, a study was carried out on the role and activities of international agricultural and forestry research centres in the region and how they interfaced with national research systems. Technical assistance in that area was also provided to Paraguay. At the request of Colombia, a study was prepared on subsidies and other forms of assistance for the food industry and agricultural sector; another dealt with the agricultural sector in Chile as viewed from the standpoint of the integration process in Latin America and the Caribbean. Other studies focused on the potato market in Chile and dairy-industry clusters.

Statistics and economic projections

The ECLAC Statistics and Economic Projections Division conducted activities to enlarge the regional framework of statistics information; develop and disseminate statistical information; promote regional cooperation on statistics; and prepare studies on development in Latin America and the Caribbean and the region's position in the global economy.

Regional cooperation projects on statistics were under way on the development of statistical databases, household surveys, improvement of national accounts, production of basic statistics and social policies and programmes. Major ef-

forts were made to adapt and produce: basic statistics in the framework of a regional strategy for the implementation of the 1993 System of National Accounts [YUN 1993, p. 1112]; environmental statistics and indicators; poverty statistics and indicators; and service statistics. Studies on development and the region's position in the world economy examined outside factors that influenced trends in the economies of Latin America and the Caribbean and their prospects over the medium term. Country-by-country macro-economic projections were updated, and the region's economy was monitored as part of Project Link, which coordinated world economic projections.

Transnational corporations

During 1997, the activities of the Joint ECLAC/United Nations Conference on Trade and Development (UNCTAD) Unit on Transnational Corporations were directed towards information, research and technical cooperation. The Unit, in collaboration with national bodies and its network of correspondents, continued to update the electronic database *Directorio sobre inversión extranjera en América Latina y el Caribe* 1993: marco legal e información estadística, expand its range of legal and statistical information, and standardize and improve the comparability of the corresponding statistical series of the region. The Unit explored the role of transnationals in industrial restructuring and international competitiveness, and participated in an interregional UNCTAD project on the impact of transnational corporations in relation to that topic. Case studies examined large-scale investments in manufacturing, mainly in the trade sector and in physical infrastructure in Latin America in the 1990s in the context of recent economic and institutional reforms. The Unit also compiled and processed data on sectoral investment to identify a group of investors in relevant sectors to analyse the level of systematic competitiveness. A comparative study was also carried out on the legal framework and hiring practices in the petroleum sector.

Technical cooperation and assistance

During the year, ECLAC's Programme Planning and Operations Division completed 55 regional, subregional and national projects financed from extrabudgetary funds. It launched 18 new projects, 8 of which were completed in 1997.

ECLAC continued to support and promote technical cooperation among developing countries (TCDC) in the region, including the ex-

change of experience and of practical results obtained. A project to upgrade the capabilities of TCDC focal points, carried out with UNDP resources, helped countries gain access to the Internet, prepare home pages and provide up-to-date information on technical cooperation. Project results were submitted to the thirteenth annual meeting of Directors of International Technical Cooperation of Latin America and Caribbean Countries (Antigua, Guatemala, May). ECLAC also reported on the TCDC potential of its technical cooperation activities in decentralization.

Subregional activities

Caribbean

The ECLAC subregional headquarters for the Caribbean—the secretariat of the Caribbean Development and Cooperation Committee (CDCC) (Port of Spain, Trinidad and Tobago)—focused on the analysis of issues relevant to the economic and social development of the subregion.

Activities were developed to foster cooperation in operational and sectoral areas among CDCC countries and between them and the countries of Latin America. Issues affecting the smaller economies of the Caribbean subregion continued to be studied jointly with the special subcommittee on the Free Trade Area of the Americas and the secretariat of the Association of Caribbean States. In addition, working relations continued to be consolidated with the Caribbean Community (CARICOM), the Latin American Economic System (SELA), the Organization of Eastern Caribbean States (OECS), and other subregional and regional institutions. Efforts were made to ensure that the special circumstances and needs of the non-independent Caribbean countries were given due attention.

Priority was given to the social aspects of development. Mechanisms were put in place to provide advisory services and technical assistance to Governments and institutions in the subregion, so that they could undertake follow-up activities to world conferences organized in 1994 and 1995. In that regard, the subregional headquarters, CARICOM and the United Nations Development Fund for Women jointly convened a Caribbean subregional ministerial conference (Guyana, 6-8 August) to examine progress made by Governments of the subregion since the sixth session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean [YUN 1994, p. 739], and to review the implementation of recommendations adopted at the Fourth World Conference on Women [YUN 1995, p. 1170]. Prior to

that meeting, an expert group meeting on gender planning (Trinidad and Tobago, 16-17 July) agreed on core gender planning issues to be addressed in the Caribbean, and adopted a methodology to integrate the gender dimension into the planning process, for consideration by the ministerial conference. The subregional headquarters also organized a meeting (Barbados, 10-14 November) of ministers of Caribbean countries, at which Governments identified priority activities and policies in respect of implementation of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States [YUN 1994, p. 783]. Taking into account the changing economic scenario facing many Caribbean countries and the impact of structural adjustment programmes, the subregional headquarters convened a meeting to formulate a strategic plan of action to ensure that the components of economic development strategies could be integrated into an ongoing platform for change, and to establish a framework for sustainable structural development and institutional changes in the Caribbean, in the context of the global economy.

A seminar on the promotion of trade and investment in Latin America and the Caribbean (Trinidad and Tobago, 23-24 September) analysed intraregional relations in Latin America and the Caribbean, as well as those between the region and other regions, and proposed policy options for fostering greater development of economic links and trade and investment ties among the various subregional integration schemes. The Caribbean Council for Science and Technology continued to receive assistance. The Council decided to forge closer ties with CARICOM, thereby paving the way to becoming recognized as an organization with responsibility for implementing regional science and technology projects in the Caribbean.

Reports were produced reviewing the economic, trade and financial performance of the CDCC member countries. Newsletters provided up-to-date information on trade, development, sustainable development, public-sector reform, structural adjustment and privatization policies in the subregion. Technical cooperation services were provided to member Governments and regional and subregional institutions on issues relating to environmentally sustainable development programmes.

Mexico and Central America

The subregional headquarters in Mexico expanded its study and analysis of high-priority topics, including regional and hemispheric-wide integration. It gave special attention to institu-

tional restructuring in Central America; reforming models of social security and social development; promoting non-traditional exports and export competitiveness; food security and deregulation of the agricultural sector; and changes in industrial production patterns.

A meeting of experts was held (Mexico City, 26-27 May) on promoting savings in a situation of openness and financial liberalization. Technical cooperation activities on the economic situation in Mexico took place. In the area of social development, studies were carried out on the contribution of civil society in Central American countries and on gender, poverty and social security. Concerning international trade, a number of studies were under way on subregional integration processes, hemispheric-wide integration, and the competitiveness of Central American economies. A meeting of experts was held (Mexico City, 5-7 August) on subregional free trade agreements and the Central American integration process, and support was provided for a third course on Central American integration, organized jointly with SELA. The effects of the liberalization of trade and agriculture in Central America were analysed. Research took place on the manufacturing sector, particularly in the Dominican Republic and Guatemala; on technological innovation and the development of competitiveness in the region; and on the impact of integration on production. Studies in energy were undertaken on the supply of oil and gas, as part of a collaborative effort between ECLAC and the German Agency for Technical Cooperation, and on the integration of electrical energy in Central America.

Cooperation between the United Nations and the Latin American Economic System

In response to General Assembly resolution 50/14 [YUN 1995, p. 1047], the Secretary-General reported [A/52/376] in September on cooperation between the United Nations and the Latin American Economic System (SELA), which had intensified and become more diversified. Such cooperation included meetings of ECLAC and SELA representatives, preparation of specialized documents, and inter-agency activities relating to integrated social policies in Latin America and the Caribbean. Joint activities were also carried out in the areas of economic and social policies in Latin America and the Caribbean, social aspects of integration and the follow-up conference to the World Summit for Social Development. ILPES also coordinated its programme of activities with SELA. FAO and SELA maintained frequent contacts, and established a framework for coopera-

tion under the regional programme on vegetal germ plasm and biotechnology and food security projects. Future cooperation in food security, trade policy in connection with the Uruguay Round of multilateral trade negotiations and competitiveness was identified.

Cooperation between the World Trade Organization and SELA continued through regional and national seminars, technical missions, workshops and meetings on the Uruguay Round agreements. Cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) took place with regard to world change, technological prospects, intellectual property and development of craft micro-enterprises. "Project Demos" dealt with economic and social policies and higher education.

The World Bank participated in elaborating priorities for accelerating growth and reducing poverty in the countries of the region at the Third Annual Bank Conference on Development in Latin America and the Caribbean (Montevideo, Uruguay, 29 June-1 July), and enhanced consultations on a regional developmental agenda were expected. The World Intellectual Property Organization conducted the Latin American and Caribbean Symposium on the Agreement on Trade-Related Aspects of Intellectual Property Rights in cooperation with Venezuela and SELA (13-15 May). UNDP funded technical assistance in selected areas, primarily trade.

Cooperation activities also continued with the International Labour Organization, the International Monetary Fund, the World Meteorological Organization, UNIDO, UNCTAD and the United Nations University.

GENERAL ASSEMBLY ACTION

On 22 October [meeting 35], the General Assembly adopted **resolution 52/3** [draft: A/52/L.6] without vote [agenda item 25].

Cooperation between the United Nations and the Latin American Economic System

The General Assembly,

Recalling its resolution 50/14 of 15 November 1995 on cooperation between the United Nations and the Latin American Economic System,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Latin American Economic System,

Bearing in mind the Agreement between the United Nations and the Latin American Economic System, in which the parties agree to strengthen and expand their cooperation in matters which are of common concern in the field of their respective competence pursuant to their constitutional instruments,

Considering that the Economic Commission for Latin America and the Caribbean has developed ties of cooperation with the Latin American Economic System which have grown stronger in recent years,

Bearing in mind that the Permanent Secretariat of the Latin American Economic System has carried out several programmes with the support of the United Nations Development Programme in areas that are considered of priority for the economic and social development of the region,

Considering that the Latin American Economic System is developing joint activities with the specialized agencies and other organizations and programmes of the United Nations system, such as the United Nations Conference on Trade and Development, the United Nations Educational, Scientific and Cultural Organization, the United Nations Industrial Development Organization, the World Health Organization and the World Intellectual Property Organization,

Welcoming the continued monitoring of changes in the treatment of topics relating to the United Nations system, in close contact with the delegations of the Member States participating in such deliberations,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Urges the Economic Commission for Latin America and the Caribbean to continue broadening and deepening its coordination and mutual support activities with the Latin American Economic System;

3. Urges the United Nations Development Programme, within its new overall framework and high-priority development objectives in support of sustainable human development, to renew and expand its financial and technical cooperation with the programmes that the Permanent Secretariat of the Latin American Economic System is carrying out in areas of mutual interest and concern, aimed at complementing the technical assistance activities conducted by the Latin American Economic System;

4. Urges the specialized agencies and other organizations, funds and programmes of the United Nations system to continue and intensify their support for, and cooperation in the activities of, the Latin American Economic System;

5. Requests the Secretary-General of the United Nations and the Permanent Secretary of the Latin American Economic System to assess, at the appropriate time, the implementation of the Agreement between the United Nations and the Latin American Economic System and to report thereon to the General Assembly at its fifty-third session;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution.

Programme and organizational questions

Impact of UN reform

By a 6 January note [E/1997/5], the Secretary-General transmitted to the Economic and Social Council reports of 1996 ECLAC meetings [YUN 1996, p. 930] on the impact of UN reform on ECLAC, a 1996 Commission resolution on the subject and a proposed order of priorities for execution of the 1998-1999 work programme.

By **decision 1997/211** of 7 February, the Council took note of the document and transmitted it

to the Committee for Programme and Coordination (CPC) for consideration.

The second meeting of the ad hoc working group (New York, 5 June) reviewed recent reform measures adopted by ECLAC. In that connection, it considered a note entitled "Review of recent reforms adopted by the Economic Commission for Latin America and the Caribbean" [LC/G.1962] and a document on a management pilot scheme [LC/G.1964]. Participants agreed on the importance of the scheme and endorsed the general thrust of the proposals made for decentralization. The Committee of the Whole of the Commission was to consider the matter further.

CPC, at its thirty-seventh session (New York, 9 June–3 July) [A/52/16], noted that ECLAC had begun to implement reform and institutional development measures well in advance of the recent reform drive in the UN system. ECLAC's modernization efforts included rationalization of the functioning of intergovernmental forums, strategic planning and training for medium- and senior-level managers.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council, on the recommendation of ECLAC [E/1997/40/Add.1], adopted **resolution 1997/54** without vote [agenda item 10].

Economic Commission for Latin America and the Caribbean in the context of reform of the United Nations

The Economic and Social Council,

Recalling Economic Commission for Latin America and the Caribbean resolution 553(XXVI) on reform of the United Nations and its impact on the Commission and, in particular, its decision to establish an ad hoc working group open to all its member countries, which group was empowered, inter alia, to recommend to the Commission strategic directions for its future activities in the context of the ongoing process of reform of the United Nations,

Taking note of the discussions at the second meeting of the ad hoc working group established pursuant to Commission resolution 553(XXVI), held in New York on 5 June 1997,

Bearing in mind its resolution 1996/41 of 26 July 1996 and General Assembly resolution 50/227 of 24 May 1996, which refer to the restructuring and revitalization of the United Nations in the economic, social and related fields and call for a review of the regional commissions with a view to strengthening and enhancing their effectiveness as action- and policy-oriented bodies,

Bearing in mind also its request that the regional commissions should continue to undertake their own assessments, as called for in General Assembly resolution 50/227, and should report to the Council at its substantive session of 1997,

Taking note of the notes of 15 and 21 April 1997 by the secretariat of the Commission entitled "Review of re-

cent reforms adopted by the Economic Commission for Latin America and the Caribbean" and "Management pilot scheme",

Reaffirming that the initiative on the pilot management scheme presented by the Commission secretariat is aimed at strengthening the role of the organization as a centre of excellence charged with collaborating with member States in a comprehensive analysis of development processes geared to the design, monitoring and evaluation of public policies and the resulting provision of operational services in the fields of specialized information, advisory services and training and support for regional and international cooperation and coordination,

Convinced that it is essential for the United Nations, in carrying out activities in the economic, social and related fields, to take account of the regional dimension and the decentralization of tasks in accordance with the comparative advantages of its subsidiary bodies located in the developing regions,

1. Notes with satisfaction the progress made by the secretariat of the Economic Commission for Latin America and the Caribbean in fulfilling the instructions of the Commission, as expressed in its resolution 553(XXVI), in particular with regard to institutional matters and management improvement and the coordination of activities with other organizations, in order to maintain its validity and relevance in the face of evolving circumstances that affect not only Latin American and Caribbean development, but also the United Nations;

2. Also notes with satisfaction the work carried out by the ad hoc working group established pursuant to Commission resolution 553(XXVI) in defining priorities for all elements of the programme of work of the Commission for the biennium 1998-1999 and the progress achieved in formulating additional strategic directions;

3. Urges the ad hoc working group, in consultation with the Executive Secretary of the Economic Commission for Latin America and the Caribbean, to ensure that, notwithstanding the changing internal and external circumstances affecting the implementation of the programme of work, the activities carried out by the secretariat of the Commission are based on the priorities established and the guidelines contained in the progress report of the ad hoc working group;

4. Supports the general thrust of the management pilot scheme, which will be developed and described in detail and submitted for consideration and approval by States members of the Commission before its implementation, taking into account the statements made by the members of the ad hoc working group during its second meeting, held in New York on 5 June 1997;

5. Requests the Executive Secretary to keep members informed during the implementation phase of the management pilot scheme, through the ad hoc working group, with the aim of monitoring its effectiveness and impact on the work of the Commission;

6. Concurs with the general thrust of the strategic proposal by the secretariat of the Commission on deployment of human resources contained in the document on reform measures, with a view to generating, while ensuring the optimum utilization of expertise available within the Commission and the United Nations system, more effective results, in accordance with the needs and requirements of the countries of the re-

gion, for a given amount of resources by adequately altering the mix of in-house staff and outsourced expertise and services, and welcomes further consultation between the secretariat and member States on the details of such a plan prior to implementation;

7. Recommends that, as reform of the United Nations proceeds in the economic, social and related areas, a clear division of responsibilities should be established with regard to regional activities in Latin America and the Caribbean between the Commission, on the one hand, and the programmes, agencies and funds of the United Nations system and regional intergovernmental organizations, on the other, with a view to achieving appropriate coordination and mutual reinforcement in their respective activities;

8. Requests the Executive Secretary to continue to intensify, in the general context of the reform process of the United Nations in the economic, social and related areas, the reform measures referred to in the present resolution and in Commission resolution 553(XXVI) and to report thereon to the Commission at its next session, to be held at Aruba in April 1998.

Western Asia

The Economic and Social Commission for Western Asia (ESCWA) held its nineteenth session in Beirut, Lebanon, on 7 and 8 May [E/1997/39]. The session was preceded by the tenth session of its Technical Committee (Beirut, 5-6 May). ESCWA and the Technical Committee assessed progress in the implementation of the 1996-1997 work programme, reviewed follow-up action to Commission resolutions adopted in 1995 and to those of the its Statistical and Social Development Committees, and examined regional preparations and follow-up to UN world conferences and ESCWA regional meetings, the proposed medium-term plan for 1998-2001, the draft programme of work for 1998-1999, the financial status of Commission programmes, ESCWA's regional role in the coordination of UN agency activities, and the report of the Advisory Committee on strengthening the role and performance of ESCWA. The Commission adopted the report of the Technical Committee [E/ESCWA/19/4], including its draft resolutions.

Economic and social trends

Economic trends

Overall economic performance in the ESCWA region improved in 1997, according to the summary of the survey of economic and social developments in the region for that year [E/1998/15]. The regional gross domestic product (GDP), excluding Iraq, although registering only a 3.4 per

cent growth, compared to 5.5 per cent the previous year, marked the second consecutive year of positive growth. That growth rate was attributable to a significant increase in oil production in several countries, which had kept oil revenues at 1996 levels despite falling prices, and the initiation and acceleration of economic reforms in many countries of the region. Higher growth was stymied by an estimated 7.9 per cent decline in international oil prices, periodic closures of the borders of the West Bank and Gaza Strip, political instability caused by the stalled Middle East peace process, terrorist attacks on tourists, and continued UN economic sanctions on Iraq.

There was, however, a marked difference between the Gulf Cooperation Council (GCC) countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates), the combined GDP growth rate of which declined from 5.9 per cent in 1996 to 3 per cent in 1997, and countries or areas with more diversified economies (Egypt, Iraq, Jordan, Lebanon, the Syrian Arab Republic, Yemen and the West Bank and Gaza Strip), the growth rate of which remained steady at an estimated 4.4 per cent.

Among GCC countries, Bahrain, Kuwait and Oman recorded respective reduced growth rates in 1997 of 2.8, 2.3 and 5 per cent compared to 3.1, 2.8 and 6.7 per cent in 1996. Saudi Arabia registered a reduced growth rate of 2.8 per cent compared to 5 per cent the previous year; the largest reduction was that of the United Arab Emirates, which recorded an estimated GDP growth rate of 0.8 per cent, well below the 7.1 and 9.9 per cent registered in 1995 and 1996, respectively. On the other hand, Qatar registered the highest real GDP growth in 1997—15.5 per cent compared to 10 per cent in 1996, mainly due to the tremendous growth in the oil sector and to natural gas projects.

As for the countries with more diversified economies, Egypt's growth rate remained the same at 5.1 per cent. Economic conditions in Iraq remained poor in 1997, attributed largely to UN-imposed economic sanctions. Jordan was estimated to have registered a growth rate of 5 per cent in 1997, compared to 5.2 per cent in 1996, and Lebanon's continued to decline, to an estimated 3.5 per cent in 1997. That decline may have been due to the reduction in capital expenditures, coupled with a reduction in private-sector investment, owing mainly to high interest rates and poor export performance. The Syrian Arab Republic once again registered the lowest GDP growth rate of the region's more diversified economies apart from Iraq and the West Bank and Gaza Strip, 2 per cent. A 24 per cent decline in cereal output, together with a 3.4 per cent decline in oil production in 1997, as well as a reduc-

tion in tourism revenues, prevented the country from achieving a higher growth rate. The West Bank and Gaza Strip realized a modest turnaround, with a growth rate of 1.2 per cent in 1997; a major factor was losses caused by border closures. Yemen, the region's least developed country, saw its GDP grow by an estimated 5.4 per cent in 1997 against 4.4 per cent in 1996.

Inflation rates, generally low in most ESCWA countries in 1996, fell even further in 1997. The highest inflation rate in 1997 in GCC countries was an estimated 2.8 per cent in the United Arab Emirates, while the lowest among the more diversified economies was 4.7 per cent in Jordan. Inflation rates in GCC countries in 1997 were the lowest among developing countries worldwide—less than 1 per cent in Oman and Saudi Arabia and less than 3 per cent in other GCC countries. Those nations continued to pursue prudent monetary policies in 1997. With the exception of the Kuwaiti dinar, currencies were pegged to the United States dollar, with which they appreciated against most Western European and all Far Eastern currencies, resulting in lower prices for imported goods, which kept inflation rates down.

The unemployment problem remained a formidable challenge for many countries of the region in 1997, particularly for those with more diversified economies. The problem had been compounded over the years by the region's relatively higher population growth and low economic growth rates, as well as by overstaffing in the public sector. However, many Governments were discontinuing the policy of being an employer of last resort and job-seekers were facing greater difficulties. The West Bank and Gaza Strip witnessed a decline in their unemployment rate from 24 per cent in 1996 to 21 per cent in 1997, while that of Yemen remained at its 1996 level of 25 per cent, a situation not expected to improve much unless the private sector increased investment and employment significantly in the future. Egypt's rate of unemployment was estimated at less than 9 per cent in 1997, and that of the Syrian Arab Republic was estimated in the single digits. GCC countries were also concerned about unemployment; in most countries, the indigenous labour force was growing at an annual rate of 5 per cent. Those nations aimed to replace foreign workers with their own nationals.

Economic reform and structural adjustment programmes continued to be implemented in most diversified ESCWA member countries in 1997. The tendency was to move away from inward-looking economic development strategies; the economic dominance of the region's

Governments appeared to be declining steadily. There was more emphasis on the private sector as the engine of growth and development and the major source of employment opportunities. The pace of economic reform varied widely among member countries and was most intense in the more diversified economies, notably Egypt and Yemen. The momentum gained in 1995 was lost in GCC countries with the exception of Oman. The policy to broaden and diversify the tax base and further reduce government subsidies was generally suspended in 1997.

In GCC countries, the rise in oil revenues further reduced budget deficits, which in 1997 were financed mainly by domestic borrowing rather than by drawing on foreign reserves or resorting to external borrowing, as had been the case over the past few years. The 1997 budgets of the more diversified ESCWA economies continued to be deflationary. Those countries sought alternative means to reduce deficits, by increasing domestic revenues or reducing expenditures through cutting subsidies or debt service payments. Most also resorted to domestic borrowing, while a number of them, such as Jordan and Lebanon, turned to external borrowing.

In the face of sound economic growth and financial sector reform and more developed financial markets, the easing of relatively restrictive banking conditions in the region continued in 1997, resulting in strong banking performance.

Oil

The region's oil production reached an average of 17.35 million barrels per day in 1997, compared to 16.27 barrels in 1996, with considerable increases in Iraq and Qatar and more modest increases in other ESCWA countries. Production in those two countries in 1997 increased 95.7 per cent and 27.2 per cent, respectively, over 1996 production levels. Oil revenues in the region totalled an estimated \$99.05 billion in 1997, \$1.03 billion lower than in 1996. The 6.6 per cent increase in oil production by ESCWA countries, and smaller declines in oil prices in individual ESCWA countries, permitted the region to maintain a high overall oil revenue. In addition, the purchasing power of the ESCWA region's oil revenues was strengthened in 1997 by the 12 per cent appreciation of the United States dollar against other major currencies and the even larger appreciation against other currencies, including some Far Eastern countries.

Trade

The region's trade was estimated to have decreased by 1.5 per cent in 1997, with total exports

decreasing by 4.5 per cent and imports increasing by 2.3 per cent.

In GCC countries, exports decreased by 4.8 per cent as a result of an 8 per cent drop in oil prices, with Kuwait and Qatar recording decreases of 6.6 and 6.3 per cent, respectively. Total imports increased by 3.5 per cent; the largest increases, 10 per cent, were recorded by Bahrain, Qatar and the United Arab Emirates. In the more diversified economies, total exports declined by 1.4 per cent. They decreased sharply in Lebanon (12.5 per cent) and Yemen (7.2 per cent). Egypt, which achieved the largest increase in exports (10.9 per cent) in 1997, recorded a 21 per cent increase in its non-oil exports, particularly manufactured goods. Total imports decreased slightly in 1997, by 0.3 per cent. Egypt was the major importing country in the group, with imports representing 40 per cent of the group's combined imports and 12.4 per cent of the ESCWA region's total imports.

The region's import/export ratio was estimated at 1.19 in 1997, with that of GCC countries estimated at 1.55 and that of the more diversified economies at 0.38. The region's international reserves (minus gold) rose significantly to \$52.3 billion, compared to \$48.6 billion in 1996, with that of GCC countries amounting to \$23.36 billion—46.3 per cent of the region's total reserves. Egypt had the largest international reserves among ESCWA countries, reaching \$19.08 billion in September 1997.

Most countries made tangible progress in trade liberalization. Trade policy reforms were a major feature of economic reforms carried out in 1997. The unification of tariff rates was the cornerstone of trade negotiations among GCC countries. In the more diversified economies, Egypt had made considerable progress, completing its commitments to the World Trade Organization (WTO) and abolishing the prohibition of imports of poultry and textiles in 1997, which had been exempted to protect local production. Yemen had taken steps towards trade liberalization in the light of the application of economic reform policies with the World Bank and the International Monetary Fund (IMF).

Social trends

Urban population growth in the ESCWA region was still faster than total population growth; the urban population grew from 37 million to 83 million in the period 1975-1995, an increase of 124 per cent, compared to total population growth for the same period of 81 per cent. That growth was mainly due to relatively high rates of rural-to-urban migration, a phenomenon of the more diversified economies in the region. In GCC countries, high rates of urbanization were stimu-

lated by international and regional migration, in addition to natural increases. Urbanization policies in the region had so far had limited success in curbing spatial imbalance associated with the urbanization process.

Measures had been adopted by most ESCWA member countries to promote rural development, including agricultural development projects, expansion and upgrading of the physical infrastructure in the rural hinterland, and new town development strategies to spatially diffuse urban growth. However, such measures were often offset by the limited financial and administrative capacity of public-sector agencies to implement such strategies. Examples of urban growth in the ESCWA region included the Amman-Zarqa urban corridor, the largest urban concentration in Jordan, where most industrial activities and social and educational facilities were located. Damascus, Cairo and Alexandria displayed similar patterns, where large investments in infrastructure development and the establishment of satellite towns reinforced rural-to-urban migration. In addition to administrative decentralization, some important policy measures had been initiated by national Governments, private institutions and non-governmental organizations (NGOs) to address human settlement challenges into the twenty-first century through an integrated and multidisciplinary approach. The work of national committees on human settlements in several ESCWA member countries was also favourably received, particularly in developing forums for negotiations between State and public-sector agencies and private organizations.

In some ESCWA countries, adverse social effects might have resulted from structural adjustment programmes and economic reforms, especially in the short term. The pressures of demographic factors and insufficient levels of agricultural production, coupled with a gradual cut in subsidies for basic goods, were leading to poverty and unemployment among the urban poor population. To reschedule the country's international debt, Jordan followed an IMF programme that reduced subsidies and froze public-sector salaries; it had begun to cut a government payroll that accounted for nearly 50 per cent of the workforce. Some countries, such as Egypt and Lebanon, as well as the West Bank and Gaza Strip, had a higher rate of poverty in rural areas than in urban areas. The rural poor's reliance on food subsidies was considered alarming. In Egypt, subsidized food contributed 17.9 per cent of food expenditure of the poorest quartile of rural households and 50 per cent of their per capita calorie intake in 1992.

Wide disparities in standards of living throughout the region, as well as within countries, had led to increasing social tension and crime rates, particularly among youth in low-income neighbourhoods.

In the ESCWA region, young people between the ages of 15 and 24 would account for nearly 20 per cent of total population by the year 2000; children under age 15 would account for more than 40 per cent. The number of disabled persons in the ESCWA region was projected to reach 11.2 million in the year 2000; there was a significant underestimation of the disabled population as a result of cultural and social pressure.

Activities in 1997

During 1997, ESCWA activities under the 1996-1997 work programme focused on the management of natural resources and the environment; improvement of the quality of life; economic development and cooperation; regional development and global changes; and special programmes and issues.

Economic development and cooperation

At its 1997 session, the Technical Committee considered a note [E/ESCWA/19/6] by the Executive Secretary on concerns of ESCWA member States regarding WTO, related agreements and future trade negotiations. Annexed to the note were summaries of four studies by ESCWA on the challenges and opportunities of the General Agreement on Tariffs and Trade (GATT) and WTO agreements and their implications for ESCWA members.

The Technical Committee emphasized the importance of conducting practical studies on possible areas of coordination and cooperation among ESCWA members so that countries in the region could take advantage of international changes and developments, in particular within the framework of the Euro-Mediterranean Partnership. In view of the importance of international trade for the economies of member States, it was proposed that a committee on foreign trade be created. The Committee highlighted the need to approach the issue of privatization from a more comprehensive social and economic perspective, to carry out a study on the philosophy of the private sector and its role, and to recognize the importance of money markets, small and medium-sized enterprises and business incubators in development.

On 7 May, the Commission decided [E/1997/39 (res. 214(XIX))] to establish a technical committee on liberalization of foreign trade and economic

globalization in the countries of the ESCWA region, and submitted a resolution to the Economic and Social Council for adoption.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/12** without vote [agenda item 10].

Establishment of the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the Countries of the region of the Economic and Social Commission for Western Asia

The Economic and Social Council,

Aware that the steadily growing trend towards the liberalization of foreign trade and economic globalization, the conclusion of a series of multilateral trade agreements within the framework of the World Trade Organization and the emergence of a large number of economic blocs will transform the international trading system in the future,

Conscious of the growing interest of the States members of the Economic and Social Commission for Western Asia in the World Trade Organization and the desire of many of them to join it and of the importance of defining the positions of the countries of the region and coordinating those positions with respect to the issues involved,

Taking into consideration the appreciation shown by member States for the efforts made by the secretariat of the Commission in this area, both alone and in cooperation with specialized international organizations,

Aware of the importance of defining the issues of concern to member States within the new areas that will be discussed in future trade negotiations, such as trade and environment, trade and investment and trade and competition, and the impact that those areas will have on the economic development of the countries of the region,

Welcoming the efforts made by numerous regional groups in conducting research and studies in those areas and coordinating their positions at the regional level,

1. Establishes the Technical Committee on Liberalization of Foreign Trade and Economic Globalization in the countries of the region of the Economic and Social Commission for Western Asia, which shall be made up of representatives of the States members of the Commission who specialize in this field and shall undertake the following tasks:

(a) Participation in the identification of the priorities and concerns of the States members of the Commission in the field of multilateral trade agreements and negotiations;

(b) Monitoring of international developments in world trade negotiations and the creation and development of economic and trade blocs and coordination of the positions of the States members of the Commission with respect thereto;

(c) Cooperation with the secretariat of the Commission in establishing programmes to assist the countries of the region in outlining appropriate national and regional economic development policies to enable those

countries to take greater advantage of the trends towards liberalization of foreign trade and economic globalization;

(d) Establishment of joint programmes with the countries of the region and in cooperation with other regional and international organizations for training, exchange of information and studies;

2. Decides that the Committee will hold its sessions annually, beginning in 1998;

3. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to follow up the implementation of the present resolution and report thereon to the Commission at its twentieth session.

Transportation

Activities in Western Asia during the second phase (1992-1996) of the Transport and Communications Decade for Asia and the Pacific were the subject of an April 1997 secretariat report [E/ESCWA/C.1/19/4(Part I)/Add.5]. ESCWA Stated that it was unable to participate in the Decade, as it failed to obtain any support from the bodies and agencies it contacted for that purpose, and also because of reduced funds.

The Technical Committee also considered a report [E/ESCWA/C.1/19/4(Part I)/Add.7] on facilitation of border-crossing formalities and agreements for the transport of goods and persons, which discussed the conventions on facilitation of trans-border traffic, measures taken by ESCWA to facilitate transit procedures, the development of information technology and communications networks, and proposed steps to improve cross-border procedures, including an implementation mechanism.

The Technical Committee recommended according top priority to activities connected with the transport sector, and mobilizing extrabudgetary resources to finance programmes in the area of transport and a committee on transport in ESCWA.

On 7 May, the Commission decided [E/1997/39 des. 213(XIX)] to establish a committee on transport in ESCWA, and submitted a resolution to the Economic and Social Council for adoption.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic And Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/11** without vote [agenda item 10].

Establishment of the Committee on Transport of the Economic and Social Commission for Western Asia

The Economic and Social Council,
Aware of the vital role of transport infrastructures in national socio-economic development,

Aware also of the importance of integrating transport networks with a view to contributing to the acceleration of regional cooperation processes,

Conscious of the important role of the transport sector in facilitating the flow of goods and passengers among countries and regions, thus contributing to the liberalization of international trade, the promotion of tourism and the growth of exports, in particular within the context of the growing trend towards globalization,

Welcoming the steps taken by United Nations regional commissions for the establishment of specialized committees in various transport fields to ensure the coordination of work at the regional level,

1. Establishes the Committee on Transport of the Economic and Social Commission for Western Asia, which shall be made up of representatives of the States members of the Commission who specialize in the field of transport and which shall undertake the following tasks:

(a) Participation in the establishment and formulation of priorities for programmes of work and medium-term plans in the field of transport;

(b) Monitoring of developments in the field of transport in the States members of the Commission;

(c) Monitoring of the progress achieved in the activities of the secretariat of the Commission in the field of transport;

(d) Ensuring follow-up to international and regional conferences, and the participation of member States in such conferences and coordinating the efforts of member States to implement resolutions and recommendations;

2. Decides that, starting in 1999, the Committee on Transport shall meet every two years;

3. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to follow up the implementation of the present resolution and report thereon to the Commission at its twentieth session.

Statistics

The Statistical Committee, at its second session (Amman, Jordan, 24-26 February) [E/ESCWA/C.1/19/4(Part I)/Add.6], considered follow-up to the recommendations adopted at its first session; a summary of the report of the United Nations Statistical Commission on its twenty-ninth session; work accomplished between the first and second sessions of the Committee; the work programme of the ESCWA Statistics Division for 1998-1999; reports on several statistical programmes; statistical implications of UN international conferences; measurement of poverty and the statistical data required; technical cooperation; and a report on the Regional Household Survey Project.

The Committee stressed the importance of intensified cooperation between ESCWA and the Arab Industrial Development and Mining Organization in preparing the biennial Bulletin of Industrial Statistics for the Arab Countries and in organizing a training workshop on industrial statistics. It called on ESCWA to note the observations of the UN Statistics Division regarding technical cooperation in the ESCWA region, and recommended that the heads of central statistical organizations in ESCWA member States, particularly

those who had chaired statistical sessions, participate in sessions of the UN Statistical Commission.

The Committee approved the ESCWA project for the development of national gender statistics in Arab countries; called on ESCWA members to make maximum use of the Internet; invited the countries of the region to implement the 1993 System of National Accounts, in cooperation with ESCWA; and called on ESCWA to hold workshops on national accounts, focusing on actual experiences. The ESCWA programme of action for the development of social statistics was approved. All future studies on poverty should take into account social services expenditure.

The Committee requested ESCWA to continue to provide the services of a regional adviser to enable the countries of the region to meet their needs in national accounts, economics statistics, household surveys and electronic data processing. It called on ESCWA to continue to improve data collection by using computer notebooks; emphasized the importance of conducting environmental household surveys; and invited the United Nations Environment Programme, the World Health Organization and other bodies concerned with the environment to cooperate in training cadres to apply statistical methods in the area of environment. ESCWA was asked to continue to conduct workshops on the Geographical Information System (GIS) and to prepare a regional project on GIS for member States.

Social development

The ESCWA Committee on Social Development, established in 1994 [ESCres. 1994/27], held its first session in Amman, Jordan, from 25 to 26 March 1997 [E/ESCWA/C.1/19/6]. It recommended that ESCWA develop its information system so that it could receive and distribute information related to social policies, programmes and measures. Member States, Arab funding organizations and regional and international donors should provide financial and human resources to enable ESCWA to carry out its work, and to monitor and follow up the recommendations of global conferences and Arab plans of action, taking into consideration the reservations expressed, on the basis of Islamic Shariah law and Arab traditions and values, by Arab and Islamic countries with regard to some recommendations of those conferences. ESCWA should include in the medium-term plan issues related to democracy, human rights and poverty; the scope of human settlement activities should be widened to include support for local councils. Family-related concepts should be clarified in line with the framework established by Arab countries that

participated in the Fourth World Conference on Women [YUN 1995, p. 1169], with the Arab Plan of Action for the Advancement of Women to the Year 2005, and with recommendations of the Arab Conference on the Formulation of a Unified Arab Programme and a Follow-up Mechanism for the Action Plan of the Fourth World Conference on Women: the Conference of Arab Ministers of Social Affairs. Work on the social development database should be completed and training provided to State institutions on how to create national databases. ESCWA should support regional coordination in the exchange of information and expertise as part of the follow-up action on the recommendations of regional and global conferences. Technical assistance should support the formulation of social development projects; the establishment of policies and the follow-up of their implementation; development of institutional infrastructure; and development of human resources of social development institutions. Member States should support the work of national committees on population, human settlements and women and development as well as human development networks. Committees should be established to follow up the recommendations of global conferences and Arab plans of action and to implement them nationally, in such areas as human development, women and development, human settlements and population. ESCWA should finalize the regional programme of action for following up global conferences, and coordinate its efforts with the secretariat of the League of Arab States and its specialized organizations and with the United Nations and its specialized agencies in implementing those activities.

Environment, energy and natural resources

In 1997, the Technical Committee [E/ESCWA/C.1/19/4(Part I)/Add.3] reported on a review and assessment of progress achieved in the implementation of Agenda 21 [YUN 1992, p. 672], and activities undertaken by the ESCWA secretariat and member States, with special focus on emerging priorities and unfulfilled expectations. Technical assistance supported ESCWA activities in attaining sustainable development. Member countries' performance in meeting their environmental policy objectives was reviewed and their natural resources management and planning capabilities were strengthened. Advisory services were provided by regional advisers in the areas of energy, environment, trade, statistics, industry and water management. The establishment of committees on energy and water resources in 1995 had underscored the urgent need for further integration of environmental considerations into all sec-

toral programmes of ESCWA, in line with the national and regional priorities of sustainable development. Research studies and reports were disseminated through seminars, workshops and intergovernmental meetings related to aspects of Agenda 21, in particular, water management, co-operation and capacity-building in energy, water, agriculture, rural development and the phase-out of ozone-depleting substances.

ESCWA provided policy guidance on the follow-up of Agenda 21 on a regional level and undertook specific activities for the Arab Programme for Sustainable Development.

The ESCWA secretariat gave priority to structural changes in the energy sector due to issues of privatization, regional cooperation and the promotion of clean energy, including new and renewable energy, and was pursuing increased regional collaboration in energy networks, especially energy conservation and efficiency, new and renewable sources of energy and electrical power system interconnections.

Priorities were set for integrated water resources development and management, water resources assessment and regional cooperation for the protection of water resources. A field project was launched to investigate the shared basalt aquifer system in the Syrian Arab Republic and Jordan and mathematical modelling of the Wadi Ham aquifer in the Fujairah coastal plain of the United Arab Emirates. Training courses were scheduled on the use of remote sensing and GIS techniques in hydrology and hydrogeology and water legislation in the ESCWA region to disseminate information related to water resources and strengthen national capacities.

To combat poverty, ESCWA initiated a series of studies to investigate the roots of poverty in the region in its larger economic and social context. It was concluded that environmental deterioration, population, health conditions and development were inextricably entwined.

The Commission also considered a report [E/ESCWA/C.1/19/4(Part I)/Add.1] on the establishment of a committee on energy in ESCWA, which stated that it had not been possible to convene the first meeting of the committee in 1996 due to the lack of expertise as a result of the high vacancy rate in the Energy Issues Section. It was therefore decided, provisionally, to convene the first meeting in September 1997.

The first session of the Committee on Water Resources (Amman, 30 March) [E/ESCWA/C.1/19/4(Part I)/Add.2], established by the Economic and Social Council in 1995 [ESC res. 1995/26], recommended that ESCWA concentrate on regulating water demand, applying water conservation techniques in irrigation and encouraging train-

ing programmes and workshops that increased awareness of the importance of water and rationalized its use. A study on the integrated management of available surface or groundwater resources was urged, as was a study on the laws, customs and conventions regulating the use of shared international waters.

On 7 May [E/1997/39 (res. 212(XIX))], the Commission decided to change the periodicity of the meetings of the Committee on Water Resources from biennially to annually and recommended a resolution for adoption by the Economic and Social Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/10** with **change in the frequency** of the sessions of the

Committee on Water Resources of the Economic and Social Commission for Western Asia

The Economic and Social Council, Stressing the importance of resolution 205(XVIII) of 25 May 1995 of the Economic and Social Commission for Western Asia, by which the Commission established the Committee on Water Resources,

Conscious of the growing need for the development and conservation of water resources in the region of the Commission,

Recalling the recommendations made by the Committee on Water Resources at its first meeting, on 30 March 1997, at which it requested that its sessions be held on an annual rather than a biennial basis, in view of the rapid developments taking place in the field of water resources,

Authorizes the Committee on Water Resources of the Economic and Social Commission for Western Asia to hold its sessions annually rather than biennially.

Programme and organizational questions

UN reform

In April [E/ESCWA/19/5], the Executive Secretary reported on programme and organizational changes made by ESCWA since 1994. He said that reform at ESCWA was an integral part of the overall UN reform process, while taking into consideration the needs and aspirations of ESCWA member States, and recognizing the need to revitalize the Commission to meet the challenges of a rapidly changing international and regional environment. The reform process entailed moving the focus of ESCWA's programme of work from 15 sectoral subprogrammes to 5 thematic subprogrammes, with the adoption of multidisciplinary activities as an implementation modality. The number of activities was reduced from 256 in the 1994-1995 programme of work to 158 in 1998-

1999, or 40 per cent. The scope of activities in water, energy, transport, human development, gender and statistics was expanded, especially within the context of an integrated approach to follow up world conferences. At the same time, activities in agriculture and industry were reduced. Seven substantive divisions were cut to five, with consolidation of the agriculture, industry and transport divisions into the Sectoral Issues and Policies Division. ESCWA's efficiency review concentrated on areas of administration, with recommendations to increase the efficiency of the administrative process, secure cost savings, enhance office technology, achieve a better balance between substantive and administrative support staff, and establish common services with UN agencies at ESCWA headquarters. The reform process also had had an impact on the relationship of ESCWA with the public at large, with more efforts directed to the media, the private sector, NGOs, universities and research institutions.

On 7 May, the Commission adopted a resolution [E/1997/39(res.216(XIX))] on organizational and programme changes, for submission to the Economic and Social Council for action.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/14** without vote [agenda item 10].

Organizational and programme changes and modifications introduced by the Economic and Social Commission for Western Asia since 1994

The Economic and Social Council,

Recalling General Assembly resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Noting the new trends towards the reform and adaptation of the United Nations in accordance with current world developments,

Recalling resolution 191 (XVI) of 2 September 1992 of the Economic and Social Commission for Western Asia on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Taking note of the organizational and programme changes and modifications introduced by the Commission since 1994,

Confirming that the priorities established in the light of recent developments correspond to the needs of States members of the Commission,

1. Expresses its appreciation for the organizational and programme changes made and the methods adopted by the secretariat of the Economic and Social Commission for Western Asia in carrying out its activities, which have made it possible to address development issues within an integrated perspective, enabled the entities concerned in the member States to make a greater contribution to the formulation of the programmes of

work of the Commission and to the follow-up of their implementation and promoted greater coordination and integration with United Nations agencies and organizations as well as national and regional institutions concerned with regional development, cooperation and integration;

2. Calls for the enhancement of the function of the Commission as a basic forum for coordinating the economic and social policies of its member States and for the development of its role in supporting regional and subregional projects aimed at expanding economic and social cooperation among member States at both the regional and subregional levels;

3. Also calls for the reinforcement of the role of the United Nations at the regional level, which entails the promotion of the role of the regional commissions in representing the regional dimension of global issues and in integrating United Nations activities at the national, regional and international levels;

4. Further calls for the granting to the Commission, within the framework of the reform of the United Nations system, of a broader mandate for carrying out its activities, including those related to regional technical cooperation projects, and for the strengthening of its role in coordinating, in the region in which it operates, the activities of the agencies and organizations of the United Nations system and those of the regional and national organizations concerned, so as to ensure that the United Nations objectives of development, freedom and peace are achieved.

Work programmes and medium-term plan

On 7 May, the Commission, having considered the report on progress made in 1996 in implementing ESCWA's 1996-1997 programme of work [E/ESCWA/C.1/19/4/(Part D)Rev.1], approved [E/1997/39 des. 209(XIX))] changes to that programme and recommended a resolution for adoption by the Economic and Social Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/7** without vote [agenda item 10].

Programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1996-1997

The Economic and Social Council,

Noting the progress made during the period from 1 January 1996 to 31 March 1997 in the implementation of the programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1996-1997,

Noting also the changes made by the secretariat in the programme activities of the Commission and the reasons for those changes,

1. Approves the changes made by the secretariat in the programme activities of the Economic and Social Commission for Western Asia;

2. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to present in 1998, in his comprehensive report to the member States

on the progress made in the implementation of the programme of work and priorities of the Commission for the biennium 1996-1997, any other changes effected in the programme of work and priorities.

On 7 May, the Commission considered the draft programme of work for 1998-1999 [E/ESCWA/C.1/19/9], in accordance with the guidelines contained in the report of the Technical Committee, which had recommended that the programme of work should take into account the need to include information on the background, objectives, the means of and timetables for execution, and the cost of the subprogrammes and their activities; take the population factor into account when dealing with sustainable development issues, including those related to natural resources; and accord priority to the provision of scientific and practical advice to member States to help them take full advantage of regional and international developments, in particular the WTO agreements.

The objectives of the programme of work were to monitor and survey economic and social trends; enhance economic cooperation among member States; enhance the harmonization of norms, standards and legislative instruments among member States in social development by following up implementation of the recommendations of global conferences; enhance cooperation in the management of natural resources and environment; and assist member States in human and institutional capacity-building.

The Commission adopted a resolution [E/1997/39 des. 211 (XIX)] on the draft programme of work for 1998-1999 for recommendation to the Economic and Social Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted resolution 1997/9 without vote [agenda item 10].

Programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999

The Economic and Social Council,

Recalling General Assembly resolution 51/219 of 18 December 1996 on programme planning, by which the Assembly adopted the medium-term plan for the period 1998-2001, and noting that the plan is a translation of legislative mandates into programmes and the embodiment of the general policy guidelines and objectives set out by the intergovernmental bodies and that it constitutes the principal policy directive of the United Nations,

Taking note with appreciation of the draft programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999,

Noting that the draft programme of work and priorities of the Commission reflects the strategies and objectives of the medium-term plan,

1. Approves the draft programme of work and priorities of the Economic and Social Commission for Western Asia for the biennium 1998-1999, in accordance with the guidelines contained in the report of the Technical Committee of the Commission on the work of its tenth session, held at Beirut on 5 and 6 May 1997;

2. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to report to the Commission at its twentieth session any changes effected in the programme of work and priorities.

Also on 7 May, the Commission took note of the medium-term plan for ESCWA for 1998-2001 and recommended a resolution [E/1997/39 (res. 210(XIX))] for adoption by the Economic and Social Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted resolution 1997/8 without vote [agenda item 10].

Medium-term plan of the Economic and Social Commission for Western Asia for the period 1998-2001

The Economic and Social Council,

Recalling General Assembly resolution 51/219 of 18 December 1996 on programme planning, by which the Assembly adopted the medium-term plan for the period 1998-2001,

Recalling also that the Assembly, in resolution 51/219, also reaffirmed that the medium-term plan, as adopted, was the principal policy directive of the United Nations and should serve as a framework for the formulation of the biennial programme budgets,

Taking note of the medium-term plan of the Economic and Social Commission for Western Asia for the period 1998-2001,

1. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to take into account the guidelines contained in the report of the Technical Committee of the Commission on the work of its tenth session, held at Beirut on 5 and 6 May 1997, and to include them in the revised medium-term plan in accordance with the applicable United Nations rules;

2. Also requests the Executive Secretary of the Economic and Social Commission for Western Asia to report to the Commission at its twentieth session on any changes effected in the medium-term plan.

Permanent headquarters

The Commission had before it a note [E/ESCWA/19/7] of the Executive Secretary on progress made in facilitating ESCWA's move to its new permanent headquarters in Beirut, Lebanon, in accordance with Economic and Social Council resolution 1994/43 [YUN 1994, p. 753]. The plans of the headquarters building had been drawn up, and a

steering committee and a technical committee had been entrusted with technical and administrative responsibilities related to the permanent headquarters. The Government of Lebanon was making great efforts to complete the building by 1 September 1997.

Consultations between ESCWA and Lebanon had reached an advanced stage, and discussions were to be held on the signing of a headquarters agreement and an agreement on the operation of the headquarters building. ESCWA had rescheduled the activities of its 1996-1997 work programme for completion by August 1997, before the beginning of transfer operations. Consultations were under way between Lebanon and the Secretary-General to explore the best ways to provide funds for the transfer of ESCWA to its permanent headquarters. ESCWA and Iraq had also signed an agreement concerning the handover of the premises occupied by ESCWA in Baghdad.

On 7 May, the Commission adopted a resolution [E/1997/39 des. 215(XIX)] on the subject, for submission to the Economic and Social Council for action.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/13** without vote [agenda item 10].

Progress made in facilitating the relocation of the Economic and Social Commission for Western Asia to its permanent headquarters at Beirut

The Economic and Social Council,

Taking note of the note by the Executive Secretary of the Economic and Social Commission for Western Asia on the progress made in facilitating the relocation of the Commission to its permanent headquarters at Beirut,

Taking into consideration the presentation made by the Executive Secretary in that regard,

Noting the current preparations for the relocation of the Commission to its permanent headquarters at Beirut and the resulting termination of the services of the local staff employed by the Commission at Amman,

Commending the local staff of the Commission at Amman for their excellent service,

1. Expresses its appreciation for the plans prepared and the measures adopted by the secretariat of the Economic and Social Commission for Western Asia, including the plan for the relocation of the Commission to its permanent headquarters at Beirut, in accordance with a timetable that will not interfere with the implementation of the programmes of the Commission and will take into consideration the needs of its staff;

2. Reiterates its gratitude to the Government of Lebanon for the efforts and the arrangements it has made to provide a headquarters that satisfies the needs and requirements of the United Nations;

3. Reiterates its thanks to the Government of Iraq for the facilities provided throughout the presence of the Commission at Baghdad and its gratitude to the Government of Jordan for the facilities provided to the Commission during its stay at Amman;

4. Requests the authorities concerned within the Secretariat to examine the possibility of utilizing the skills of the local staff of the Commission at Amman in other areas within the United Nations or of finding ways to compensate them.

Twenty-fifth anniversary of ESCWA

The Commission considered a note [E/ESCWA/19/8] of the Executive Secretary entitled "Call for the celebration of the twenty-fifth anniversary of the Commission, to be held in conjunction with the twentieth session of ESCWA in 1999, and discussion of the role of the Commission in the coming century in view of international and regional developments".

The Executive Secretary said that member States might find it fitting in 1999, during the twentieth ESCWA session, to mark the twenty-fifth anniversary of the Commission, and to seize that opportunity for a reformulation of ESCWA's role, in harmony with world and regional changes. That might be done within the framework of a new vision, perhaps to be included in a declaration to be adopted at the twentieth session, identifying priorities believed by States to be the right basis for the activities of ESCWA in the future. Member States might find it fitting to invite heads of State to attend the opening ceremony of the twentieth session, which should adopt a declaration embodying their vision and commitment to inviting ESCWA to translate the vision into programmes and activities. That should be preceded by an in-depth study on "ESCWA in the twenty-first century", which might then be considered by eminent intellectuals and in the light of which the role and tasks of ESCWA in the next century would be defined. The commemoration of ESCWA's silver jubilee would also create an opportunity to evaluate regional economic cooperation and to consider the role played by regional and international intergovernmental organizations in that connection.

On 7 May, the Commission decided to celebrate its twenty-fifth anniversary during the twentieth session of the Commission, to be held in 1999, and recommended a resolution [E/1997/39 (res. 217(XIX))] for adoption by the Economic and Social Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of ESCWA [E/1997/40/Add.1], adopted **resolution 1997/15** without vote [agenda item 10].

**Celebration of the twenty-fifth anniversary of the
Economic and Social Commission for Western Asia
in 1999 and role of the Commission in
the coming century**

The Economic and Social Council,

Recalling its resolution 1818(LV) of 9 August 1973, by which it established the Economic and Social Commission for Western Asia for the purpose of consolidating development efforts in the region and promoting economic cooperation among the countries of the region,

Commending the Commission for the activities it has undertaken since its establishment in the various fields of economic and social development, thus supporting the development efforts of the States members of the Commission and promoting cooperation among them,

1. Decides that the twenty-fifth anniversary of the Economic and Social Commission for Western Asia

shall be celebrated during its twentieth session, to be held in 1999;

2. Requests the Executive Secretary of the Economic and Social Commission for Western Asia to take all measures that he deems necessary in this regard, including the preparation of the necessary studies for the celebration of the twenty-fifth anniversary of the Commission;

3. Invites the Governments of the States members of the Commission to take this opportunity to formulate a new vision and define the role and tasks of the Commission in line with regional and world developments in the coming century;

4. Also invites the Governments of the member States to participate in this celebration at the highest level;

5. Invites the Secretary-General to take part in this event.

Chapter VI

Natural resources, energy and cartography

Ensuring the optimal use and protection of freshwater resources and establishing sustainable patterns of the production, distribution and consumption of energy were two primary areas of concern in 1997 of both the Commission on Sustainable Development and the nineteenth special session of the General Assembly.

The Programme for the Further Implementation of Agenda 21, adopted in June by the Assembly, called for a dialogue on building a strategic approach for the sustainable use of fresh water, stating that it was a matter of urgent concern that more than one fifth of all people did not have access to safe drinking water, and that more than one half of humanity lacked adequate sanitation.

The new Programme also called for international cooperation for promoting energy conservation and improved energy efficiency, the use of renewable energy and research, and the development and dissemination of innovative energy-related technology.

Having considered the report of the International Atomic Energy Agency in November, the General Assembly urged States to strive for international cooperation in carrying out the Agency's work in promoting the use of nuclear energy and applying measures to strengthen the safety of nuclear installations.

Two major cartographic conferences were held during the year—the Fourteenth United Nations Regional Cartographic Conference for Asia and the Pacific in February and the Sixth United Nations Regional Cartographic Conference for the Americas in June.

Natural resources

Exploration

The mandate of the United Nations Revolving Fund for Natural Resources Exploration (UNRFNRE), which was established in 1973 [YUN 1973, p. 399] as a trust fund administered by the United Nations Development Programme (UNDP), was to extend and intensify the activities of the UN system in the field of natural resources exploration for socioeconomic development.

In his annual report for 1997 [DP/1998/17/Add.2], the UNDP Administrator stated that the Fund had adopted a new focus for the sustainability of non-renewable resources from the viewpoint of the changing world of the mining industry and the role of the United Nations. It had shifted its activities from costly mineral exploration to less expensive multidisciplinary exploration, environmentally sound technology transfer and information services through workshops, round tables and publications. In countries where mineral discoveries had been made, the Fund also continued to provide assistance in the form of legal advice and help in preparing international bidding documents aimed at stimulating the interest of private international mining companies.

In his budget estimates for the 1998-1999 biennium [DP/1997/23], the Administrator presented a resource plan for UNRFNRE that reflected the expectations that the Fund's activities would increase during the biennium and that additional resources could be generated through active resource mobilization efforts.

By a 19 September decision [E/1997/33 (dec. 97/24)], the UNDP Executive Board approved a gross appropriation for the Fund's 1998-1999 biennial support budget of \$1.5 million.

Water resources

Freshwater resources

Commission on Sustainable Development. The Commission on Sustainable Development held its fifth session in New York from 7 to 25 April [E/1997/29] (see PART THREE, Chapter I). Among the documents considered by it in preparation for the General Assembly's nineteenth special session to review and appraise the implementation of Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672], was the Secretary-General's comprehensive assessment of the freshwater resources of the world [E/CN.17/1997/9]. The report discussed the supply, availability and use of the world's freshwater resources and presented a series of conclusions and policy options for consideration by Governments.

The assessment showed that in many countries, both developing and developed, pathways

for water use were often not sustainable. There was evidence that the world faced a worsening series of local and regional water quantity and quality problems, largely as a result of poor water allocation, wasteful use of the resource and lack of adequate management action. Water use had been growing at more than twice the rate of the population increase during the twentieth century and a number of regions were already chronically water-short. By the year 2025, as much as two thirds of the world population could be under stress conditions. Water shortages and pollution were causing widespread public health problems, limiting economic and agricultural development, and harming a wide range of ecosystems. They could put global food supplies in jeopardy and lead to economic stagnation in many areas. The report found that in some cases people had taken action to reduce demand and pollution, thus relieving water stress. However, far more widespread and sustained action was essential to reverse many of the unsustainable trends.

Policy recommendations included in the report were: water quality and quantity should be managed in an integrated and comprehensive manner, taking into account regional and sectoral relations and social equity; equitable access to clean water should be provided, including human health and environmental conditions as water management indicators; sustainable water strategies should be developed that addressed basic human needs, as well as the preservation of ecosystems, in ways consistent with socio-economic objectives of different societies; water management plans should include land-use planning, forest resource utilization and protection of coastal zones, since land and water use were closely intertwined; water should be integrated in economic planning analysis, accounting for its value in each nation's system of national accounts, and the private sector should be integrated into the water development process as it could play a helpful role in establishing prices for water for industrial and agricultural use that reflected its value to society; expertise on water issues should be built up among users and decision makers at all levels; attention should be paid to the role of gender in water resources management; and actions should be accelerated or initiated within existing frameworks of programmes, conventions and agreements to combat desertification and drought, protect sustainable use of biodiversity related to fresh water, and protect coastal areas and oceans from land-based activities. The recommendations further called for the development of models of cooperation to maximize the benefits from the development of trans-boundary river basins or aquifers; establishment,

within existing institutions and especially the UN system, of a global water information network to compile information on water quality, quantity and use; the conduct of regular regional and global water assessments; strengthened collaboration with non-governmental organizations (NGOs); and the development of North-South academic partnerships and partnerships with the private sector and industries to take advantage of their expertise.

Also before the Commission was an 11 February note verbale [E/CN.17/1997/15] from the Netherlands transmitting the Forward Looking Assessment on the Implementation of the Action Programme on Drinking Water and Environmental Sanitation, a contribution to the Commission's work by France, Morocco, the Netherlands and Tunisia. Those four countries had offered to monitor the implementation of the Action Programme, which had been adopted at the 1994 International Ministerial Drinking Water Conference [YUN 1994, p. 920].

The Assessment, which was based on questionnaires returned by 25 developing countries, supported by technical visits and interviews in 11 countries, concluded that UNCED and the Ministerial Conference had had a clear influence on the policies and strategies of Governments. There was widespread acceptance of the principles of an integrated approach to the management of freshwater resources as a prime element of sustainable development, which, in the field of drinking water supply and sanitation, was accompanied by an intent to introduce policies for devolving powers to manage water supply and sanitation services to the lowest appropriate level and adopt the hydrographic basin (river catchment or aquifer) as the most appropriate unit for integrated management. Despite those positive developments, however, the overall status of water supply and sanitation in developing countries remained critical.

The Assessment's analysis suggested that Governments and external support agencies needed to adopt strategies that addressed five critical aspects of sustainability: social, environmental, institutional, financial and technical. It was recommended that the Commission should urge all Governments to review their policy and strategies for water supply and sanitation development, giving special priority to programmes to meet the household sanitation needs of the urban and rural poor. Specific recommendations were made with regard to water and people; water and institutions; water and mobilizing financial resources; and water and the world. General recommendations were: that the Commission should mobilize support from Governments and

external support agencies for the compilation of an inventory of representative case studies of successful water and sanitation initiatives consistent with chapter 18 of Agenda 21 (protection of the quality and supply of freshwater resources: application of integrated approaches to the development, management and use of water resources); that support also be sought for the implementation of pilot projects to demonstrate the five sustainability elements above; and that the Commission should continue the evaluation process of follow-up to the Action Programme so that it could obtain regular global reports on progress towards the chapter 18 goals.

Special session of the General Assembly. The urgent need for action in the field of fresh water was raised in the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly at its nineteenth special session on 28 June (**resolution S/19-2**) (see PART THREE, Chapter I).

Noting that water resources were essential for satisfying basic human needs, health and food production, and the preservation of ecosystems, as well as for economic and social development in general, the Assembly stated that it was a matter of urgent concern that more than one fifth of all people still did not have access to safe drinking water and more than one half of humanity lacked adequate sanitation.

The Assembly said that there was an urgent need: to assign high priority to formulating and implementing policies and programmes for integrated watershed management; to strengthen regional and international cooperation for technological transfer and financing of integrated water resources programmes and projects; to ensure the continued participation of local communities, and women in particular, in the management of water resources development and use; to provide an enabling national and international environment that encouraged investments from public and private sources to improve water supply and sanitation services; to recognize water as a social and economic good with a vital role in the satisfaction of basic human needs, food security, poverty alleviation and the protection of ecosystems; to strengthen the capability of Governments and international institutions to collect and manage information in order to facilitate the integrated assessment and management of water resources and foster regional and international cooperation for information dissemination and exchange; for the international community to give support to the efforts of developing countries to shift to higher-value, less water-intensive modes of agricultural and industrial production; and to encourage watercourse States to develop

international watercourses with a view to attaining their sustainable utilization and appropriate protection and benefits, taking into account the interests of the watercourse States concerned.

Considering the urgent need for action in the field of fresh water, and building on existing principles and instruments, arrangements, programmes of action and customary uses of water, Governments called for a dialogue under the aegis of the Commission on Sustainable Development, beginning at its sixth (1998) session, aimed at building a consensus on the necessary actions, and in particular on the means of implementation and on tangible results, in order to consider initiating a strategic approach for implementing all aspects of the sustainable use of fresh water.

Economic and Social Council consideration.

During its 1997 substantive session (Geneva, 30 June-25 July), the Economic and Social Council, as decided in 1996 [ESC dec. 1996/301], devoted part of its coordination segment to the question of fresh water, including clean and safe water supply and sanitation.

The coordination segment had before it a report of the Secretary-General on the subject [E/1997/70], in which he described emerging issues in water resources development and management and reviewed recent activities of the UN system.

Among recommendations and proposals to strengthen coordination were: the Subcommittee on Water Resources of the Administrative Committee on Coordination (ACC) should redouble its efforts to streamline programmes and activities of the different organizations and bodies of the UN system, and organizations active at the national level should improve coordination of their field activities and support efforts by the offices of the UN resident coordinators to that end; the UN system should continue to provide technical and financial support to national efforts to develop sustainable water strategies and national water policies and plans that would promote cost-efficient water technologies, economic pricing and efficient water use, and should intensify assistance to national efforts to build up expertise on water issues among water users and decision makers; the ACC Subcommittee should take the lead in strengthening the capability of the international community in assisting developing countries to enhance their information capabilities and take measures to create a global information network encompassing organizations within and outside the UN system; close links should be established between the ACC Subcommittee and the secretariats of the UN Framework Convention on Climate Change, the UN Convention to Combat Desertification in those Countries Expe-

riencing Serious Drought and/or Desertification, particularly in Africa, and the Convention on Biological Diversity; greater efforts were needed to increase the flow of financing for water resources development and more attention needed to be given to ways of enhancing the role of the private sector as a partner in the provision of services, particularly with regard to water supply and sanitation; the pace of UN system efforts with regard to the transfer and adaptation of technologies needed to be strengthened; coordination efforts throughout the UN system, particularly through the ACC Subcommittee, needed to benefit from the regular participation of the regional commissions; and NGOs such as the Global Water Partnership, the Water Supply and Sanitation Collaborative Council and the World Water Council, as well as representatives of the private sector, should work with the organizations and bodies of the UN system in order to provide the Commission on Sustainable Development with the best possible framework for its discussions.

In agreed conclusions 1997/3, adopted on 21 July [A/52/3/Rev.1], the Economic and Social Council noted with great concern that more than one fifth of the world's population did not have access to safe drinking water and that more than half of humanity lacked adequate sanitation. It reiterated its recommendation contained in resolution 1995/46 [YUN 1995, p. 1058] that the UN system should assign high priority to strengthening activities and cooperation in those areas of endeavour. The Council urged the ACC Subcommittee to analyse the activities being carried out by the organizations of the UN system and to prepare a report on the subject by the end of 1997. That report would be a useful input into the preparatory process leading up to the 1998 session of the Commission on Sustainable Development. The seriousness of the capacity-building problem in developing countries was stressed by the Council, which urged the organizations of the UN system to assign high priority to programmes and activities geared to the provision of support in that respect. The Council considered that, owing to the lack of data in both developed and developing countries, there was a need for an update and reassessment of the water resources of the world. Given the seriousness of the situation concerning the effect of the disposal of toxic substances and of persistent organic pollutants on water resources, the Council recommended that close attention be given to those issues.

By **decision 1997/308** of 25 July, the Economic and Social Council took note of the report of the Commission on Sustainable Development on its fifth session.

ACC consideration. The ACC Subcommittee on Water Resources held its eighteenth session in Vienna from 1 to 3 October [ACC/1997/18]. It was preceded by the seventh meeting of the Inter-Agency Steering Committee for Water Supply and Sanitation on 30 September. The Subcommittee discussed follow-up to the decisions of the 1997 session of the Commission on Sustainable Development, the nineteenth special session of the General Assembly and the coordination segment of the Economic and Social Council (see above), coordination of activities, initiatives for joint action and freshwater issues related to the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

The Subcommittee welcomed a draft proposed strategy for human resources development in the water sector, presented by UNDP, and agreed that UNDP would develop the proposal further and include specific recommendations and strategies. With regard to initiatives for joint action, the Subcommittee decided that the Department of Economic and Social Affairs, assisted by the United Nations University, should establish a Web page to provide information on water-related databases within the UN system. It also agreed that close ties should be maintained with the Global Water Partnership and other important NGOs and welcomed the establishment of the World Commission on Dams, which, over a two-year period, would assess the experience with large dams and evaluate their development effectiveness. The Subcommittee recognized the important role of NGOs in implementing chapter 18 of Agenda 21 and stressed that awareness-raising was a key issue in which NGOs could play a crucial role.

Energy

Energy and sustainable development

In a January report [E/CN.17/1997/7], the Secretary-General submitted to the Commission on Sustainable Development (New York, 7-25 April) an inventory of ongoing energy-related programmes and activities of entities within the UN system. The report also discussed the role of energy in meeting the challenges of sustainable development, assessed the linkages between current energy activities and sustainable development, and reviewed cooperation and coordination with regard to energy activities. As requested by the Economic and Social Council in resolution 1996/44 [YUN 1996, p. 947], the Secretary-General

took into account the views of the Committee on New and Renewable Sources of Energy and on Energy for Development when preparing the report.

In its recommendations and proposals for future action, the report stated that major changes were needed in the world's energy systems in order for them to contribute to sustainable development. That could be achieved only if all actors involved—Governments, international capital markets, energy investors, industry, international organizations, scientific and research institutes, and NGOs—contributed to a common goal.

Although the United Nations was a modest financial partner, it had an important role to play in developing an energy strategy that would provide a reference framework for the energy-related activities of the UN system, including the Bretton Woods institutions (the World Bank Group and the International Monetary Fund). Such a strategy would promote a balanced and mutually reinforcing approach to economic, social and environmental aspects of sustainable energy development and would foster partnership with actors outside the UN system, particularly with non-UN intergovernmental organizations dealing with energy and the private sector.

As to the role of the Committee on New and Renewable Sources of Energy and on Energy for Development, that body would continue to further UN policy discussions on energy. However, the modalities of the Committee's functioning could be adjusted in order to enhance its effectiveness, including: better representation of Governments as not all regions had designated representatives; better dissemination of reports; better participation of the organizations of the UN system, including the regional commissions, in the Committee's work; establishment of links between the Committee and non-UN organizations dealing with energy, such as the International Energy Agency and the World Energy Council; and changing the Committee's pattern of reporting so that it would report to the Economic and Social Council through the Commission on Sustainable Development with a view to ensuring greater integration of the results of its work in the sustainable development discussion.

Also before the Commission was the report of the Expert Workshop on Fostering the Linkage between Energy and Sustainable Development within the International Institutions (Vienna, 22-24 January), which Austria transmitted to the Secretary-General on 29 January [E/CN.17/1997/16]. The report stated that it was essential to promote more effective arrangements for inter-agency coordination and cooperation in energy at the global and field levels, through: making en-

ergy a recurring item on the agenda of the Inter-Agency Committee on Sustainable Development (IACSD) and ensuring linkages with the energy-related aspects of the work of other ACC bodies, including the task forces established to follow up on recent global conferences; convening ad hoc meetings of relevant organizations in order to elaborate a common approach, discuss arrangements related to providing system-wide support to policy-making processes, promote greater policy coherence, exchange information and discuss lessons learned, and promote data comparability; and discussing arrangements aimed at enhancing the UN system's capacity for information exchange in the field of energy.

Nineteenth special session. In the Programme for the Further Implementation of Agenda 21, annexed to **resolution S/19-2**, which was adopted by the General Assembly at its nineteenth special session (see PART THREE, Chapter I), the Assembly stated that sustainable patterns of production, distribution and use of energy were crucial. Since fossil fuels (coal, oil and natural gas) would continue to dominate the energy supply situation for many years in most developed and developing countries, it was necessary to reduce the environmental impact of their continued development and to reduce local health hazards and environmental pollution through enhanced international cooperation, notably in the provision of concessional finance for capacity development and transfer of the relevant technology and through appropriate national action.

There was a need for: a movement towards sustainable patterns of production, distribution and use of energy, which would be discussed at the intergovernmental level in the Commission on Sustainable Development; evolving concrete measures to strengthen international cooperation to assist developing countries in their efforts to provide adequate modern energy services to all sections of their population; countries to promote policies and plans that took into account the economic, social and environmental aspects of energy production, distribution and use; evolving commitments for the transfer of relevant technology; promoting efforts in research on and development and use of renewable energy technologies; in the context of fossil fuels, encouraging further research, development and the application and transfer of technology of a cleaner and more efficient nature; encouraging Governments and the private sector to consider appropriate ways to promote gradually environmental cost internalization so as to achieve more sustainable use of energy; and encouraging better coordination on energy within the UN system.

Coordination

In response to Economic and Social Council resolution 1996/44 [YUN 1996, p. 947], the Secretary-General submitted to the General Assembly, through the Council, a June report [A/52/175-E/1997/75] on the possibilities of strengthening the coordination of the organizations and bodies of the UN system in the field of energy within the framework of ACC.

The report's recommendations and proposals drew heavily on the recommendations contained in the Secretary-General's report to the Commission on Sustainable Development (see above). Noting that inter-agency cooperation in energy had been rather ad hoc in previous years, the report stated that the Secretary-General's report to the Commission marked the beginning of enhanced coordination that would be pursued along the following lines: convening ad hoc meetings of entities within the UN system dealing with energy; devoting part of the sessions of IACSD to energy and ensuring linkages with energy-related aspects of the work of other ACC bodies; cooperating with organizations outside the UN system; and encouraging joint programming and implementation of energy activities of common interest to the entities within the system.

Since options for a high-level discussion on energy were being considered in several bodies, no proposals on the subject were presented.

By **decision 1997/304** of 25 July, the Economic and Social Council took note of the Secretary-General's report.

By **decision 52/451** of 18 December, the General Assembly took note of the Secretary-General's report.

Nuclear energy

By a 14 August note [A/52/285], the Secretary-General transmitted to the General Assembly the 1996 report of the International Atomic Energy Agency (IAEA). Presenting and updating the report in the Assembly on 12 November, the IAEA Director General stated that the preceding year had seen a significant strengthening of the international legal infrastructure for the peaceful use of nuclear energy through the approval by the IAEA Board of Governors of a Model Protocol additional to safeguards agreements that would give added teeth to the Agency's nuclear inspection system and the adoption of a new convention on the safe management of radioactive wastes and spent nuclear fuel (see also PART ONE, Chapter VII, and PART SIX, Chapter I).

The Director General noted that over the last two decades several factors had led to a stagnation in nuclear-power construction in most industrialized countries: overcapacity in electricity genera-

tion in some countries, concern about nuclear accidents, concern about the management of nuclear waste, and the use of gas in combined cycle, which had emerged as an economically attractive option for the generation of heat and electricity. Although IAEA was not urging any country to turn to nuclear power, it performed work in several sectors that could make such power more attractive and economical for those which opted for it: exchange of experience in the construction and operation of nuclear plants and in the development of new technologies for power generation; comparisons between the nuclear-power option and other methods of generating electricity; and the promotion of nuclear safety in the operation of nuclear plants and in waste management.

It was well understood by many Governments, said the Director General, that an expanded use of nuclear power in technologically advanced countries could offer considerable alleviation in carbon dioxide emissions. However, Governments had not generally been ready to act on that knowledge. In his view, it was IAEA's duty to seek to compile and analyse all relevant data on different energy sources on a comparative basis to enable Member States to make their assessment and shape their policies in as well informed a manner as possible.

The Director General also described difficulties with regard to IAEA's nuclear inspection activities in the Democratic People's Republic of Korea and in Iraq (see PART ONE, Chapter IV).

GENERAL ASSEMBLY ACTION

On 12 November [meeting 49], the General Assembly adopted **resolution 52/11** by recorded vote (151-1-5) [draft: A/52/L.13&Add.1] [agenda item 14].

Report of the International Atomic Energy Agency

The General Assembly,

Having received the report of the International Atomic Energy Agency to the General Assembly for the year 1996,

Noting the statement of the Director General of the International Atomic Energy Agency of 12 November 1997, in which he provided additional information on the main developments in the activities of the Agency during 1997,

Recognizing the importance of the work of the Agency in promoting the further application of nuclear energy for peaceful purposes as envisaged in the statute of the Agency and in accordance with the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant internationally legally binding agreements that have concluded relevant safeguards agreements with the Agency to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty, with other relevant articles and with the objectives and purposes of the Treaty,

Conscious of the importance of the work of the Agency in the implementation of the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and other international treaties, conventions and agreements designed to achieve similar objectives, as well as in ensuring, as far as it is able, that the assistance provided by the Agency or at its request or under its supervision or control is not used in such a way as to further any military purpose, as stated in article II of its statute,

Reaffirming that the Agency is the competent authority responsible for verifying and assuring, in accordance with the statute and the safeguards system of the Agency, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and also reaffirming that nothing should be done to undermine the authority of the Agency in this regard and that States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate,

Stressing the need for the highest standards of safety in the design and operation of nuclear installations and in peaceful nuclear activities so as to minimize risks to life, health and the environment,

Considering that an expansion of technical cooperation activities relating to the peaceful uses of nuclear energy will contribute to the well-being of the peoples of the world, recognizing the special needs of the developing countries for technical assistance from the Agency and the importance of funding in order to benefit effectively from the transfer and application of nuclear technology for peaceful purposes as well as from the contribution of nuclear energy to their economic development, and desiring that the resources of the Agency for technical cooperation activities be assured, predictable and sufficient to meet the objectives mandated in article II of its statute,

Recognizing the importance of the work of the Agency on nuclear energy, applications of nuclear methods and techniques, nuclear safety, radiological protection and radioactive waste management, including its work directed towards assisting developing countries in all these fields,

Taking note of the report of the Director General to the General Conference of the International Atomic Energy Agency on the implementation of Security Council resolutions relating to Iraq, of his reports to the Security Council of 8 April and 6 October 1997 and of resolution GC(41)/RES/23 of 3 October 1997 of the General Conference,

Taking note also of resolutions GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994 of the Board of Governors and GC(41)/RES/22 of 3 October 1997 of the General Conference of the International Atomic Energy Agency in connection with the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-

Proliferation of Nuclear Weapons, the statements by the President of the Security Council of 31 March, 30 May and 4 November 1994 and the authorization of the Board of Governors, on 11 November 1994, to the Director General, to carry out all the tasks requested of the Agency in the statement by the President of the Security Council of 4 November 1994,

Bearing in mind resolutions GC(41)/RES/10 on the Convention on Nuclear Safety, GC(41)/RES/11 on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, GC(41)/RES/12 on safety of transport of radioactive materials, GC(41)/RES/13 on the strengthening of the Agency's technical cooperation activities, GC(41)/RES/14 on the plan for producing potable water economically, GC(41)/RES/15 on the extensive use of isotope hydrology for water resources management, GC(41)/RES/16 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol, GC(41)/RES/18 on the staffing of the Agency's secretariat, GC(41)/RES/20 on the amendment of article VI of the statute concerning, *inter alia*, the size and composition of the membership of the Board of Governors, GC(41)/RES/21 on the international initiative for the Chernobyl sarcophagus and GC(41)/RES/25 on the application of Agency safeguards in the Middle East, adopted on 3 October 1997 by the General Conference of the Agency at its forty-first regular session,

Encouraging the efforts to be made by the forthcoming International Pledging Conference on the Chernobyl Sarcophagus to be held in New York, and noting with interest the forthcoming Special International Meeting on Chernobyl to be held in New York,

Noting the statement by the President of the forty-first regular session of the General Conference of the Agency, issued under item 26 concerning the application of International Atomic Energy Agency Safeguards in the Middle East, that:

"In the context of the agenda item on the application of International Atomic Energy Agency Safeguards in the Middle East, the General Conference requests the Director General to invite experts from the Middle East and other areas to a technical workshop on safeguards, verification technologies and other related experience, including experience in various regional contexts. It calls on the Director General to commence with the preparation, in consultation and coordination with the parties concerned, with a view to developing an agenda and modalities that would help ensure a successful workshop. Future proposals on workshops in the framework of the above-mentioned agenda item shall be submitted by mutual consent",

Noting also the statement by the President of the forty-first regular session of the General Conference of the Agency, issued under item 20 concerning the composition of regional groups, that:

"The General Conference at its fortieth session took note of the report of the Director General on the composition of regional groups under the agenda item 'Amendment of article VI of the statute', as contained in the attachment to document GC(40)/11. It reiterated the principle of the sovereign equality of all member States of the Agency, as provided for in article IV.C of the statute. It affirmed that this principle

requires that each member State of the Agency be within one of the areas listed in article VI.A.1 of the statute. Recalling the draft resolution contained in document GC(39)/COM.5/10 of 19 September 1995 and resolution GC(39)/RES/22 of 22 September 1995, the Conference requests that the Chairman of the Board of Governors continue to consult with member States not yet listed in a regional area, as well as with other member States, including representatives of the regional areas, and that he report for consideration of the forty-second General Conference specific proposals to include each member State within the appropriate area at the time of the Conference in September 1998",

Bearing in mind resolution GC(41)/RES/17 of 3 October 1997 on measures against illicit trafficking in nuclear materials and other radioactive sources, recognizing the importance of measures against illicit trafficking of nuclear material, and, in this regard, further recognizing the importance of the programme for preventing and combating illicit trafficking in nuclear material, agreed upon by the participants in the Moscow Nuclear Safety and Security Summit of April 1996 and confirmed by the participants in the Denver Summit of June 1997,

Also bearing in mind resolution GC(41)/RES/19 on women in the secretariat, adopted on 3 October 1997, calling on the Director General to further integrate the Platform for Action adopted at the Fourth World Conference on Women into the relevant policies and programmes of the Agency,

Noting that the present Director General of the International Atomic Energy Agency, Mr. Hans Blix, will retire on 30 November 1997 with the title of "Director General Emeritus of the International Atomic Energy Agency" conferred on him by the General Conference of the Agency and that the General Conference, in resolution GC(41)/RES/3, approved the appointment of Mr. Mohamed ElBaradei as Director General from 1 December 1997,

1. Takes note of the report of the International Atomic Energy Agency;

2. Affirms its confidence in the role of the Agency in the application of nuclear energy for peaceful purposes;

3. Welcomes the measures and decisions taken by the Agency to maintain and strengthen the effectiveness and cost efficiency of the safeguards system in conformity with the statute of the Agency, in particular, stressing the importance of the Model Additional Protocol approved on 15 May 1997, affirms that strengthening the effectiveness and improving the efficiency of the safeguards system with a view to detecting undeclared nuclear activities must be implemented rapidly and universally by all concerned States and other parties in compliance with their respective international commitments, and requests all concerned States and other parties to safeguards agreements to conclude the additional protocols without delay;

4. Urges all States to strive for effective and harmonious international cooperation in carrying out the work of the Agency, pursuant to its statute, in promoting the use of nuclear energy and the application of the necessary measures to strengthen further the safety of nuclear installations and to minimize risks to life, health and the environment, in strengthening technical assistance and cooperation for developing coun-

tries and in ensuring the effectiveness and efficiency of the safeguards systems of the Agency;

5. Welcomes the measures and decisions taken by the Agency to strengthen and fund its technical cooperation activities, which should contribute to achieving sustainable development in developing countries, and calls upon States to cooperate in implementing the measures and decisions pursuant thereto;

6. Commends the Director General and the secretariat of the Agency for their continuing, impartial efforts to implement the safeguards agreement still in force between the Agency and the Democratic People's Republic of Korea, including their efforts to monitor the freeze of specified facilities in the Democratic People's Republic of Korea as requested by the Security Council, expresses concern about the continuing non-compliance of the Democratic People's Republic of Korea with the safeguards agreement, and urges the Democratic People's Republic of Korea to cooperate fully with the Agency in the implementation of the safeguards agreement and to take all steps the Agency may deem necessary to preserve all information relevant to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on the inventory of nuclear material subject to safeguards until the Democratic People's Republic of Korea comes into full compliance with its safeguards agreement;

7. Also commends the Director General of the Agency and his staff for their strenuous efforts to implement Security Council resolutions 687(1991) of 3 April 1991, 707(1991) of 15 August 1991, 715(1991) of 11 October 1991 and 1051(1996) of 27 March 1996, notes that progress continues to be made in the review of Iraq's full, final and complete declaration and that further progress has been made regarding the content and accuracy of Iraq's six-monthly declarations under the ongoing monitoring and verification plan, notes with concern, however, that Iraq has still not provided the Agency's Action Team with all the information that it has requested, deplores Iraq's obstruction of aircraft used by the Agency in February 1997, calls upon Iraq to cooperate fully with the Action Team in meeting its requests for information and in achieving the complete implementation of the relevant Security Council resolutions and the ongoing monitoring and verification plan, stresses again Iraq's obligation to hand over immediately to the Action Team any nuclear-weapon-related equipment, material and information it may still possess and to allow the Action Team immediate, unconditional and unrestricted rights of access in accordance with Security Council resolution 707(1991), and stresses that the Action Team will continue to exercise its right under all relevant Security Council resolutions and as regards any further relevant information that may come to light;

8. Welcomes the entry into force on 24 October 1996 of the Convention on Nuclear Safety, appeals to all States to become parties to it so that it obtains the widest possible adherence, and expresses its satisfaction that an organizational meeting of the contracting parties will be held from 29 September to 2 October 1998 and that a first review meeting will begin on 12 April 1999;

9. Also welcomes the measures taken by the Agency in support of efforts to prevent illicit trafficking in nuclear materials and other radioactive sources and, in this context, calls upon other States to join the programme for preventing and combating illicit trafficking in nuclear

materials agreed upon by the participants at the Moscow Nuclear Safety and Security Summit of April 1996 and confirmed at the Denver Summit in June 1997;

10. Welcomes the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management in Vienna on 5 September 1997, and appeals to all States to become parties to the Convention so that it may enter into force as soon as possible;

11. Also welcomes the adoption on 12 September 1997 of the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage, and appeals to all States in a position to do so to become parties to the Protocol and to the Convention so that those instruments may enter into force as soon as possible;

12. Expresses its appreciation for the sixteen years of distinguished service by Mr. Hans Blix as Director General of the Agency, and extends its best wishes to Mr. Mohamed ElBaradei, the incoming Director General of the Agency;

13. Requests the Secretary-General to transmit to the Director General of the Agency the records of the fifty-second session of the General Assembly relating to the activities of the Agency.

RECORDED VOTE ON RESOLUTION 52/11:

In favour Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger,* Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Yemen, Zambia.

Against: Democratic People's Republic of Korea.

Abstain: China, Lao People's Democratic Republic, Lebanon, Syria, Viet Nam.

*Later advised the Secretariat it had intended to abstain.

Before the text was adopted, separate recorded votes were requested on two paragraphs. The third preambular paragraph was retained by 137 votes to 4, with 1 abstention, and operative paragraph 7 was retained by 114 votes to 2, with 18 abstentions.

Cartography

UN Regional Cartographic Conference for Asia and the Pacific

The Fourteenth United Nations Regional Cartographic Conference for Asia and the Pacific

was held in Bangkok, Thailand, from 3 to 7 February [E/1997/52]. As recommended by the Thirteenth Conference in 1994, and endorsed by the Economic and Social Council in decision 1994/228 [YUN 1994, p. 928], the Fourteenth Conference gave special emphasis to the contribution of surveying, mapping and charting to the implementation of Agenda 21, adopted by the United Nations Conference on Environment and Development in 1992 [YUN 1992, p. 672], and the monitoring of the regional implementation of multinational environmental agreements. The Conference addressed three major substantive topics: land resources and environmental management; enabling technologies; and policies and management.

The Conference noted the important contributions made by cartographic technologies and applications in the information stream to policy and decision makers, development planners and the public and by the United Nations Regional Cartographic Conferences for Asia and the Pacific in strengthening technical cooperation, facilitating the transfer of technology and enhancing programme coordination within the countries of the region.

The Conference adopted a series of resolutions dealing with general policies, the transfer of technology and institutional issues, the texts of which were included in its report [E/CONF.89/5].

By **decision** 1997/221 of 18 July, the Economic and Social Council endorsed the following recommendations of the Fourteenth Conference: that the Fifteenth Conference should be held in mid-2000, with a primary focus on the continued and strengthened contribution of surveying, mapping and charting to the implementation of Agenda 21; and to request the Secretary-General to take measures to implement its other recommendations. In particular, the United Nations should continue to support surveying, mapping and charting activities in the Asia and Pacific region and continue to facilitate the participation of the least developed countries and small island developing States of the region.

UN Regional Cartographic Conference for the Americas

The Sixth United Nations Regional Cartographic Conference for the Americas was held in New York from 2 to 6 June [E/1997/82], in accordance with Economic and Social Council decision 1993/225 [YUN 1993, p. 791].

The Sixth Conference, while fully reflecting the role of earlier conferences as forums for technical cooperation, technology transfer and programme coordination for countries of the region

in the field of surveying and mapping, cartography, hydrography, remote sensing and land and geographical information systems, also acknowledged how the significant progress made in cartography and related fields had contributed to the reappraisal of goals in the area to meet the challenge of sustainable development of the twenty-first century. Special emphasis was given to the contribution of surveying, mapping and charting to supporting the implementation of Agenda 21. The Conference addressed three major substantive topics: land resources and environmental management; enabling technologies; and data storage, standardization and presentation.

The Conference recommended that the Economic and Social Council: endorse the Conference's recommendation that the Seventh Conference should be convened no later than early 2001, with a primary focus on the continued and strengthened contribution of surveying, mapping and charting in support of the implementation of Agenda 21, accompanied by provision of policy support to Governments in the region, international organizations and the United Nations to assist in the implementation and assessment of sustainable development and environmental management programmes; and request the Secretary-General to promote an ongoing

dialogue between member States and other stakeholders to ensure the implementation of the resolutions of the Sixth Conference. In particular, a special working group of delegates and experts from all UN regional cartographic conferences should convene within 12 months to: re-engineer the work and operation of the Conference to ensure its relevance to regional and global needs while addressing issues of importance to local, national and international users of spatial data and land-related information; investigate the timing of the UN regional cartographic conferences and their being structured to ensure that conferences for Africa, Asia and the Pacific, and the Americas were repeated over intervals of approximately 12 months, followed by inter-regional cartographic conferences for sharing global experiences; and report to the Council within 18 months on the preferred structure.

By **decision 1997/292** of 23 July, the Economic and Social Council endorsed the Conference's recommendations.

Standardization of geographical names

On 1 May, the Economic and Social Council decided that the Seventh United Nations Conference on the Standardization of Geographical Names would be held in New York in January 1998 (**decision 1997/213**).

Chapter VII

Environment

In 1997, efforts continued towards improving the state of the environment, particularly through legally binding instruments and the United Nations Environment Programme (UNEP), which pursued the implementation of the environmental dimension of Agenda 21, a comprehensive plan of action adopted in 1992 for the sustainable development of the Earth into the twenty-first century.

During the year, UNEP presented the first report in the Global Environment Outlook series, which stated that, despite progress on several fronts, the environment had continued to degrade during the previous decade and environmental problems remained deeply embedded in the socio-economic fabric of nations in all regions.

The Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change (Kyoto, Japan, December) adopted the Kyoto Protocol, which aimed to reduce industrialized countries' collective emissions of carbon dioxide and five other greenhouse gases.

Parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer agreed, in September, on a phase-out schedule for methyl bromide, a fumigant and an ozone-depleting substance.

The UNEP Governing Council asked the Executive Director to convene a diplomatic conference to adopt and sign an international legally binding instrument for international action to reduce/eliminate the release of persistent organic pollutants, to be concluded preferably by 2000.

Progress was made at the third session of the Intergovernmental Negotiating Committee (Geneva, May) towards the adoption of an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade.

The Economic and Social Council, in July, established the Intergovernmental Forum on Forests under the aegis of the Commission on Sustainable Development to work towards a legally binding instrument on the management, conservation and sustainable development of all types of forests. The Forum held its first meeting in October. The Council also took action towards

the eventual proclamation of an international year of mountains.

The first meeting of the Conference of the Parties to the 1994 United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, decided to accept the offer of Germany to host the permanent secretariat in Bonn and selected the International Fund for Agricultural Development to house the global mechanism.

The UNEP Governing Council held its nineteenth session (January/February and April) at which it adopted decisions relating to, among other matters, the Nairobi Declaration on the Role and Mandate of UNEP; UNEP's contribution to the General Assembly's 1997 special session; biosafety; the report on the Global Environment Outlook; chemicals management; water management; UNEP efforts to implement the 1994 United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; and the UNEP governing structures.

The General Assembly elected Klaus Töpfer (Germany) as the new UNEP Executive Director for a four-year term effective 1 February 1998.

UN Environment Programme

The Governing Council of the United Nations Environment Programme (UNEP) held its nineteenth session in Nairobi, Kenya, from 27 January to 7 February and on 3 and 4 April [A/52/25]. The resumed session was held to complete consideration of the item on UNEP governing structures. Also at the resumed session, the Council decided that its twentieth session would take place from 24 to 28 May 1999. The Council established the composition of the High-level Committee of Ministers and Officials and decided that the dates of its special session to review the results of the General Assembly's special session on implementation of Agenda 21, adopted by the United Nations Conference on Environment and Development (UNCED) in 1992 [YUN1992, p. 672], would be held between late 1997

and the end of January 1998. The Assembly took note of the Governing Council's report by **decision** 52/441 of 18 December.

The Economic and Social Council, by **decision** 1997/308 of 25 July, took note of an extract [E/1997/L.25] from the Governing Council's report, which dealt with the date and venue of the Council's twentieth session; the Council's special session on Agenda 21; the Nairobi Declaration on the Role and Mandate of UNEP; UNEP's contribution to the Assembly's 1997 special session; the report on the Global Environment Outlook; environmental housekeeping practices and guidelines in UNEP and the UN system; chemicals management; water management; UNEP efforts to implement the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa [YUN 1994, p. 944]; and the UNEP governing structures. These and other matters are discussed below.

Nairobi Declaration on UNEP role

The ministers and heads of delegation attending the Council's session, on 7 February, adopted the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme [A/52/25 (dec. 19/1)], which declared UNEP the principal UN body concerned with the environment and the leading global environmental authority. The Declaration stated that the core elements of the mandate of the revitalized UNEP should be: to analyse the state of the global environment and assess global and regional environmental trends, provide policy advice and early warning information on environmental threats, and catalyse and promote international cooperation and action; to further the development of its international environmental law aiming at sustainable development; to advance the implementation of agreed international norms and policies, monitor and foster compliance with environmental principles and international agreements and stimulate cooperative action to respond to emerging environmental challenges; to strengthen its role in coordinating environmental activities in the UN system, as well as its role as an implementing agency of the Global Environment Facility; to promote greater awareness and facilitate cooperation, and to serve as a link between the scientific community and policy makers; and to provide policy and advisory services in key areas of institution-building to Governments and other relevant institutions. By the Declaration, the ministers and heads of delegation decided to improve the UNEP governing structure and proposed that UNEP should serve as the world forum for the ministers and highest-level government officials in charge of environ-

mental matters. The Declaration reaffirmed the importance of the Environment Fund as the principal source of financing for implementing the UNEP programme. The President of the Governing Council was asked to present the Declaration to the high-level segment of the April session of the Commission on Sustainable Development and to the special session of the General Assembly convened to review and appraise the implementation of Agenda 21 (see PART THREE, Chapter I).

Governing structure

At its resumed session on 4 April, the Governing Council decided [A/52/25 (dec. 19/32)] to establish a High-level Committee of Ministers and Officials as a subsidiary organ to consider the international environmental agenda and to make reform and policy recommendations to the Council; to provide guidance to the Executive Director on emerging environmental issues between Council sessions; to enhance the collaboration and cooperation of UNEP with other multilateral bodies as well as with the environmental conventions and their secretariats; and to support the Executive Director in mobilizing financial resources. The 36 members of the High-level Committee were to be elected by the Council for a two-year period. The Committee was to meet at least once a year. The Council President and the Chairman of the Committee of Permanent Representatives would be invited to meetings, which were open to the European Community (EC) and other intergovernmental economic organizations.

With a view to strengthening the Committee of Permanent Representatives as a subsidiary organ of the Governing Council, the Council decided that the Committee's mandate would be to review, monitor and assess the implementation of the Council's decisions on administrative, budgetary and programme matters; review the draft programme of work and budget; review reports requested of the secretariat by the Council on the effectiveness, efficiency and transparency of the functions and work of the secretariat and make recommendations thereon; and prepare draft decisions for consideration by the Council based on inputs from the secretariat and on the results of the functions specified above. The Committee would comprise representatives of UN Member States and members of its specialized agencies, and EC. It would hold four regular meetings a year, and extraordinary meetings might also be convened. The Committee could establish subcommittees, working groups and task forces in order to carry out its mandate.

The High-level Committee of Ministers and Officials and the Committee of Permanent Representatives were accountable to the Governing

Council and would submit reports on their work at each Council session. The budget for the two Committees would be allocated by the Governing Council. UN Members and members of its specialized agencies were invited to provide financial assistance to facilitate the participation of developing countries, particularly the least developed, and countries with economies in transition, and to establish a trust fund to that end. The Governing Council would review the effectiveness of the governance structure at its twenty-first (2001) session.

General Assembly issues

The Executive Director provided information on issues arising from resolutions adopted by the General Assembly in 1995 and 1996, which called for action by UNEP [UNEP/GC.19/2 & Add.1 & Corr.1].

On 7 February [A/52/25 (dec. 19/11)], the Governing Council took note of the Executive Director's report.

Special session

The General Assembly, at its nineteenth special session (New York, 23-28 June), reviewed and appraised the implementation of Agenda 21—a plan of action for the sustainable development of the Earth into the twenty-first century—adopted at UNCED in 1992 [YUN 1992, p. 672]. The Assembly adopted the Programme for the Further Implementation of Agenda 21 and made a commitment to ensure that its next review in 2002 would demonstrate greater progress in achieving sustainable development (see PART THREE, Chapter I).

Prior to the special session, the UNEP Governing Council, on 7 February [A/52/25 (dec. 19/2)], asked the Executive Director, in accordance with Assembly resolution 51/181 [YUN 1996, p. 740] and on behalf of the Council, to submit to the Commission on Sustainable Development in April, the meeting of its Ad Hoc Open-ended Inter-Sessional Working Group in February/March and the Assembly's special session documents on the implementation by UNEP of Agenda 21, the Council's contribution to the special session [UNEP/GC.19/30 & UNEP/GC.19/INF.13], the report on the Global Environment Outlook, the observations and recommendations regarding the Programme for the Development and Periodic Review of Environmental Law for the 1990s [UNEP/GC.19/32] and the Council's decision on the environmental law programme [dec. 19/20]. It also asked her to present the Nairobi Declaration on the Role and Mandate of UNEP [dec. 19/1] to the high-level segment of the Commission on Sustainable Development and to the special session.

On the same date [dec. 19/5], the Council, taking note of the Executive Director's report on the estimated costs for UNEP to implement those parts of Agenda 21 [UNEP/GC.19/22] specifically recommended for its attention [UNEP/GC.19/20], took into account the gap between the current level of resources being provided to UNEP and the levels that the report had calculated.

Cooperation and coordination

UN system

The Governing Council, on 7 February [A/52/25 (dec. 19/9 A)], taking note of a report of the Executive Director on the Inter-Agency Environment Coordination Group (IAEG) [UNEP/GC.19/17], a consultative and advisory body set up to assist the Executive Director in coordinating the activities of the UN system in addressing the major challenges in the UNEP 1996-1997 work programme, asked the Executive Director to report in 1999 on progress made in IAEG's work.

On the same date [dec. 19/9 B], the Council, welcoming a note by the Executive Director on the UN system-wide strategy in the field of the environment [UNEP/GC.19/19], endorsed the Executive Director's view that the strategy should have a flexible structure over the medium term and should be regularly updated given the developments taking place in intergovernmental forums. The Council asked the Executive Director, in consultation with relevant UN organizations, to develop further the strategy through IAEG, following the Assembly's special session, and to provide in 1999 the final strategy document.

Following consideration of the Executive Director's report on cooperation between UNEP and the United Nations Centre for Human Settlements (UNCHS) [UNEP/GC.19/8], the Council, on 7 February [dec. 19/9 D], asked her to continue cooperation between the two bodies, particularly through the inter-agency Sustainable Cities Programme. It encouraged UNEP to collaborate in facilitating the implementation of the environmental components of the UNCHS agenda (see also PART THREE, Chapter VIII).

Regarding improving the international response to environmental emergencies, the Council, on 7 February [dec. 19/9 E], having taken note of the Executive Director's report on the subject [UNEP/GC.19/14], expressed satisfaction with the continued collaboration between UNEP and the UN Department of Humanitarian Affairs (DHA) in enhancing the ability of the United Nations to respond to environmental emergencies. It invited Governments and relevant UN organizations and specialized agencies to continue to cooperate with the Joint UNEP/DHA Environment Unit in its ef-

forts to assist countries, particularly developing countries, facing environmental emergencies. The Joint Unit was asked to develop its activities further in accordance with the recommendations of the Advisory Group on Environmental Emergencies, which was established to bring together national experts and focal points. Governments and international organizations were urged to contribute to the Trust Fund for Environmental Emergencies.

In March, UNEP and the United Nations Children's Fund signed a Memorandum of Understanding aimed at strengthening cooperation between the two programmes in areas fundamental to attaining sustainable development. The agreement was designed to address issues connecting the human and physical environment and the health and well-being of the world's children.

On 7 February [dec. 19/6], the Council, having considered the Executive Director's report on emerging issues on the environment and trade agenda [UNEP/GC.19/27], called on her to promote efforts to clarify and assess the environmental effects of trade and trade policies, as well as the effects of environmental policies on trade; to contribute to efforts towards a synergy between environment and trade objectives in policy development and implementation; to cooperate with other international organizations dealing with the relationship between the environment and trade, particularly the World Trade Organization and the United Nations Conference on Trade and Development (UNCTAD); and to contribute to efforts to promote and facilitate environmentally responsible investments. Governments were called on to develop mutually supportive trade and environment policies.

In July, UNCTAD and UNEP signed a Memorandum of Understanding on a technical assistance programme for promoting the complementarity of trade, environment and development objectives in developing countries. Under the programme, UNCTAD and UNEP would develop policy options for Governments of developing countries to consider when seeking to integrate environmental considerations in their macroeconomic policies, including trade policies. They would also propose policy instruments and mechanisms, including technology transfer, market access, finance and capacity-building, to facilitate the internalization of environmental costs.

The Council, on 7 February [dec. 19/18], urged the Executive Director to take measures to implement the 1994 Programme of Action for the Sustainable Development of Small Island Developing States [YUN 1994, p. 783] and asked her to report in 1999 on steps taken.

The Global Environment Facility (GEF) was established in 1991 as a joint programme of the United Nations Development Programme, UNEP and the World Bank [YUN 1991, p. 505] to help solve global environment problems. As to UNEP participation in the work of GEF, the Council, on 7 February [dec. 19/12], having considered the Executive Director's report on the subject [UNEP/GC.19/16], urged her to continue to strengthen the links between UNEP and GEF.

Taking note of the Executive Director's progress report on good environmental housekeeping practices and guidelines in UNEP and the UN system [UNEP/GC.19/28], the Council, on 7 February [dec. 19/10], encouraged her to continue her initiatives in that area and asked her to communicate with the UN Under-Secretary-General for Administration and Management to urge the adoption of good environmental housekeeping practices throughout the UN system.

Convention secretariats

Following consideration of the Executive Director's report on the coordination of convention secretariats [UNEP/GC.19/11] and the report of the Sixth Meeting on Coordination of Secretariats of Environmental Conventions [UNEP/GC.19/INF.27], the Council, on 7 February [dec. 19/9 C], asked the conferences of parties to the relevant conventions to encourage their secretariats to continue to participate in the coordination process. The Executive Director was urged to continue to promote synergy among the work and activities of environmental agreements and their secretariats and with the UNEP work programme. The Council encouraged her and the secretariat of each convention for which UNEP was responsible to enter into an arrangement that clarified their respective roles and responsibilities. The Executive Director was asked to report in 1999 on steps taken to implement the Council's decision.

Regional and subregional support

In a 7 February decision [dec. 19/31], the Governing Council asked the Executive Director to strengthen UNEP regional offices by providing them with functional and administrative capabilities to enable decentralized implementation of regional environmental programmes and priorities, as developed by regional and subregional ministerial meetings. Governments were invited to increase their participation in their respective regional cooperation programmes on the environment and were urged to participate more actively in the programmes.

On the same date [dec. 19/19], the Council asked the Executive Director to support the Framework

for the North-East Asian Subregional Programme of Environmental Cooperation by providing technical support to the Fourth Meeting of Senior Officials on Environmental Cooperation in North-East Asia (Moscow, August/September) and technical and financial support to the priority project proposals under the Framework. It also asked her to assist the countries of the subregion in mobilizing GEF resources for the priority project proposals under the Framework.

Environmental assessment

In 1997, UNEP presented the first report in the Global Environment Outlook series (GEO-1), which provided information on the state of the global environment. GEO-1 stated that, despite progress on several fronts, the global environment had continued to degrade during the previous decade and significant environmental problems remained deeply embedded in the socio-economic fabric of nations in all regions.

The Governing Council considered a report of the Executive Director [UNEP/GC.19/26] on GEO-1. She stated that UNEP had identified 20 internationally renowned environmental institutions as GEO collaborating centres, and instituted a mechanism for regional consultations, four scientific working groups and UN agency participation through the UN system-wide Earthwatch.

On 7 February [dec. 19/3], the Council approved the continuation of the GEO process and the production of the biennial GEO reports. It asked the Executive Director to submit the next report in the series in 1999; to consult with interested Governments on the framework for future GEO reports; to improve the consultative process for preparing the reports; and to include in the next report data gaps that could not be filled from existing sources, including collaborating centres of environmental assessment excellence.

On the same date [dec. 19/4], the Council asked the Executive Director to improve the use of the Global Environment Monitoring System (GEMS)/Air and GEMS/Water programmes and the Global Resource Information Database in the preparation of the GEO assessments. It urged her to try to secure adequate funds for the 1997 and 1998-1999 budgets of the GEMS programme and the Database.

Telecommunications

The Governing Council considered a report of the Executive Director on the status of implementation of the Mercure satellite communications system [UNEP/GC.19/21]. She stated that the final step towards full operation had been stalled by a delay in receiving the requisite authorization

from the International Telecommunications Satellite Organization (INTELSAT) for UNEP central earth stations to start using satellite capacity. In the meantime, planning by UNEP was well advanced for the enhanced utilization of Internet mechanisms for environmental information access and exchange, which were broadly grouped under the "UNEPnet" system.

The Council, on 7 February [dec. 19/30], taking note of the Executive Director's report and of the Supplemental Agreement between Kenya and UNEP regarding the installation and operation of the Mercure satellite telecommunication system ground station within UNEP headquarters, concluded on 31 January, encouraged UNEP to explore the use of the UNEPnet/Mercure system by the United Nations at other sites outside Kenya where technically and economically feasible. It authorized the Executive Director to engage in collaborative programmes with other donors for the continuing development of the UNEPnet/Mercure infrastructure through a collaboration co-funded by UNEP and other donors. The Council asked her to ensure that a full review and cost-benefit analysis of the system and the experience gained in its initial operation were carried out and to submit a report thereon in 1999. The Executive Director was authorized to finance from the budget the continued testing and operation of Mercure.

Women in environment and development

The Council considered a report of the Executive Director [UNEP/GC.19/9] describing action taken by UNEP in support of the Fourth (1995) World Conference on Women [YUN 1995, p. 1169]. She described a number of actions taken to meet the global priorities for the advancement of women by the year 2000 in support of the following objectives contained in the Conference's Platform for Action: involving women actively in environmental decision-making; integrating gender concerns and perspectives in policies and programmes for sustainable development; and strengthening or establishing mechanisms to assess the impact of development and environmental policies on women. The specific commitments by UNEP were to: endeavour to incorporate women's* concerns into UNEP policies, programmes and projects; adjust recruitment policies and create a favourable environment to recruit women; judge managers according to the extent to which they incorporated gender criteria in performance appraisals; ensure that women participated and that gender concerns were reflected in policy development work; give priority to environmental education and training programmes tailored to women's needs; design pro-

grammes to cater to the needs of women who were often the victims of armed conflicts that took place over land and resources; emphasize in law programmes the need to accord women the legal rights to enable them to manage and own land and make decisions on land use; advocate and support respect for the fundamental rights of women to ensure that women contributed their knowledge to the solution of environmental problems; and accord women their rightful role in decision-making at all levels. UNEP produced publications to advance those commitments, contributed to inter-agency discussions and issued 12 awareness-building posters on the major themes of the Conference as they related to the environment. Substantial progress had been made in integrating a gender perspective into the work and activities of UNEP.

Taking note of the Executive Director's report, the Council, on 7 February [dec. 19/7], endorsed the policy framework document *Gender and the Environment: A UNEP Perspective* and other UNEP activities in support of the Conference. It asked UNEP to improve its collection, dissemination and use of gender-disaggregated data related to women and the environment. The Executive Director was urged to continue to implement the specific commitments to meet the global priorities for the advancement of women by the year 2000, given by her at the Conference. She was asked to report to the Commission on the Status of Women (see PART THREE, Chapter X) and the Commission on Sustainable Development (see PART THREE, Chapter I) in 1997 and the Council in 1999.

Administrative matters

Conference servicing

Following consideration of a report of the Executive Director on developments in conference servicing [UNEP/GC.19/5], the Council, on 7 February [dec. 19/27], encouraged her to work closely with the United Nations, the United Nations Office at Nairobi (UNON) and UNCHS to ensure that there was a smooth transition to the new arrangement incorporating UNEP conference services into UNON.

Human resources

The Executive Director submitted to the Council a report summarizing efforts made by UNEP to enhance the utilization of human resources while ensuring the complementary and appropriate use of consultancies [UNEP/GC.19/15], which the Council took note of on 7 February [dec. 19/28]. The Council asked her to implement a

1995 decision [YUN 1995, p. 1069] taking into account subsequent reports by UN bodies on the use of consultants by UNEP. It also asked her to continue to report on the issue quarterly to the Committee of Permanent Representatives.

Management issues

In 1997, the Governing Council considered a report of the Board of Auditors [UNEP/GC.19/INF.1] on UNEP accounts for the biennium ended 31 December 1995. The Board recommended corrective actions relating to programme management, financial management, procurement, publications programmes, the appointment of consultants and conference facilities. The Council also examined a report of the Executive Director describing action taken by UNEP to combat waste, fraud and mismanagement [UNEP/GC.19/6 & Add.1], as called for by the Council in 1995 [YUN 1995, p. 1069].

On 7 February [dec. 19/29 A], the Council expressed concern at the extent and nature of the Board's recommendations and, in view of the current financial and management crisis, as reflected in a drop-off in contributions to the Environment Fund, asked the Executive Director to identify and implement improvements in UNEP policies and practices designed to counter waste, fraud and mismanagement, including the appropriate delegation of programme-planning authority to line management, strengthening oversight mechanisms, clarifying financial procedures and incorporating into UNEP reports accurate financial information on income and expenditures. It also asked her to implement further measures that incorporated the recommendations of the Board of Auditors, of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the forthcoming reports of the Office of Internal Oversight Services (OIOS) (see below), and to submit an interim report to Member States within six months and a final report to the Council in 1999. Governments were encouraged to submit comments to the Executive Director prior to the 1999 session.

In other action on management issues, the Secretary-General, in response to General Assembly resolution 48/218 B [YUN 1994, p. 1362], transmitted a February report [A/51/810] by the Under-Secretary-General for Internal Oversight Services concerning a review of UNEP and the administrative practices of its secretariat, including UNON. The report stated that in general the UNEP secretariat was not functioning in an environment that facilitated efficiency and effectiveness. The functional responsibilities of departments were not clear, and there seemed to be no clear delegation of authority. There was an exces-

sive use of consultants and advisers, with little indication of the value of their services, and the establishment of higher-grade posts, resulting in a top-heavy secretariat. The problems had been aggravated by the limited ability of the newly established UNON to provide common services in support of UNEP.

Recommendations by OIOS included defining the role and function of senior management; translating UNEP's role as a catalyst, coordinator and stimulator of environmental action into a single programme budget document; strengthening the Environmental Economics Unit; re-evaluating the relationship between the secretariats of the environmental conventions and UNEP; managerial assessment of the organizational structure to reduce its top-heaviness, delineate the functions of each unit, avoid a too-thin distribution of resources and reflect clear lines of authority; streamlining programme and administrative committees; appointing a second-in-command to the Executive Director; creating an independent evaluation office; resolving issues of compatibility between the UN and UNEP systems, in particular the issue of the Mercure telecommunications facility; reviewing the dispersal of financial authorization to ensure financial coherence; re-evaluating the appointment and promotion machinery; and putting UNON on the right track through the appropriate delegation of authority, staff enhancement through training and a stable resource base.

By **decision 51/468 F** of 13 June, the General Assembly took note of the OIOS report and noted that it would be considered by the Committee for Programme and Coordination (CPC) in 1997.

CPC consideration. At its thirty-seventh session (9 June–3 July) [A/52/16], CPC took note of the OIOS report and looked forward to the full implementation of its recommendations in accordance with UNEP Governing Council decisions.

UNEP Fund

Following consideration of the Executive Director's report on the status of the Environment Fund covering the use of resources in the 1994-1995 biennium, the revised use of resources in the 1996-1997 biennium and the proposed use of projected resources in the 1998-1999 biennium [UNEP/GC.19/22 & Corr.1], the Governing Council, on 7 February [A/52/25 (dec. 19/22)], approved the revised appropriation of Fund resources in 1996-1997 of \$33,861,400 for the management and administrative support costs budget and \$63.5 million for Fund programme activities. It also approved an appropriation of Fund resources in 1998-1999 of \$27.5 million for the

management and administrative support costs budget, \$75 million for Fund programme activities and \$5 million for the Fund programme reserve. An extraordinary additional amount of Fund resources in 1998-1999 of up to \$1 million for the management and administrative support costs budget was approved as follows: \$500,000 for an evaluation of UNEP management and administrative support and other activities related to improved management practices by UNEP; and \$500,000 for the costs of the anticipated special session of the Council if those costs were not covered by the UN regular budget. The Council noted with concern that the overall low level of contributions to the Fund for 1996-1997 had fallen short of estimates by a significant margin and would not enable the 1996-1997 programme of activities to be fully implemented. The Executive Director was asked to provide up-to-date statements on all other sources of funding available to UNEP.

Regarding the management and administrative support costs budget, the Council approved changes in the provision of the costs to UNON Conference Services in 1997, as proposed in the Executive Director's report on developments in conference servicing [UNEP/GC.19/5]. It also approved a revised appropriation of \$33,861,400 for the management and administrative support costs budget for 1996-1997. The Executive Director was asked to investigate steps for further savings in the 1997 support costs budget and to take steps for further reductions in 1998-1999. The Council confirmed personnel changes. It approved the revised format and structure of the management and administrative support costs budget as set out in the proposed 1998-1999 budget; an appropriation of \$27.5 million for the 1998-1999 management and administrative support costs budget; and the annual payment of the UNEP contribution to UNON as a lump sum.

As to Fund programme activities, the Council, noting with concern the need to reduce the programme of activities it had adopted in 1995 [YUN 1995, p. 1064] owing to the shortfall in contributions to the Fund, approved the revised appropriation for 1996-1997 Fund programme activities of \$63.5 million. It further approved an appropriation of \$75 million for 1998-1999 activities. The Executive Director was asked to maintain the multilateral functions of the Regional Office for North America and the Regional Office for Europe and, in consultation with OIOS, to evaluate the role, functions and management of all UNEP regional offices. She was also asked to ensure that projects and activities deferred or deleted from the 1996-1997 work programme were covered in 1998-1999.

In another decision of 7 February [dec. 19/23], the Council, expressing concern at the serious erosion of UNEP's resource base of voluntary contributions to the Fund and its predictability, asked the Executive Director to explore, in consultation with Governments, ways to secure a stable, adequate and predictable funding for UNEP in the future, and to report thereon in 1999.

By another decision [dec. 19/26], the Council took note of ACABQ's observations on the report of the Board of Auditors on the Fund's 1994-1995 financial report and audited financial statements [A/51/533] and of the Executive Director's comments thereon [UNEP/GC.19/33]. It asked the Executive Director to implement the functions within UNEP's purview recommended for corrective action, before the end of the 1996-1997 biennium, and to report on the results in 1999.

Trust funds

On 7 February [dec. 19/24 A], the Council approved the establishment of 10 trust funds for specific activities and extended six others. It approved the extension of a further 22 trust funds subject to UNEP receiving requests to do so from the relevant Governments or contracting parties.

Taking note of the Executive Director's report on the cost of administering trust funds [UNEP/GC.19/18], the Council, on 7 February [dec. 19/24 B], asked her to identify the full administrative and management costs incurred by the individual trust funds and UNEP. She was also asked: to issue a summary report including a description of the major activities carried out by the programmatic trust funds, indicating also the infrastructure required by UNEP to manage and administer the funds; to provide the Governing Council biannually with a list of each fund's donors and the amounts that they contributed; to provide information on UNEP and UNON activities related to the programming, administration and management of funds; and to ensure the expeditious servicing of all programmatic units covered by trust funds. The Council decided to hold a full discussion in 1999 on the roles of the Executive Director and the Council.

GENERAL ASSEMBLY ACTION

On 17 June [meeting 102], the General Assembly adopted **resolution 51/238** without vote [agenda item 97 (a)].

Use of the Special Voluntary Fund and the Trust Fund established pursuant to General Assembly resolution 47/188

The General Assembly,

Recalling paragraph 15 of its resolution 47/188 of 22 December 1992 relating to a special voluntary fund to assist developing countries affected by desertification

and drought, in particular the least developed countries, to participate fully and effectively in the negotiation process of the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,

Recalling also paragraph 13 of its resolution 47/188 and paragraph 8 of resolution 50/112 of 20 December 1995 relating to the possibility of using the Trust Fund to support the participation of representatives of non-governmental organizations in the work of the Committee,

Recalling further paragraph 13 (b) of its resolution 51/180 of 16 December 1996 concerning the maintenance of arrangements relating to extrabudgetary funds,

Noting with pleasure the entry into force on 26 December 1996 of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,

1. Decides that the head of the interim secretariat, under the authority of the Secretary-General, shall have the possibility of using the Special Voluntary Fund, as appropriate, to assist developing countries affected by desertification and drought, in particular the least developed countries, to participate fully and effectively in the first session of the Conference of the Parties to the Convention;

2. Decides also that the head of the interim secretariat, under the authority of the Secretary-General, shall have the possibility of using the Trust Fund, as appropriate, to support the participation of representatives of non-governmental organizations in the work of the first session of the Conference of the Parties.

Financial rules

In a 7 February decision [dec. 19/25], the Governing Council, taking note of the Executive Director's report containing proposals for a revision of the Financial Rules of the UNEP Fund and of the General Procedures Governing the Operations of the Fund [UNEP/GC.19/3], approved a series of revisions to the Rules and to the General Procedures. It asked the Executive Director to consult UN financial authorities and other related UN programmes and agencies on the comprehensive review of the financial rules of UNEP and to report thereon in 1999.

General aspects

UNCED follow-up

During the year, follow-up action to the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 670] was taken by the General Assembly, which held a special session to review and appraise the implementa-

don of Agenda 21—a plan of action for the sustainable development of the Earth into the twenty-first century—adopted by UNCED (see PART THREE, Chapter I), and by the Commission on Sustainable Development (see reports of the Secretary-General below in this section and under "Environmental activities").

The special session of the Assembly adopted the Programme for the Further Implementation of Agenda 21 (**resolution** S-19/2), which included a statement of commitment to Agenda 21 and to the goals of sustainable development at all levels. In other action, the Assembly's Second (Economic and Financial) Committee discussed matters relating to the implementation of UNCED decisions and recommendations. On 18 December, the Assembly, by **decision** 52/442, took note of part two of the Committee's report on those matters [A/52/629/Add.1].

Rio Declaration

The Rio Declaration on Environment and Development, adopted in 1992 at UNCED, held in Rio de Janeiro, Brazil [YUN 1992, p. 670], aimed to establish a new and equitable global partnership on environment and development through cooperation among States, key sectors of society and individuals.

In response to General Assembly resolution 51/181 [YUN 1996, p. 740], the Secretary-General submitted a February report, indicating the status of incorporation of the Declaration's 27 principles into national and international law [E/CN.17/1997/8] during the period 1992-1996. He stated that some of the principles appeared in global or regionally binding instruments, while others could be identified only in soft-law instruments. The report mainly focused on the international instruments adopted at UNCED and on major conventions adopted or having entered into force since then. Besides binding instruments, many of the principles of the Rio Declaration were included in instruments adopted at major intergovernmental conferences. The Secretary-General noted that considerable progress in implementing certain principles had been achieved.

Environment and sustainable development

The Commission on Sustainable Development (fifth session, New York, 7-25 April) considered a January report of the Secretary-General on integrating socio-economic and environmental concerns in decision-making [E/CN.17/1997/2/Add.7]. He addressed three areas: the development of in-

tegrated and participatory strategies for sustainable development at the national level, where progress had been mixed since UNCED, with further steps needed to realize their full potential; development and use of specific policy-making tools and instruments that helped to integrate environment and development in decision-making, including environmental impact assessment and indicators; and development and application of integrated environmental and economic accounting, where some progress had been made at the international level but much work remained to be done at the national level.

The most significant area of success with strategies and plans was at the city and municipal level, where local Agenda 21 initiatives had flourished. A substantial number of countries had established national-level commissions or coordinating mechanisms designed to develop an integrated approach to sustainable development and to include a wide range of civil society sectors in the process of agenda-setting and strategy-building. In addition, there had been an increase in initiatives to formulate regional strategies of sustainable development and action plans to establish mechanisms for regional cooperation in implementing the initiatives. An area of promising change related to the increased use by Governments, the private sector and other major groups of integrative decision-making tools expressed as economic and policy instruments that aided the process of integrating environment and development in decision-making.

In spite of positive developments, there had been slow progress in developing a system for environmental and economic accounting at the national level. There was also a need to clarify the definition, purposes and methods for national sustainable development strategies and to bring some consistency of practice to the different requirements that countries were to satisfy with respect to environmental action plans, national development plans and country strategy papers. Clarification was needed on how the outcomes of different international conferences and their calls for action could be integrated into national planning and overall action for sustainable development.

On 18 December, by **decision** 52/440, the General Assembly took note of part one of the Second Committee's report relating to environment and sustainable development [A/52/629].

On the same date, the Assembly, by **decision** 52/445, decided to continue to review the progress made in implementing the conventions signed at UNCED, as well as other conventions related to sustainable development, and asked the Secretary-General to sub-

mit a report in 1998 on ways of carrying out the review. It invited, beginning in the year 2000, the conferences of the parties to the conventions signed at UNCED or established as a result of the Conference, as well as other conventions relating to sustainable development, to take measures to avoid convening their sessions during Assembly sessions.

International conventions and mechanisms

On 7 February [A/52/25 (dec. 19/21)], the UNEP Governing Council, taking note of the report of the Executive Director on international conventions and protocols relating to the environment [UNEP/GC.19/31], called on States that had not signed, ratified or acceded to the conventions and protocols to which they were eligible to become parties to do so. It called on States and organizations to provide UNEP with information on new conventions and protocols as well as information on any changes to the status of existing ones. The Executive Director was asked to present updated information in 1999.

Climate change convention

In 1997, seven States (Burundi, Cyprus, Singapore, South Africa, Suriname, Ukraine, Yugoslavia) ratified the United Nations Framework Convention on Climate Change, which was opened for signature in 1992 [YUN 1992, p. 681] and entered into force in 1994 [YUN 1994, p. 938], bringing the total number of parties to 171 as at 31 December. The Convention committed the industrialized countries to take the lead in limiting and reducing emissions of the greenhouse gases that were causing global warming.

Conference of Parties

The third session of the Conference of the Parties to the Convention (Kyoto, Japan, 1-11 December) adopted the Kyoto Protocol to the Convention [FCCC/CP/1997/7 & Add.1]. The Protocol, which would be open for signature for one year from 16 March 1998, aimed to reduce industrialized countries' collective emissions of carbon dioxide and five other greenhouse gases by 5.2 per cent below their 1990 levels during the period from 2008 to 2012. That figure translated into a real reduction of some 20 per cent below the point that emissions would otherwise have reached by 2010, according to projections. Individual national tar-

gets were differentiated to reflect national circumstances. Under the Protocol, an international emissions trading regime would be established to allow industrialized countries to buy and sell emissions credits among themselves. A joint implementation programme would provide credits for financing emissions-avoiding projects in developing and transition countries.

In addition to the environmental benefits, the Protocol would have long-reaching economic impacts. The main means for achieving the Kyoto targets would be domestic action in industrialized countries to improve efficiency in the use of energy, introduce new technologies and influence consumption patterns.

The Conference adopted decisions to promote the implementation of the Convention dealing with, among other things, development of observational networks of the climate system; funding of development and transfer of environmentally sound technologies; and cooperation with the Intergovernmental Panel on Climate Change (see below, under "Environmental activities"). It decided to hold its fourth session in Buenos Aires, Argentina, from 2 to 13 November 1998.

Subsidiary bodies. The Conference's subsidiary bodies met during the year in Bonn, Germany. The Ad Hoc Group on the Berlin Mandate drew up the draft text for the Kyoto Protocol during its sixth (3-7 March) [FCCC/AGBM/1997/3 & Add.1], seventh (31 July-7 August) [FCCC/AGBM/1997/5] and eighth (22-31 October and 30 November) [FCCC/AGBM/1997/8 & Add.1] sessions.

The Subsidiary Body for Scientific and Technological Advice held its fifth (25-28 February) [FCCC/SBSTA/1997/4], sixth (28 July-5 August) [FCCC/SBSTA/1997/6] and seventh (20-28 October) [FCCC/SBSTA/1997/14] sessions, which dealt with cooperation with international organizations, methodological issues, mechanisms for consultations with non-governmental organizations (NGOs), the development and transfer of technologies and activities implemented jointly.

The Subsidiary Body for Implementation held its fifth (25 February-7 March) [FCCC/SBI/1997/6], sixth (28 July-5 August) [FCCC/SBI/1997/16] and seventh (20-29 October) [FCCC/SBI/1997/21] sessions to discuss national communications, financial and technical cooperation, the development and transfer of technologies, administrative and financial matters, and legal issues.

The Ad Hoc Group on Article 13, at its fourth (25-28 February) [FCCC/AG13/1997/2] and fifth (28-30 July) [FCCC/AG13/1997/4] sessions, considered the establishment of a multilateral consultative process for the resolution of questions regarding implementation (article 13).

Note of Secretary-General. As requested by the General Assembly in resolution 50/115 [YUN 1995, p. 1071], the Secretary-General, in a November note [A/52/667], reported on the result of the review of the arrangements established in 1996 [YUN 1996, p. 953] for providing the Conference of the Parties to the Convention with conference services and the Convention secretariat with administrative services. He stated that the review of administrative arrangements was expected to be finalized in 1998. Regarding conference services, the UN Secretariat intended to continue providing them to the Conference and its subsidiary bodies during the 1998-1999 biennium.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/629/Add.3], adopted **resolution 52/199** without vote [agenda item 98 (c)].

Protection of global climate for present and future generations of mankind

The General Assembly,

Recalling its resolutions 50/115 of 20 December 1995 and 51/184 of 16 December 1996 and other relevant resolutions relating to the protection of the global climate for present and future generations of mankind,

Noting with satisfaction that most States and one regional economic integration organization have ratified or acceded to the United Nations Framework Convention on Climate Change,

Expressing its deep appreciation to the Government of Japan for hosting the third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change,

Looking forward to the continued efforts of the Conference of the Parties and its subsidiary bodies in addressing climate change,

Taking note of the statement of the Executive Secretary of the United Nations Framework Convention on Climate Change on the results of the meeting of the Conference of the Parties prepared in response to the invitation of the General Assembly as contained in paragraph 6 of resolution 51/184,

Noting with regret that the report of the Secretary-General on the implementation of resolutions 50/115 and 51/184 was not submitted on time,

1. Welcomes the convening of the third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Kyoto, Japan, from 1 to 10 December 1997;

2. Calls upon all States to strive for a successful outcome of the Berlin Mandate process;

3. Notes the ongoing process of the review of the administrative arrangements regarding personnel and financial matters established in the context of the transitional arrangement for administrative support to the secretariat of the United Nations Framework Convention on Climate Change for the biennium 1996-1997, and the arrangements made for the provision of conference services to the Conference of the Parties to the Convention and its subsidiary bodies for the biennium

1996-1997, as requested in paragraph 10 of its resolution 50/115 and paragraph 3 of its resolution 51/184;

4. Decides to maintain the arrangements regarding personnel and financial matters established in regard to the provisions of administrative support to the secretariat of the Convention, for the biennium 1998-1999, taking into account the review of the functioning of the institutional linkage called for in its resolution 50/115, and as reiterated in its resolution 51/184;

5. Also decides to include in the calendar of conferences and meetings for the biennium 1998-1999 the sessions of the Conference of the Parties and its subsidiary bodies, entailing eight weeks of conference-servicing facilities envisaged for that biennium;

6. Invites the Executive Secretary of the United Nations Framework Convention on Climate Change to report to the General Assembly at its fifty-third session and following the outcome of the third session of the Conference of the Parties to the Convention;

7. Decides to include in the provisional agenda of its fifty-third session the sub-item entitled "Protection of global climate for present and future generations of mankind".

Montreal protocol

At 31 December, 162 States and the European Community (EC) were parties to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 686], 116 States and EC were parties to the 1990 Amendment [YUN 1990, p. 522] to the Protocol, and 75 States and EC were parties to the 1992 Amendment [YUN 1992, p. 684].

The Ninth Meeting (Montreal, Canada, 15-17 September) of the Parties to the Montreal Protocol [UNEP/OzL.Pro.9/12] agreed on a phase-out schedule for methyl bromide, a fumigant and an ozone-depleting substance (ODS). The phase-out of methyl bromide by developed countries, previously set at 2010, had been moved up to 2005 with exemptions for critical uses and interim reductions of 25 per cent by 1999, 50 per cent by 2001 and 70 per cent by 2003. Developing countries agreed to a phase-out by 2015. In addition to \$10 million agreed in 1996 for funding demonstration projects testing the feasibility of methyl bromide alternatives, the Multilateral Fund would make \$25 million available annually in 1998 and 1999 for activities to phase out methyl bromide in developing countries. A new licensing system was adopted to prevent the illegal traffic of controlled substances, based on licences issued by parties for each import and export and on regular information exchange between parties. In other action, the Meeting asked parties to discourage the development and promotion of new substances with a significant potential to deplete the ozone layer, technologies to use such substances and use of those substances in various applications.

The Meeting amended the Protocol in areas dealing with banning the export and import of methyl bromide, the control of trade with parties and licensing. The Amendment would enter into force on 1 January 1999, provided that at least 20 instruments of ratification, acceptance or approval had been deposited by parties to the Protocol. The Tenth Meeting of the Parties would be held in November 1998 in Cairo, Egypt.

The Administrator of the United Nations Development Programme (UNDP) reported that, as at December, UNDP was assisting 60 countries to eliminate ODS [DP/1998/17/Add.2]. In 1997, total approvals were \$45.4 million, with 99 per cent funded by the Executive Committee of the Protocol Multilateral Fund and 1 per cent funded through the Global Environment Facility for work in the countries of the Commonwealth of Independent States. Thus, the UNDP 1991-1997 cumulative project portfolio increased to \$190 million. The portfolio comprised 730 projects, including 444 technology-transfer conversion projects, which would eliminate 24,226 tonnes per year of ODS. In 1997, UNDP completed 79 projects, thus raising the total number of projects completed during 1991-1997 to 252, including 49 technology-conversion projects that eliminated 3,065 tonnes of ODS yearly and 30 non-investment projects comprising training, technical cooperation, project preparation and demonstration projects. Under the programme, a total of \$35 million was disbursed in 1997. UNDP also had programmes in 27 low-ODS-consuming countries and developed seven innovative approaches to eliminate ODS consumption in small and medium-sized enterprises.

Convention on Biological Diversity

In 1997, seven States became parties to the Convention on Biological Diversity, which opened for signature in 1992 [YUN 1992, p. 683] and entered into force in 1993 [YUN 1993, p. 810], bringing the total number of parties to 172.

The objectives of the Convention were the conservation, sustainable use and equitable sharing of the benefits of the use of biological diversity.

The fourth meeting of the Conference of the Parties was scheduled to take place in May 1998 in Bratislava, Slovakia.

Commission action. In accordance with General Assembly resolution 51/182 [YUN 1996, p. 957], the Secretary-General, in February [E/CN.17/1997/11], transmitted to the Commission on Sustainable Development the report of the Executive Secretary of the Convention on experience gained under the Convention and on arrange-

ments to coordinate activities related to the Convention's objectives.

The Convention had become a vehicle to implement the concept of sustainable development and the policies of Agenda 21 in the area of biological diversity. Under Agenda 21's social and economic dimensions, the Convention addressed international cooperation to accelerate sustainable development, combating poverty, changing consumption patterns, protecting and promoting health and integrating environment and development in decision-making. In the area of conservation and management of resources for development, it covered the protection of the atmosphere, an integrated approach to the planning and management of land resources, combating deforestation, managing fragile ecosystems, promoting sustainable agriculture and rural development, the environmentally sound management of biotechnology and the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources. As to strengthening the role of major groups, the Convention corresponded to the chapters of Agenda 21 dealing with global action for women towards sustainable and equitable development, strengthening the role of indigenous people and their communities, strengthening the role of farmers and strengthening the role of business and industry.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/629/Add.5], adopted **resolution 52/201** without vote [agenda item 98 (e)].

Convention on Biological Diversity

The General Assembly,

Recalling its resolution 51/182 of 16 December 1996 on the Convention on Biological Diversity and other relevant resolutions relating to the Convention,

Recalling also the provisions of the Convention on Biological Diversity,

Recalling further Agenda 21, particularly its chapter 15 on the conservation of biological diversity and related chapters,

Recalling the recommendations made at the third session of the Commission on Sustainable Development on the review of chapter 15 of Agenda 21 on the conservation of biological diversity,

Deeply concerned by the continued loss of the world's biological diversity, and, on the basis of the provisions of the Convention, reaffirming the commitment to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources,

Emphasizing that the Convention is an important instrument for achieving sustainable development, tak-

ing into account its three objectives, and for promoting the ecosystem approach embodied in the Convention and the decisions of the Conference of the Parties to the Convention,

Encouraged by the work carried out to date under the Convention,

Noting with satisfaction that most States and one regional economic integration organization have ratified or acceded to the Convention,

Taking note with appreciation of the generous offer of the Government of Slovakia to host the fourth meeting of the Conference of the Parties to the Convention at Bratislava from 4 to 15 May 1998,

Recalling its invitation to the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the results of future meetings of the Conference of the Parties,

1. Welcomes the results of the third meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Buenos Aires from 4 to 15 November 1996, as reflected in the report of the meeting, submitted in accordance with resolution 51/182, and in that context reaffirms the need to take concrete action to fulfil the three objectives of the Convention;

2. Takes note of the decision of the Conference of the Parties on the conservation and sustainable use of agricultural biological diversity and the programme of work contained therein, and the development of a focused work programme for forest biological diversity;

3. Also takes note of the ongoing work and the international cooperation to date towards fulfilling the objectives of the Convention, the decision of the Conference of the Parties and, *inter alia*, the initiative taken on holding workshops, including the workshop on traditional knowledge and biological diversity, and the important work being carried out by the subsidiary bodies of the Convention;

4. Further takes note of the work carried out at the third meeting of the Open-ended Ad Hoc Working Group on Biosafety, held at the seat of the secretariat of the Convention at Montreal, Canada, from 13 to 17 October 1997, and reaffirms the importance of those negotiations for the development of a protocol on biosafety;

5. Encourages those States that have not yet ratified the Convention to do so as soon as possible;

6. Recognizes that States parties to the Convention have agreed to provide additional financial resources for the implementation of the Convention in accordance with article 20 of the Convention, and urges all funding institutions, including bilateral and multilateral donors as well as regional funding institutions and non-governmental organizations, to cooperate with the secretariat of the Convention in implementing the decision of the Conference of the Parties;

7. Renews its appreciation for the important work being carried out under the Convention towards enhancing cooperation with the Commission on Sustainable Development and biodiversity-related conventions;

8. Recognizes the importance of the implementation of the Convention at all levels, including through the preparation and the implementation of national strategies, plans and programmes;

9. Notes that the first national reports by States parties to the Convention, as required under article 26 of the Convention, are due to be submitted to the secretar-

iat of the Convention no later than 1 January 1998 in accordance with the decision taken at the second meeting of the Conference of the Parties, calls upon Member States that are parties to the Convention to meet that requirement as soon as possible, and in that context invites the international community to assist developing countries in fulfilling that commitment;

10. Also notes the clarification of the administrative arrangements regarding the respective roles of the United Nations Environment Programme and the secretariat of the Convention in respect of personnel and financial matters, as detailed in the Administrative Arrangements between the United Nations Environment Programme and the secretariat of the Convention on Biological Diversity signed on 30 June 1997;

11. Calls upon States parties to the Convention to settle urgently any arrears and to pay their contributions in full and in a timely manner, in accordance with the decision of the Conference of the Parties regarding the contributions required for the Trust Fund for the Convention on Biological Diversity, so as to ensure continuity in the cash flow required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat;

12. Invites the Executive Secretary of the Convention on Biological Diversity to report to the General Assembly on the results of future meetings of the Conference of the Parties;

13. Decides to include in the provisional agenda of its fifty-third session the sub-item entitled "Convention on Biological Diversity".

Convention to combat desertification

As at 31 December, 116 States were parties to the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, which was adopted in 1994 [YUN 1994, p. 944] and entered into force in 1996 [YUN 1996, p. 958]. During the year, 59 States ratified or acceded to the Convention.

Implementation

UNEP action. The Executive Director submitted a report to the Governing Council summarizing progress achieved during 1995 and 1996 towards implementing the Convention, including through the partnership agreement with the UNDP Office to Combat Desertification (UNSO) [UNEP/GC.19/7]. She described UNEP action in desertification control areas, including the assessment of land degradation; improving global awareness of dryland and desertification issues; promoting action in support of the Convention; and improving understanding of the social dimensions of land degradation and promoting sustainable practices of land management. The Executive Director observed that progress had been achieved in 1996, despite being constrained by the lack of resources.

The Governing Council, on 7 February [A/52/25 (dec. 19/17)], taking note of the Executive Director's report, urged States that had not ratified the Convention to do so. It encouraged the Executive Director to: continue to contribute to the implementation of the Convention; invite other UN organizations and agencies, financial institutions, funds and other interested parties to participate in partnership agreements for implementing the Convention in affected developing countries, particularly in Africa; continue to support activities related to capacity-building and coordinating mechanisms; and intensify support for activities in Africa, Asia and Latin America and the Caribbean. Governments were urged to provide the Conference of the Parties with relevant research and up-to-date data on the status of desertification and land degradation for consideration of the Committee on Science and Technology of the Convention. Governments, regional economic integration organizations and other organizations, as well as NGOs, were called on to contribute further to the implementation of the Convention in affected developing countries.

Note by Secretary-General. In October [A/52/526], the Secretary-General reported on the implementation of General Assembly resolution 50/114 [YUN 1995, p. 1079] on desertification and drought.

Under their 1995 partnership agreement [YUN 1995, p. 1078], UNDP and UNEP were committed to working on sustainable dryland management through the Convention. On the basis of that partnership, UNDP/UNSO and UNEP had collaborated on two joint initiatives, on assessment, monitoring and information systems and on a framework for advocacy. On assessing and monitoring desertification, UNEP and UNSO had collaborated on the development of desertification indicators. A joint initiative on desertification assessment and monitoring was under way. In collaboration with other core partners, UNEP and UNDP/UNSO were designing a plan for advocacy and outreach to facilitate cost-effective and coordinated efforts to increase knowledge and awareness on dryland issues, building partnerships and drawing on the strengths and interests of the partners involved. Financial support to UNDP/UNSO from 1995 to date amounted to \$13.7 million.

The Economic and Social Council, on 7 February, authorized the Secretary-General to submit his report on desertification and drought directly to the General Assembly (**decision 1997/205**).

UNDP action. On 19 September [E/1997/33 (dec. 97/24)], the UNDP Executive Board approved a gross appropriation of \$5.85 million for the

1998-1999 biennial support budget for UNDP/UNSO. It asked the UNDP Administrator to report in 1998 on progress in implementing that budget.

Conference of Parties

The Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (INCD), held its tenth session (New York, 6-17 January) [A/52/82] and a resumed tenth session (Geneva, 18-22 August) [A/52/82/Add.1] to prepare for the first Conference of the Parties. INCD adopted decisions related to functions of a global mechanism, the accreditation of NGOs, the designation of a permanent secretariat, administrative and support arrangements and the identification of an organization to house the global mechanism, which was to promote actions to mobilize and channel financial resources.

The Conference of the Parties, at its first session (Rome, Italy, 29 September-10 October) [ICCD/COP(1)/11 & Add.1], accepted an offer by the UN Secretary-General to provide administrative and support arrangements for the Convention secretariat and asked him, in consultation with the Conference, to appoint the first head of the secretariat. The Conference decided to accept the offer of Germany to host the permanent secretariat in Bonn and selected the International Fund for Agricultural Development (IFAD) to house the global mechanism. The 1999 budget and programme was adopted, and parties, as well as Governments of States not parties, intergovernmental organizations and NGOs were invited to make contributions to the Supplementary Fund and the Special Fund of the Convention. The Conference decided to review the implementation of the Convention at its second session, to be held in Dakar, Senegal, from 24 August to 4 September 1998. It adopted procedures for the communication of information and review of implementation. Other decisions dealt with the terms of reference of the Committee on Science and Technology (CST) and its work programme; other bodies performing work similar to that of CST, and procedures for establishing ad hoc panels.

Report of Secretary-General. As requested by the General Assembly in resolution 51/180 [YUN 1996, p. 958], the Secretary-General, in a November report [A/52/549], discussed action to implement the Convention by States, INCD and the interim secretariat and reviewed the substantive decisions adopted at the Conference of the Parties at its first session. He also reviewed the institutional,

administrative and financial implications of the Conference decisions.

The Secretary-General summarized requests made by the Conference to the General Assembly, which included: endorsing the institutional linkage between the permanent secretariat and the United Nations and providing for its review; requesting the Secretary-General to authorize the head of the interim secretariat to use in 1998 the Special Voluntary Fund and the Trust Fund, established by the Assembly in resolution 47/188 [YUN 1992, p. 686]; approving conference-servicing costs for the duration of the institutional linkage of the permanent secretariat to the United Nations; and requesting the transfer of any amounts remaining in the Trust Fund and the Special Voluntary Fund as at 31 December 1998 to the Supplementary Fund and to the Special Fund to be established. The Secretary-General was asked to appoint the head of the Convention secretariat for a three-year period starting on 1 January 1999; authorize the use of the Special Voluntary Fund to assist developing countries to participate in the second session of the Conference; and similarly authorize the use of the Trust Fund to support the participation of NGOs in the session.

Committee on Science and Technology

The Committee on Science and Technology, a subsidiary body of the Conference, held its first session (Rome, 29 September-10 October). It considered proposals by seven organizations to undertake a survey and evaluation of existing networks, institutions, agencies and bodies willing to become units of a network to support implementation of the Convention [ICCD/COP(1)/CST/2 & Add.1]. It also reviewed comments and suggestions from INCD members and international organizations concerning indicators relating to Convention implementation, benchmarks and environmental impact indicators [ICCD/COP(1)/CST/3 & Add.1]. CST examined suggestions on its methods of work [ICCD/COP(1)/CST/5] and the activities of other bodies performing similar work [ICCD/COP(1)/CST/4].

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/629/Add.2], adopted **resolution 52/198** without vote [agenda item 98 (b)].

Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought, and/or Desertification, particularly in Africa

The General Assembly,

Recalling its resolutions 47/188 of 22 December 1992, 48/191 of 21 December 1993, 49/234 of 23 De-

cember 1994, 50/112 of 20 December 1995, 51/180 of 16 December 1996 and 51/238 of 17 June 1997,

Noting with satisfaction that a large number of States have ratified the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and calling upon other States to take appropriate action to that end,

Noting that, in accordance with paragraphs 4 and 5 of its resolution 51/180, the first session of the Conference of the Parties to the Convention was held at Rome from 29 September to 10 October 1997 and that it was attended by one hundred and two parties and by a large number of observers from Governments and intergovernmental and non-governmental organizations,

Expressing its deep appreciation to the Government of Italy for the generous manner in which it hosted the first session of the Conference of the Parties and to the Food and Agriculture Organization of the United Nations for the facilities it provided,

Recognizing the contribution to the convention process of the interim secretariat of the Convention, within the framework of the former Department for Policy Coordination and Sustainable Development of the Secretariat, as well as the support provided to the interim secretariat by all bilateral and multilateral contributors, including regional and non-governmental organizations,

Recognizing also the support provided during the interim phase of the Convention to the launching of national, subregional and regional action programme processes in response to the resolution on urgent action for Africa, and the support provided to the interim activities in other regions carried out by Governments, regional economic integration organizations, intergovernmental organizations and non-governmental organizations, as well as by specialized agencies, funds and programmes of the United Nations system,

Noting the offer made by the Secretary-General to provide administrative and support arrangements in the framework of an institutional linkage of the Convention secretariat to the United Nations,

Taking note of the decision of the Conference of the Parties, on the basis of the offer made by the Secretary-General, that the Convention secretariat should be institutionally linked to the United Nations, while not being fully integrated into the work programme and management structure of any particular department or programme,

Taking note also of the financial rules of the Conference of the Parties, its subsidiary bodies and the secretariat of the Convention, adopted by the Conference at its first session, whereby, inter alia, the Secretary-General, at 1 January 1999, is requested to establish trust funds (general, supplementary and special funds) for the purposes of the Convention, to be managed by the head of the Convention secretariat in accordance with the relevant financial rules and within the duly delegated authority,

Taking note further of the decision of the Conference of the Parties at its first session that the General Assembly be requested to decide, bearing in mind the institutional linkage of the Convention secretariat to the United Nations and the large number of States that are parties to the Convention, to finance from the regular programme budget of the United Nations the

conference-servicing costs arising from sessions of the Conference of the Parties and its subsidiary bodies for the duration of the institutional linkage,

Taking note of the reports of the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa on its tenth session, held in New York from 6 to 17 January 1997, and its resumed tenth session, held at Geneva from 18 to 22 August 1997, and the report of the Conference of the Parties on its first session,

Having considered the report of the Secretary-General on the implementation of General Assembly resolution 51/180, in particular paragraph 15,

1. Approves the institutional linkage between the secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and the United Nations, in accordance with the offer made by the Secretary-General and as accepted by the Conference of the Parties to the Convention at its first session;

2. Requests the Secretary-General to review the functioning of the institutional linkage, including the financing arrangements, not later than 31 December 2000, in consultation with the Conference of the Parties, with a view to making such modifications as may be considered desirable by the General Assembly and the Conference, and to report thereon to the Assembly;

3. Notes that the Conference of the Parties has decided to accept the offer of the Government of Germany to host the Convention secretariat at Bonn, and expresses its appreciation for the support offered by the future host Government with respect to the relocation and effective functioning of the Convention secretariat;

4. Expresses its appreciation to the Government of Switzerland, which hosted the interim secretariat, and to the Government of Canada and the Government of Spain, which offered to host the Convention secretariat, and invites them to continue to support the permanent secretariat and to contribute to the implementation of the Convention;

5. Welcomes the selection by the Conference of the Parties at its first session of the International Fund for Agricultural Development to house the Global Mechanism and, in accordance with the decision of the Conference, invites the Fund, as the lead organization, to cooperate fully with the United Nations Development Programme and the World Bank;

6. Takes note of the statement of the President of the Conference of the Parties at the closing of the first session, and, in this context, invites the Conference to facilitate the elaboration of an additional regional implementation annex to the Convention for the countries of the eastern and central European region to be launched at the second session of the Conference in 1998, in accordance with the goals and objectives of the Convention, and with a view to finalizing it as soon as possible;

7. Urges Governments and all interested organizations, including non-governmental organizations and the private sector, to make promptly the voluntary contributions necessary to ensure that the Global Mechanism can begin operating on 1 January 1998;

8. Requests the Secretary-General, bearing in mind the decision taken by the Conference of the Parties at its first session:

(a) To authorize the interim secretariat established pursuant to resolution 47/188 to act as the secretariat for the transition period following the first session of the Conference of the Parties until the permanent secretariat designated by the Conference begins operating by 1 January 1999;

(b) To maintain the arrangements within the current programme budget for the interim secretariat to support the Convention until the permanent secretariat begins operating by 1 January 1999 and to maintain the arrangements relating to extrabudgetary funds;

9. Notes with appreciation the contributions made to the Trust Fund established pursuant to resolution 47/188, and invites Governments, regional economic integration organizations and other interested organizations to continue to make voluntary contributions to the Trust Fund to support the interim secretariat and the work of the Conference of the Parties and its subsidiary bodies for the transition period following the first session of the Conference;

10. Also notes with appreciation the contributions made to the Special Voluntary Fund established pursuant to resolution 47/188 to assist developing countries affected by desertification and drought, in particular the least developed countries, as well as representatives of non-governmental organizations of developing countries, to participate fully and effectively in the sessions of the Conference of the Parties and its subsidiary bodies, and invites Governments, regional economic integration organizations and other organizations to continue to contribute generously to the Fund also for the transition period following the first session of the Conference;

11. Requests the Secretary-General to close, on 31 December 1998, the Trust Fund and the Special Voluntary Fund established under the provisions of resolution 47/188 and to transfer any amounts remaining in the Trust Fund and in the Special Voluntary Fund as of 31 December 1998, respectively, to the supplementary fund to be established pursuant to paragraph 9 of the financial rules and to the special fund to be established in accordance with paragraph 10 of the financial rules;

12. Renews its appeal to Governments, regional economic integration organizations and other interested organizations, as well as to non-governmental organizations and the private sector, to continue to contribute generously to the two extrabudgetary funds mentioned above for the transition period following the first session of the Conference of the Parties;

13. Calls upon all countries that are not parties to the Convention to take appropriate action for the ratification, acceptance, approval or accession to the Convention;

14. Stresses the necessity to advance, as soon as possible, the full implementation of the Convention, and, in this context, calls upon Governments of affected countries, as a matter of priority, to accelerate the processes of elaboration of national, subregional and regional action programmes, and calls upon the international community, in particular the developed countries, and the United Nations system, and invites the multilateral financial institutions and all other interested actors, to support the efforts of affected developing countries in

these processes by providing financial resources and other forms of assistance, in accordance with the relevant articles of the Convention and the decisions of the Conference of the Parties;

15. Urges all States that are parties to the Convention to pay promptly and in full on the first month of each year, starting on 1 January 1999, the contributions required for the core budget of the Convention envisaged in the financial rules, so as to ensure continuity in the cash flow required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies, the permanent secretariat and the Global Mechanism;

16. Calls upon all countries, in particular developed countries, non-governmental organizations and the private sector to contribute generously to the trust funds (general, supplementary and special funds) to be established by the Secretary-General on 1 January 1999, in conformity with the financial rules of the Conference of the Parties, in order to facilitate activities under the Convention and to support the participation of representatives of developing and, in particular, least developed country parties affected by desertification and/or drought, particularly those in Africa, as well as the participation of some representatives of non-governmental organizations of those countries in the sessions of the Conference and its subsidiary bodies;

17. Decides to include in the calendar of conferences and meetings for the biennium 1998-1999 the sessions of the Conference of the Parties and its subsidiary bodies envisaged for that biennium, taking into account the request of the Conference;

18. Takes note of the transitional arrangement for administrative support to the Convention secretariat, outlined in the report of the Secretary-General on the implementation of General Assembly resolution 51/180, with particular reference to the implications arising from the report of the Conference of the Parties on its first session, which should facilitate the establishment and relocation of the Convention secretariat and assist it in addressing any initial financial and personnel problems that may be encountered in that context;

19. Welcomes with appreciation the generous offer of the Government of Senegal to host the second session of the Conference of the Parties to the Convention at Dakar from 30 November to 11 December 1998;

20. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the relevant specialized agencies, funds and programmes of the United Nations system, multilateral and bilateral financial institutions and other inter-governmental organizations, as well as to non-governmental organizations and the private sector;

21. Also requests the Secretary-General to report to it, at its fifty-third session, on the implementation of the present resolution;

22. Decides to include in the provisional agenda of its fifty-third session the sub-item entitled "Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa".

Environmental activities

The atmosphere

Atmosphere and climate protection

A January report to the Commission on Sustainable Development [E/CN.17/1997/27Add.8], prepared by the United Nations Environment Programme (UNEP) as task manager for chapter 9 of Agenda 21 (protection of the atmosphere), reviewed the impact of energy production and consumption and of transportation on the atmosphere, particularly global climate change. It briefly mentioned the issues of the stratospheric ozone layer, transboundary atmospheric pollution and land-use.

Success since the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672] had been limited in controlling carbon dioxide emissions produced by burning fossil fuels, the report stated, and world total energy production and consumption and resulting carbon dioxide emissions continued to rise. However, a positive trend was seen as energy intensity was improving and the carbon intensity of energy was declining. In addition, the political will to address the problem of greenhouse gas emissions was increasing in many countries. There was a noticeable shift in government research and development budgets globally from the fossil energy sector to energy conservation and renewable energy. Parties to the United Nations Framework Convention on Climate Change had agreed to negotiate an agreement to limit greenhouse gas emissions in industrialized countries after the year 2000 (see above, under "International conventions and mechanisms").

Several government initiatives were being taken or considered to curb the environmental impact of transportation on the atmosphere, including promoting the use of cleaner transport fuels, encouraging the use of public transport and combating traffic congestion. Research on future engines, including electric and hybrid vehicles, and alternative fuels was under way.

As to other concerns, global production and consumption of major ozone-depleting substances had decreased markedly. Actions to address national issues in developed countries and agreements among industrialized countries had led to a reduction in transboundary air pollution and its impacts. Projects to conserve and sequester carbon varied from carbon conservation by protecting forests or developing sustainable for-

est management practices to increasing carbon pools through afforestation and agroforestry.

Efforts undertaken so far had been modest, however, as had the successes. Enormous efforts had to be made by Governments to reform their energy and transport-related policies and provide the needed market signals to ensure that moderate successes were strengthened in the long term. Obstacles to progress included limited policy changes in energy system planning and technology research; the inability of Governments and markets to incorporate environmental concerns in the energy and transport sectors; low fossil fuel prices; the development of an illegal trade in chlorofluorocarbons; and the difficulty for many developing countries to give priority to transboundary atmospheric pollution.

Intergovernmental Panel on Climate Change

The Intergovernmental Panel on Climate Change (IPCC), established by UNEP and the World Meteorological Organization (WMO) to assess scientific information about climate change for international and national policy formulation, held its thirteenth session (9-11 July). IPCC approved the creation of the Data Distribution Centre (DDC) to facilitate the timely distribution of a consistent set of up-to-date scenarios of changes in climate and related environmental and socio-economic factors for use in climate impact assessments. It was determined at the thirteenth IPCC plenary meeting (Maldives, 22-28 September) that DDC would be a shared operation between the Climatic Research Unit in the United Kingdom and the Deutsches Klimarechenzentrum in Germany. Technical inputs from other centres or organizations with experience in preparing and distributing climate scenarios would also be solicited.

Terrestrial ecosystems

Biosafety and biodiversity

On 7 February [A/52/25 (dec. 19/16)], the UNEP Governing Council urged Governments and sub-regional and regional organizations to promote the implementation of the UNEP International Technical Guidelines for Safety in Biotechnology, adopted in 1995 [YUN 1995, p. 1078], by designating national focal points to apply the Guidelines. The Executive Director was asked to continue to promote the implementation of the Guidelines, particularly in developing countries, and to explore with other UN and international bodies the mutual sharing of information about organisms with novel traits contained on interna-

tional databases and the rationalization of the databases, in order to avoid duplication of sources of information and the need for the multiple entry of data. She was also asked to organize within two years a second international workshop on the implementation of the Guidelines and periodically to review progress made in implementing them. The Council asked her to report in 1999 on progress made.

Desertification and drought control

In a January report [E/CN.17/1997/2/Add.11] to the Commission on Sustainable Development, prepared by UNEP as task manager for chapter 12 of Agenda 21 (combating desertification and drought), the Secretary-General stated that since the adoption of the Convention to combat desertification in 1994 [YUN 1994, p. 944] there had been significant efforts in Africa to place land degradation and desertification issues at the centre of the political agenda for Africa's socio-economic recovery. Greater recognition of the issue outside Africa was evident, and renewed efforts were being made by several organizations, particularly UNEP, the Food and Agriculture Organization of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD) to seek, evaluate and publicize success stories in sustainable dryland management. Although political commitment had increased in the affected countries, the issue was not always high on ministers' lists of priorities for action, and resources were frequently not available. Despite the major role that NGOs played in supporting improved environmental management of the drylands and the strong support of smaller NGOs at the negotiations for the Convention, it was disappointing that the larger international NGOs had not played a more prominent role in the follow-up process.

Emerging priorities regarding desertification and drought involved implementation of the Convention; capacity-building for implementation in affected countries; awareness-raising in affected and non-affected countries of the importance of dryland environments and the significance of the desertification issue; and development of drought-preparedness plans.

Deforestation and forest degradation

Commission action. The Secretary-General submitted to the Commission on Sustainable Development a January report [E/CN.17/1997/2/Add.10], prepared by FAO as task manager for chapter 11 of Agenda 21 (combating deforestation), on combating deforestation and the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management,

Conservation and Sustainable Development of All Types of Forests (the Forest Principles). The Forest Principles constituted a non-legally binding instrument, agreed upon at UNCED [YUN 1992, p. 674], that provided a framework for the sustainable development of all types of forests, while recognizing the sovereign right of countries over their forest resources.

Significant progress had been made at the planning and policy levels. In most countries, forestry and forest-related activities were undergoing radical and complex changes. Fifty developing countries had completed a strategic planning exercise and another 20 were in the process of doing so. In several industrialized countries, national strategies for sustainable forest management had been formulated and adopted by parliaments. Some progress was made on financing sustainable forest management. Technology transfer and capacity-building had advanced in the areas of disseminating information on how to improve land-use planning and forest yields; developing and implementing national forest strategies; technology and methods to reduce environmental damage due to forestry practices; species research for tree improvement for rehabilitation; reforestation and nursery development; new and renewable sources of energy; and environmentally sound logging technologies. However, areas such as trade in lesser-used species, valuation of forests and forest resources and traditional forest-related knowledge had received inadequate attention.

In the area of forest assessment, a framework for the global Forest Resources Assessment 2000 and the core set of definitions were agreed upon in an expert consultation organized by FAO in 1996. A basis of tested methods and data organization mechanisms was in place. Efforts had been made to increase national capacities in forest assessment by FAO, the European Community and the International Union of Forest Research Organizations. Over 50 countries had established mechanisms and institutions for continuous national resources assessment.

Concerning trade in forest products, the Uruguay Round of multilateral trade negotiations (see PART THREE, Chapter IV) had made significant progress in improving market access for forest products, especially in terms of reducing tariffs for all types of forest products. However, forest products market transparency and forest management cost internalization were still unsolved issues. The setting up of the Ad Hoc Intergovernmental Panel on Forests (IPF) under the auspices of the Commission had allowed for substantial progress towards a more coordinated col-

laboration between international instruments and organizations.

Despite progress made, there were policy constraints, a lack of country capacity in many developing countries and inadequate funding. Key issues related to international cooperation had to be addressed at the national, subregional, regional and global levels.

Priorities and recommendations were emerging from IPF discussions and would be considered at its February session (see below).

Ad Hoc Intergovernmental Panel. IPF, mandated to pursue a consensus and draw up options for further actions to combat deforestation and forest degradation and to promote the management, conservation and sustainable development of all types of forests, held its fourth session (New York, 11-21 February) [E/CN.17/1997/12]. The Panel presented proposals for action on its five main programme elements as follows: the implementation of UNCED decisions related to forests at the national and international levels, including an examination of sectoral and cross-sectoral links (national forest and land-use programmes, causes of deforestation and forest degradation, traditional forest-related knowledge, fragile ecosystems affected by desertification and drought, the impact of airborne pollution on forests, needs and requirements of countries with low forest cover); international cooperation in financial assistance and technology transfer (strengthening financial assistance, increasing private-sector investment, enhancing national capacity and national coordination, enhancing international cooperation, enhancing technology transfer and capacity-building, improving information systems); scientific research, forest assessment and development of criteria and indicators for sustainable forest management (assessment of the multiple benefits of all types of forests, forest research, proper valuation of the multiple benefits of forests, criteria and indicators for sustainable forest management); trade and environment in relation to forest products and services (market access, the relative competitiveness of forest products, lesser-used species, certification and labelling, full-cost internalization, market transparency); and international organizations and multilateral institutions and instruments, including legal mechanisms.

On 25 April [E/1997/29 (dec. 5/102)], the Commission took note of the Panel's report.

Intergovernmental Forum on Forests

In July, the Economic and Social Council established the Intergovernmental Forum on Forests (IFF), under the aegis of the Commission on Sustainable Development, to work towards a le-

gaily binding instrument on the management, conservation and sustainable development of all types of forests. The Forum was also charged with promoting the implementation of the IPF proposals for action.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July [meeting 42], the Economic and Social Council adopted **resolution 1997/65** [draft: E/1997/L.49] without vote [agenda item 7 (b)].

Establishment of an ad hoc open-ended Intergovernmental Forum on Forests of the Commission on Sustainable Development

The Economic and Social Council,

Recalling its decision 1995/226 of 1 June 1995, approving the establishment of an ad hoc open-ended intergovernmental panel on forests of the Commission on Sustainable Development to pursue consensus and formulate coordinated proposals for action towards the management, conservation and sustainable development of all types of forests,

Recognizing that the management, conservation and sustainable development of all types of forests is a crucial factor in economic and social development, environmental protection and the Earth's life-support system,

Taking into account the decision taken by the General Assembly at its nineteenth special session to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended Intergovernmental Forum on Forests under the aegis of the Commission on Sustainable Development to work in an open, transparent and participatory manner, with a focused and time-limited mandate, charged with, inter alia, (a) promoting and facilitating the implementation of the proposals for action of the Intergovernmental Panel on Forests; (b) reviewing, monitoring and reporting on progress in the management, conservation and sustainable development of all types of forests; and (c) considering matters left pending as regards the programme elements of the Intergovernmental Panel, in particular trade and environment in relation to forest products and services, transfer of technology and the need for financial resources,

Taking into account also the decision of the General Assembly at its nineteenth special session that the Forum should identify the possible elements of and work towards consensus on international arrangements and mechanisms, for example, a legally binding instrument, and should report on its work to the Commission on Sustainable Development in 1999; based on that report, and depending on the decision of the Commission at its eighth session, the Forum should engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests; the Forum should convene as soon as possible to elaborate further its terms of reference and decide on organizational matters; and the Forum should be serviced by a small secretariat within the Department of Economic and Social Affairs of the Secretariat, supported by voluntary extrabudgetary contributions from Governments and international organizations,

1. Decides to establish, under the aegis of the Commission on Sustainable Development, an ad hoc, open-ended Intergovernmental Forum on Forests as envisaged above, which will report to the Commission at its eighth session in 2000;

2. Also decides that the Forum should hold its first (organizational) session in New York from 1 to 3 October 1997 so that the preparations for its substantive sessions can start without delay;

3. Further decides that, at its first session, the Forum shall schedule its programme of work, decide on the modalities of its work, including the election and designation of officers, and recommend to the Council the number, venue and duration of its substantive sessions, which could be of up to two weeks each, and, recognizing the wide range of issues to be addressed, decides that the Forum may consider dividing its work between in-session working groups, on the understanding that no more than two working groups would meet simultaneously;

4. Decides that the Forum should be serviced by a small secretariat within the secretariat of the Commission on Sustainable Development, supported by voluntary extrabudgetary contributions from Governments and international organizations, that the operation of the Forum will require funding to support activities as well as meetings and participation by representatives of developing countries and major groups from developing countries, that the participation of major groups should be in accordance with the rules of procedure of the Commission and that, in this regard, the following sources of funding should be considered: voluntary extrabudgetary contributions from Governments and international organizations to support the work of the Forum, secondments from international organizations and in-kind contributions from countries and international organizations, including the hosting of meetings;

5. Encourages interested Governments and organizations to make early voluntary contributions to ensure that the work of the Forum starts quickly;

6. Recommends that support from the United Nations system should, as far as possible, be derived from the reallocation of resources within the existing budgets of United Nations bodies in order to respond to high-priority activities.

At its first session (New York, 1-3 October) [E/CN.17/IFF/1997/4], IFF elected its officers, adopted its agenda, established its work programme, proposed to the Economic and Social Council dates and venues of its future sessions and considered the question of the participation of intergovernmental organizations in its work.

Concerning its work programme, IFF decided that it should consider the following categories of activities: category I, promoting the implementation of IPF proposals for action and reviewing and reporting on progress in the management, conservation and sustainable development of all types of forests; category II, considering issues arising from IPF programme elements, including matters left pending on the need for financial resources, on trade and environment, and on the

transfer of environmentally sound technologies to support sustainable forest management, other issues needing further clarification (transboundary economic forces of deforestation, traditional forest-related knowledge, valuation of forest goods and services, forest cover in environmentally critical areas, forest conservation, research priorities, future supply and demand of wood and non-wood forest products and services); and category III, international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

The Economic and Social Council, by **decision** 1997/317 of 16 December, approved the IFF recommendations that it carry out its work in three substantive sessions of up to two weeks each (second session, 24 August–September 1998, Geneva; third session, February/March 1999, Geneva; fourth session, February/March 2000, venue to be determined) and that it establish in-session working groups, no more than two to be scheduled to meet simultaneously. On the same date, the Council, by **decision** 1997/318, took note of the IFF decision to invite the Centre for International Forestry Research to attend its sessions as an intergovernmental organization with the status of observer.

Sustainable mountain development

The Commission on Sustainable Development considered a January report [E/CN.17/1997/2/Add.12] prepared by FAO as task manager for chapter 13 of Agenda 21 (managing fragile ecosystems: sustainable mountain development).

According to the report, progress had been made in creating greater awareness of the mountain agenda and improving the coordination of efforts to protect fragile mountain ecosystems and promote sustainable mountain development. New institutional arrangements had contributed to improving communications networking and in providing an information clearing-house function. Land-use planning and management tools were being developed for mountain watershed areas through the preparation of principles and best practices for sustainable mountain development programmes. In the area of biodiversity conservation in mountain areas, countries had established new protected areas and undertaken trans-frontier collaboration in protected area management. Another positive development was the formulation of criteria and indicators for sustainable mountain development, which focused on the condition of natural resources, human welfare and population dynamics.

Improvements to the ecological knowledge base for technologies and agricultural and conservation practices in mountain regions had been slow but were increasing. Transnational cooperation also had been improving. Work had progressed on the better understanding and dissemination of information regarding environmental risks and natural disasters in mountain ecosystems.

Several objectives of Agenda 21 relating to sustainable mountain development remained unfulfilled or had seen little or no progress towards implementation, such as survey work of natural resources and their use in mountain ecosystems, development of national-level institutional arrangements, and attention to the special needs of mountainous island and landlocked countries.

The report mentioned areas where obstacles to achievement could be overcome, including: greater action at the national level; new or reinforced legal mechanisms, such as charters, conventions and national legislation to protect mountain ecosystems; greater mobilization of financial resources for mountain development; more mountain-specific investment programmes and financial resources; the preservation of cultural integrity and conservation of biological diversity; monitoring progress; exchanging experience and information; and enhancing food security in a sustainable manner.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 37], the Economic and Social Council adopted **resolution 1997/45** [draft: E/1997/L.31] without vote [agenda item 6 (i)].

Proclamation of an international year of mountains

The Economic and Social Council,

Mindful that mountains represent an essential component of the global life-support system and a positive asset offering opportunities for sustainable development, if adequately managed on the basis of the best available scientific knowledge and with due regard to the protection of nature and the interests of humankind,

Recognizing that, as a major ecosystem representing the complex and interrelated ecology of this planet, mountains are essential to the survival of the global ecosystem and play an important role in shaping life on Earth,

Noting that mountains are an important source of water, energy, minerals, forest and agricultural products and biological diversity, which are all of vital importance to both individual States and the international community,

Bearing in mind that mountains cover at least one fifth of the Earth's landscape and are home to at least 10 per cent of the world's population, predominantly economically poor people,

Recognizing that it is economically and socially more costly to sustain life in mountain areas than in lowland

areas, and concerned about the widespread poverty, unemployment and poor health among mountain inhabitants and the loss of indigenous knowledge,

Confirming that, at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, in 1992, the international community recognized that there was a lack of knowledge about mountain ecosystems and called for renewed international and regional cooperation to develop an integrated approach for conserving, upgrading and using the land, water, plant, animal and human resources and promoting alternative livelihood opportunities for mountain inhabitants with a view to improving their living standards,

Welcoming the various regional and subregional initiatives and international instruments, such as the Alpine Convention, which provide frameworks for international cooperation for the protection of mountain environments,

Recalling its decision 1995/235 of 17 July 1995 on the report of the Commission on Sustainable Development, and taking note of the decisions of the General Assembly at its nineteenth special session on the overall review and appraisal of the implementation of Agenda 21,

Bearing in mind that an international conference entitled "Mountain research: challenges and prospects in the twenty-first century" was held at Bishkek, Kyrgyzstan, from 14 to 18 October 1996 and adopted a decision to draw the attention of the international community to the exceptional importance of mountain ranges for mankind and to propose that the General Assembly declare an international year of mountains,

Recalling its resolution 1980/67 of 25 July 1980, in which it recognized that the celebration of international years can promote international cooperation and understanding in accordance with the guidelines contained therein,

1. Invites Governments, in cooperation with relevant regional and international organizations, to undertake awareness-raising activities concerning the problems and challenges faced by mountainous countries and communities;

2. Encourages Governments and intergovernmental organizations to coordinate regional and international cooperation and facilitate the exchange of information and experience among the specialized agencies and relevant regional and international organizations, research institutions and non-governmental organizations on issues related to mountain regions, including the manageability and interaction of mountains and the economy, the impact of mountains on the socio-economic development of countries and sustainable human development, and the like;

3. Welcomes and supports the ongoing efforts to prepare and negotiate subregional and interregional agreements on mountains, thus reinforcing legal mechanisms to protect fragile mountain ecosystems and promote sustainable and equitable development in mountain regions;

4. Encourages national, regional and international networking of people's initiatives and the activities of local, regional and international non-governmental organizations working on mountain development, and supports those organizations in their efforts to exchange information and experience;

5. Requests the Secretary-General, in consultation with Governments and relevant regional, international and non-governmental organizations, to submit to the Council at its substantive session of 1998 a report on the desirability of proclaiming an international year of mountains and on other ways and means of ensuring the sustainable development of mountain countries.

Land resources

The Commission on Sustainable Development considered a January report [E/CN.17/1997/2/Add.9] prepared by FAO as task manager for chapter 10 of Agenda 21 (integrated approach to the planning and management of land resources).

Among successes in that area, many countries had developed or were developing environmental policies and, despite some difficulties, a number of land resources information systems had been established. In addition, a useful body of experience was being built up by Governments, NGOs and development agencies in developing countries, which was beginning to be analysed.

More progress was needed in the area of institutional arrangements, particularly government institutions, and coordinating mechanisms. There was a need to develop land-related information systems in developing countries, which had been limited by the non-availability of basic natural resource data and information, by undeveloped market infrastructure and by a lack of institutional capability.

The need to devise and apply more efficient systems of resource management was emerging as a priority as the result of increased population levels and unsustainable resource use. Continuing rapid urbanization in developing countries was resulting in land-use changes, which were manifested in the development of squatter settlements and slums and attendant problems of pollution, water supply, waste disposal and a host of social and economic concerns. Another priority was the need to prepare and continuously update plans to address the effects of natural disasters.

Marine ecosystems

Protection of the marine and coastal environment

Commission action. The Commission on Sustainable Development reviewed a January report [E/CN.17/1997/2/Add.16] prepared by the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas, as task manager for chapter 17 of Agenda 21 (protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas

and the protection, rational use and development of their living resources).

Areas of progress to promote the sustainable utilization and conservation of the marine environment included acceptance of the concept of integrated management of watersheds, river basins, estuaries and marine and coastal areas; adoption by the International Maritime Organization (IMO) of new protocols or amendments to existing conventions to reduce sea-based pollutants (see PART SIX, Chapter XIV); improvement in the legal framework for the sustainable use and conservation of living aquatic resources in the oceans; agreement on a development approach, strategy and time-frame for the Global Ocean Observing System (GOOS) and initiation of regional GOOS programmes; the adoption in 1995 of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [YUN 1995, p. 1081]; and international cooperation and coordination for the sustainable use of the oceans by international, regional and national initiatives.

The report mentioned areas where expectations had not been met, including the need to improve intersectoral coordination at the national level and to better harmonize national policies; the degree of implementation of chapter 17 of Agenda 21; inadequate financing; and the quality and quantity of data and information being gathered and exchanged was decreasing owing to economic constraints. In addition, there was a pressing need to upgrade information and ocean observational systems; improve mechanisms, including institutions, to manage ocean resources; improve the availability of technical assistance and finance; and increase the effectiveness of international cooperation.

ACC Subcommittee. The ACC Subcommittee on Oceans and Coastal Areas, at its fifth session (Washington, D.C., 7-10 January) [ACC/1997/3], discussed matters relating to the inter-agency review of implementation planning for the 1995 Global Programme of Action, its activities with respect to the overall review and appraisal of the implementation of Agenda 21 and the International Year of the Ocean, 1998, proclaimed by the General Assembly in resolution 49/131 [YUN 1994, p. 951]. Considerable discussion was generated by an FAO proposal to develop a UN ocean atlas in a digitized format, which would be made available in CD-ROM format as well as on the Internet. The Subcommittee decided to include the development of the atlas as one of its cooperative programme frameworks. FAO was designated as the lead agency.

UNEP action. On 7 February [A/52/25 (dec. 19/14 C)], the UNEP Governing Council asked the

Executive Director to support the Commission on Sustainable Development in carrying out the periodic review of the world's marine environment as called for by the Commission in 1996 [YUN 1996, p. 966]. It also asked her to consider how the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection might contribute to the review.

On the same date [dec. 19/14 D], the Council asked the Executive Director to place a higher priority on fresh water in the next biennium and to make more effective use of the inter-agency Global Environment Monitoring System/Water programme, which was coordinated by UNEP.

Global Programme of Action

The UNEP Governing Council considered several reports relating to the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [YUN 1995, p. 1081]. A report of the Executive Director [UNEP/GC.19/25] summarized UNEP's role as secretariat of the Global Programme, which was to promote and facilitate implementation of the Programme at the national level, and at the regional level through a revitalization of the UNEP Regional Seas Programme, as well as to play a catalytic role in implementation at the international level with other organizations and institutions. The Executive Director presented the subsequent stages of preparation of the implementation plan. Regional and international cooperation in implementing the Programme, including the clearing-house mechanisms and activities relating to the assessment of the state of oceans and coastal waters, as well as to persistent organic pollutants and sewage, was also discussed.

In an addendum [UNEP/GC.19/25/Add.1], the Executive Director proposed that future intergovernmental reviews of progress in implementing the Programme would have to be done biennially for Member States to have the opportunity to appraise progress achieved on a more regular basis. She also suggested that the Council establish at its regular sessions a standing item entitled "Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities".

In another report [UNEP/GC.19/INF.4], the Executive Director described institutional arrangements for implementing the Global Programme, including UNEP's role as its secretariat. The Council also examined an ACC report [UNEP/GC.19/12] on the involvement of the UN system in the Programme, particularly inter-agency coordination in implementing it.

On 7 February [A/52/25 (dec. 19/14 A)], the Council endorsed the proposed role of UNEP as secretariat and accorded priority to implementation of the Programme in the UNEP work programme. It asked the Executive Director to: expand the activities of the Programme to all regional seas programmes and establish links with other regional programmes or conventions for the protection of marine and freshwater environments; strengthen the integrated management of UNEP activities related to freshwater and marine environments; recommend that each international organization formally endorse the parts of the Programme that were relevant to its mandate; convey to the General Assembly and the Council of the Global Environment Facility the Council's invitation for adequate consideration of the financing of the projects that supported the Programme's objectives; and report in 1999 on progress made in implementing the Programme. ACC was asked to continue to report to the Council. The ACC Subcommittee on Oceans and Coastal Areas, in collaboration with the Subcommittee on Water, was asked to perform the functions of a steering committee on technical cooperation and assistance for the Programme.

Regional Seas Programme

The UNEP Regional Seas Programme, which in 1997 included 13 regions and had over 140 participating coastal States and Territories, encompassed a comprehensive approach to combating environmental degradation through the management of marine and coastal areas.

On 7 February [A/52/25 (dec. 19/14 B)], the Governing Council asked the Executive Director to pay attention to strengthening regional action plans for the protection of marine and coastal areas, such as those for the south-east Pacific and the wider Caribbean region, by allocating appropriate funds for the 1996-1997 biennium and taking appropriate measures for 1998-1999. It urged her to support a cooperation programme between Argentina, Brazil and Uruguay for the upper south-west Atlantic, and to direct that support during 1997-1998 to projects and activities directly related to the Global Programme of Action.

The Council, also on 7 February [dec. 19/14 E], asked the Executive Director to assist the Governments of the east central Pacific in negotiating an agreement to develop and implement a plan of action for the protection and management of the marine and coastal environment in the region. It asked her to report on progress in 1999.

Living marine resources

Drift-net fishing, unauthorized fishing and fisheries by-catch and discards

The Secretary-General submitted an October report [A/52/557] containing information received from States and international organizations on efforts made to implement General Assembly resolution 51/36 [YUN 1996, p. 968] regarding the impact on the living marine resources of the world's oceans and seas of large-scale pelagic drift-net fishing and unauthorized fishing in zones of national jurisdiction, and the impact on the sustainable use of the world's living marine resources of fisheries by-catch and discards.

GENERAL ASSEMBLY ACTION

On 26 November [meeting 57], the General Assembly adopted **resolution 52/29** [draft: A/52/L.30 & Add.1] without vote [agenda item 39].

Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries by-catch and discards; and other developments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994 as well as other relevant resolutions,

Reaffirming also its resolution 51/36 of 9 December 1996 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution,

Mindful that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks provides in its general principles that States shall minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, and further provides that States shall take measures, including the establishment of regulations, to ensure that vessels flying their flags do not conduct unauthorized fishing within areas under the national jurisdiction of other States,

Recalling the provisions of article 5 of the Agreement, which sets out the general principles to which

States are committed in order to conserve and manage such stocks,

Noting that the Code of Conduct for Responsible Fisheries, adopted by the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995, sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Expressing deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch is harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States,

Reaffirming once again the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in areas under their national jurisdiction, in accordance with international law as reflected in the United Nations Convention on the Law of the Sea,

Recalling that Agenda 21, adopted by the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing vessels on the high seas,

Recognizing the importance of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations in November 1993, to the conservation and management of fisheries resources on the high seas,

Taking note of the report of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Taking note also of the initiatives undertaken in the Food and Agriculture Organization of the United Nations relating to the incidental catch of seabirds, the conservation and management of sharks and the management of fishing capacity,

Acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of resolution 46/215,

Recognizing the efforts that international organizations and members of the international community have made to reduce by-catch and discards in fishing operations,

Once again expressing deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116,

1. Reaffirms the importance it attaches to compliance with its resolution 46/215, in particular to those provisions of the resolution calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

2. Notes that a growing number of States and other entities as well as relevant regional and subregional fisheries management organizations and arrangements have adopted legislation, established regulations or applied other measures to ensure compliance with resolutions 46/215, 49/116 and 51/36, and urges them to enforce fully such measures;

3. Urges all authorities of members of the international community that have not done so to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution;

4. Calls upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned, and that such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization;

5. Notes the obligations of States outlined in Parts IV and V of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks regarding non-members and non-participants and duties of flag States respectively;

6. Calls upon States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not done so to accept the Agreement;

7. Notes that no party to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to do so by the appropriate authority or authorities of that party, and that a fishing vessel so authorized shall fish in accordance with the conditions set out in the authorization;

8. Welcomes initiatives undertaken in the Food and Agriculture Organization of the United Nations to organize an expert consultation to develop and propose guidelines leading to a plan of action aiming at a reduction in the incidental catch of seabirds, to organize an expert consultation to develop and propose guidelines leading to a plan of action for the conservation and effective management of shark populations and to hold a technical consultation on the management of fishing capacity to draft guidelines for the control and management of fishing capacities;

9. Urges States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, including through assistance to developing countries, collect and exchange data and develop techniques to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

10. Reiterates its call on development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for this purpose;

11. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

12. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

13. Further requests the Secretary-General to submit to the General Assembly at its fifty-third session and biennially thereafter a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, the status and implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and efforts undertaken in the Food and Agriculture Organization of the United Nations referred to in paragraph 8 of the present resolution, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental and non-governmental organizations;

14. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "Oceans and law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries by-catch and discards; and other developments".

Coral reef initiative

The International Coral Reef Initiative (ICRI), launched in 1995 [YUN 1995, p. 1084], was a partnership of Governments, international organizations, NGOs, multilateral development banks and private-sector groups, which aimed to increase the capacity of countries and local groups to conserve and sustainably use coral reefs and related ecosystems.

The International Year of the Reef, 1997, began a major effort of assessment, education and collaboration.

On 7 February [A/52/25 (dec. 19/15)], the UNEP Governing Council encouraged the Executive Director to continue to play a leading role in developing, implementing and coordinating regional activities under ICRI; to continue to sponsor the ICRI Global Coral Reef Monitoring Network; to build global awareness of the urgent need to conserve coral reef resources; and to promote the establishment of regional programmes in the six ICRI regions (Tropical Americas-Caribbean Region, East Asian Seas Region, Middle East-Gulfs Region, Pacific Region, South Asia Region, Western Indian Ocean-Eastern African States Region) and one or more demonstration projects in each region.

Conservation of wildlife

As at 31 December 1997, the 1994 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora [YUN 1994, p. 951], which entered into force in 1996 [YUN 1996, p. 970], had been ratified or acceded to by six States (Congo, Kenya, Lesotho, Uganda, United Republic of Tanzania, Zambia). The Agreement aimed to reduce, and ultimately eliminate, illegal trafficking in African wildlife.

Protection against harmful products and wastes

Chemical safety

Prior informed consent procedure

Governing Council action. The UNEP Governing Council considered a progress report [UNEP/GC.19/24] by the Executive Director on the development of an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain hazardous chemicals in international trade, and the consideration of further measures to reduce risks from hazardous chemicals. The Executive Director outlined progress made in 1996 by the Intergovernmental Negotiating Committee in the de-

velopment of such an instrument [YUN 1996, p. 970] and the implementation of the voluntary PIC procedure through the UNEP/FAO Joint Programme.

On 7 February [A/52/25 (dec. 19/13 A)], the Council asked the Intergovernmental Negotiating Committee to continue its work on the instrument, with the aim of concluding negotiations during the year. The Executive Director was asked to convene, together with the FAO Director-General, a conference to adopt and sign the instrument.

Intergovernmental committee. The Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, at its third session (Geneva, 26-30 May) [UNEP/FAO/PIC/INC.3/2], examined articles of the draft convention relating to the scope of the convention, hazardous pesticide formulations, obligations of parties that imported chemicals, obligations of parties that exported chemicals, and financial resources and mechanisms. Other matters dealt with the Committee's future sessions and provisions concerning a secretariat for the convention. Annexed to the Committee's report was the text of the draft articles as revised at its second [YUN 1996, p. 971] and third sessions.

At the Committee's fourth session (Rome, 20-24 October) [UNEP/FAO/PIC/INC.4/2], it discussed articles related to designated national authorities, informing parties of regulatory measures, banned or severely restricted chemicals, hazardous pesticide formulations, the inclusion of a chemical list in an annex, chemicals in the voluntary PIC procedure, removal of chemicals from an annex, classification, packaging and labelling, information exchange, control of trade with non-parties, implementation of the convention, technical assistance, the conference of the parties, the secretariat, amendments to the convention, the adoption and amendment of annexes, protocols, the right to vote, signature, ratification, acceptance, approval or accession, entry into force, reservations, withdrawal, interim arrangements, the depositary and authentic texts. Annexed to the report were draft articles as revised by the Committee at its second, third and fourth sessions.

The Committee decided to hold its next session in Brussels, Belgium, in early 1998.

Reduction of risks

The UNEP Governing Council considered a report of the Executive Director on hazardous chemicals, which included measures to reduce the risks from those substances [UNEP/GC.19/24].

She highlighted the 1996 recommendations of the Government-designated Group of Experts on Further Measures to Reduce the Risks from a Limited Number of Chemicals [YUN 1996, p. 970], which dealt with unwanted stocks of pesticides and other chemicals; capacity-building; inadequate information; and issues related to risk reduction from a limited number of hazardous chemicals, including possible bans or phase-outs.

On 7 February [A/52/25 (dec. 19/13 B)], the Council endorsed the recommendations of the Group regarding unwanted stocks, capacity-building and inadequate information, and noted the recommendations concerning issues related to risk reduction. It invited Governments, intergovernmental organizations and the Intergovernmental Forum on Chemical Safety (IFCS) to review the Group's report, to consider taking action to implement its recommendations and to report thereon in 1999.

Canada, on behalf of IFCS, transmitted to the Commission on Sustainable Development an IFCS progress report covering the years 1994 to 1997 [E/CN.17/1997/20]. IFCS held its second session in Ottawa from 10 to 14 February.

Persistent organic pollutants

The Executive Director transmitted to the Governing Council the 1996 report of the Ad Hoc Working Group on Persistent Organic Pollutants (POPs) of IFCS [YUN 1996, p. 971]. The Council also had before it a report of the Executive Director [UNEP/GC.19/23] presenting the outcome of the assessment of the 12 POPs (polychlorinated biphenyls (PCBs), dioxins, furans, aldrin, dieldrin, DDT, endrin, chlordane, hexachlorobenzene, mirex, toxaphene, heptachlor), as well as the recommendations of the Ad Hoc Working Group.

On 7 February [A/52/25 (dec. 19/13 O)], the Council, taking note of the Executive Director's report, decided that immediate international action should be initiated to protect human health and the environment through measures that would reduce and/or eliminate the emissions and discharges of the 12 POPs and, where appropriate, eliminate production and subsequently the remaining use of those POPs that were intentionally produced. It also decided that socio-economic factors should be addressed in developing and implementing international action. The Executive Director was asked to prepare for and convene, together with the World Health Organization (WHO) and other international organizations, an intergovernmental negotiating committee to prepare an international legally binding instrument for implementing international action initially beginning with the 12 POPs and to take into account the conclusions and recom-

mendations of the Ad Hoc Working Group on POPs. The Council recommended that, during the development of a legally binding instrument, consideration be given to work under way within the United Nations Economic Commission for Europe to develop a regional protocol on POPs under the 1979 Convention on Long-range Transboundary Air Pollution [YUN 1979, p. 710]. The Executive Director was asked to convene a diplomatic conference to adopt and sign an international legally binding instrument for international action to reduce/eliminate the release of POPs, to be concluded preferably by 2000. She was also asked, in collaboration with other international and regional organizations, to initiate immediate action on the recommendations of the Ad Hoc Working Group on POPs.

Sound management of toxic chemicals

Commission action. The Commission on Sustainable Development reviewed a January report [E/CN.17/1997/27Add.18] on chapter 19 of Agenda 21 (the environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products), prepared by UNEP as task manager for the item.

The report noted progress in creating several mechanisms, such as IFCS, a non-institutional mechanism for cooperation among Governments, intergovernmental organizations and NGOs for the promotion of chemical risk-assessment and environmentally sound management of chemicals; and the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), which coordinated efforts of international and intergovernmental organizations on the assessment and management of chemicals. Work was well under way to develop a process for the international assessment of existing chemicals and pesticides, and the target of 200 chemical evaluations by 1997 was expected to be met. A coordination group on information exchange was formed under IOMC. UNEP and FAO were jointly implementing the PIC procedure. There were 148 countries participating in the voluntary procedure, with 17 chemicals subject to it. Several intergovernmental bodies and UN agencies were engaged in activities on lead contamination.

The United Nations Industrial Development Organization (UNIDO) Regional Network on Pesticides in Asia and the Pacific had been expanded to 15 countries. FAO was assisting countries in Asia to establish integrated pest management, a strategy for reducing reliance on pesticides. Sources of information useful when responding to chemical emergencies had been established in

many countries and regions, and access to their sources had been improved.

While noting several promising changes in the management of toxic chemicals, the report said that progress on the proposed strengthening of international institutions and networks for information exchange on toxic chemicals had been less than what was needed, and consequently the improvements hoped for in the global sharing of data had not been realized.

A series of emerging priorities was evident in recent initiatives on priority chemical issues. Progress was being made in the development of international legally binding instruments for implementing international actions to reduce and manage risks and they should be pursued. In addition, Governments had identified the management and disposal of obsolete stocks of pesticides and possibly other chemicals as a high priority, and concern had emerged about certain toxic chemicals that might produce adverse effects at low environmental levels.

Council action. On 7 February [A/52/25 (dec. 19/13 D)], the UNEP Governing Council asked the Executive Director, in collaboration with IOMC, to develop a report outlining options for enhanced coherence and efficiency among international activities related to chemicals, including the instrument on PIC procedure and a likely future agreement on POPs. It asked her to submit the report in 1999 and to forward it to IFCS.

Hazardous wastes

The Commission on Sustainable Development considered two reports on hazardous wastes. The first [E/CN.17/1997/2/Add.20] discussed the environmentally sound management of solid wastes and sewage-related issues and was prepared by the United Nations Centre for Human Settlements (UNCHS) as task manager for chapter 21 of Agenda 21 (solid wastes and sewage). According to the report, the development and implementation of waste minimizing strategies had improved since UNCED, but mainly in developed countries. In developing countries, attempts to promote waste minimization had been hampered by the lack of data on waste production at sources and waste collection and disposal. UNCHS was assisting developing countries with data collection and policy options for waste minimization. Significant developments were reported in waste recycling and reuse, in both developed and developing countries. Where the private sector had undertaken some of the traditional public waste management services, improvements were seen in high-income residential areas and in some cases in commercial and industrial areas, while

low- and middle-income areas still suffered from extremely poor service coverage.

Possibly the most promising change in solid-waste management worldwide was the increasing recognition of waste as a resource that could not only contribute to the local and national economies but also provide employment and income to a large section of the population. Another promising change was found in the attitude of municipalities and other levels of government towards waste minimization as an integral part of the strategy for waste management. Little progress had been made in the area of environmentally sound waste disposal in developing countries. Also, countries were producing increasing quantities of wastewater, often contaminated with heavy metals and water-soluble organic compounds. Many national and local governments had insufficient capacity to apply strategic planning to solid-waste management. Little effort had been made to improve the education of the general public and city officials regarding the health risks of poor waste-management practices.

Emerging priorities centred on the development of waste minimization policies and strategies for decision-making. Continued and strengthened integration between waste management and other economic sectors was another emerging priority, as was support of the informal sector so that it could actively contribute to waste-management activities. Efforts were needed to promote integrated waste-management schemes that utilized solid and liquid waste for agricultural reuse projects. Within the UN system, there was a need for a more concerted approach to solid-waste management and for strengthening coordination of programmes under the aegis of the Inter-agency Committee on Sustainable Development.

The second report on hazardous wastes [E/CN.17/1997/27Add.21] discussed the safe and environmentally sound management of radioactive wastes and was prepared by IAEA as task manager for chapter 22 (radioactive wastes) of Agenda 21. It noted progress in management-related activities, capacity-building and legal instruments. The relaxation of tensions since the end of the cold war had made available previously classified information on radioactive releases and their environmental impacts, which in turn had stimulated research on radionuclides in the environment. France had requested IAEA to assess the full radiological situation

Fangataufa atolls, taking into account all past events of radiological significance (see PART ONE, Chapter VII). IAEA was initiating a survey of its members that were, or would be, engaged in the remediation of radioactively contaminated envi-

ronments in order to collect data about sites that would require environmental restoration. Technical assistance was being offered to developing countries for enclosing and sealing radium sources for safe storage.

Despite an awareness of the importance of radiation and waste safety, there was a lack of adequate national radiation and waste safety infrastructure. The nuclear industry lacked funds, and the problems created by the accumulation of radioactive wastes were given low priority, which led to increased accidents involving uncontrolled radiation sources. International guidance on clean-up criteria was lacking. Regional training centres needed to be strengthened to demonstrate techniques to process and store radioactive waste from the application of nuclear techniques in medicine, research and industry. In some countries, nuclear waste legislation had been delayed because of public opposition to waste repository sites. Renewed efforts were needed to complete the drafting of the convention on the safety of radioactive waste management.

Transboundary movement of wastes

The fourth meeting of the Conference of the Parties to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal [YUN 1989, p. 420], scheduled to take place in October 1997, was postponed until February 1998.

The Ad Hoc Working Group of Legal and Technical Experts, a subsidiary body of the Conference of the Parties, at its fifth session (Geneva, 20-23 May) [UNEP/CHW.1/WG.1/5/5], made substantive progress on developing a draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal. It considered articles relating to definitions, the scope of application, liability, forms of compensation, the possible establishment of a fund, State responsibility, and the relationship with other bilateral, multilateral and regional agreements.

Other matters

Environmental law

The UNEP Governing Council reviewed a report of the Executive Director [UNEP/GC.19/32] summarizing action taken by UNEP to implement the Council's 1993 decision concerning the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo II) [YUN 1993, p. 820] and its 1995 decision concerning the further development of international environmental law aiming at sustainable

development [YUN 1995, p. 1088]. Montevideo I was adopted in 1981 [YUN 1981, p. 839].

UNEP had strengthened its activities for the further development of environmental law and had initiated work on identifying the general direction for the future development of international environmental law aiming at sustainable development. Progress had been made in developing international environmental law. At the national level, UNEP continued to provide legal advisory services in response to requests from developing countries for assistance in drawing up and strengthening environmental legislation and institutions. With a view to promoting wider appreciation of environmental law, UNEP continued to disseminate information to Governments and other parties active in environmental law. A series of expert group workshops and meetings was held on international environmental law aiming at sustainable development.

The Council also had before it a position paper [UNEP/GC.19/INF.12], which reviewed the current status of international environmental law as it related to achieving sustainable development. Priority areas for action included: implementation of and compliance with international environmental agreements; dispute avoidance and settlement procedures; liability and compensation; clarifying and further refining concepts and principles of international environmental law; analysing the relationship of international environmental law with other areas of law; increasing UNEP's cooperation with the World Trade Organization; creating and strengthening mechanisms for making information relating to international environmental obligations available to non-State actors; analysing the legal requirements and consequences of the integration of the secretariats of different environmental conventions resulting eventually in their amalgamation; and exploring the means to enhance cooperation at the local level on transboundary environmental matters.

On 7 February [A/52/25 (dec. 19/20)], the Council commended UNEP for its action to implement the Montevideo Programme II. It took note of the position paper and of a preliminary study on the need for and feasibility of new international environmental instruments aiming at sustainable development [UNEP/GC.19/INF.18], and endorsed the observations and recommendations made by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme [UNEP/GC.19/INF.14] on specific programme areas of the Montevideo Programme II. The Council asked the Executive Director to use them as guidance in further implementing

the Programme. It asked her to submit to the special session of the General Assembly, on its behalf, the observations and recommendations made by the Meeting of Senior Government Officials, indicating that they reflected the views of the Council on steps that should be taken to apply further the principles contained in the Rio Declaration [YUN 1992, p. 670], and to forward the Executive Director's mid-term report on implementation of the Programme [UNEP/GC.19/INF.13].

Occupied Palestinian and other Arab territories

The Executive Director submitted to the Governing Council a report on the state of the environment in the occupied Palestinian and other Arab territories [UNEP/GC.19/13]. Environmental assessment activities undertaken under the auspices of bilateral projects included the completion of the Gaza Environmental Profile by the Palestinian National Authority; the publication by Israel of a report on regional environmental cooperation and development options, which contained information on many environmental problems facing the Middle East, such as rapid development, population and urban growth, water shortages, desertification, pollution and the conservation of biological diversity; and the establishment of an environmental database for the West Bank at the Applied Research Institute (Jerusalem), supported by Austria.

Because of financial and other constraints, the role of UNEP in the Middle East multilateral peace process had been restricted to providing technical and other advisory services in those programmes of the multilateral working groups where it had been invited to participate as a partner. UNEP participated in the activities of the Multilateral Working Groups on Water Resources and on the Environment. It held a training course on project design and appraisal tools for integrated environmental and economic assessment, and provided technical support for Norway's activities in facilitating consensus-building on principles for cooperation among the core parties on water-related matters and new and additional water resources.

The Council, on 7 February [A/52/25 (dec. 19/8)], noted with concern that the Executive Director was unable to update the report on the environmental situation in the occupied Palestinian and other Arab territories, and asked her to complete the update as soon as possible. It also asked her to implement a 1993 Council decision [YUN 1993, p. 820], requesting her to provide technical assistance in Palestinian institutional and self-capacity-building in the environment. The Executive Director was asked to report in 1999.

Chapter VIII

Population and human settlements

In mid-1997, the estimated world population stood at 5.85 billion, an increase of 1.4 per cent over the previous year. According to United Nations projections, the world population into the early decades of the twenty-first century would continue to show a marked slowing of growth, which was mainly attributed to declining fertility rates in a number of developing countries.

In 1997, UN work in population and human settlements was guided by strategies adopted at recent international conferences, notably the 1994 International Conference on Population and Development (ICPD) and the 1996 United Nations Conference on Human Settlements (Habitat II). During the year, the United Nations Population Fund (UNFPA), the main UN body concerned with population activities, developed a set of indicators of performance in population programmes in order to measure progress in achieving ICPD goals, at both national and global levels. The main purpose was to establish a practical set of qualitative and quantitative markers to measure the impact of population programmes. The three core UNFPA programme areas were reproductive health, population and development strategies, and advocacy. It continued to collaborate with partners within and outside the UN system. In 1997, provisional UNFPA project expenditures totalled \$214.4 million.

The Commission on Population and Development, at its February session, adopted a number of decisions on population strategy. It considered the issue of international migration, which over the previous decade had been the population component most affected by the momentous changes in the world geopolitical order, resulting in significant population movements. Most of that movement had occurred in developed countries, where international migrants accounted for 4.1 per cent of the general population. Both the Economic and Social Council and the General Assembly took action on international migration and development, and called for UN bodies and Governments to examine the issue further.

UN activities in the area of human settlements were guided by follow-up action to Habitat II. The underlying principle of the concluding documents of Habitat II—the Istanbul Declaration on Human Settlements and the Habitat Agenda—was ensuring adequate shelter for all.

The Commission on Human Settlements, at its April/May session, addressed many of the recommendations and commitments made by Governments in the Habitat Agenda and, in December, the Assembly adopted a resolution on the future role of the Commission, particularly in monitoring the implementation of the Habitat Agenda within the UN system.

The Commission reviewed the Global Strategy for Shelter to the Year 2000, adopted by the Assembly in 1988 to promote adequate shelter for all by 2000, with an operational focus on Governments. In 1997, the main operational activity of the United Nations Centre for Human Settlements in relation to the Strategy was in the application of urban and housing indicators. In December, the Assembly adopted a plan of action for implementing the Strategy and urged Governments to implement their national plans of action on human settlements and to apply the indicators for monitoring progress.

Population

Follow-up to the 1994 Conference on Population and Development

Implementation of the Programme of Action

The United Nations continued to implement the Programme of Action adopted by the International Conference on Population and Development (ICPD) in 1994 [YUN 1994, p. 956] and endorsed that year by the General Assembly in resolution 49/128 [ibid., p. 963].

Report of Secretary-General. The Secretary-General, in response to General Assembly resolution 51/176 [YUN 1996, p. 978], in a June report [A/52/208], reviewed implementation of the ICPD Programme of Action. The report covered the work of the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All, which had reported to the Commission on Population and Development at its February session [E/CN.9/1997/4]. The Task Force enabled the UN system to assist countries to deliver more basic social services for their poverty eradication efforts, by producing a wall chart on

basic social services, guidelines on key areas of the Programme of Action, a report on lessons learned/best practices in donor collaboration in assistance to the social sector, an information card on advocacy for basic social services, and a compendium of international commitments relevant to poverty and social integration. The Task Force also worked on developing indicators for monitoring progress in implementing the Programme of Action. Country data were collected on population, primary health care, nutrition, basic education, drinking water and sanitation, and shelter. In April, the World Health Organization, the lead agency of the Task Force's Working Group on Reproductive Health, organized a technical meeting to draw up a list of reproductive health indicators. In addition, the United Nations Population Fund (UNFPA) had developed a list of indicators that addressed the principal dimensions of reproductive health.

The Secretary-General highlighted action taken by the UN system and progress made at the country level to implement the Programme of Action. Many countries were updating their population and development policies in line with the goals of the 1994 Conference, strengthening health services to reduce maternal mortality and integrate family planning with other reproductive health concerns, instituting legal reforms to protect women's rights and promote gender equality, and taking steps to address migration concerns of sending and receiving countries. A number of Governments that had no formal population policy had formulated, or were in the process of formulating, policies reflecting the Programme of Action. Despite encouraging signs, many countries faced a shortage of funds and trained personnel that impeded efforts to achieve the ICPD goals.

As for South-South cooperation, the intergovernmental initiative, Partners in Population and Development, launched at ICPD by 10 developing countries (Bangladesh, Colombia, Egypt, Indonesia, Kenya, Mexico, Morocco, Thailand, Tunisia, Zimbabwe), began field operations in 1996. The Partners' work plan included strengthening the capacity of developing countries for South-South cooperation, the promotion of twinning modalities and the development of regional training institutions. UNFPA was developing a new guidance note for South-South cooperation. It funded projects in the Centres of Excellence, an intercountry initiative, and provided support for courses and study tours on such topics as adolescents and mass media in Mexico, community participation and programme management in Indonesia, and population and development policies in Thailand.

With regard to financial resources to implement ICPD, the report noted that ICPD was the first UN conference to spell out a schedule of resource mobilization to achieve a specific set of development objectives. The estimated cost of those measures was \$ 17 billion a year by 2000, increasing to \$21.7 billion in 2015 (in constant 1994 dollars). The Programme of Action recommended that some two thirds of the needed resources of developing countries would come from domestic sources, and the remaining one third of projected requirements would have to come from external sources—\$5.7 billion in the year 2000, increasing to \$7.2 billion by 2015. Grants from donor countries made up the largest part of total international population assistance. In 1990, \$669 million of such aid was given for population, increasing to \$977 million in 1994 and \$1.3 billion in 1995.

Over the 1990-1995 period, the annual income of UNFPA increased from \$212 million to \$313 million but decreased in 1996 to \$308.8 million, due chiefly to a decreased contribution from one major donor country and to lower rates of exchange. In 1990, the UN system—excluding UNFPA—provided \$86 million, or 9 per cent of the total amount of assistance for population. In 1994, such assistance totalled \$107 million, less than 7 per cent of total external population resources.

The Secretary-General, noting that overall official development assistance had declined in recent years, said that additional resources were required to better meet population needs. Without required resources, the population was expected to rise significantly, including a projected total of 57 million to 104 million extra unintended births between 1995 and 2000. To realize the ICPD goals, resources needed to be increased to \$ 17 billion by the year 2000, of which \$5.7 billion should be donor assistance, as called for in the Programme of Action.

The Secretary-General's report described the work of the Commission in implementing ICPD and summarized implementation of ICPD by the Executive Board of the United Nations Development Programme (UNDP)/UNFPA (see below).

International migration

The Commission on Population and Development, the principal body responsible for reviewing the follow-up to and implementation of the ICPD Programme of Action, considered, as the central theme for its thirtieth session (New York, 24-28 February) [E/1997/25], international migration, with special emphasis on the links between migration and development, including gender issues and the family. The theme was one of the 16 chapters of the 1994 Programme of Action.

Under the item on follow-up to the 1994 Conference, the Commission had before it five reports; it adopted one resolution on the subject.

In a report on world population monitoring: international migration and development [E/CN.9/1997/2], the Secretary-General discussed the relationship between international migration and population dynamics and examined Governments' views on international migration and how those views had changed over time, as well as implementation and management of migration policies. Specific issues were reviewed, including documented and undocumented migrants, refugees and asylum-seekers. He also addressed international labour migration, international migration and gender issues, and the interrelationships between international migration and development. The report noted that running through all discussions of migration were the common threads of the lack of migration data, the absence of a coherent theory to explain international migration and the weak understanding of the complex interrelationships between migration and development.

A second report, on monitoring population programmes [E/CN.9/1997/3 & Corr.1], reviewed progress regarding policies, programmes and other activities in international migration that Governments had undertaken at the national level since 1994. It focused on efforts to promote cooperation and dialogue between sending and receiving countries and on policies and programmes to facilitate family reunification, promote social and economic integration, facilitate short-term and project-related labour migration, assist refugees, protect migrants against discrimination, prevent international trafficking in migrants and monitor migration flows. The report highlighted concerns raised by Governments with regard to policy formulation and programme implementation in international migration.

A January report of the ACC Task Force on Basic Social Services for All [E/CN.9/1997/4], prepared pursuant to Economic and Social Council resolution 1995/55 [YUN 1995, p. 1093], summarized the replies from its 12 member organizations. The report gave an overview of the Task Force's activities, particularly those of its Working Group on International Migration. The Task Force stressed the need for the UN system to collaborate in addressing the root causes of migration, increase partnerships with non-governmental organizations (NGOs) and civil society, advance the human rights of migrants, enhance resource mobilization and strengthen international cooperation in that area. The Working Group was planning an international

technical symposium in 1998 to examine the scope and impact of international migration flows and refugee movements and appropriate policy responses. Accordingly, the Commission adopted a February resolution [E/1997/25 des. 1997/1] by which it took note of the ACC Task Force report and of the technical symposium of experts on international migration scheduled for 1998. The Working Group was invited to continue collaboration in planning and convening the symposium and to develop an agenda for it that built on existing definitions of international migration, focused on the identification of measurable indicators, and analysed the interrelationships between international migration and development. The Commission asked the Chairperson of the ACC Task Force to make efforts to raise the necessary extrabudgetary resources for the symposium, to report to the Commission in 1998 on progress in organizing the symposium, to disseminate its results to Member States and other relevant parties, and to report in 1999.

The Commission considered a January report of the Secretary-General on international migration [E/CN.9/1997/5], summarizing information received from organizations on their progress towards achieving the objectives of the ICPD Programme of Action. It also provided a summary of activities carried out by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Office of the United Nations High Commissioner for Refugees (UNHCR), in collaboration with NGOs, in the search for solutions to the problems of refugees. The report concluded that NGOs were experienced and committed partners of governmental and intergovernmental organizations in implementing the objectives of the Programme of Action concerning international migration. They were well positioned to assess the needs in those communities for services and education. In addition, their standing as service providers and advocates gave them credibility, and their knowledge of recipients of services made them valuable advisers to Governments and intergovernmental organizations for programmes concerning documented and undocumented migrants and refugees.

The Commission also examined a January report of the Secretary-General describing flows of financial resources in international assistance for population activities for 1994 and provisionally for 1995 [E/CN.9/1997/6]. The Secretary-General concluded that, in those two years, international assistance for population grew substantially, recording around a 20 per cent growth rate. Additional resources were urgently needed to identify and satisfy unmet needs in areas related to population and development. Sub-Saharan Africa,

parts of Asia and the least developed countries would need a much larger share of international resources.

The Commission adopted a resolution [E/1997/25 (res. 1997/3)] requesting the Population Division of the Department of Economic and Social Affairs, in collaboration with relevant actors, to build an improved assessment and analysis of international migration and an improved understanding of international migration and development. (For information on demographic trends of international migration, see below, under "Demographic trends".) The Commission also recommended for adoption by the Economic and Social Council a draft resolution on international migration and development.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 34], the Economic and Social Council, on the recommendation of the Commission on Population and Development [E/1997/25], adopted resolution 1997/2 without vote [agenda items 7 (a) & (b)].

International migration and development

The Economic and Social Council,

Recalling General Assembly resolutions 49/127 of 19 December 1994, 50/123 of 20 December 1995 and 51/176 of 16 December 1996,

Recalling also the Programme of Action of the International Conference on Population and Development, in particular chapter X on international migration,

Recalling further the relevant provisions contained in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and in the Platform for Action adopted by the Fourth World Conference on Women,

Having considered the concise report of the Secretary-General on world population monitoring, 1997: international migration and development,

Taking note of the activities of the Working Group on International Migration of the Administrative Committee on Coordination Task Force on Basic Social Services for All, as presented in the report of the Task Force,

1. Urges both the Statistics Division and the Population Division of the Secretariat, along with the regional commissions, other relevant United Nations and intergovernmental organizations and Governments providing technical assistance in statistics, to collaborate in the dissemination of the new set of recommendations on statistics of international migration and to provide, at the request of Governments, technical assistance in implementing these recommendations;

2. Calls upon the Working Group on International Migration of the Administrative Committee on Coordination Task Force on Basic Social Services for All to ensure that international migration remains a topic of concentration in its follow-up to the International Conference on Population and Development, *inter alia*, by compiling a comprehensive list of issues related to international migration and development and identify-

ing the intergovernmental mechanisms available to address them, to be submitted to the Commission on Population and Development at its thirty-first session;

3. Calls upon all relevant organs, organizations and programmes of the United Nations system and other intergovernmental, regional and subregional organizations to collaborate and coordinate their efforts, making full use of the expertise of existing organizations, in examining international migration and development;

4. Calls upon Governments and intergovernmental, regional and subregional organizations to promote and expand the exchange of information and experiences regarding international migration and development in appropriate bilateral, multilateral, regional and interregional forums.

Report of Secretary-General. In response to General Assembly resolution 50/123 [YUN 1995, p. 1097], the Secretary-General, in an August report [A/52/314], presented the views of 65 Governments on convening a UN conference on international migration and development. Of the total responses, 36 were generally in favour, 25 had strong reservations and a further 4 considered that other options should first be pursued to address international migration issues. The Secretary-General observed that, although a majority of the Governments that responded favoured the convening of a conference, the number that responded was small compared to the full membership of the United Nations. Even among those favouring a conference there was lack of agreement regarding its goals and objectives. Given the various views on possible sources of funding and the fact that most of the likely donor Governments had serious reservations about convening such a conference, prospects for a conference were uncertain.

The Secretary-General concluded that the disparate experiences of countries or subregions with regard to international migration suggested that, if practical solutions were to be found, they were likely to arise from consideration of the particular situation of groups of countries sharing similar concerns. It might, therefore, be expedient to pursue regional or subregional approaches whenever possible.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/628/Add.4], adopted **resolution 52/189 without vote** [agenda item 97 (d)].

International migration and development

The General Assembly,

Recalling the Programme of Action of the International Conference on Population and Development adopted at Cairo, in particular chapter X on interna-

tional migration, and the relevant provisions contained in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development and in the Platform for Action adopted by the Fourth World Conference on Women,

Reaffirming the continuing validity of the principles set forth in the instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Aware that, in spite of the existence of an already established body of principles, there is a need to make further efforts to ensure the human rights and dignity of all migrants and their families and that it is desirable to improve the situation of all documented migrants and their families,

Recalling its resolutions 49/127 of 19 December 1994 and 50/123 of 20 December 1995 on international migration and development, as well as Economic and Social Council decision 1995/313 of 27 July 1995,

Recalling also that the Economic and Social Council, in the context of its role under the Charter of the United Nations vis-a-vis the General Assembly and in accordance with Assembly resolutions 45/264 of 13 May 1991, 46/235 of 13 April 1992, 48/162 of 20 December 1994 and 50/227 of 24 May 1996, should assist the Assembly in promoting an integrated approach to the implementation of the Programme of Action in providing system-wide coordination and guidance in monitoring the implementation,

Recalling further that the General Assembly and the Economic and Social Council should carry out their respective responsibilities, as entrusted to them in the Charter, in the formulation of policies and the provision of guidance to and coordination of United Nations activities in the field of population and development,

Recognizing the importance from an analytical and operational point of view of identifying the existing linkages among the social, economic, political and cultural factors related to international migration and development and of taking appropriate steps to intensify the analysis of issues involved,

Noting in particular the need for more migration data, a coherent theory to explain international migration and a better understanding of the complex inter-relationships between migration and development,

Noting the role of relevant United Nations organizations in delivering adequate support to developing countries to ensure that migration contributes to development,

Noting also the critical role of the existing forums within the United Nations system in addressing the issues of international migration and development, including through the Commission on Population and Development, the Commission on Human Rights, the Committee for Development Planning, the International Labour Organization, and other relevant key organizations,

Taking note of the recent regional and subregional conferences on international migration as an example of a Government-driven process of consultation and

cooperation to address particular problems associated with international migration,

Noting that a technical symposium on international migration and development will be convened in 1998 by the Administrative Committee on Coordination at the request of the Commission on Population and Development, pursuant to resolution 50/123,

Recalling its resolution 51/148 of 13 December 1996 on cooperation between the United Nations and the International Organization for Migration, in particular its request therein to the Secretary-General, in consultation with the Director-General of the International Organization for Migration, to foster systematic consultations on matters of common interest,

1. Takes note of the report of the Secretary-General;

2. Urges Member States and the United Nations system to strengthen international cooperation in the area of international migration and development in order to address the root causes of migration, especially those related to poverty, and to maximize the benefits of international migration to those concerned;

3. Encourages, where relevant, interregional, regional and subregional mechanisms to continue to address the question of migration and development;

4. Calls upon the international community to seek to make the option of remaining in one's country viable for all people; to that end, efforts to achieve sustainable economic and social development, ensuring a better economic balance between developed and developing countries, should be strengthened;

5. Calls upon all relevant organs, organizations and programmes of the United Nations system and other intergovernmental, regional and subregional organizations, within their continuing mandated activities, to address the issue of international migration and development and to provide appropriate support for interregional, regional and subregional processes and activities on international migration and development;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on international migration and development, taking into account:

(a) The views of Member States, the International Organization for Migration, the International Labour Organization and other relevant organizations, both within and outside the United Nations system, bearing in mind various regional processes, and recommending ways and means to address the problems related to migration and development, including the possibility of convening an international conference on international migration and development;

(b) The report of the technical symposium on international migration and development which will be convened in 1998;

(c) The report of the Committee for Development Planning on its examination of the issue of migration and development;

(d) The work of the Administrative Committee on Coordination which addresses the issue of international migration and development from cross-sectoral, interregional, regional and subregional points of view;

7. Decides to include in the provisional agenda of its fifty-fourth session a sub-item entitled "International migration and development, including the question of the convening of a United Nations conference on inter-

national migration and development to address migration issues".

Review and appraisal

UNDP/UNFPA Executive Board action. The UNDP/UNFPA Executive Board, in May [E/1997/33], discussed the UNFPA initiative to carry out in 1999 a programme to review the implementation of ICPD on the occasion of its fifth anniversary, to be known as ICPD+5. By a 16 May decision [E/1997/33 (dec. 97/14)], the Executive Board noted the proposal for ICPD + 5 and requested the UNFPA Executive Director to carry out preparatory activities for that purpose. The Board's President was asked to submit to the General Assembly later in the year, through the Economic and Social Council, the proposal for an overall review and appraisal.

In a 6 June letter to the Council President [E/1997/83], the President of the Executive Board asked if the Council could consider the question and recommended that it be taken up by the Assembly at its current session. The Council considered the Executive Director's letter in July.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 37], the Economic and Social Council adopted **resolution 1997/42** [draft: E/1997/L.42] without vote [agenda item 5).

Follow-up to the International Conference on Population and Development

The Economic and Social Council,

Recalling General Assembly resolutions 49/128 of 19 December 1994 and 50/124 of 20 December 1995 on the follow-up to the International Conference on Population and Development and 51/176 of 16 December 1996, in which the Assembly reiterated that the Commission on Population and Development had the primary responsibility for monitoring, reviewing and assessing the implementation of the Programme of Action of the Conference,

1. Takes note of decision 97/14 adopted by the Executive Board of the United Nations Development Programme/United Nations Population Fund on 16 May 1997;

2. Recommends that the General Assembly, at its fifty-second session, decide on the process and modalities, including the possibility of convening a special session of the Assembly in 1999, for reviewing and appraising the implementation of the Programme of Action of the International Conference on Population and Development, under agenda item 97 (c), entitled "Population and development";

3. Recommends that the report of the Secretary-General to be submitted to the General Assembly under that agenda item contain consolidated recommendations from the Department of Economic and Social Affairs of the Secretariat, the United Nations Population Fund, the regional commissions and other relevant United Nations entities on activities to be undertaken in preparation for the review.

Report of Secretary-General. In response to the Council's request in resolution 1997/42, the Secretary-General, in September [A/52/208/Add.1], presented to the General Assembly recommendations on activities to be undertaken for the review received from the Department of Economic and Social Affairs, UNFPA, the regional commissions and other UN bodies.

The report stated that the Assembly might wish to focus on assessing national progress in implementation of the Programme of Action, given the fact that Governments were playing the lead role in the implementing, monitoring and evaluation of activities in follow-up to ICPD.

The review process was expected to include operational aspects and experience at the country level. It could focus, among other things, on how to respond to the needs of countries, constraints that countries were facing in achieving ICPD goals, and needed changes in the implementation strategy in order to achieve ICPD objectives. Another aspect of the review would involve responses by the UN system and the international community, and assessment of the impact of a shortage of resources on the prospects for achieving ICPD goals.

The proposed review process would be conducted under ongoing mechanisms and was expected to encompass special events and opportunities. It would be carried out in consultation with all concerned partners: Governments, the private sector, NGOs and other groups of civil society, and the UN system. An international forum, to be convened by UNFPA in March 1999, would bring together all partners in the process to identify ways of responding more effectively to the needs of countries. The outcome of the forum would serve as an input to the review and appraisal to be carried out in 1999 by the Commission on Population and Development, the Economic and Social Council and the General Assembly. The overall review and appraisal was expected to include an examination of progress made in achieving the major measurable goals of the Programme of Action, and to highlight areas in which information remained inadequate for the assessment of progress. The process was expected to identify high-priority issues.

The report outlined possible action by the Assembly, the Council, the Commission and other UN bodies and organizations. The role of NGOs and other organizations of civil society, including community groups, the media, academic groups, parliamentarians and women's groups, was central to implementing the Programme of Action, the report stated. Methods for review and appraisal by the Assembly included the holding of a two-day plenary meeting in 1999. The Assembly

had the role of identifying priorities for the future follow-up to ICPD within the UN system. The Assembly might recommend themes for future consideration by the Council or its subsidiary bodies, with a view to ensuring a harmonized approach to the issues involved.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.3], adopted **resolution 52/188** without vote [agenda item 97 (c)].

Population and development

The General Assembly,

Recalling its resolutions 49/128 of 19 December 1994, 50/124 of 20 December 1995 and 51/176 of 16 December 1996 on the implementation of the Programme of Action of the International Conference on Population and Development,

Taking note of Economic and Social Council resolution 1997/42 of 22 July 1997, in which the Council recommended that the General Assembly, at its fifty-second session, decide on the process and modalities, including the possibility of convening a special session of the Assembly in 1999, for reviewing and appraising the implementation of the Programme of Action of the International Conference on Population and Development,

Stressing the need to pursue further the implementation of the Programme of Action and for Governments to recommit themselves at the highest political level to achieving its goals and objectives,

Recognizing the important contributions made by actors of civil society, particularly non-governmental organizations, to the Conference, its follow-up and the implementation of its Programme of Action,

1. Takes note of the report of the Secretary-General concerning the process and modalities for the review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development;

2. Decides to convene a special session for a duration of three days from 30 June to 2 July 1999, at the highest possible level of participation, in order to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development;

3. Reaffirms that the special session for the overall review and appraisal of the implementation of the Programme of Action will be undertaken on the basis of and with full respect for the Programme of Action, and that there will be no renegotiation of the existing agreements contained therein;

4. Welcomes the operational review of the implementation of the Programme of Action to be undertaken under the auspices of the United Nations Population Fund, in cooperation with all relevant organizations of the United Nations system and other relevant international organizations, and notes that the report and outcome of the international forum in 1999 will be submitted to the Commission on Population and Development at its thirty-second session and to the Executive Board of the United Nations Development Programme/United Nations Population Fund;

5. Decides that the Commission on Population and Development, which is currently scheduled to consider at its thirty-second session a comprehensive report of the Secretary-General on the outcome of the quinquennial review and appraisal of the implementation of the Programme of Action, should serve as the preparatory body for the final preparations for the special session for the overall review and appraisal of the implementation of the Programme of Action, reporting through the Economic and Social Council, and in that regard notes that the comprehensive report of the Secretary-General should also contain an overall assessment of the progress achieved and constraints faced in the implementation of the Programme of Action, as well as recommendations for future action;

6. Encourages Governments to undertake reviews of the progress achieved and the constraints faced therein in the implementation of the Programme of Action at all levels, particularly at the national level and at the level of international cooperation, with a view to contributing to the preparations for the special session;

7. Invites Governments of developed and developing countries to provide information in order to establish a useful factual basis for the review of the mobilization of resources made available-bilateral, multilateral and domestic-for population and development activities with a view to strengthening the implementation of the Programme of Action;

8. Decides that the thirty-second session of the Commission on Population and Development shall be open-ended to allow the full participation of all States;

9. Invites all other relevant organizations and bodies of the United Nations system to contribute as appropriate to the special session as well as to its preparation;

10. Decides to invite States members of the specialized agencies that are not members of the United Nations to participate in the work of the special session in the capacity of observers;

11. Stresses the need for the effective participation of actors of civil society, particularly non-governmental organizations, in preparation for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the International Conference on Population and Development, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session;

12. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a progress report on the preparations for the special session;

13. Decides to include in the provisional agenda of its fifty-third session a sub-item entitled "Implementation of the Programme of Action of the International Conference on Population and Development".

Resource shortfalls

In response to the UNDP/UNFPA Executive Board's May request [E/1997/33 (dec. 97/20)] to revise a conference room paper on the consequences of resource shortfalls in meeting ICPD goals, the UNFPA Executive Director submitted a

July report [DP/FPA/1997/12]. The report was accompanied by an annex [DP/FPA/1997/12 (Annex)], which described the methodology used to calculate the consequences of resource shortfalls, including references to data sources used. The report noted that the ICPD Programme of Action constituted a 20-year plan and specified the financial resources (both domestic and donor funds) needed to implement the population reproductive health package over that time span, which amounted to \$17 billion per annum in 2000 and up to \$21.7 billion in 2015. In 1994 and 1995, substantial resource increases were recorded, but that momentum had not been maintained. The likely consequences of not meeting the ICPD Programme of Action goals due to resource shortfalls included an additional 44 million to 80 million individuals using no contraceptive method in 2000 and, for the period 1995-2000, an additional 130 million to 230 million unintended or unwanted pregnancies, an additional 50 million to 90 million induced abortions, an extra 59 million to 110 million unintended births, an additional 300,000 to 540,000 maternal deaths and an additional 4.9 million to 8.9 million infant and child deaths.

The report cautioned that the quantitative estimates should be read as order of magnitude, not mathematical certainties. The exact estimates might change as more data became available, but the order of magnitude of the grave consequences would not.

UN Population Fund

1997 activities

In her report for 1997 [DP/FPA/1998/3 (Part I)] to the UNDP/UNFPA Executive Board, the UNFPA Executive Director described the Fund's activities in programme priority areas. She noted that, since ICPD, emphasis had been placed on the need to measure progress in achieving goals through indicators of performance in population programmes, at both the national and global levels. UNFPA had developed such a set of indicators, whose purpose was to establish qualitative and quantitative markers to measure the progress, performance and impact of population programmes, including the three core programme areas of UNFPA—reproductive health, including family planning and sexual health; population and development strategies; and advocacy.

Reproductive health remained the primary focus of UNFPA's programme during 1997, accounting for over 60 per cent of total programme allocations. Activities included further operationalizing

sexual and reproductive health; refining approaches to adolescent reproductive health; reducing maternal mortality; assessing contraceptive requirements and logistics management needs in recipient countries; providing emergency assistance in refugee situations; and addressing HIV/AIDS. The Fund provided policy guidance and technical support in those and related areas.

UNFPA country programmes reflected a strong reproductive health orientation. A series of regional consultations (Addis Ababa, Ethiopia, 25-30 January; New Delhi, India, 22-26 September; Lima, Peru, 3-7 November; Rabat, Morocco, 24-28 November) was a further step in the process to move beyond promoting the concept of reproductive health to developing programmes to meet the reproductive health needs of individuals and couples.

Adolescent reproductive health remained an area of concern, with females ages 15 to 19 accounting for more than 10 per cent of all babies born worldwide. Only 17 per cent of those young women used contraception. Young mothers had an increased likelihood of serious health risks, and the incidence of sexually transmitted diseases (STDs) was disproportionately high among young people: one in 20 adolescents contracted an STD yearly, and half of all cases of HIV infection affected people under age 25. Adding to those problems was the fact that more than half the population in developing countries was under 25. Adolescent reproductive health was increasingly becoming a governmental priority. At the country level, UNFPA provided support to numerous national or subregional projects. A subregional programme in the Caribbean emphasized adolescent reproductive health and rights. A national programme in Nicaragua, supported by UNFPA, provided health care to pregnant adolescents primarily from poor urban areas, as well as information materials and training to NGOs. UNFPA and the International Planned Parenthood Federation jointly published *Generation 97: What Young People Say about Sexual and Reproductive Health*, which presented the results of a survey of over 600 young people in 54 countries on relationships, sexuality, contraception, pregnancy and parenthood. Another publication, *UNFPA and Adolescents*, described such issues as programming for adolescent reproductive health and the use of strategic alliances. UNFPA convened a regional meeting (San Jose, Costa Rica, 1-3 December) to examine progress at the country level and to articulate a regional commitment towards improving the reproductive and sexual health of young people in Latin America. The concerns of youth and reproductive health in

countries in transition were the subject of a European regional meeting (Copenhagen, Denmark, 23-25 June), organized by UNFPA, the Government of Denmark and the World Health Organization (WHO) Regional Office.

A key objective of UNFPA assistance was to reduce maternal mortality, which involved collaboration with many development partners, particularly WHO and the United Nations Children's Fund (UNICEF), as well as national and international NGOs. UNFPA worked closely with WHO and UNICEF in defining guidelines for monitoring maternal health programmes and with WHO in conducting epidemiological research on the causes of maternal mortality. Technical specialists from WHO, UNICEF and the World Bank, among others, participated in regional consultations organized by the Fund on operationalizing reproductive health. UNFPA participated in the Safe Motherhood Technical Consultation (Colombo, Sri Lanka, 18-23 October), an inter-agency meeting that identified lessons learned in implementing safe motherhood activities that could be used to guide future programming in that area. It provided assistance to a project to help mobilize obstetric and gynaecological services, which was under way in seven countries with high maternal mortality rates. A programme in Iran emphasized quality of care. In Bolivia, a programme supported a national strategy to provide care of obstetric emergencies through training staff, providing medical equipment and developing appropriate management and organization systems. An activity in Morocco aimed to strengthen national capacities to implement the national safe motherhood strategy and to improve reproductive health services by upgrading health centres and rural hospitals to deliver better reproductive health services. Similar integrated approaches were promoted in Cote d'Ivoire, Gabon, the Niger, Nigeria and Uganda.

UNFPA provided reproductive health emergency assistance in refugee situations through close operational links with the main agencies providing humanitarian assistance, particularly UNHCR and the International Federation of Red Cross and Red Crescent Societies. It responded to appeals for assistance in Bosnia and Herzegovina, the Great Lakes region of Africa, Liberia, Sierra Leone, the Sudan and Tajikistan. The Fund also responded to local natural disaster emergencies in the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Madagascar, Papua New Guinea and Viet Nam (see also PART THREE, Chapter III). In 1997, 30 UNFPA projects addressing reproductive health in refugee situations

were operational in 21 countries: 7 in Africa, 5 in the Arab States, 5 in Asia and the Pacific, and 4 in Europe. An important feature of the Fund's work during the year was the distribution of reproductive health kits to help ensure that women and men in all situations, including emergencies and crises, could have access to reproductive information and services.

During 1997, UNFPA supported HIV/AIDS-prevention activities in 132 countries, compared to 124 countries in 1996. The Fund's support continued to be provided in line with national HIV/AIDS policies and programmes and within the global strategy of the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS). The Fund participated in UNAIDS theme groups in 119 countries and chaired such groups in 8 countries during 1997 (see PART THREE, Chapter XIII). Fund support included the supply and distribution of condoms and of appropriate supplies and equipment at the primary health care level; in-school and out-of-school education activities; training of reproductive health information and service providers; information on HIV/AIDS; and research on integrating HIV/AIDS-prevention activities into reproductive health programmes at the primary health care level, as well as research on the socio-demographic consequences of the epidemic.

In the area of population and development strategies, UNFPA aimed to ensure a balance between socio-economic development and population dynamics by providing appropriate information and analysis; influencing policy, planning and programmes; and building national capacity in population programming. The Fund began a programme in collaboration with the Netherlands Interdisciplinary Demographic Institute to collect and analyse data on the flows of financial resources for population programmes, both international and domestic. UNFPA continued to operationalize population and development strategies by implementing country programmes. In Botswana, UNFPA, in partnership with the Government, facilitated the formulation of a comprehensive draft national population policy. In Cameroon, UNFPA provided technical and financial support to the Government in preparing a draft national population programme. The programme in Ecuador emphasized disadvantaged women and adolescents in rural areas, and aimed at training local staff in implementing information systems needed for programming population and development activities for vulnerable groups. At the global level, UNFPA continued to operationalize population and development strategies through involvement in UN and other international con-

ferences. UNFPA convened an Expert Group Meeting of the Global Programme of Training in Population and Sustainable Development in February to establish a framework that would facilitate putting ICPD recommendations into the global training initiative. The meeting underscored the importance of focusing on the linkages between population, sustained economic growth and sustainable development, with emphasis on poverty eradication, gender equality, the situation of vulnerable and under-served groups, reproductive health, concerns of adolescents, population mobility and environmental degradation. In the area of population information technology, UNFPA continued to fund the United Nations Population Information Network (POPIN) and the Computer Software and Support for Population Activities (POPMAP). POPIN, available on the Internet, continued to strengthen and coordinate population information activities at the international, regional and national levels. It provided technical assistance to the UN regional commissions which, in turn, transferred skills to national institutions. Local consultants were identified to establish Internet sites in national population institutions in order to expand access to local information sources. The POPMAP project released new software, conducted training workshops and provided technical backstopping support for developing POPMAP applications. It also compiled a repository of country geographic data sets for distribution to POPMAP users.

Regarding advocacy at the country level, in addition to funding advocacy activities in the context of national programme priorities, UNFPA supported activities to enhance visibility and improve public perceptions of ICPD priorities. In Viet Nam, the Government organized a national advocacy seminar aimed at publicizing the empowerment of women and encouraging men to participate in reproductive health programmes, and another to raise awareness of the reproductive health situation and needs of adolescents. In Albania, a weekly radio show provided young people with information on reproductive health issues. A twice-weekly radio programme in Papua New Guinea addressed gender, adolescent sexuality and related development issues, focusing on community involvement. Gabon had a weekly radio programme that discussed topics such as prenatal care, safe delivery, breastfeeding and infertility. Two seminars were held in South Africa to brief media representatives on the rationale and approaches of the country's proposed population policy. Most advocacy activities at the country level supported various components of country programmes, often in the form of information

and education activities. In India, the Government was reorienting the national population programme in the light of ICPD, placing more emphasis on gender equity and equality and on adolescent sexuality.

At the global level, UNFPA held the first Expert Consultation on Operationalizing Advocacy in Support of Population and Development Programmes at the Country Level: Lessons Learned (New York, 3-5 November), aimed at providing practical guidance for country programme activities. The publication of the *State of World Population 1997* was a highlight of the year. World Population Day (11 July) activities in over 100 countries were supported by a brochure, poster and video news release. In addition, UNFPA produced a number of publications, posters, exhibits and electronic materials in support of advocacy activities at all levels.

Gender concerns were a cross-cutting dimension of all UNFPA-supported programming. During 1997, UNFPA continued to emphasize women's issues in all its work, promoting reproductive and sexual health and rights within a human rights context, adolescent reproductive health, and women's empowerment and gender equity and equality, as well as strengthening the gender perspective in UNFPA policies and programmes. It worked with legal and policy NGOs in 51 countries to strengthen their capacity to conduct research and to promote policies and codified legislation to enhance reproductive rights and women's empowerment. It conducted a survey on female genital mutilation at the country level as part of its efforts to eradicate the practice. In collaboration with an institute and local NGOs in three pilot countries, UNFPA was developing a prototype gender, population and development training manual that could be adapted to train policy makers, planners and community leaders. The manual was tested in Egypt, Indonesia and Zimbabwe and would be finalized in 1998.

Country and intercountry programmes

UNFPA's provisional project expenditures for country and intercountry (regional and interregional) programmes in 1997 totalled \$214.4 million, compared to \$216.5 million in 1996, according to the Executive Director's statistical overview report covering 1997 [DP/FPA/1998/3 (Part I/Add.1)]. The number of country projects directly executed by Governments in 1997 numbered 774 compared to 940 in 1996, and totalled \$87.1 million or 27 per cent of 1997 programme allocations, compared to \$65.4 million or 30.2 per cent in 1996. In accordance with criteria defined by the UNDP/UNFPA Executive Board in 1996 [YUN 1996, p.979], total allocations in 1997 to those coun-

tries most in need amounted to \$164.4 million or 62.2 per cent, compared with \$109.1 million in 1996.

Sub-Saharan Africa. Allocations to programmes for sub-Saharan Africa totalled \$119.3 million. Most resources were allocated to reproductive health and family planning (59.4 per cent) and population and development strategies (35.8 per cent), while advocacy programmes received the least (4.8 per cent). The implementation of population programmes in sub-Saharan Africa continued to progress in 1997 [DP/FPA/1998/3 (Part II)] as a result of increased awareness and commitment among policy makers and traditional and religious leaders. By year's end, 23 African countries had adopted population policies and 11 others were in the process of doing so. Several countries were revising their population policies to include ICPD. UNFPA country support teams (CSTs) continued to help build national capacity for population and development programme implementation. Despite those advances, however, political and social instabilities in the region contributed to a slowing down in the momentum of programme implementation and expenditure levels.

Further advances were made in adapting the maternal and child health and family planning approach to a reproductive health approach. UNFPA supported government efforts to provide more comprehensive reproductive health services and programming. However, two key constraints remained—limited coverage in terms of access to and availability of services, and an insufficient number of trained personnel to deliver such services. UNFPA assisted Governments in mobilizing community groups, NGOs and local leaders to promote the use of reproductive health services, focusing on such issues as maternal mortality, adolescent health needs, and male responsibility and involvement. Religious leaders were becoming allies in promoting reproductive health activities in Ghana, Namibia, the Niger, Senegal and Uganda. The Fund provided assistance for family life education, HIV/AIDS prevention and reproductive health and counselling services focusing on meeting the needs of youth. In the area of population and development strategies, Botswana, Cote d'Ivoire and Namibia approved comprehensive national population policies in 1997 and installed established structures to incorporate ICPD recommendations in their population policies. Mozambique, South Africa, Togo and Zimbabwe were in the process of finalizing population policies. UNFPA supported the first ministerial conference on population policies in the Sahelian countries, which adopted an action plan emphasizing basic health

and education services for children, with special attention to the girl child. UNFPA assisted NGOs, parliamentarians and women's groups in the region in a number of advocacy activities in 1997, aiming at, among other things, eradicating harmful practices such as female genital mutilation; promoting reproductive health and reproductive rights; removing discriminatory laws and practices against women; and promoting adolescent reproductive health.

By a January decision [E/1997/33 (dec. 97/6)], the UNDP/UNFPA Executive Board approved UNFPA assistance to Cote d'Ivoire, Djibouti, Kenya, Malawi, the United Republic of Tanzania and Zambia. In March [dec. 97/10], it approved assistance to Angola, Burkina Faso, the Central African Republic, the Comoros, Eritrea, the Gambia, Guinea, Namibia, Nigeria, Senegal, Togo and Uganda.

Arab States and Europe. UNFPA allocations for the Arab States and Europe amounted to \$38 million in 1997, compared to \$26 million in 1996. Of that sum, 69.4 per cent was allocated for reproductive health/family planning, while 26.9 per cent was used for population and development strategies and 3.7 per cent for advocacy. In the Arab States, Governments demonstrated commitment to addressing population issues and implementing the ICPD Programme of Action. Increased attention was being paid to promoting reproductive health and women's empowerment. UNFPA supported a range of reproductive health activities, including increasing access to reproductive health information and services; providing training to service providers; standardizing guidelines and protocols; and providing contraceptives and basic medical equipment. Building national capacity for the delivery and management of sustainable reproductive health services was emphasized. Management training supported by the Fund enabled health administrators in several Arab countries to improve service delivery efficiency and strengthen personnel management and management information systems. Activities to prevent STDs, including HIV/AIDS, were an important part of UNFPA-supported reproductive health programming in the region. The promotion of women's reproductive rights was part of a number of UNFPA-supported programmes. With UNFPA assistance, national capacity for policy formulation, research and analysis was institutionalized through support to national population councils, their technical secretariats, and national population research and data analysis centres. Support was also provided for training in demographic data collection and analysis. Demographic databases had been established in most countries. UNFPA assisted national bodies to improve legislation

and economic and educational opportunities for women. Advocacy activities supported strategies to address the issue of violence against women. Counselling and legal services to women were integrated in reproductive health services. With UNFPA support, two regional projects promoted accurate interpretations of Islamic teachings and a better understanding of the position of Islam on women's rights as human rights.

The UNDP/UNFPA Executive Board, by a January decision [dec. 97/6], approved assistance to Morocco. In March [dec. 97/10], it approved assistance to Lebanon and the Sudan.

The reproductive health situation in Central and Eastern Europe in 1997 was diverse. In most countries, maternal mortality rates and the incidence of abortion were declining, due to increased use of modern contraceptives and growing awareness of family planning. However, in a number of countries, growing opposition to reproductive rights was hampering people's access to information and services, and unsafe abortions remained a leading cause of maternal mortality. There was an alarming increase in the prevalence of STDs, including HIV/AIDS, particularly among young people, in many countries in the region. Teenage fertility rates were also climbing and were approximately three times as high as the average in Western Europe. Consequently, attention was increasingly being focused on adolescents and efforts were made to involve NGOs as partners to complement government efforts to improve reproductive health. UNFPA also supported training in the provision of reproductive health services. A number of STD/AIDS-prevention activities supported by the Fund were undertaken in the region, including the provision of condoms and other contraceptive commodities; training of service providers; and the incorporation of HIV/AIDS education in sex education programmes. UNFPA provided emergency contraceptive supplies, including condoms, to several countries. Building and strengthening national capacity in data collection and analysis remained an important aspect of UNFPA support in the region. In order to facilitate the 2000 round of population and housing censuses, UNFPA joined the Economic Commission for Europe (ECE) in convening a donors' meeting (Geneva, 26 September). UNFPA agreed to coordinate follow-up to the meeting, including facilitating the exchange of information among donors and recipient countries on requirements for training, equipment and supplies, and technical and financial assistance. UNFPA also funded a regional census training project, executed by ECE, to train staff of national statistical offices. As part of its advocacy programme, UNFPA promoted partner-

ships among Governments, NGOs and groups in civil society.

The UNDP/UNFPA Executive Board, by a March decision [dec. 97/10], approved UNFPA assistance to Albania.

Asia and the Pacific. UNFPA assistance to Asia and the Pacific amounted to \$92.1 million in 1997, compared to \$74.5 million in 1996. By programme area, 69.1 per cent was spent on reproductive health/family planning, 25.1 per cent on population and development strategies, and 5.8 per cent on advocacy. While most Asian countries had experience in population planning and programming, and national execution was the principal mode of executing UNFPA assistance, efforts to implement ICPD goals required an upgrading, especially in the reproductive health approach. Thus, UNFPA continued to support training for service providers, policy makers, programme managers and other government officials. The operationalization of the reproductive health approach constituted the majority of activities supported by UNFPA. UNFPA's initial programme of emergency assistance to the Central Asian Republics (Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan) evolved into a comprehensive programme of national capacity-building for reproductive health services. With the assistance of UNFPA and others, 20 reproductive health training centres were established and some 2,600 staff received training in the area of quality of care. The provision of medical equipment, contraceptives and essential drugs contributed to the upgrading of services and the broadening of contraceptive choice. Regarding population and development strategies, UNFPA supported technical training in the collection, analysis and use of population data. In many countries, UNFPA supported numerous study tours and fellowships. Advocacy activities included the sensitization of religious leaders to reproductive health and family planning issues.

By a January decision [dec. 97/6], the UNDP/UNFPA Executive Board approved UNFPA assistance to Mongolia and Nepal, as well as the requests for extension of, and additional resources for, the UNFPA country programmes for Bangladesh and the South Pacific. In March [dec. 97/10], the Board approved UNFPA assistance to India and the Lao People's Democratic Republic.

Latin America and the Caribbean. In 1997, UNFPA allocations for Latin America and the Caribbean totalled \$36.2 million, compared to \$26.1 million in 1996. Of the total, 65.9 per cent was spent on reproductive health/family planning, 25.4 per cent on population and development, and 8.7 per cent on advocacy. Efforts to operationalize reproductive health programmes were

pursued through country programmes, as well as through regional activities. In October, a meeting was held in Peru to build consensus on regional activities. To improve the quality of reproductive health services and expand available options, the Fund supported a research project to learn about reasons for the extensive use of surgical sterilization of women in the region. The regional strategy favoured NGOs and grass-roots groups. Most country and regional projects supported by the Fund had NGOs as partners in design and implementation. Training of personnel in the use of data and in management systems was part of capacity-building under decentralization processes that were taking place throughout the region. UNFPA organized or participated in several events that advocated ICPD issues, especially the reproductive health and rights of women and young people. The Fund emphasized links with NGOs, parliamentarians, journalists, policy makers and political leaders.

The UNDP/UNFPA Executive Board, by a January decision [dec. 97/6], approved the request for extension of, and additional resources for, the UNFPA country programme for Nicaragua and, by a March decision [dec. 97/10], approved UNFPA assistance to Cuba, the Dominican Republic, Ecuador, El Salvador, Haiti, Peru and English-speaking Caribbean countries.

Interregional programmes. Allocations for interregional programmes totalled \$36.3 million in 1997, up from \$24.2 million in 1996. The largest portion, 45.9 per cent, was spent on population and development strategies, followed by 45.3 per cent for reproductive health/family planning and 8.8 per cent for advocacy. UNFPA continued to support a variety of research, advocacy and training by NGOs and other UN organizations that had ramifications at a global level. In the area of reproductive health, UNFPA-supported activities were aimed at researching new methods of safe and effective contraception, developing tools to diagnose STDs, expanding the availability of contraceptives, and providing information to technical and managerial personnel involved in reproductive health services. The Fund also supported research in adolescent reproductive health. Research continued on contraception methods, including contraceptive rings, subdermal implants for women, the transdermal system for women, spermicides and microbicides; on fertility-regulating uses of antiprogestogens; on male contraception, including hormonal methods of inhibiting sperm production, subdermal implants, the transdermal system and an immunocontraceptive; and on emergency contraception. Regarding STD prevention and diagnosis, research continued on new barrier methods,

vaginal microbicides, a vaccine against chlamydial genital tract infection, and quick diagnosis of syphilis and gonorrhoea. UNFPA continued its support of activities for South-South cooperation in reproductive health. As for population and development strategies, UNFPA supported the development of new methods in data collection, processing and dissemination. Activities continued for promoting the use of POPMAP and POPIN. UNFPA and Harvard University, United States, published volume 20 of the Annual Review of Population Law and Johns Hopkins University, United States, disseminated a database of 250,000 bibliographic abstracts to developing countries on CD-ROM. NGOs received support for information dissemination.

Global Initiative on Contraceptive Requirements

As part of its ongoing efforts to strengthen national capacity to forecast contraceptive needs and manage distribution, UNFPA, under its Global Initiative on Contraceptive Requirements and Logistics Management Needs in Developing Countries in the 1990s, carried out in 1997 in-depth studies on contraceptive requirements and logistics management needs in Burkina Faso and Ethiopia. Follow-up studies were carried out in Bangladesh and Nepal, and technical support was provided to studies undertaken in the Sudan and Tunisia [DP/FPA/1998/3 (Part II)]. Four logistics management training strategy workshops were held in Senegal, the Sudan, Thailand and Zimbabwe, in collaboration with the Fund's CSTs, to help build national capacity in logistics management. A key aspect of the workshops was the development and drafting of a strategy to build logistics-management capacity for finalization and eventual implementation.

The Global Initiative organized a meeting of oral contraceptive manufacturers, government representatives and members of the development community to explore the role of the private sector in providing affordable contraceptives and reproductive health commodities in developing countries (New York, July). It concluded that the private sector should play an expanded role and recommended that the Fund organize market-segmentation studies in selected countries.

In response to a 1996 Executive Board decision [YUN 1996, p. 982] to establish the Global Contraceptive Commodity Programme (GCCP), UNFPA reviewed the financial requirements and reported in January 1997 [DP/FPA/1997/6] on a proposed revision of the UNFPA financial regulations in order to make GCCP operational. Under the Programme, a buffer stock would be set up to meet urgent requests for contraceptives, includ-

ing condoms for HIV/AIDS prevention, from developing countries. A trust fund would be used to purchase a buffer stock of commonly requested contraceptives, to be stored at a UN facility or held at the manufacturer's headquarters.

GCCP became operational in 1997 and responded to emergency or urgent requests from a number of countries. The contraceptive commodities provided by GCCP included condoms, oral contraceptives, intra-uterine devices, vaginal foaming tablets and injectables.

A review of the financial regulations revealed that UNFPA did not have the authority to conclude agreements with suppliers to maintain stockholdings of contraceptive products. The Executive Director proposed that a new regulation be made allowing UNFPA to purchase and hold such stocks.

By a decision of 14 March [E/1997/33 (dec. 97/7)], the Executive Board approved the inclusion of a new regulation in the UNFPA Financial Regulations and Rules whereby UNFPA could procure and hold stocks of essential contraceptive products in order to respond promptly to emergency requests for assistance.

UNFPA information and communication strategy

The Executive Director submitted a March report to the Executive Board describing UNFPA's information and communication strategy [DP/FPA/1997/8], as requested in 1996 [YUN 1996, p. 987].

The overall goal of the strategy was to promote the principles, goals and objectives of ICPD and to help turn them into reality at national, regional and international levels. The specific goals of the Fund's information and communication activities were to increase awareness and understanding of the role of population in the development process and build support for UNFPA activities; build support for ICPD goals; mobilize resources based on the consensus reached at ICPD; and build national capacity in population information and communication for reproductive health and population and development strategies. The strategy included enhancement of UNFPA's capability to present its message effectively, both at the country and at the international level, requiring trained staff.

At international and regional levels, UNFPA's strategy was to remind Governments and partner organizations of their role in shaping ICPD objectives to their specific situations, including gender and social- and health-sector goals. Of particular importance was the mobilization of resources by building up constituencies among Governments, parliamentarians and the general public, and the

exploration of avenues of support from the private sector. At the country level, UNFPA's strategy was to advocate for the ICPD population and development agenda; assist countries to operationalize the programme components based on ICPD goals; secure commitment of national resources for that purpose; and promote coordination among the various sectors of government, and between government and civil society. In addition, UNFPA would support national information, education and communication with a view to building national capacity. All forms of communication would be used to implement the strategy, and efforts would be made to select the most appropriate media.

Activities at the international and regional levels were developed and carried out by UNFPA headquarters. The audiences for those activities were policy makers; parliamentarians; opinion leaders, including political and religious leaders; NGOs, especially those for young people and women; communicators and educators in formal and non-formal settings; the media; the general public; and ultimately couples and individuals. Information materials would be distributed through government, parliamentary and NGO channels, press conferences, video presentations and video news releases. More innovative approaches would include joint activities with development partners, including joint publications, special campaigns, opinion polls and related activities. UNFPA also planned to make greater use of special goodwill ambassadors, well-known people who publicized population issues.

At the national level, UNFPA-supported information and communication activities were developed by national authorities as part of overall national population and development programmes. They were designed in the context of each country's circumstances and with respect for cultural values and sensitivities, and were produced in languages appropriate for local use. Those activities were carried out by a variety of executing agencies, including government organizations, UN agencies, NGOs and intergovernmental bodies. UNFPA representatives worked closely with national authorities in adapting material provided by UNFPA headquarters.

Tools for monitoring the impact of UNFPA's international advocacy in specific media were becoming more sophisticated and increasingly effective in establishing who was reached and with what message, though they were less certain in establishing the effect produced, particularly in the area of attitudinal or behavioural change. The report concluded that it would be part of UNFPA's information and communication strategy to take

advantage of technical advances as part of its monitoring and evaluation, develop improved techniques to monitor attitudinal and behavioural change in UNFPA's target audiences and, to the extent possible, assess the effectiveness of UNFPA advocacy in that regard.

The Executive Board, by a May decision [E/1997/33 (dec. 97/13)], endorsed the overall goal of the UNFPA information and communication strategy and the specific goals and corresponding strategies, including monitoring and evaluation of change in UNFPA's target audiences. The Board stressed the importance of maintaining linguistic balance in the electronic dissemination of information. It also stressed that monitoring and evaluation were integral parts of information and communication activities and there was a need to strengthen those functions. The Board requested the Executive Director to report orally each year on progress in implementing its decision and to report on the Fund's information and communication strategy in 2001.

Financial and administrative questions

UNFPA's total income from regular resources in 1997 was \$289.7 million, a decrease of 6.2 per cent from the 1996 level of \$308.8 million [DP/FPA/1998/9]. Expenditures totalled \$303.6 million, resulting in an excess of expenditure over income of \$14 million. However, surplus general resources brought forward from 1996 amounted to \$27.2 million. Thus, after adjusting for excess expenditure in 1997 and the transfer of \$1.7 million to GCCP, unspent general resources to be carried forward to 1998 totalled \$11.5 million. Total contributions pledged by 88 Governments in 1997 were \$287.1 million, a decrease of \$15.5 million from the previous year. The cumulative outstanding balance of unpaid pledges for 1997 and prior years was \$21.1 million.

By a September decision [E/1997/33 (dec. 97/29)], the Executive Board took note of the UNFPA financial review for 1996 [DP/FPA/1997/13].

The Executive Director, in a July report on the status of financial implementation of country programmes and projects [DP/FPA/1997/18], said that the Executive Board had approved in 1997 34 country programmes (17 in sub-Saharan Africa, 5 in the Arab States and Europe, 4 in Asia and the Pacific and 8 in Latin America and the Caribbean) for a total cost of \$485 million. The programmes approved for sub-Saharan Africa amounted to \$222.6 million; for the Arab States and Europe, \$46.5 million; for Asia and the Pacific, \$150.3 million; and for Latin America and the Caribbean, \$65.6 million. An additional \$10.1 million was approved for ongoing country

programmes (two in Asia and the Pacific and one in Latin America and the Caribbean).

1998-1999 budget

The UNFPA Executive Director submitted to the Executive Board a July report on estimates for the 1998-1999 biennial support budget [DP/FPA/1997/14], previously referred to as the administrative and programme support services budget. She requested net appropriations of \$131.4 million (\$143.3 million gross) for the biennium to cover staff and support costs. The proposed budget represented an increase of 3.6 per cent, or \$4.6 million, over 1996-1997, and was based on assumed total resources of \$770 million for 1998-1999, as reflected in the Fund's 1998-2001 work plan (see below). That amount, which included \$50 million in multi-bilateral resources, was based on an estimated regular resource income for 1997 of \$325 million, with a projected annual increase of 7 per cent for the regular resource income in 1998 and 1999.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ) issued an August report containing its comments on the budget estimates [DP/FPA/1997/15]. It noted that the proposed budget had been prepared in accordance with the common format for presentation, terms and definitions, and methodology [DP/1997/2 & Add.1], as agreed by the secretariats of UNDP, UNFPA and UNICEF, and approved by the UNDP/UNFPA Executive Board [E/1997/33 (dec. 97/6)] (see PART THREE, Chapter II). However, the Committee believed that the UNFPA budget presentation could be improved so that the Executive Director's proposals were more comprehensive and transparent in order to facilitate decisions by the Executive Board.

The Executive Board, by a September decision [E/1997/33 (dec. 97/26)], took note of the UNFPA 1998-1999 biennial support budget estimates and of the ACABQ report. It urged the Executive Director to contain both the administrative and the programme support costs at headquarters and in the field. She was also urged to keep under review the prevailing climate of uncertainty regarding future income, particularly by delaying filling of the proposed new positions of UNFPA Representatives when implementing the 1998-1999 budget. The Board approved gross appropriations of \$143.3 million for programme support and the management and administration of UNFPA, and resolved that the income estimates of \$15.7 million should be used to offset the gross appropriations, resulting in estimated net appropriations of \$127.5 million. The Executive Director was requested to report to the Board in 1998 on progress made in implementing the 1998-

1999 budget. She was also asked to report orally to the Board in 1998 on the criteria and mechanisms to be used for any readjustment to the 1998-1999 budget in the event of any significant shortfall in income. The Board recommended that the Executive Director undertake a study on multi-bilateral and trust fund arrangements and report to the Board in 1998.

Audit reports

The Executive Board had before it a UNFPA report [DP/FPA/1997/4] describing action taken in response to the recommendations made on UNFPA in the report of the United Nations Board of Auditors for the 1994-1995 biennium [A/51/5/Add.7]. Steps to be taken by UNFPA included: adhering to the requirement that trust fund activities only be initiated on a fully funded basis; making a more systematic assessment of country needs and setting strategic targets for national execution; determining the responsibilities of field staff and planning the training and resources necessary for field offices to fulfil their tasks; drafting guidelines on selection of institutions for project execution; evaluating progress on national execution; developing indicators of capacity-building; reviewing the extension of the use, selection and assessment of consultants; adjusting CST resources; reviewing costs of CST offices; taking a more proactive role in formulating projects; and using baseline studies to identify the needs and recipients of a project.

The Executive Board, in January [E/1997/33 (dec. 97/2)], took note of the UNFPA report, and asked the secretariat to provide in 1998 an updated overview of the implementation of the Board of Auditors' recommendations. The Board also requested the secretariat to provide annually an update on the progress achieved in implementing the Auditors' recommendations.

In March [DP/FPA/1997/10 (Part IV)], the Executive Director submitted to the Board a report on UNFPA internal audit and oversight activities in 1996. The principal activities consisted of eight management audits in six country offices and two CST offices; 45 compliance audits in country offices, undertaken by two international public accounting firms; a comprehensive review of audit clause requirements for government- and NGO-executed projects; a review of government in-kind contributions; and six audit communications addressing weaknesses in the UNFPA Financial Regulations and Rules.

The level of internal controls in the vast majority of UNFPA offices was considered satisfactory. However, there was a need to clarify procedures, which, the Executive Director stated, would be achieved through a consolidated set of policies

and procedures. Another issue was the need to secure the legal basis of project activities through properly signed legal instruments. In addition, the management of project audits was being reviewed and UNFPA had drafted revised financial rules. Due to concerns that management audits of headquarters required more attention, two organizational units at headquarters had been selected for internal audits in place of two country offices in 1997. Another concern of UNFPA was that the performance of the public accounting firms in two locations was uneven and UNFPA lacked auditors to provide supervision of the work of the contractors.

The Executive Board, in a May decision [E/1997/33 (dec. 97/16)], took note of the internal audit report and the observations made by delegations during the Board's discussion. It supported the Executive Director's proposals to strengthen the UNFPA internal audit function.

1998-2001 work plan

In a February report [DP/FPA/1997/7], the Executive Director outlined the 1998-2001 UNFPA work plan, including information on project resources and proposed utilization of programmable resources covering country and intercountry activities as well as geographical regions. The report also presented the Executive Director's proposed programme expenditure authority for 1998 from regular resources, the estimates of new programmable resources for the period 1999-2001 and the estimates of new programmable resources from multi-bilateral funding. The utilization of resources in 1996 was examined.

The UNFPA work plan, which was a rolling four-year plan, was a projected programme of assistance based on income projections, prior commitments and foreseeable needs. The 1997 income of \$325 million was used as the base and for the following four years a constant annual rate of increase of 7 per cent (the average rate over the previous eight years) was projected. The new programmable resources from regular resources totalled \$1,235 million for the four years, compared to \$1,175 million for 1997-2000. The income assumption from multi-bilateral resources was \$25 million per year. Thus, the income assumption from regular and multi-bilateral resources combined was \$1,644 million. The amount of resources required for the administrative and programme support services was assumed to be 175 per cent of the combined resources each year, or \$288 million for the four years. Over that period, UNFPA planned to add \$21 million to the operational reserve.

The proportion of total programmable resources intended for country activities for 1998-

2001 was the same as for 1997-2000. In absolute terms, the \$876 million intended for country activities was 5 per cent higher than that foreseen for 1997-2000. In addition, \$118 million was projected for technical support services for country programmes. Administrative and operational services costs from regular resources for 1998-2001 were estimated at \$48 million.

The new work plan reflected the 1996 Board decision to use a new system of allocation of UNFPA resources [YUN 1996, p. 988] by categorizing developing countries into three groups. The share for Group A countries (those with a low level of development and the farthest from achieving ICPD goals), estimated at 60 per cent for 1996, would be increased to 65 per cent a year on average; for Group B (those that had made considerable progress in achieving ICPD goals), it would decrease from 29 to 25 per cent; for Group C (those that had met the thresholds of the seven ICPD goals), it would increase from 4 to 5-7 per cent. By region, the average for 1998-2001 would be: sub-Saharan Africa, 39 per cent; Arab States and Europe, 13 per cent; Asia and the Pacific, 38 per cent; and Latin America and the Caribbean, 10 per cent.

The recommended programme expenditure authority for 1998 amounted to \$278 million, and the new programmable resources for 1999, 2000 and 2001 were estimated at \$298 million, \$318 million and \$341 million, respectively.

The Executive Board, by a May decision [E/1997/33 (dec. 97/11)], endorsed the Executive Director's programme resource planning proposals. It approved the request for the 1998 programme expenditure authority at a level equal to expected new programmable resources for 1998, estimated at \$278 million. The Board endorsed the use of the estimates given in the report for new programmable resources from regular resources for programme planning for 1999-2001 and the estimates of new programmable resources from multi-bilateral funding.

Technical support services system

In July [DP/FPA/1997/16], the Executive Director reported on UNFPA's technical support services (TSS) system, as requested by the Executive Board in 1995 [YUN 1995, p. 1103]. She concluded, among other things, that CSTs continued to contribute effectively to the implementation of population country programmes by applying an integrated and multidisciplinary approach to population issues. Based on the findings of an independent assessment of the TSS specialist arrangement, UNFPA proposed to retain the TSS functions, but to make a number of improvements to strengthen the role of TSS specialists.

To improve the TSS system, UNFPA proposed certain modifications in the composition of CSTs to address emerging population issues and to meet increasing requests for technical assistance in Africa and the Arab States and Europe. UNFPA suggested increasing the number of CST adviser posts from 128 to 130. The functions of the TSS specialists would be streamlined to focus on multi-disciplinary backstopping to CSTs and to improve the advocacy work of the TSS specialists within their respective agencies and organizations.

Addressing the concerns raised regarding the distribution of TSS specialist and CST adviser posts between regional and agency headquarters, as well as available resources, UNFPA proposed a reconfiguration, under which the 171 posts approved by the Board in 1995 [YUN 1995, p. 1102] would be reduced to 157. The percentage of posts in reproductive health and gender, population and development would increase. The number of CST adviser posts in Africa would increase from 56 to 60; in the Arab States and Europe, they would rise from 18 to 19; in Asia and the Pacific, they would decrease from 37 to 34; and in Latin America and the Caribbean, the posts would be maintained at 17. The remaining 27 posts would be distributed to agencies and regional offices.

UNFPA stated that the revised functions of the TSS specialists emphasized that all their activities were aimed at contributing to national capacity-building and self-reliance by furnishing support to CSTs. The TSS specialists were urged to be more proactive in advocating for population issues within their respective UN agencies and organizations at the country, regional and headquarters levels.

In September [E/1997/33 (dec. 97/27)], the Executive Board endorsed the proposals for reconfiguring the CST adviser posts. It agreed, on a temporary basis for 1998, to the proposals for modifications of the TSS specialist posts in UN agencies and organizations. The Executive Director was asked to reassess the TSS system, including financial aspects, in 1999.

Programming process

In response to a 1996 Executive Board request [YUN 1996, p. 982], the Executive Director, in March 1997 [DP/FPA/1997/9], made recommendations on the UNFPA country programming process. The report recalled that in 1996 UNFPA had introduced a new format for country programme proposals. The new presentations were on average 40 per cent shorter than in the past, included data on the new approach for the allocation of UNFPA resources adopted in 1996 [YUN 1996, p. 989], and focused on subjects of greatest interest to the

Board, including lessons learned from past UNFPA programmes, the Fund's comparative advantage in relation to other donors, the planned strategy for the proposed programme, its implementation plan and the expected results. The Executive Director proposed to maintain the current format for the Fund's country programming process and to work to improve it.

In order to achieve a more inclusive programming process, the Fund would promote input from all interested Board members, respect the principles of multilateralism, and limit the UNFPA administrative burden so that as much of the Fund's resources as possible could be spent on programmes. The Fund believed that inputs from member Governments would be most useful at the time of the programme review and strategy development (PRSD) exercise, the earliest stage of programme formulation. In order to open up its PRSD process to wider participation by member Governments, UNFPA proposed notifying all Board member countries in advance of planned PRSD exercises, and their active participation would be solicited. Input received from Governments would be considered an integral part of the PRSD exercise. Once a programme had been drafted, the Government and the Fund would work together to reach a final version for submission to the Executive Board.

The Executive Board, in a May decision [E/1997/33 (dec. 97/12)], requested that in its programming process UNFPA take into account that: during the PRSD process, UNFPA would offer briefings at the field level on the emerging findings; UNFPA would make available the summary of the PRSD process (the country recommendation), which would show proposed strategic actions and their rationale, the comparative advantage of UNFPA and its complementarity vis-à-vis other actors, and possible thematic areas, drawing on lessons learned from other programmes; and the country recommendation would be made available to all UNFPA members who might offer views on the recommendation within six weeks, which the secretariat would take into account in further developing the programme.

The Board requested that proposed country programmes contain statements of purpose, deliverables (for each subprogramme area), financial parameters and indicators by which UNFPA would measure programme performance, effectiveness and impact. Furthermore, the Board decided that country programmes would be considered for approval without discussion unless one was requested by more than one member State, in writing, two weeks before the session. It recommended that the efforts towards harmonized arrangements for country programming

processes in the UN system should, when possible, be coordinated and harmonized with other

that the operation of those arrangements be reviewed by the Executive Director, who would present a report in 2000.

Staff training

In July [DP/FPA/1997/11], the Executive Director provided the Executive Board with an evaluation of UNFPA staff training activities, which summarized the results of an external evaluation, described the implementation of training activities since 1992 and outlined new directions for training, as provided for in a directive issued by the Executive Director in 1996.

The evaluators recommended, as a first step, that there should be a comprehensive assessment of learning and training needs. Further recommendations included developing a training-of-trainers strategy and the creation of learning resource teams, linked with UNFPA CSTs and TSS. The evaluators recommended developing learning resource network links, including through distance-learning modes, to provide sustained professional support for trainers and resource persons; increased coordination with other UN agencies, especially at local levels; and strengthened authority for line managers, with a corresponding increased decentralization of training budgets to allow for more local training and opportunities for field staff to undertake more visits to headquarters and to other field offices.

Additional funding was proposed for developing supplementary learning resource centres and equipment and materials, more interactive computer packages, distance-learning methods and establishing networks linking trainers. Specific recommendations were made for strengthening evaluation mechanisms in UNFPA training and staff development so that greater emphasis was placed on tracking how training was reflected in work performance. Managers and supervisors were called on to take greater responsibility for training and to create a learning environment through on-the-job training, through coaching and by following up changed behaviour after training.

The Executive Board, in September [E/1997/33 (dec. 97/29)], requested the Executive Director to make an oral presentation on the implementation of the recommendations of the evaluation in 1998.

The Executive Director, in her report on UNFPA activities in 1997 [DP/FPA/1998/3 (Part II)], described the staff training programme, which took into consideration the recommendations of the evaluation. The Fund had developed a new

training programme for newly recruited Representatives and a curriculum to build staff skills. It organized a series of regional workshops and provided training at the regional level on financial monitoring and management of country programmes. The Fund conducted training workshops to introduce new programme guidelines and revised financial procedures, and began to develop computer-based training on finance management. UNFPA reinforced the role of managers and supervisors in providing training and coaching, making them increasingly responsible for fostering a learning environment, providing mentoring and assessing the impact of training on job performance.

UN Population Award

The 1997 United Nations Population Award was presented to Elizabeth Aguirre de Calderon Sol, Director, National Family Secretariat (El Salvador); Dr. Toshio Kuroda, Director Emeritus, Nihon University Population Research Institute, Tokyo (Japan); and Senator Mechai Viravaidya, Director, Population and Community Development Association (Thailand). Ms. Aguirre de Calderon Sol was chosen for her work in promoting social development when she was President of the Brigade for Social Development in 1989 and for her later work directing the National Family Secretariat. Dr. Kuroda was selected for his contribution of more than 50 years of scientific studies, writing, teaching, technical assistance and leadership in population issues in Japan, Asia and throughout the world. Senator Viravaidya was chosen for his innovative work in promoting population policy in Thailand and throughout Asia, and for his promotion of family planning services.

The Award was established by General Assembly resolution 36/201 [YUN 1981, p. 792] to be presented annually to individuals or institutions for outstanding contributions to increased awareness of population problems and to their solutions.

In June [A/52/212], the Secretary-General transmitted to the Assembly the report of the UNFPA Executive Director on the Population Award. The Assembly took note of it by **decision** 52/451 of 18 December.

Other population activities

Commission on Population and Development

The Commission on Population and Development, at its thirtieth session (New York, 24-28 February) [E/1997/25], considered as its central theme international migration (see above), with

special emphasis on the links between migration and development, including gender issues and the family. It recommended a draft resolution on the subject for adoption by the Economic and Social Council (**resolution** 1997/2).

The Commission adopted three resolutions. One dealt with the holding of a technical symposium on international migration in 1998 [E/1997/25 (res. 1997/1)]. The Commission, in a resolution on reporting requirements [res. 1997/2], requested the Secretariat to report to it in 1998 on a new document structure and periodicity and revised reporting methods. It asked the Secretariat to make proposals on how to handle documentation in 1999 in view of ICPD + 5. The Commission requested that the material normally included in the report of the Secretary-General on intergovernmental organizations and NGOs, for submission in 1998, be integrated into the reports on world population monitoring and the monitoring of population programmes. It also asked for a revised report of the Secretary-General on the activities of intergovernmental organizations and NGOs in reproductive health for submission in 1998. The report on the monitoring of population programmes, the Commission decided, should be more analytic in focus, relate progress more specifically to ICPD goals and cover all countries. The Commission welcomed the initiative to improve the reporting on financial flows through collaboration with the Netherlands Interdisciplinary Demographic Institute, and encouraged exploration of opportunities to improve other reports through similar collaborative ventures. The Commission requested that the report of the ACC Task Force on Basic Social Services for All give greater emphasis to outcomes, system-wide achievements and progress.

By the third resolution [res. 1997/3], the Commission took note of the proposed work programme for 1998-1999. For its consideration of the item, the Commission had before it the Secretary-General's report on the progress of work in population in 1996 [YUN 1996, p. 990], a note by the Secretary-General on the proposed 1998-1999 programme of work [E/CN.9/1997/8], and the Secretary-General's report on world demographic trends [E/CN.9/1997/9] (see below).

The Economic and Social Council, by **decision** 1997/220 of 18 July, took note of the Commission's report on its thirtieth session and approved the provisional agenda and documentation for the thirty-first (1998) session. In **decision** 1997/298 of 23 July, the Council invited NGOs that were accredited to ICPD to attend the Commission's thirty-first session, provided that they had applied for consultative status.

1997 UN activities

The Secretary-General, in a December report, reviewed the work of the Population Division of the Department of Economic and Social Affairs in 1997 [E/CN.9/1998/7]. The report covered the activities of the Division in the subprogrammes dealing with the global analysis of demographic variables, such as fertility and family planning, mortality, international migration and internal migration; world population projections; population policy and socio-economic development; the monitoring, review and appraisal, coordination and dissemination of population information; and technical cooperation in population.

During 1997, work was completed on a study dealing with evolving patterns of fertility behaviour in developing countries, which examined levels and trends in fertility as indicated by data from censuses and surveys. The findings showed that, during the period 1970-1990, almost all developing countries experienced an overall decline in fertility. A wall chart depicting fertility patterns in 1997 was issued, covering 167 countries and 90 per cent of the world's population. A study on family planning analysed fertility behaviour and the impact of family planning programmes on fertility in 15 selected countries. Results showed that, as of the late 1980s, contraceptive use reduced total fertility rates in those countries by between 0.8 and 4.8 children. The Population Division organized an expert group meeting (New York, 4-6 November) to examine how fertility levels might evolve in countries whose fertility rates were below replacement level.

The Division also studied mortality issues. It collaborated in a symposium on health and mortality (Brussels, Belgium, 19-22 November) with the Government, the municipal government of Flanders and the Population and Family Study Centre. The symposium addressed a variety of issues related to the health status and mortality risks of the adult population in developed and developing countries, as well as in countries with economies in transition. The Division was undertaking a review of current methods to estimate adult mortality in countries with incomplete data. Preliminary indications showed that it was essential to improve the availability and quality of basic data for most developing countries. Databases had been compiled for estimating childhood mortality for Africa, Asia and Latin America.

Two reports analysing specific aspects of international migration levels and trends were nearing completion. An in-depth analysis of country-level estimates of rural-urban migration and estimates of the components of urban growth

derived from intercensal comparisons was being completed.

With respect to population estimates and projections, the completion of the 1996 revision of world population estimates and projections was announced to the Commission at its 1997 session. At that time, the annex tables, the wall chart *World Population 1996* and a computer database on diskettes had been published. Afterwards, the report *The Sex and Age Distribution of the World Population: The 1996 Revision* was published. The final report, *World Population Prospects: The 1996 Revision*, was in the editing stage. The 1996 Revision contained an extensive analysis of recent demographic trends, with specific chapters dealing with population size and growth, fertility, mortality, international migration, the demographic impact of AIDS in 28 countries, a detailed comparison between the results of the 1994 revision and the results of the 1996 Revision, methodology, sources of data and demographic methods. The Population Division completed the updating of its long-range population projections. A report presented population projections for the world until 2150, based on the 1996 Revision. There were seven projection scenarios in those long-range projections: the medium, high, low and constant fertility variants extended until 2150 the corresponding assumptions of the 1996 Revision, while the high-medium, low-medium and instant replacement fertility scenarios were additional projections prepared to give a more detailed range of possible future courses of population growth. Projections were prepared for eight geographical groupings: Africa, Europe, Latin America and the Caribbean, North America, Oceania, China, India, and Asia excluding China and India. Work was proceeding on the 1998 revision of the world population estimates and projections. The 1996 Revision included urban, rural and city population estimates and projections, which were published as annex tables and also issued as databases in May. The wall charts *Urban Agglomerates, 1996* and *Urban and Rural Areas, 1996* were published. The report *World Urbanization Prospects: The 1996 Revision* analysed prospects for urbanization; it noted that, at mid-1996, 46 per cent of the world population consisted of urban dwellers, and half of the world population would be living in urban areas by 2006.

In the area of population policies, the Division continued its work on the questionnaire for the United Nations Eighth Population Inquiry among Governments. With input from the regional commissions and UN specialized agencies, a new questionnaire was drafted, which would be used in the review and appraisal process

in 1999. A study on international migration policies, which was revised and submitted for publication, offered a comparative overview of policies regarding migration for permanent settlement, labour migration, refugees and asylum seekers, and undocumented migration. It examined family reunification, nationality and citizenship, and policies relating to the economic, social, political and cultural integration of immigrants. World Population Policies, an overview of trends in population policies for 190 countries, was completed. The sixth edition of the population policy database, Global Population Policy Database, 1997, was due to be completed in early 1998. In addition, a database on population policies was being developed. Based on material contained in the population policy data bank, briefing notes for the Secretary-General were prepared on population issues in 31 countries.

As to population and development, the Division issued two reports on old-age mortality—"Projecting old-age mortality and its consequences" and "Future directions in research on the demography of ageing". It also began work on an updated demographic overview of population age-structures and population ageing. Two outputs connected with the data bank on population, resources, environment and development (PRED Bank) were issued in 1997: "User's Guide to the Population, Resources, Environment and Development Database (PRED Bank, Version 2.1)" and "National trends in population, resources, environment and development: country profiles". The report "Government views on population and the environment" was issued. It reviewed official government statements, national reports and the draft and final documents adopted at major intergovernmental conferences dealing with population, environment and development issues from 1970 to 1994. The review found that, by the time of the 1994 ICPD, a majority of both developed and developing countries had expressed concern about population and environment imbalances.

During 1997, the Population Division's POPIN project promoted the use of new information and communication technologies to extend access to and use of population information worldwide. Emphasis was placed on building capacities within developing country institutions and within the UN regional commissions. Among those efforts were the creation of Internet World Wide Web sites and training in the use of the Internet as a medium for the dissemination of locally produced population information and data. In 1997, POPIN assisted in creating Web sites in a number of countries. It also produced the Internet-accessible Worldwide Directory of

Population Institutions. In cooperation with UNDP, a CD-ROM version of the POPIN Web site was issued. The 1993-1997 work programme of the global POPIN Coordinating Unit was evaluated in 1997 by an independent consultant who stated that POPIN was breaking new ground in international information systems territory.

The Division provided technical assistance services to 12 projects during 1997 in the areas of population and development training; institutionalizing analysis and research on socioeconomic and demographic data obtained from population censuses, surveys and vital registration systems; population policy; and population and development. The projects were implemented in 10 developing countries in Africa, Western Asia and countries with economies in transition. TSS specialists in the areas of population and development provided support to the eight CSTs and to national projects. The specialists published six papers in the areas of population and development training, links between population and education, and recent findings in population analysis and research. The TSS specialists carried out various missions during the year.

1998-1999 programme of work

By a 2 January note on the 1998-1999 programme of work in population [E/CN.9/1997/8], the Secretary-General stated that the proposed programme was prepared under the medium-term plan for 1998-2001, which was adopted by the General Assembly in resolution 51/219 [YUN 1996, p. 1306]. It was designed to carry out follow-up activities relating to ICPD; conduct research of the highest priority at the global level; disseminate research findings; and provide substantive support for technical cooperation projects in population.

The Commission on Population and Development, by a February resolution [E/1997/25 (res. 1997/3)], stressed, in the context of the UN system reform process, the importance of continuing the basic work of the Population Division on the crucial underpinnings of population estimates and projections; basic population trends and issues, including fertility, mortality, migration and patterns of rural and urban population change; the evolution of population policies; and understanding of the links between population and development. The Commission emphasized that the Division's role as the Commission's secretariat constituted an essential part of the Division's work programme and requested the Division to continue to give such servicing high priority. Noting the proposed 1998-1999 work programme in population, the Commission requested the Divi-

sion to build an improved analysis of international migration as well as an improved understanding of international migration and development. The Commission emphasized the value of the POPIN system to the international community and encouraged its further development. It also emphasized the importance of preparations by the Division, in collaboration with other bodies, for the review and appraisal of ICPD implementation, to be conducted in 1999.

Demographic trends

The Secretary-General submitted a report to the Commission on Population and Development on world demographic trends [E/CN.9/1997/9], in accordance with Economic and Social Council resolution 1996/2 [YUN1996, p.977]. The report provided an overview of population size and growth, fertility, mortality and international migration, as assessed by the 1996 revision of global population and demographic estimates and projections. The 1996 revision noted slower population growth, lower levels of fertility, more diverse trends in mortality and increased migration flows during the early 1990s than in prior decades.

The world population at mid-1996 was 5,770 million, an increase of 81 million over the previous year, and annual growth was expected to remain at that level until 2000. Some 80 per cent of the world's population lived in the less developed regions. Between 1990 and 1995, world population grew at nearly 1.5 per cent per annum, significantly below the over 1.72 per cent per annum rate of the previous two decades. UN fertility projections indicated that the population growth rate would continue declining, to nearly 1.4 per cent per annum in 1995-2000 and to 0.45 per cent in 2045-2050, reaching a world population of 6,090 million in 2000 and 9,370 million in 2050. The annual increment to the world population would remain steady at around 80 million per annum through 2025, and would gradually decline thereafter to 41 million between 2045 and 2050. Between 1950 and 1996, the population of the less developed regions increased by 168 per cent, compared to an increase of 45 per cent for the more developed regions. Between 1990 and 1995, the population of the less developed regions grew at nearly 1.8 per cent per annum, while the population of the more developed regions grew at 0.4 per cent per annum. According to projections, the population of the less developed regions would increase by 79 per cent between 1996 and 2050. In contrast, the population of the more developed regions would increase to 1,220 million by 2025 and decline thereafter. Africa continued to exhibit the most rapid population

growth rate in 1990-1995 (2.7 per cent per annum), followed by Latin American and the Caribbean (1.7 per cent), Asia (1.5 per cent), Oceania (1.4 per cent), North America (1 per cent) and Europe (0.2 per cent).

The average fertility rate in the world continued to decline. During 1990-1995, the rate fell by 17 per cent, from 3.6 to 3 births per woman. The world average, however, concealed large differences in the fertility patterns in different regions. The average fertility rate during 1990-1995 for the more developed regions was 1.7 births per woman, as compared to 5.5 births for the least developed countries. Fertility continued to be highest in Africa, at 5.7 births per woman in 1990-1995, compared to 2.9 in Latin America, 2.8 in Asia, 2.5 in Oceania, 2 in North America and 1.6 in Europe.

Mortality continued to decline in most countries. At the global level, life expectancy at birth reached 64.3 years in 1990-1995, an increase of 6.4 years since 1970-1975. Life expectancy at birth in the more developed regions was 74.2 years; in the less developed regions, 62.1 years; and in the least developed countries, 49.7 years. By region, North America had the highest life expectancy (76.2 years), followed by Oceania (72.9), Europe (72.7), Latin America (68.5), Asia (64.5) and Africa (51.8). The infant mortality rate for the world as a whole was estimated to be 62 deaths per 1,000 live births in 1990-1995. The rate was 11 per 1,000 births in the more developed regions, while the corresponding rate was 68 per 1,000 births in the less developed regions.

As to the demographic trends of international migration, the data available on recent developments were still incomplete, as were estimates for earlier periods. Estimates had only recently been derived for 1965, 1975, 1985 and 1990, indicating that the number of international migrants increased from 75 million in 1965 to 120 million by 1990. Thus, over the 1965-1990 period, the annual rate of growth of the migrant stock was 1.9 per cent. However, estimates of the rate of growth for intermediate periods indicated that the pace of increase had accelerated, from 1.2 per cent per year during 1965-1975 to 2.6 per cent during 1985-1990. The experience of developed and developing countries contrasted markedly. Whereas the annual growth rate of the international migrant stock in developed countries increased only moderately, from 2.3 per cent per annum during 1965-1975 to 2.4 per cent during 1985-1990, that of the number of migrants in the developing countries increased ninefold, from 0.3 per cent during 1965-1975 to 2.7 per cent during 1985-1990. There was considerable variation in the growth and distribution of international

migrants among regions. By 1990, Europe and North America were host to 25 million and 24 million international migrants, respectively. The United States alone hosted 20 million international migrants, including the majority of the nearly 3 million undocumented migrants whose status was regularized by legal action in 1986. In the developing world, Asia hosted the largest number of migrants (43 million in 1990). The largest concentration of international migrants in Asia was found in South-Central Asia, particularly in India and Pakistan, where the survivors of the 1948 partition of those countries and the remaining refugees from Afghanistan largely accounted for the 16 million migrants. The increase in the number of international migrants in Central America was the result of civil strife in the 1980s, which had largely abated. In South America, migration did not result in rising migrant stock, and in the Caribbean, the number of international migrants showed a slight increase in the late 1980s. In Europe, increases in 1985-1990 were associated with the changes brought about at the end of the cold war, such as relaxation of exit controls in Eastern and Central European countries and the former USSR. Since 1990, the major source of migrants in Europe had been the territory of the former Yugoslavia. In Africa, increases in the migrant stock during 1985-1990 were mainly attributable to conflicts.

Environmental impact

Commission on Sustainable Development. In January [E/CN.17/1997/2/Add.4], the Secretary-General submitted a report on demographic dynamics and sustainability to the fifth session (New York, 7-25 April) of the Commission on Sustainable Development (see PART THREE, Chapter I). It reviewed progress in implementing the objectives set out in chapter 5 (demographic dynamics and sustainability) of Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672].

The report stated that the latest UN projections of world population into the early decades of the twenty-first century showed a marked slowing of population growth, as compared with similar projections for the same time periods made in 1992. The world population was currently projected to become 6.1 billion in 2000 and grow to 7.7 billion in 2020, figures that were, respectively, 137 million and 378 million lower than had been projected in 1992, owing to an assumed faster decline of fertility rates in a number of developing countries, notably in South-Central Asia and sub-Saharan Africa. Fertility was estimated to have declined significantly in Bangladesh, Cote

d'Ivoire, India, Kenya, Myanmar, Pakistan, the Syrian Arab Republic and Turkey. Another factor was the higher mortality in countries affected by wars (Burundi, Iraq, Liberia, Rwanda) or by the spread of AIDS. In terms of sustainability of the world's environmental resource base, the annual increase in absolute numbers was significant. For instance, in spite of signs that the fertility transition had started in sub-Saharan Africa, current levels of fertility in most countries of the region remained high and in 17 countries were equal to or exceeded six births per woman. Hence, since the annual increments to the population of the developing world would continue to be significant (77 million per annum through 2020), the environmental implications remained far-reaching for low-income countries, particularly those in South Asia and sub-Saharan Africa, where land degradation and deforestation were most severe.

Both UNCED and ICPD had given greater attention and visibility to the links between population growth and the environment. The two Conferences had reached the consensus that population growth was a significant factor that undermined the environmental resource base. In general, most countries recognized that the links between population and environment were often intricate and complex, which made it difficult to put into operation and translate the concepts into concrete plans. The United Nations had targeted training programmes to upgrade national skills in sustainable development planning. In addition, UNFPA CSTs were providing support to national Governments in collecting data on population and environment. Databases and software were being developed. The report noted areas that needed work to integrate population and environment issues, such as identifying ecologically endangered areas where over-exploitation of natural resources and rapid population growth could create serious problems. Priority research was needed on: coastal areas where populations were growing rapidly and resources were being depleted; soil erosion and desertification, linked with inappropriate land-use practices; water scarcity, and misuse and pollution of water resources; and deforestation resulting from inappropriate shifting cultivation patterns, fuel wood demands, and conversion of forests in upland areas to other uses. The need to address the interrelationships between changes in the environment and migration had emerged as a concern. According to the International Organization for Migration, it was estimated that in 1996 some 25 million persons were environmentally displaced worldwide. Such migrations were caused by natural disasters, by nuclear and hazardous waste contamination, by

agricultural and rural decline, resource pollution or chronic water shortages, or by development projects. There was a need to respond to the twin challenge of preventing population movements triggered by environmental damage and mitigating the damage caused by mass migration.

Human settlements

Follow-up to the 1996 UN Conference on Human Settlements (Habitat II)

Report of Secretary-General. In accordance with General Assembly resolution 51/177 [YUN 1996, p. 1002], the Secretary-General submitted a July report [A/52/181] on implementation of the outcome of the 1996 United Nations Conference on Human Settlements (Habitat II) [YUN 1996, p. 9921].

Action was taken by the Commission on Human Settlements in 1997 in resolutions relating to a review of its working methods [A/52/8 des. 16/12]; follow-up to Habitat II and the Commission's future role [res. 16/2]; cooperation between the United Nations Centre for Human Settlements (UNCHS), also known as Habitat, and the United Nations Environment Programme (UNEP) [res. 16/20]; and the revitalization of the Centre [res. 16/8]. Those and other decisions adopted by the Commission are discussed below.

The Economic and Social Council, by **decision** 1997/308 of 25 July, took note of the Secretary-General's report.

Commission action. In other follow-up action to Habitat II, the Commission on Human Settlements, on 6 May [res. 16/9], welcomed the second global report on human settlements conditions, entitled *An Urbanizing World: Global Report on Human Settlements 1996*, which was launched at Habitat II, and asked the Executive Director of UNCHS to disseminate it. The Executive Director was also asked to prepare the third edition of the *Global Report on Human Settlements*, as part of the 1998-1999 work programme of the Centre. On the same date [res. 16/23], noting that the Global Parliamentarians on Habitat had organized a successful Parliamentarians Forum as a parallel activity to Habitat II, the Commission encouraged them to continue their efforts towards implementation of the Habitat Agenda and the Istanbul Declaration on Human Settlements, adopted at Habitat II. The Commission [res. 16/10] commended the Centre for its contribution to the preparations for Habitat II and applauded the host country, Turkey, for its contribution to the

success of the Conference. Recalling that youth had addressed human settlements issues during Habitat II, the Commission called on the Centre to strengthen its focus on and capacity to mobilize the potential of youth in implementing the Habitat Agenda [res. 16/11].

ACC action. At its first regular session of 1997 (Geneva, 30 June-25 July) [E/1997/73], the Administrative Committee on Coordination (ACC) decided that the arrangements with regard to the follow-up to Habitat II should focus on supporting country-level action and coordination and should involve the development of guidelines to orient the resident coordinator system in establishing country-level thematic groups and strengthening implementation and monitoring at the national and local levels

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.5], adopted **resolution** 52/190 without vote [agenda item 93 (e)].

Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)

The General Assembly,

Recalling its resolution 51/177 of 16 December 1996, in which it endorsed the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) at Istanbul, on 14 June 1996,

Cognizant of the importance of maintaining the momentum already generated at the national, regional and international levels for the implementation of measures designed to address the economic, social and environmental consequences of rapid urbanization,

Stressing the need to improve conditions of shelter, access to safe drinking water, adequate sanitation and basic social services in both rural and urban areas,

Recalling paragraph 218 of the Habitat Agenda, in which the Conference requested the General Assembly to consider holding a special session in the year 2001 for an overall review and appraisal of the implementation of the outcome of Habitat II, and paragraph 15 of resolution 51/177, in which the Assembly reaffirmed that a decision on the matter should be taken at its fifty-second session,

Noting the delay in the submission of the report of the Secretary-General on the final comprehensive and in-depth assessment of the United Nations Centre for Human Settlements (Habitat) with a view to its revitalization, as called for in paragraph 19 of resolution 51/177, and stressing that that has constrained consideration by the Assembly of those issues,

Recalling its resolution 51/225 of 3 April 1997, and noting with concern the report of the Office of Internal Oversight Services, in which serious concern is expressed about the financial irregularities in the Centre, and recognizing that the serious management and financial situation at the Centre should be addressed as a matter of urgency,

1. Takes note of the reports of the Commission on Human Settlements on its sixteenth session and on the implementation of the Global Strategy for Shelter to the Year 2000, and the report of the Secretary-General on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II);

2. Requests the Secretary-General to address urgently the serious management and financial situation at the United Nations Centre for Human Settlements (Habitat) to meet its responsibilities in the implementation of the Habitat Agenda, in accordance with Commission on Human Settlements resolution 16/8;

3. Urges the Executive Director of the United Nations Centre for Human Settlements (Habitat) to take further action towards the reform of the administrative and financial management of the Centre pursuant to the recommendations of the Office of Internal Oversight Services, as well as the relevant reports of the United Nations Board of Auditors and Commission on Human Settlements resolutions 16/8 and 16/19, and decisions 16/28 and 16/29;

4. Requests the Secretary-General to submit to it at its fifty-third session the comprehensive and in-depth assessment of the Centre with a view to its revitalization called for in paragraph 19 of resolution 51/177, taking into account Commission resolution 16/8 and other relevant resolutions adopted by the Commission at its sixteenth session;

5. Urges all Governments and other actors concerned with human settlements and urban management issues, such as local authorities, relevant intergovernmental organizations and non-governmental organizations, parliamentarians, the private sector, trade unions, academicians and other community groups, to implement fully and effectively the Habitat Agenda;

6. Invites Governments to consider, where appropriate, including in their delegations to future sessions of the Commission, in accordance with the specific conditions of each country, representatives of local authorities and the relevant actors of civil society, particularly the private sector, non-governmental organizations and research organizations, in the field of adequate shelter for all and sustainable human settlements development;

7. Affirms that, in a rapidly urbanizing world, the pivotal role of local authorities in the implementation of the Habitat Agenda should be recognized and enhanced;

8. Requests all relevant organizations and bodies of the United Nations system, including the regional commissions, and invites the Bretton Woods institutions, to support fully the effective implementation of the Habitat Agenda, at all levels, and to enhance their cooperation for that purpose, with a view to promoting an integrated, interrelated and coherent implementation of, and coordinated follow-up to, the outcomes of United Nations conferences;

9. Stresses that the full and effective implementation of the Habitat Agenda, in particular in all developing countries, especially those in Africa and the least developed countries, will require the mobilization of additional financial resources from various sources at the national and international levels and more effective de-

velopment cooperation in support of national efforts in order to promote assistance for shelter and human settlements activities;

10. Invites all Governments and the international community to consider providing further support to the United Nations Habitat and Human Settlements Foundation in its activities, taking into account the need to continue to improve its effectiveness;

11. Invites the Commission on Human Settlements to promote the use of a set of key indicators to be developed further by the Centre and used by Governments, as appropriate, for national and local monitoring and evaluation of the implementation of the Habitat Agenda;

12. Decides to hold a special session of the General Assembly in the year 2001 for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), the modalities of which will be decided on at its fifty-third session;

13. Invites the Economic and Social Council to consider devoting one high-level segment before the year 2001 to human settlements and the implementation of the Habitat Agenda;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its fifty-third session the sub-item entitled "Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II)".

Commission on Human Settlements

The Commission on Human Settlements, at its sixteenth session (Nairobi, 28 April-7 May) [A/52/8], adopted 25 resolutions and 6 decisions. By one resolution [res. 16/2], the Commission proposed a draft resolution to be adopted by the General Assembly on follow-up to Habitat II and the future role of the Commission, which was adopted by the Assembly as **resolution 52/192**. Another resolution and a decision dealt with the Global Strategy for Shelter to the Year 2000 (see below). In several resolutions, the Commission made recommendations to implement Habitat II (see above); in others, it took action on the work and administration of UNCHS (see below). Other resolutions dealt with political, economic and social issues related to human settlements (see below). The Commission adopted its own medium-term plan for 1998-2001 [dec. 16/27]; decided to consider two themes at its next (seventeenth) session—local implementation of the Habitat Agenda, and international cooperation for implementation of the Agenda [dec. 16/31]; requested the secretariat to implement those matters arising from the resolutions of UN legislative organs and other intergovernmental bodies, taking into account the Centre's mandate and work programme [dec. 16/30]; and approved the budget of the United Nations Habitat and Human Settlements Foundation for 1998-1999 (see below)

[dec. 16/29]. Another decision related to the Centre's 1998-1999 work programme [dec. 16/28].

The Economic and Social Council, in decision 1997/308 of 25 July, took note of an extract [E/1997/L.26] from the Commission's report on its sixteenth session which was finalized [A/52/8] at a later date.

Working methods

On 7 May [res. 16/12], the Commission invited Governments to consider including in their delegations to its future sessions representatives of local authorities and the relevant actors of civil society, particularly the private sector, NGOs and research organizations involved in the provision of adequate shelter for all and sustainable human settlements development. It decided to provide at future sessions opportunities for partners to engage in a dialogue among themselves and with Governments. Representatives of local authorities and the relevant actors of civil society were invited to propose to UNCHS activities for the inter-sessional periods, for the approval of the Commission, in order to accelerate the implementation of the Habitat Agenda [YUN 1996, p. 994].

The Executive Director of the Centre was asked to ensure, subject to approval of the Commission and without prejudice to the provisions of Economic and Social Council resolution 1996/31 [YUN 1996, p. 1360], that partners were actively involved with the Centre's work so as to contribute to the effective implementation of the Habitat Agenda.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.5], adopted resolution **52/192** without vote [agenda item 93 (e)].

Follow-up to the United Nations Conference on Human Settlements (Habitat II) and the future role of the Commission on Human Settlements

The General Assembly,

Welcoming the outcome of the United Nations Conference on Human Settlements (Habitat II), held at Istanbul from 3 to 14 June 1996,

Bearing in mind its resolutions 2718(XXV) of 15 December 1970, 3001(XXVII) of 15 December 1972 and 3327(XXIX) of 16 December 1974, and in particular its resolution 32/162 of 19 December 1977, by which it decided that the Economic and Social Council should transform the Committee on Housing, Building and Planning into the Commission on Human Settlements,

Taking into account its resolutions 51/177 of 16 December 1996 on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the

United Nations in the economic, social and related fields,

Recalling that, in its resolution 51/177, the General Assembly reaffirmed that the Assembly and the Economic and Social Council, in accordance with the relevant provisions of the Charter of the United Nations and relevant resolutions, including Assembly resolutions 48/162 of 20 December 1993 and 50/227, and together with the Commission on Human Settlements, should constitute a three-tiered intergovernmental mechanism to oversee the coordination of activities for the implementation of the Habitat Agenda,

Convinced that the follow-up to the United Nations Conference on Human Settlements (Habitat II) will be undertaken on the basis of an integrated approach to human settlements development and within the framework of coordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields,

I

Framework for the functioning of the Commission

1. Reaffirms that the Commission on Human Settlements, as a standing committee of the Economic and Social Council, should have a central role in monitoring, within the United Nations system, the implementation of the Habitat Agenda and advising the Council thereon;

2. Calls upon all the relevant United Nations organizations and specialized agencies to identify specific actions that they will undertake, within their mandates, towards the implementation of the Habitat Agenda, and invites them to inform the Administrative Committee on Coordination of their actions;

3. Calls upon the funds and programmes of the United Nations system and the regional commissions, consistent with their respective mandates, to support fully the effective implementation of the Habitat Agenda, particularly at the field level, as appropriate;

4. Invites the Bretton Woods institutions to consider how they might be actively involved in the implementation of and follow-up to the United Nations Conference on Human Settlements (Habitat II), and to enhance their cooperation with the United Nations system for that purpose;

5. Decides, in view of the importance of non-governmental organizations, local authorities, the private sector and research organizations in the promotion of human settlements development, that such organizations should be encouraged to participate in the work of the Commission, in accordance with the relevant provisions of Economic and Social Council resolution 1996/31 of 25 July 1996 on the consultative relationship between the United Nations and non-governmental organizations;

II

Terms of reference

6. Reaffirms the existing mandate of the Commission on Human Settlements as set out in resolution 32/162, while stressing the normative and catalytic character of the mandate;

7. Reaffirms in particular the responsibility of the Commission to give overall policy guidance to and to supervise the operations of the United Nations Centre for Human Settlements (Habitat), including the

United Nations Habitat and Human Settlements Foundation;

8. Takes into account that the Commission should fulfil its mandate in line with paragraphs 222 to 227 of the Habitat Agenda and in harmony with recommendations made by the United Nations Conference on Environment and Development, particularly chapter 7 of Agenda 21;

9. Decides that the Commission, in fulfilling its mandate, shall assist the Economic and Social Council in monitoring, reviewing and assessing the progress made in the implementation of the Habitat Agenda, inter alia, through the analysis of relevant inputs from Governments, local authorities and their associations, relevant non-governmental organizations and the private sector;

10. Also decides that the Commission shall identify issues on which system-wide coordination needs to be improved and modalities for promoting such coordination, in order to assist the Council in its coordination function;

III

Structure of the agenda and work programme of the Commission

11. Urges the Commission to adopt a multi-year work programme for a focused and thematic approach that would, inter alia, provide a framework to assess the progress achieved in the implementation of the Habitat Agenda and that would be in line with the coordinated follow-up to conferences, culminating in an overall review and appraisal of the Habitat Agenda in the year 2001;

12. Decides that the work of the Commission, in relation to its programme of work, shall be primarily focused on the relevant provisions of the Habitat Agenda, with a view to ensuring the effective implementation of the Habitat Agenda;

13. Also decides that the agenda of the Commission on Human Settlements at its future sessions shall include the following substantive items derived from the United Nations Conference on Human Settlements (Habitat n):

(a) Issues identified in the multi-year programme of work;

(b) Relevant United Nations plans and programmes of action pertaining to the themes "Sustainable human settlements development" and "Adequate shelter for all";

(c) Emerging issues, trends and new approaches to issues affecting human settlements development;

14. Further decides that, at its seventeenth and eighteenth sessions, the Commission will focus on monitoring the implementation of the Habitat Agenda and assessing its impact, structuring those sessions around the following four substantive areas of the Habitat Agenda:

(a) Adequate shelter for all, also incorporating the monitoring of the Global Strategy for Shelter to the Year 2000;

(b) Sustainable human settlements in an urbanizing world, also incorporating the monitoring of chapter 7 of Agenda 21;

(c) Capacity-building and institutional development;

(d) International cooperation and coordination;

15. Decides that:

(a) At its seventeenth session, in 1999, the Commission will address the above-mentioned substantive areas;

(b) At its eighteenth session, in 2001, the Commission will focus on preparations for the special session of the General Assembly, if appropriate;

(c) In 1998 and 2000, the United Nations Centre for Human Settlements (Habitat) will analyse the progress made on national implementation status, organized around the four above-mentioned substantive areas, and will prepare synthesized reports to be submitted for consideration by the Commission at its seventeenth and eighteenth sessions;

IV

Documentation

16. Requests that all United Nations documentation be kept concise, clear, analytical and timely, with a focus on relevant issues, that to the greatest extent possible use be made of integrated reporting, that reports contain recommendations for action and indicate the actors involved, that reports be made available in all official languages in accordance with the rules of the United Nations, and that the use of other methods of reporting, such as oral reports, also be explored;

V

Methods of work of the Commission

17. Recognizes that the methods of work of the Commission should be revitalized in order to improve the profile of the Commission and attract high-level political participation;

18. Decides that preparation of thematic discussions in the Commission should be broadened by:

(a) Inviting countries to contribute to the preparation of the sessions by, for example, organizing seminars or expert panels on issues directly related to the themes that will be discussed at a particular session, and to report thereon;

(b) Involving local authorities, non-governmental organizations, the private sector and other partners in the preparatory phases of Commission sessions;

19. Also decides that, during Commission sessions, dialogues with major groups and panel discussions may be organized, the format of which, as with all other agenda items, should be decided upon at preceding Commission sessions;

20. Further decides to consider organizing interactive high-level segments on key policy issues during future Commission sessions;

VI

Secretariat

21. Urges the Secretary-General to ensure the effective functioning of the United Nations Centre for Human Settlements (Habitat) in line with paragraph 232 of the Habitat Agenda so as to enable it to discharge its mandate fully and to serve as an efficient secretariat to the Commission, and also to ensure that clear lines of responsibility are drawn so as to facilitate the implementation of the follow-up to Habitat II and secure close cooperation at the secretariat level among all United Nations entities involved in the follow-up;

22. Requests the Executive Director of the United Nations Centre for Human Settlements (Habitat) to submit to the Commission on Human Settlements at future sessions a detailed report on the activities of regional offices, paying special attention to the status of

implementation of the work programmes elaborated for the implementation of the Habitat Agenda in each region.

Global Strategy for Shelter to the Year 2000

The Commission on Human Settlements issued an October report [A/52/8/Add.1] on the implementation of the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in resolution 43/181 [YUN 1988, p. 478]. The Global Strategy aimed at facilitating adequate shelter for all by the year 2000 with an operational focus on national action. The Habitat Agenda, adopted in 1996 [YUN 1996, p. 994], incorporated the principles of enablement and participation contained in the Global Strategy.

The report presented an overview of action taken by 135 Governments to put into effect enabling shelter strategies. Regarding action taken by UNCHS, the report stated that, in implementing the Global Strategy, it provided assistance to countries for applying urban and housing indicators, preparing national plans of action, and mobilizing actors in civil society to address adequate shelter for all and sustainable human settlements in an urbanizing world. In the area of technical cooperation, the Centre supported strengthening the capacity of Governments to act as facilitators in the shelter delivery system. Under its Research and Development Programme, the Centre produced a number of technical publications relating to shelter, which addressed issues of employment generated by shelter programmes, mobilization of finance at the community level, improving security of tenure, settlement upgrading and waste management. A programme dedicated to outreach to women continued to support women's networks, conducted training workshops on gender awareness for governmental officials and community leaders, and promoted women's access to land and property. The Capacity-building Programme assisted national and local training institutions in sub-Saharan Africa and a leadership-training programme in Eastern Europe, and began a programme of action to plan for sustainable urban development. Information dissemination activities were advanced through the use of new information technology. The quarterly publication *Habitat News* was transformed into *Habitat Debate*, which contained discussions on issues relating to shelter and settlements.

In 1997, the main operational activity of the Centre in relation to the Global Strategy was the application of the urban and housing indicators. By September 1996, 113 countries had partici-

pated in the programme. The global urban indicators database, which was in the process of refinement, was a resource for examining problems and conditions of human settlements, and would provide baseline data for monitoring the implementation of national plans of action. The programme included the training of officials in national and local government. In a number of countries, indicators from the programme, often with some local adaptation, would be used to monitor national programmes and would be collected in most urban areas.

Within the UN system, many organizations supported Member States in improving shelter and services. The United Nations Development Programme (UNDP) continued to provide funds under regional and country programmes for improvements in shelter, infrastructure and services, with particular emphasis on capacity-building. The International Labour Organization cooperated with the Centre on research regarding employment generated through shelter programmes. The urban basic services programme of the United Nations Children's Fund (UNICEF) was closely linked to improvements in shelter and living conditions. UNEP launched a joint project with the Centre to address issues at the municipal level such as shelter and environmental services. The United Nations Industrial Development Organization implemented technical cooperation projects for industrial production of building materials in developing countries. The World Bank assisted Governments in applying the urban and housing indicators. The World Health Organization (WHO) collaborated with the Centre in research on the links between housing and health. As for the regional commissions, the Economic Commission for Africa issued a continental shelter atlas containing an analysis of shelter in the region, including building materials and shelter finance. The Economic and Social Commission for Asia and the Pacific organized the second Asia-Pacific Urban Forum and was implementing an urban poverty programme. The Economic Commission for Europe issued a series of guidelines on housing policy, land administration, urban renewal and housing modernization and sustainable human settlements planning and management, with a focus on application in economies in transition. The Economic Commission for Latin America and the Caribbean continued to support the annual meeting of ministers of housing and human settlements. The Economic and Social Commission for Western Asia integrated its human settlements programme with other activities in socioeconomic development.

The proposed plan of action for 1998-1999 for the implementation of the Global Strategy was designed to achieve a smooth transition from the Global Strategy to the implementation of the shelter-related parts of the Habitat Agenda.

The report concluded that countries were at different stages in the implementation of their national shelter strategies. In many countries, the decision of the State to withdraw from providing housing and to leave it to the market had not been accompanied by the required strengthening of the public sector's role as a facilitator. Facilitating action, such as revised legislation, institutional strengthening, reforms in land policy and new financial mechanisms for infrastructure and housing development, had proved to be difficult policy areas but there were signs of progress. The wide application of the urban and housing indicators was a positive trend and had the potential to become an important policy tool. Governments, however, needed to adapt the indicators to the specific needs of their countries and to increase national capacity to extend their application to all major settlements. An increasing number of countries were addressing the key issues of land supply, security of tenure and housing finance but action was still limited. Many developing countries were unable to devote the resources required for infrastructure to improve existing settlements and to open up new lands for housing development.

Commission action. The Commission on Human Settlements, having considered the draft fifth report on implementation of the Global Strategy for Shelter to the Year 2000, decided on 7 May [A/52/8 (dec. 16/26)] to incorporate additions and amendments by delegations and to submit the revised report to the General Assembly.

Also on 7 May [res. 16/1], the Commission adopted the draft report and asked the Executive Director of the Centre to transmit it to the Assembly. The Commission recommended that Governments extend the application of the urban and housing indicators to all cities and rural settlements, and prepare annual progress reports on implementation of the Habitat Agenda for submission to the Executive Director. The Executive Director was asked to continue to support countries by collecting and disseminating information on successful country experiences in shelter delivery, and to provide assistance, including training, on sustainable enabling policies and on practical ways of formulating, adopting and implementing them. The Commission asked him to report on implementation of the next phase of the Global Strategy in 1999.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 771, the General Assembly, on the recommendation of the Commission on Human Settlements [A/52/8] and the Second Committee [A/52/628/Add.5], adopted resolution 52/191 without vote [agenda item 97 (e)].

Global Strategy for Shelter to the Year 2000

The General Assembly,

Recalling its resolution 43/181 of 20 December 1988, in which it adopted the Global Strategy for Shelter to the Year 2000 and designated the Commission on Human Settlements as the United Nations intergovernmental body responsible for coordinating, evaluating and monitoring the Strategy, and the United Nations Centre for Human Settlements (Habitat) as the lead agency for the Strategy,

Noting that the conclusions of the mid-term review of the Strategy, conducted by the United Nations Conference on Human Settlements (Habitat II), were incorporated into the Habitat Agenda,

Having considered the fifth report of the Commission on Human Settlements on the implementation of the Global Strategy for Shelter to the Year 2000,

Noting with satisfaction the support given to the implementation of the Global Strategy by donor Governments, international bodies and intergovernmental and non-governmental organizations,

1. Commends Governments that are already revising, consolidating, formulating or implementing their national shelter strategies based on the enabling principles of the Global Strategy for Shelter to the Year 2000, as elaborated in the Habitat Agenda;

2. Urges Governments, in connection with the implementation of their national plans of action on human settlements, to adopt or strengthen integrated national shelter strategies based on the enabling approach and sustainable development;

3. Also urges Governments to integrate fully the environmental dimension in the formulation and implementation of national shelter strategies, taking into account the relevant components of Agenda 21;

4. Recommends that Governments extend the application of urban and housing indicators to cities and rural settlements for monitoring the progress of their national shelter strategy and the performance of the shelter sector, taking into account local conditions and sensitivity to gender considerations;

5. Urges the international community to strengthen its support for national efforts to formulate and implement enabling shelter strategies in developing countries, as recommended in Agenda 21;

6. Urges the organizations of the United Nations system, particularly the United Nations Development Programme, and other multilateral and bilateral agencies to provide, on the basis of an approach consistent with the Global Strategy, increased financial and other support to Governments for achieving the objective of adequate shelter for all;

7. Adopts the plan of action for the implementation of the Global Strategy for Shelter to the Year 2000 during the biennium 1998-1999, and urges Governments, relevant United Nations and private sector organizations, and intergovernmental and non-governmental

organizations to prepare and implement their specific plans of action;

8. Decides to subsume the sixth report of the Commission on Human Settlements to the General Assembly on the implementation of the Global Strategy for Shelter to the Year 2000, as called for in Assembly resolution 43/181, under the report of the Secretary-General to the Assembly on the implementation of the Habitat Agenda, to be submitted pursuant to Assembly resolution 51/177 of 16 December 1996.

UN Centre for Human Settlements

Activities

The operational activities of UNCHS in 1997 were focused on supporting Governments in formulating policies and strategies to create a self-reliant management capacity at both national and local levels. Technical and managerial expertise was provided for the assessment of human settlements development constraints and opportunities; the identification and analysis of policy options; the design and implementation of housing and urban development projects; and the mobilization of national resources, as well as external support for improving human settlements conditions. The national capacity-building process involved not only central government institutions but also other partners, such as community-based and non-governmental organizations, universities and research institutions, as well as municipalities. Emphasis was also being placed on strengthening the monitoring capacities of Governments in human settlements management.

In accordance with the 1996-1997 work programme, UNCHS focused on (in order of priority) promoting housing for all, improving urban governance, reducing urban poverty, improving the living environment, and managing disaster mitigation and post-conflict rehabilitation. Acting as a catalyst in the mobilization of technical cooperation, the Centre was supporting the implementation of five-year national plans of action at local, national and regional levels.

Current activities included 10 global programmes, 5 interregional programmes, 8 regional programmes, and programmes under execution in 86 countries.

Cooperation with UNEP

On 7 May [A/52/8 (res. 16/20)], the Commission, having considered the joint progress report of the Executive Directors of UNCHS and UNEP on cooperation between the two bodies [HS/C/16/14] and the report on the implementation of resolutions adopted by the Commission in 1995 [HS/C/16/2/Add.1 & Corr.1], commended UNEP for

its positive role in the preparatory process for Habitat II, as well as for its participation in and contribution to the Conference. The Executive Director of UNCHS was asked to continue and to develop further the cooperation between the Centre and UNEP, as exemplified by the Sustainable Cities Programme, in order to ensure that a synergy of effort could be achieved in all activities. He was also asked to report to the Commission on the implementation of its resolution in 1999.

Administrative and financial matters

OIOS review

In an April report [A/51/884], the Office of Internal Oversight Services (OIOS) reviewed the programme and administrative practices of UNCHS and made recommendations aimed at enabling the Centre better to discharge its responsibilities. The report noted that UNCHS suffered from significant shortcomings in management systems and staffing, and there was a need for continuity in management to overcome them. From March 1993 to mid-1996, the Centre had been operating in an environment that did not facilitate continuity and consistency in management. An attempt to set up a new organizational structure had not yielded the expected results.

The absence of internal instruments to provide collective guidance was apparent, as was the lack of horizontal and vertical communication between those responsible for programme delivery and resource use, OIOS stated. There seemed to be little overall policy strategy planning. Decisions relating to personnel and financial matters lacked transparency. The Office of Programme Coordination did not fulfil its main functions of coordination and oversight, and there was no effective system for monitoring implementation, assessing results or providing feedback to upper management.

The internal control system over resources was weak and dispersed, which was reflected in the placement and promotion of staff and the awarding of contracts, as well as in the handling of a case of conflict of interest raised by the auditors in 1994. Noting the low morale throughout the secretariat and the movement of the Centre's financial position into deficit, the report stated that the situation was serious and should not be allowed to continue.

Since the Centre was currently reviewing its programme to address the post-Habitat II requirements, OIOS recommended a programme that was more focused, better integrated and reflected the links between research and technical

cooperation. Other recommendations included: reorganizing the secretariat along programmatic lines, taking into account financial constraints; clearly articulating in a document the functions of the organizational elements and the lines of authority between them; documenting the authority delegated to senior officials and spelling out their responsibilities and accountability; strengthening regional activities; developing a mechanism to monitor organizational performance; separating project appraisal from monitoring and evaluation; adding consideration of lessons learned to the design process of projects; recruiting and promoting staff through a review body; reviewing job descriptions to align functions with responsibilities; and establishing regular cabinet meetings and other internal institutional mechanisms to advise management on policy issues relating to programmes. In order to strengthen financial control, a segregation should be introduced between certifying and approving responsibilities. Accordingly, all accounts should be approved by the Finance Section of the United Nations Office at Nairobi, which should also control the staffing table. Management training was also recommended.

Commission action. In May [A/52/8 (res. 16/19)], the Commission on Human Settlements, having reviewed the OIOS report, called for corrective measures in administrative and budgetary matters. It insisted that the Executive Director reimburse the UN Habitat and Human Settlements Foundation for any advances made to Habitat II. The Commission urged the Executive Director to: bring the budget into line with work programme priorities; revise future income estimates on a realistic basis; devise a new budget format; address disputed issues pending with the Central Emergency Revolving Fund and the UN Department of Humanitarian Affairs; consider placing non-earmarked and earmarked Foundation and financial reserve funds in disaggregated accounts; report in writing on the proposed increase in regional offices and its financial and mandate implications; strengthen internal evaluation and oversight mechanisms; revise the staffing table; reduce administrative costs; ensure a more balanced gender distribution within the staff; and merge the roster of women experts with the existing roster of experts. The Executive Director was asked to provide a progress report on actions taken to redress the deficiencies in the Centre's financial administration. The secretariat was asked to prepare a revised draft work programme and an additional version organized according to the structure of the Habitat Agenda.

The Bureau of the Commission, the Committee of Permanent Representatives and all Mem-

ber States were asked to monitor the implementation of the Commission's resolution and to evaluate the Executive Director's report.

The Commission, in another May resolution [res. 16/8], asked the Secretary-General to take into account a series of guiding principles in undertaking the comprehensive and in-depth assessment of the Centre called for by General Assembly resolution 51/177 [YUN 1996, p. 1002]. The Commission also asked him to consider its recommendations regarding general management, financial management, financial resources, administrative management, staff policies and programme management. It noted that the findings of OIOS were incomplete in several respects, especially with regard to the organizational structure of the Centre and the actions of individuals. With regard to OIOS recommendations, the Commission asked the Secretary-General to ensure their prompt implementation. The Secretary-General was also requested to address the Centre's serious management and financial situation and to take all necessary measures, including the appointment of a special expert, to ensure that it could meet its responsibilities in implementing the Habitat Agenda. The Bureau of the Commission was asked to monitor the improvements in the administrative and financial management of the Centre and to report in 1999. The Executive Director was also requested to report in 1999.

By decision 51/468 G of 13 June, the Assembly took note of the OIOS report and the Commission's resolution on the revitalization of the Centre. It also took note of the Executive Director's assurances [A/C.5/51/SR.60] that the Centre had started to implement all the OIOS recommendations and encouraged the Centre to implement them fully.

Notes by Secretary-General. The Secretary-General, in an October note [A/52/539] submitted in response to Assembly resolution 51/177 [YUN 1996, p. 1002], stated that he had submitted a preliminary report [HS/C/16/5] to the Commission on the proposed terms of reference for the report on a comprehensive and in-depth assessment of the Centre and that the assessment would be undertaken under the guidance of the Executive Coordinator for United Nations reform. However, given the transition of the executive leadership of the Centre and since the exercise needed to be completed in the light of the ongoing process of UN reform, he would submit the final report on the assessment to the Assembly in 1998.

With regard to an alleged conflict of interest in the case of the role played by a staff member of the Centre in initiating, evaluating and certifying the work undertaken by her spouse, a consultant, on projects emanating from the unit, the

Secretary-General, by a September note [A/52/339], forwarded to the Assembly the OIOS report on the matter. OIOS reported that, given the available evidence, the situation gave the appearance of a conflict of interest in awarding consultancy contracts, but it did not appear that the UN staff rules addressed the facts of the situation. The report concluded that the staff rules failed to protect the interests of the United Nations. Further, the lack of clear guidelines had created confusion as to what constituted a conflict of interest. The evidence did not support a finding of retaliation against a staff member for raising the issue of conflict of interest, or that he had suffered any consequent damage to his career. OIOS recommended that the staff rules relating to conflict of interest be strengthened; the staff member in question should have no involvement with decisions on consultancy contracts with the firm involved; the Centre should consult with the Office of Legal Affairs on the continuation of the decision to suspend all contracts with the consultants of that firm; and the Centre staff were to be advised that no further contracts were to be awarded to the consultant in question. The Secretary-General concurred with those recommendations.

1998-1999 work programme and budget

In January [HS/C/16/11], the Executive Director submitted to the Commission a draft work programme of the Centre for 1998-1999, which was composed of four subprogrammes focusing on substantive issues of the Habitat Agenda: shelter and social services; urban management; environment and infrastructure; and assessment, monitoring and information. The subprogrammes brought into focus a strategy to support the implementation of the Habitat Agenda and were based on the principles of enablement, participation of civil society, capacity-building and institutional development. The cornerstone of the strategy was the strengthening of partnership between Governments and local authorities, NGOs, the private sector and all other interested actors.

The activities of the proposed programme were designed to achieve maximum impact within the limited human and financial resources available from the UN regular budget, from general and earmarked voluntary contributions to the UN Habitat and Human Settlements Foundation, from specific projects and programmes funded by UNDP and other sources of

funds within and outside the UN system. The programme was designed to support national policy-making, including global monitoring of trends and emerging issues; services to intergovernmental bodies; research in critical human set-

tlements areas; training and capacity-building through workshops, seminars and the provision of fellowships; the preparation and dissemination of public information material, best-practice knowledge, expertise and experience; consultations and technical cooperation with national- and local-government institutions and with partners from civil society, including the private sector, on matters of mutual concern; and operational projects and programmes.

The proposed 1998-1999 programme budget for human settlements, submitted to the General Assembly in May [A/52/6 (Sect. 13)], reflected significant programmatic changes from that of 1996-1997, due to the incorporation of the Habitat II recommendations. The number of subprogrammes had been reduced from eight to four. The resources proposed for human settlements reflected a growth of \$63,900, or 0.5 per cent, resulting from increases and decreases under various objects of expenditure, notably the deletion of the resources originally appropriated in 1996-1997 in connection with Habitat II, the provision of increased resources for general operating expenses, supplies, materials and equipment, and the proposed abolition of two Professional and five local-level posts that had become redundant as a result of the reorganization of the Centre and its programme of work. The total requirement for the biennium was \$94.2 million, of which \$81 million would come from extrabudgetary resources. The estimated figure for the previous biennium was \$90.7 million.

The Commission, on 7 May [A/52/8 (dec. 16/28)], requested the secretariat to prepare a revised work programme, based on the revised allocation of funds from the Foundation (see below) and taking into account the resolutions of the Commission with broader budget implications. The Commission asked that, when preparing future work programmes, the secretariat should provide all relevant financial data on new and ongoing activities, more descriptive information in the narrative part of the work programme, an evaluation in line with the Habitat Agenda's priorities, and a parallel version of the work programme with a clear indication of the links between the Agenda and the programme.

Regional offices and centres

In May, the Commission established a regional training centre in Amman (Jordan) [A/52/8 (res. 16/5)] and a Centre office in the Asia and Pacific region [res. 16/25]. With regard to the training centre, the Commission asked the Executive Director to initiate by year's end, in collaboration with the host Government, the League of Arab States, bilateral and multilateral donors and regional or-

ganizations, and without affecting the budget of the Centre or of the Foundation, the development of a training programme for the next two years. As to an office in the Asia and Pacific region, the Commission welcomed the offer by Japan to establish such an office in Fukuoka. It expressed appreciation for support provided by Japan, the Fukuoka prefectural government, the City of Fukuoka, the Fukuoka International Exchange Foundation and the private sector for providing adequate resources for the office, including staff and facilities. The Executive Director was asked to provide support to ensure the operation of the office, within existing resources.

The Commission, also in May [res. 16/14], asked the Executive Director to consider upgrading the Regional Information Office for Arab States in Amman to a regional centre for Arab States. He was also asked to report in 1999, in consultation with the League of Arab States and the host country, on the upgrading, including the identification of a mandate, a plan of action and financial and administrative implications.

Human settlements and political, economic and social issues

Sustainable human settlements development

In January, the Secretary-General submitted to the Commission on Sustainable Development (see PART THREE, Chapter I) a report on promoting sustainable human settlement development [E/CN.17/1997/27Add.6]. The report, prepared by UNCHS, reviewed progress in implementing the objectives set out in chapter 7 (promoting sustainable human settlement development) of Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672]. The report noted that rapid urbanization, the concentration of urban populations in large cities, the spread of cities into wider geographical areas and the rapid growth of megacities were among the most significant transformations of the time. Urban settlements held promise for the protection and careful use of the world's natural resources through their ability to support large numbers of people while limiting their impact on the natural environment. Human settlements should therefore be at the centre of concern for sustainable development, as they were essential for social and economic progress and, in an increasingly interdependent world, critical for the well-being of both urban and rural populations.

The report described four priorities to advance sustainable human settlements development that had emerged since UNCED: shelter for

all; improved urban management capacity; improved environmental infrastructure and services; and inclusive and gender-sensitive human settlements plans and strategies. Since UNCED, 80 countries had drafted new or reformulated their existing housing policies in line with the recommendations of the Global Strategy for Shelter to the Year 2000. A major objective of the strategies was to accelerate construction and improve housing for low-income groups. The focus was on strategies that were environmentally sustainable, especially in regard to land use, building technologies and materials. Emphasis was given to developing efficient land and housing markets that broadened access of security of tenure and credit. The Urban Management Programme had emerged as the principal UN system effort to improve urban management capacity in developing countries and was active in 55 countries, with the support of 10 bilateral external support agencies. Infrastructure for the urban poor was an increasing concern, particularly water supply and sanitation. There was a growing awareness that urban technical cooperation should focus on developing the capacity of national and local Governments to plan, invest in and manage urban infrastructure, and on mobilizing the resources of all local actors, especially the private sector. UN programmes that involved the affected population were the WHO Healthy Cities Programme, the UNCHS/UNEP Sustainable Cities Programme, the UNICEF Basic Urban Services Programme and the UNDP Local Initiative Facility for Urban Environment. Regarding national and local human settlements strategies, the report noted that, as a result of the Habitat II preparatory process, 138 countries had prepared reports on the state of their human settlements, and 127 of those had developed five-year national plans of action for sustainable human settlements development. For developing countries, the direct links between environmental improvement and the reduction of poverty through the provision of basic infrastructure, such as water supply, sanitation and waste management, were given priority attention. The reports of industrialized countries, on the other hand, reflected their concern with the sustainability of production and consumption cycles in human settlements and their impact on the quality of life. In all countries, resource mobilization and identification of new sources of finance for sustainable human settlements development were a prime necessity.

The Habitat Agenda provided a useful organizing framework for integrated and holistic approaches for implementing Agenda 21. However, implementation would require that the UN sys-

tem become more systematic in promoting participatory processes. By using the framework provided by the Habitat Agenda and the national plans of action, support would be based increasingly on cross-sectoral and cross-institutional linkages and should provide, through the use of indicators and best practices, the means to assess the local impacts of the social, economic and environmental dimensions of Agenda 21.

Capacity-building, particularly at the local level, would include implementation of national shelter strategies to achieve adequate shelter for all; land management to achieve well-functioning land markets and security of tenure; financing for urban development; legal frameworks in support of public-private partnerships; policies and technologies for waste management; policies for water management; enhancing the role of women in settlements management and decision-making; and policies for disaster preparedness. Effective information and communication systems, using new information technologies where possible, would facilitate the sharing of knowledge gained at the national and local levels.

Commission action. The Commission on Human Settlements, on 7 May [A/52/8 des. 16/24]], called on the General Assembly, at its special session for the purpose of an overall review and appraisal of the implementation of Agenda 21 (see PART THREE, Chapter I), to take into account that action in cities and human settlements was necessary to secure sustainable human settlements and safe and healthy living conditions, especially for urban populations. The Commission invited all relevant UN agencies and organizations and the Bretton Woods institutions to adjust their activities to take into account the follow-up to Habitat II. The Executive Director of the Centre was asked to promote cooperation and exchange of information between the Centre and the UN Department for Policy Coordination and Sustainable Development. He was also requested to submit his report on the implementation of Agenda 21 to the Assembly. The final report was issued in June [A/S-19/17] as a document of the Assembly's special session.

Also on 7 May [res. 16/13], the Commission urged the international community to mobilize financial resources and to strengthen cooperation channelled through the UN system for shelter provision and sustainable human settlements development. It invited the Executive Director to mobilize financial and technical support from the international community, especially the industrialized countries and the private sector, for implementing the Habitat Agenda and related national plans of action.

Disaster mitigation

The Commission on Human Settlements, on 6 May [res. 16/3], asked the Executive Director to continue the activities of the Disaster Management Programme, within the approved 1998-1999 work programme, in collaboration with Member States and relevant UN organizations, as a UNCHS contribution to the implementation of the Habitat Agenda at the local, national, regional and global levels, and to conduct periodic evaluations of those activities.

Countries with economies in transition

On 6 May [res. 16/4], the Commission invited the Executive Director, in implementing the resolutions adopted by Habitat II, to pay due regard to the needs of countries with economies in transition. It asked him to continue to cooperate with regional organizations and to provide policy advice and technical assistance, especially in capacity-building, to those countries paying special attention to: sustainable development of human settlements in areas of severe environmental degradation; sustainable development of a transport infrastructure in cities and regions in the process of privatization; the need for urban land censuses to establish a price and tax structure in cities; the mechanisms of attracting investments from the low- and medium-income groups of the population to solve housing problems; the need for a retraining system for professionals in the city service sectors; and the need for analysing the experience of countries with economies in transition in housing reform. The Executive Director was asked to report in 1999.

Women in human settlements development

The Commission, on 7 May [res. 16/6], urged Governments to ensure gender-sensitive implementation of their national plans of action. It asked the Executive Director of UNCHS to integrate fully a gender perspective into all Centre activities. The Commission also requested the creation of a gender coordination unit directly under the Executive Director in order to mainstream the gender perspective in all policies, projects, programmes and activities of the Centre, with adequate resources allocated from within the existing resources of the Centre, but without diverting any resources from the Centre's Women in Human Settlements Development Programme. It further requested him to ensure gender balance in the Centre in accordance with General Assembly resolution 51/67 [YUN 1996, p. 1330] on improvement of the status of women in the Secretariat. The Commission urged Governments to encourage equal participation of women in decision-making to ensure their contribution to sustainable human

settlements development and ensure that the benefits of development were equally shared by all members of society. Confirming that governmental institutions and civil society organizations might play an important advisory role to the Centre on human settlements matters from the perspective of women, the Commission stated that a process might be initiated by the Executive Director to maximize the contribution of women's civil society organizations to such an advisory role. The Executive Director was asked to include a section on women in human settlements development in his progress report to the Commission in 1999.

Right to housing

In January [HS/C/16/2/Add.2], the Executive Director reported to the Commission on a strategy for the progressive realization of the right to adequate housing (see also PART TWO, Chapter II), as requested by the Commission in 1995 [YUN 1995, p. 1110]. The report noted that paragraphs 26 and 61 of the Habitat Agenda spelled out the commitment of Governments and what they were expected to do for the progressive realization of the right to adequate housing. The proposed UNCHS strategy called for promotional activities and the provision of advisory services; documentation and analysis of housing legislation; organization of seminars and expert group meetings; monitoring of housing conditions; and liaison with human rights organizations inside and outside the UN system.

The Commission, on 7 May [res. 16/7], recommended that, in addition to existing approved elements of their work programmes, a joint programme be developed by UNCHS and the United Nations Centre for Human Rights to assist States in implementing their commitments as provided for in international instruments and the Habitat Agenda, taking into account the proposed housing rights strategy of UNCHS and relevant parts of the Habitat Agenda. The Commission asked UNCHS and the Centre for Human Rights to cooperate and coordinate with other relevant UN agencies and international housing organizations to promote the full and progressive realization of the right to adequate housing. States were requested to take action to promote, protect and ensure that right and were invited to provide to the Commission information on progress achieved. The Executive Director was requested to report in 1999.

Private sector and NGO support

The Commission considered a report of the Executive Director on the contribution of the private sector and non-governmental sectors to shel-

ter delivery for low-income groups [HS/C/16/7 & Corr.1]. The report discussed the advantages of the private sector in producing shelter for low-income groups, as well as the unique role of NGOs in facilitating shelter development and related processes so that poor people could better benefit from housing markets. A similar analysis was made of the activities of community-based organizations, highlighting the role played by private and non-governmental sector organizations. The report presented issues for discussion or further research and action, focusing on the need to build capacities for learning and negotiation among private, public and community organizations. The Executive Director concluded that it had become common practice to call for increased involvement by the private sector and NGOs in shelter delivery for low-income groups. Increasing their involvement was a complex task and further research was needed to evaluate practical experiences with diverse conditions prevailing in different countries. He stated that the Commission might wish to define the fundamental issues at stake in setting the terms of the relationship between public and private sectors, between market and non-market objectives and between growth and equity; examine how to maximize the synergies that came from greater collaboration between different actors in shelter delivery for the poor; and explore how to promote monitoring systems and actions, research to analyse, document and disseminate innovations and lessons learned.

The Commission, on 6 May [res. 16/15], called on Governments to implement shelter policies and strategies that promoted the contributions of the public, private and non-governmental sectors, and urged them to adopt policies in support of land and housing markets and businesses that protected and promoted the interests of low-income groups. Governments were encouraged to develop monitoring actions for the study, analysis, documentation and dissemination of innovations and lessons of experience in promoting the contribution of those sectors to the shelter delivery process, especially for low-income groups. The Executive Director was asked to intensify research, monitoring and evaluation of progress in the delivery of shelter to low-income groups, focusing on improving the contributions of the private and non-governmental sectors.

Management of natural resources

The Commission had before it a report of the Executive Director on the management of natural resources in the context of human settlements [HS/C/16/8]. The report reviewed current conditions and trends of exploitation and consump-

tion of natural resources in human settlements in developing regions as well as in the industrialized world. It focused on the critical areas of water, forest-based and mineral resources, energy, and waste generation linked to resources consumption. The review highlighted the emerging danger zones where resource deficiency or excessive consumption patterns were posing imminent threats to sustainability. It addressed the growing challenge of managing the use of natural resources in human settlements in a sustainable manner and outlined the strategic interventions required to achieve the goals of the Habitat Agenda in sustainability. The Executive Director invited the Commission to deliberate on possible actions at the country level and by the international community. Those actions, he said, should promote the principles of sustainable development.

On 7 May [res. 16/16], the Commission called on Governments to adopt policies and measures to promote the development of sustainable human settlements, including: monitoring and assessing the exploitation and consumption of natural resources in human settlements; strengthening planning and development control activities, including land-use planning and protection of land resources; strengthening conservation of fragile ecosystems; promoting measures that combined resource recovery with environmental protection and employment generation; and promoting eco-efficiency in industry. The Commission called on Governments to promote and support broad-based partnerships of all interested parties for the efficient use of resources.

The Executive Director was asked to review regularly trends in the exploitation and sustainable consumption of natural resources related to the development and management of human settlements. It also asked him to support Governments by promoting energy/material efficiency standards and other approaches conducive to the sustainable consumption of natural resources relating to the development and management of human settlements, and by assisting developing countries to identify and access eco-efficient technologies.

Children's housing rights

In a January report [HS/C/16/9], the Executive Director presented an overview of the Centre's activities on the rights of the child with respect to shelter and related services, conducted in collaboration with UNICEF, in implementation of a 1995 Commission resolution [YUN 1995, p. 1108]. The report outlined issues to be considered when promoting child-centred human settlements de-

velopment and described an agenda for action and how to measure progress by developing indicators.

On 7 May [res. 16/17], the Commission called on States parties to the 1989 Convention on the Rights of the Child, adopted by the General Assembly by resolution 44/25 [YUN 1989, p. 560], to

advance the right of the child to an adequate standard of living. It urged Governments to adopt and implement appropriate measures for the fulfilment of children's rights with respect to shelter and related services. It also urged them to ensure that children were given appropriate opportunities to participate in the formulation of national and local plans of action related to the implementation of the Habitat Agenda, and to promote policies conducive to the fulfilment of the rights of the child, as stipulated in relevant international agreements and conventions. The Commission asked the Executive Director to give attention to children's issues concerning sustainable human settlements development and to report on implementation of the resolution. The Centre was asked to continue to collaborate with UNICEF and other UN agencies in developing programmes for child-friendly human settlements.

illegal Israeli settlements

The Commission, in a May resolution [res. 16/18] on illegal Israeli human settlements in the occupied Palestinian territories, adopted by a vote of 23 to 1 with 23 abstentions, called on the Israeli authorities to implement measures to enable the Palestinian people, in the territories occupied since 1967, to secure their housing needs. In that regard, the Commission called for the end of confiscation of Palestinian lands and the establishment of settlements to house immigrants in the occupied territories; the halt of Israeli construction to establish a new settlement in Jebel Abu Ghneim to the south of East Jerusalem; and the end of policies that prevented the issuance of building permits to the Palestinian people in the occupied territories. The Commission called for increased financial assistance for an overall solution to the housing problems in the occupied Palestinian territories. It asked the Executive Director to cooperate with the Secretary-General in monitoring the situation and to report on his contribution to the Commission in 1999.

Eradication of poverty

In a May resolution [res. 16/22], the Commission, recognizing the contribution made by the Centre to achieving the eradication of poverty,

stressed the importance of developing specific policies targeting vulnerable groups, addressing social integration and security and enhancing the participation of people living in poverty, as part of a coordinated effort for implementing the outcomes of recent global UN conferences, which had given priority to the goal of poverty eradication. It called on Governments to address poverty by facilitating the integration of the rural and urban poor into labour markets and their access to urban services, urban land and social benefits. The Executive Director was asked to contribute to the International Forum on Urban Poverty and to report on the implementation of the Commission's resolution.

International Forum. The International Forum on Urban Poverty, organized by UNCHS, the City of Florence (Italy) and the International Child Development Centre, was launched in November. The central mission of the Forum was to provide international, national and local support to partnership action aimed at reducing poverty.

UN Habitat and Human Settlements Foundation

In March [HS/C/16/12], the Executive Director of the Centre submitted to the Commission the proposed 1998-1999 budget of the United Nations Habitat and Human Settlements Foundation. Expected income for the biennium was \$32.1 million and total expenditure was estimated at \$30 million. The budget was based on the expected level of voluntary contributions to the Fund's general and earmarked funds, as well as the level of expenditures required to supplement the UN regular budget resources to implement the Centre's programme and to provide necessary programme support. The final estimates for 1998-1999 consisted of the level of expenditure approved for 1996-1997, to which was added an amount required to maintain that level of resources in 1998-1999 at 1997 prices, plus resource growth for a limited number of items and an allowance for inflation.

ACABQ action. On 22 April [HS/C/16/12/Add.1], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) presented its comments on the proposed budget. The Committee noted that the activities of the Foundation had been functionally integrated and formed part of the Centre's work programme on human settlements. The Foundation provided extra-budgetary support for its implementation. In the view of ACABQ, the format of the report hampered the analysis and evaluation of the budgetary proposals. The explanations and justifications were largely inadequate and incomplete.

ACABQ requested that the Executive Director explain in future budget submissions which ACABQ recommendations had been implemented, as well as the follow-up actions taken with regard to the 1996 recommendations of the Board of Auditors [A/51/533]. Specific concerns raised by ACABQ included: insufficient efforts to reduce administrative costs; unrealistic expectations from prior commitments carried over as income for the following budget; overly optimistic projection of resources for both general-purpose funds and earmarked projects; use of Foundation resources for non-project activities; excessive travel and communication costs; and excessive costs for rental of office space. ACABQ noted that it had requested but did not receive information on steps taken by the Executive Director to raise funds for the purpose of returning the advance made to Habitat II during 1994-1995 in the amount of \$900,000 in order to reimburse the Foundation. That issue had also been raised by the General Assembly in **resolution 51/225 B** of 3 April, in which it noted the serious irregular financial practices of the Centre and the decision to divert \$900,000 in Foundation funds for Habitat II.

The Executive Director, in a report of 27 April [HS/C/16/12/Add.3], discussed proposals for revisions to the proposed 1998-1999 Foundation budget, which had been prepared after reviewing the ACABQ recommendations. He stated that the secretariat planned to implement all ACABQ recommendations, some immediately and some over a longer time-frame, possibly the whole of the 1998-1999 biennium. As an immediate measure, the levels of income and expenditure in the proposed budget had been revised downwards. The new budget for 1998-1999 totalled \$29.7 million, as compared to the revised figure for 1996-1997 of \$26.7 million. Expenditures for 1998-1999 were expected to be \$27.7 million, and the revised figure for total expenditures during the previous biennium was \$24.9 million.

Commission action. By a 7 May decision [dec. 16/29], the Commission on Human Settlements, taking note of General Assembly and ACABQ concerns about the proposed budget, asked the Executive Director to take corrective action and to avoid recurrence. It asked the Secretary-General to provide the Centre with the capacity to audit its books and manage its finances and to provide all information necessary to make responsible budget decisions. The Commission asked the Executive Director to put on a sound basis the administrative and financial management of the Centre, complying with ACABQ and the Board of Auditors recommendations. It approved an allocation for expenditure of \$23,044,167 for 1996-1997. It also approved an allocation for expenditure of

\$24 million for 1998-1999, with the understanding that for the next biennium the most likely level of expenditure could be estimated to be around \$21 million, although the \$24 million might be achieved, or even exceeded, if the Centre addressed its deficiencies, thus restoring the confidence of Member States and attracting new pledges. The Executive Director was instructed to reduce administrative expenses, allocations for consultants, provisions for official travel, and

communication charges, and to revise the staffing table in accordance with the ACABQ recommendations. Efforts should be made to reduce the number of staff in the Foundation performing administrative tasks; high-level management positions should be filled only on an acting basis during restructuring of the Centre; and all posts should be advertised internally and externally and be fully competed for, in order to ensure transparency.

Chapter IX

Social policy, crime prevention and human resource development

During 1997, the United Nations continued to undertake activities to advance social, cultural and human resource development, and to strengthen its crime prevention and criminal justice programme.

The Commission for Social Development met (New York, 25 February-6 March) under a revised mandate and new agenda since it was accorded primary responsibility for follow-up to the 1995 World Summit for Social Development. The Commission focused on the Summit priority theme of productive employment and sustainable livelihoods. In December, the General Assembly decided to hold a special session in 2000 to review and appraise the implementation of the Summit outcome. Other social issues addressed by the Assembly included follow-up to the 1994 International Year of the Family and implementation of the 1982 World Programme of Action concerning Disabled Persons. Regarding cultural development, the Assembly reviewed implementation of the World Decade for Cultural Development, 1988-1997, and addressed issues related to the return and restitution of cultural property. It also proclaimed the year 2000 as the International Year of Thanksgiving.

On the recommendation of the Commission on Crime Prevention and Criminal Justice, which held its sixth session in April/May, the Assembly adopted a set of Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. In other action on crime, the Assembly established a group of experts to begin the process of drafting an international convention against organized transnational crime. It also endorsed a new set of complementary provisions for the Model Treaty on Extradition and urged cooperation against corruption and bribery. Preparations were under way for the Tenth United Nations Congress for the Prevention of Crime and the Treatment of Offenders, scheduled for 2000.

Human resources development was the focus of the United Nations Institute for Training and Research and the United Nations University. In 1997, the Assembly reviewed progress towards the goal of education for all.

Social policy and cultural issues

Social aspects of development

The Commission for Social Development held its thirty-fifth session (New York, 25 February-6 March) [E/1997/26] under a revised mandate and new agenda, pursuant to Economic and Social Council resolution 1996/7 [YUN 1996, p. 1009]. The Commission recommended five draft resolutions and one draft decision for adoption by the Council. It also adopted agreed conclusions on productive employment and sustainable livelihoods.

On 21 July, by **decision 1997/230**, the Council took note of the Commission's report and endorsed its resolutions and decisions. It also approved the agenda and documentation for the Commission's thirty-sixth session in 1998.

Follow-up to 1995 World Summit for Social Development

In 1997, the UN system continued to carry out activities at the international and national levels to implement the Copenhagen Declaration and Programme of Action, adopted at the 1995 World Summit for Social Development [YUN 1995, p. 1113].

Commission action. Pursuant to Economic and Social Council resolution 1996/7 [YUN 1996, p. 1009], which accorded the Commission for Social Development primary responsibility for Summit follow-up and implementation of the Copenhagen Declaration and Programme of Action, the Commission in 1997 considered the priority theme of productive employment and sustainable livelihoods, and reviewed UN plans and programmes of action pertaining to the situation of social groups. The Commission held two panel meetings on the priority theme and a dialogue with the chairmen of the Administrative Committee on Coordination (ACC) inter-agency task forces on follow-up to recent international conferences in the economic, social and related fields.

The Commission considered a January report of the Secretary-General on follow-up action to the World Summit taken by the Council and the

General Assembly in 1996 [E/CN.5/1997/2]. In another January report [E/CN.5/1997/5], he informed the Commission of emerging issues, trends and new approaches to issues affecting social development, including the situation of specific groups such as youth, ageing persons, persons with disabilities and families. He noted that rapid growth in East and South-East Asia had diminished the incidence of poverty. The world's poor were increasingly concentrated in sub-Saharan Africa, South Asia and some regions of Latin America, where growth rates were lower and distribution patterns more skewed. There had been some improvement in the situation of youth since the observance in 1985 of International Youth Year [YUN 1985, p. 978], such as increased attendance by young women in tertiary level education, increased health services and increased opportunities to vote and participate in political processes. At the same time, however, young people continued to encounter employment difficulties and to suffer from poor health as a result of societal conditions. The provision of sufficient and relevant educational opportunities for young people still remained a serious problem.

The approach to ageing was evolving conceptually in the context of preparations for the International Year of Older Persons in 1999 (see PART THREE, Chapter XI), encompassing sectoral adjustments for lifelong self-reliance, family and community solidarity, and new social welfare and security arrangements. Efforts were being made to involve new actors, such as the private sector, academia and the development community in ageing and the situation of older persons.

Major advances were made in the manner in which disability issues were viewed by societies and Governments, and in the development of policies to address the needs and rights of persons with disabilities. At the same time, the situation of the majority of persons with disabilities showed little concrete progress. They still faced barriers to full participation and in most developing countries lacked rudimentary technical aids and access to rehabilitation services.

The report described the related programme activities of the Secretariat and, in a February addendum [E/CN.5/1997/5/Add.1 & Corr.1], those of the regional commissions.

The Secretary-General, in a January report on productive employment and sustainable livelihoods [E/CN.5/1997/3], drew to the Commission's attention several interlocking themes. Annexed to the report was a report prepared by the International Labour Organization on promoting the goal of full employment.

In March, the Commission adopted a set of agreed conclusions on productive employment and sustainable livelihood [E/1997/26 (res. 35/2)]. It suggested a number of actions for Governments to take regarding strategies to achieve full employment; poverty eradication, equality and social justice; national economic and social policies; education, training, labour market policies and patterns of work; child labour; groups with special needs; and international cooperation. The Commission called on all relevant organs, organizations and bodies of the UN system to be involved in the follow-up to the Summit, and invited specialized agencies and related UN organizations to strengthen and adjust their activities, programmes and medium-term strategies to take into account the follow-up to the Summit. The Secretary-General was asked to give attention to the cross-sectoral themes identified in Council resolution 1996/7 in preparing the annual analytical report on the thematic issues before the Commission. He was also asked to assist the Commission and the Council to broaden and deepen the policy debate on employment issues.

Reports of Secretary-General. In response to Economic and Social Council resolution 1996/36 [YUN 1996, p. 1260] and Assembly resolutions 51/171 [Ibid., p. 1131] and 51/177 [Ibid., p. 1002], the Secretary-General, in a June report on integrated and coordinated implementation and follow-up of the major UN conferences and summits [E/1997/73], presented an overview of the work of the ACC inter-agency task forces and summarized the main outcome of the work of the Council's functional commissions in 1997. Regarding the Commission for Social Development, the Secretary-General noted that it had transmitted its agreed conclusions on productive employment and sustainable livelihoods as an input to the Council's 1997 high-level segment. Noting that there remained scope for further promoting a coordinated approach among the functional commissions, the Secretary-General stated that significant overlap and duplication continued in some aspects of their work, although each commission might be focusing on a somewhat different dimension of an issue.

As to progress at the inter-agency level, the ACC Inter-Agency Task Force on Employment and Sustainable Livelihoods had produced a report for resident coordinators summarizing lessons of experience at the country level and across countries with a view to suggesting ways to improve inter-agency collaboration and provide an understanding of the elements that worked to promote employment and sustainable livelihoods and of the necessary indicators to monitor progress. It held organizational meetings and completed

country-level reviews and seminars in Chile, Hungary, Morocco, Mozambique, Nepal and Zambia. The main finding from the analysis of the issues in those countries was that significant reductions in unemployment and poverty would require a strong commitment of the Government. Apart from country-level action for conference follow-up, the Task Force highlighted issues of global concern that remained challenges for the UN system, including a fuller appreciation of the significance of globalization and technological change for employment, the role of full employment as the means to promote sustainable livelihoods, and the need for indicators that could better reflect the notions of employment, underemployment and sustainable livelihoods.

In response to Assembly resolution 51/202 [YUN 1996, p. 1012], the Secretary-General, in an August report [A/52/305], provided an overview of follow-up activities to the World Summit initiated in 1997 by 40 Governments, the UN system, members of civil society and other actors. It also described action taken by the Council in 1997.

Regional initiatives included the First Regional Conference in Follow-up to the World Summit for Social Development (Sao Paulo, Brazil, 6-9 April), organized by the Economic Commission for Latin America and the Caribbean, and the Fifth Asian and Pacific Ministerial Conference on Social Development (Manila, Philippines, 5-11 November), organized by the Economic and Social Commission for Asia and the Pacific.

The report discussed the mobilization of financial resources to implement the Copenhagen Declaration and Programme of Action and noted the Microcredit Summit Declaration (Washington, D.C., February) (see PART THREE, Chapter I), a nine-year campaign to expand the reach of credit for self-employment and other financial and business services to 100 million of the world's poorest families by 2005. Subsequently, the United Nations examined the impact that microcredit could have on food security, women's economic empowerment, employment and self-employment, as well as the provision of basic social services. Ways of linking the traditional banking system to microcredit to facilitate access by the poor to credit were also examined. An earlier report of the Secretary-General [A/52/203-E/1997/85] described new and innovative ideas for generating funds for globally agreed commitments and priorities.

GENERAL ASSEMBLY ACTION

On 26 November [meeting 56], the General Assembly adopted **resolution 52/25** [draft: A/52/L.25 & Add.1] without vote [agenda item 46].

Implementation of the outcome of the World Summit for Social Development

The General Assembly,

Recalling its resolutions 46/139 of 17 December 1991, 47/92 of 16 December 1992, 48/100 of 20 December 1993, 50/161 of 22 December 1995, 50/227 of 24 May 1996 and 51/202 of 17 December 1996,

Recalling also Economic and Social Council decision 1991/230 of 30 May 1991, resolutions 1992/27 of 30 July 1992, 1995/60 of 28 July 1995, 1996/7 of 22 July 1996, 1996/36 of 26 July 1996 and 1997/56 of 23 July 1997 and agreed conclusions 1995/1 of 28 July 1995, 1996/1 of 26 July 1996 and 1997/1 of 25 July 1997,

1. Reaffirms the commitments adopted by heads of State and Government at the World Summit for Social Development, contained in the Copenhagen Declaration on Social Development and the Programme of Action, and their pledge to give the highest priority to national, regional and international policies and actions for the promotion of social progress, social justice, the betterment of the human condition and social integration, based on full participation by all;

2. Emphasizes the need to create a framework for action to place people at the centre of development and direct economies to meet human needs more effectively;

3. Stresses the need for renewed and massive political will at the national, regional and international levels to invest in people and their well-being in order to achieve the objectives of social development;

4. Emphasizes that democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society, are an essential part of the necessary foundations for the realization of social and people-centred sustainable development;

5. Also emphasizes that an equitable and favourable national and international economic, political, social and legal environment, in accordance with the provisions of chapter I of the Programme of Action of the World Summit for Social Development, is essential for the realization of social and people-centred sustainable development;

6. Stresses that social development is clearly linked to the development of peace, freedom, stability and security, both nationally and internationally;

7. Takes note of the reports of the Secretary-General on the implementation of the outcome of the World Summit for Social Development and on the observance of the International Year for the Eradication of Poverty (1996) and recommendations for the rest of the first United Nations Decade for the Eradication of Poverty;

Critical importance of national action and international cooperation for social development

8. Stresses that social development and the implementation of the Programme of Action of the Summit are primarily the responsibility of Governments and that international cooperation and assistance are essential for their full implementation;

9. Notes with satisfaction the initiatives and actions taken by Governments towards the implementation of the commitments made at the Summit;

10. Reiterates its call to Governments to define and implement time-bound goals and targets for reducing

overall poverty and eradicating absolute poverty, expanding employment and reducing unemployment and enhancing social integration, within each national context;

11. Urges national Governments to formulate or strengthen comprehensive cross-sectoral strategies for implementing the Summit outcome and national strategies for social development;

12. Acknowledges the key role of developing country actors and institutions in creating and implementing effective programmes to maximize the positive impact of investments in social development;

13. Stresses the importance of putting full employment at the centre of policy-making in conjunction with other goals, while emphasizing the need for enhancing employment opportunities for women and for groups with specific needs;

14. Reiterates the call of the Summit for Governments to assess on a regular basis national progress towards implementing the outcome of the Summit, and encourages them to submit such information on a voluntary basis to the Commission for Social Development, which serves, *inter alia*, as a forum for the exchange of national experiences;

15. Stresses its solidarity with people living in poverty in all countries, and reaffirms that the satisfaction of basic human needs is an essential element of poverty eradication, those needs being closely interrelated and comprising nutrition, health, water and sanitation, education, employment, housing and equal opportunities for participation in political, economic, cultural and social life;

16. Reaffirms the need to strengthen, in a spirit of partnership, international, regional and subregional cooperation for social development and implementing the outcome of the Summit;

17. Calls upon all Governments and the United Nations system, in particular the relevant funds, programmes and agencies, to promote an active and visible policy of mainstreaming a gender perspective and to use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on social development;

Mobilization of financial resources

18. Recognizes that the implementation of the Declaration and Programme of Action will require the mobilization of financial resources at the national and international levels, as set out in commitments 8 and 9 of the Declaration and paragraphs 87 to 93 of the Programme of Action;

19. Recognizes also that the implementation of the Declaration and Programme of Action in developing countries, in particular in Africa and the least developed countries, needs additional financial resources from all sources and more effective development cooperation and assistance;

20. Calls upon all countries to develop economic policies that promote and mobilize domestic savings and attract external resources for productive investment and to seek innovative sources of funding, both public and private, for social programmes, while ensuring their effective utilization, and in the budgetary process, to ensure transparency and accountability in the

use of public resources and to give priority to providing and improving basic social services;

21. Takes note of the report of the Secretary-General on new and innovative ideas for generating funds for globally agreed commitments and priorities;

22. Welcomes the holding of the Micro-credit Summit in Washington, D.C., from 2 to 4 February 1997, and the adoption of the Micro-credit Declaration and Plan of Action, and encourages its full implementation as appropriate by all concerned;

23. Calls upon the international community, including international financial institutions, to implement fully and effectively all initiatives that will contribute to a durable solution to the debt problems of developing countries, in particular African countries and the least developed countries, and thus to support their efforts to achieve social development and, in this context, reaffirms the need to make further progress towards the implementation of the recommendations of the World Summit for Social Development by the Bretton Woods institutions, including the Heavily Indebted Poor Countries Debt Initiative;

24. Reaffirms the need to continue to evaluate the impact of structural adjustment programmes by, *inter alia*, integrating the social dimensions involved and, in this context, welcomes the recent initiatives of the World Bank, including the Structural Adjustment Participatory Review Initiative, which brings together a tripartite team in a number of developing countries and countries with economies in transition to review at the national level structural adjustment experiences and to identify problems;

25. Also reaffirms that a strong political commitment by the international community is needed to implement strengthened international cooperation for development, including social development, that the mobilization of domestic and international resources for development from all sources is an essential component for the comprehensive and effective implementation of development, that enhanced efforts should be made for the mobilization and provision of new and additional financial resources for the development of developing countries and that, despite an increase in private capital flows, official development assistance remains an essential source of external funding, and notes that developed countries reaffirm the commitments undertaken to fulfil as soon as possible the agreed United Nations targets of 0.7 per cent of their gross national product for overall official development assistance and 0.15 per cent of the gross national product for official development assistance for the least developed countries, that donor countries that have met the 0.15 per cent target will seek to undertake to reach 0.20 per cent, and that further efforts are also needed to improve the effectiveness of official development assistance and to focus such aid on the poorest countries;

26. Further reaffirms the importance of agreeing on a mutual commitment between interested developed and developing country partners to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget, respectively, to basic social programmes, and recalls the outcome of the meeting held at Oslo from 23 to 25 April 1996, which reaffirmed that promoting access for all to basic social services was essential for sustainable development and

should be an integral part of any strategy to overcome poverty;

27. Recognizes the necessity of providing appropriate technical cooperation and other forms of assistance to the countries with economies in transition, as set out in the provisions of the Declaration and Programme of Action;

Involvement of civil society and other actors

28. Reaffirms the need for effective partnership and cooperation between Governments and the relevant actors of civil society, the social partners, the major groups as defined in Agenda 21, including non-governmental organizations and the private sector, in the implementation of and follow-up to the Declaration and Programme of Action of the World Summit for Social Development, and for ensuring their involvement in the planning, elaboration, implementation and evaluation of social policies at the national level;

29. Encourages non-governmental organizations to participate in the work of the Commission for Social Development, in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996 and decisions 1996/315 of 14 November 1996 and 1997/298 of 23 July 1997, and in the implementation process related to the Summit to the maximum extent possible;

The role of the United Nations system

30. Recalls Economic and Social Council resolution 1996/7, by which the Council decided that the Commission for Social Development, as a functional commission of the Council, shall have the primary responsibility for the follow-up to and review of the implementation of the outcome of the Summit;

31. Invites Governments to support the work of the Commission, including through the participation of high-level representatives on social development issues and policies;

32. Takes note of the request made by the Commission to the Secretary-General, in the framework of United Nations system-wide coordination, to assist the Commission and the Council to broaden and deepen the policy debate on employment issues;

33. Welcomes in this regard resolution 35/2 adopted by the Commission on the priority theme "Productive employment and sustainable livelihoods" and the agreed conclusions contained therein, in which the Commission recognized, *inter alia*, the importance of

generated, and freely chosen employment as a central objective of economic and social policies, defining time-bound goals and targets for expanding employment and reducing unemployment, and preparing policies for the achievement of those goals and targets;

34. Also welcomes agreed conclusions 1997/1, adopted by the Economic and Social Council at its high-level segment on the theme "Fostering an enabling environment for development: financial flows, including capital flows, investment and trade" and calls for their implementation;

35. Further welcomes Economic and Social Council resolution 1997/60 of 25 July 1997, entitled "Eradication of poverty", and the decision of the Council therein to carry out in 1999 an overall review of the theme of poverty eradication in order to contribute to the special session of the General Assembly in 2000 for

the overall review of the Summit and to the five-year review of the Beijing Platform for Action;

36. Welcomes Economic and Social Council resolution 1997/61 of 25 July 1997, on integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits, in which the Council reaffirmed the need to continue to ensure the harmonization and coordination of the agendas and work programmes of the functional commissions by promoting a clearer division of labour among them and by providing clear policy guidance to them;

37. Welcomes Economic and Social Council decision 1997/302 of 25 July 1997 on the convening of a session of the Council in 1998 to consider further the theme of integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;

38. Renews its call to all relevant organs, organizations and bodies of the United Nations system to be involved in the follow-up action to the Summit, and invites funds and programmes, specialized agencies and related organizations of the United Nations system to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to the Summit;

39. Takes note with appreciation of the work of the inter-agency task forces established by the Administrative Committee on Coordination, as contained in the report of the Secretary-General on integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;

40. Takes note of the emphasis placed by the Economic and Social Council in resolution 1997/61 on the need for the Administrative Committee on Coordination to ensure that there is effective inter-agency support for the work of the intergovernmental bodies dealing with conference follow-up, including the Council and its functional commissions, that there is regular updating and feedback on the incorporation of the work of the task forces at the country level, and that the Council is kept fully informed of the work and decisions of that Committee concerning integrated and coordinated implementation and follow-up of the major United Nations international conferences and summits;

41. Urges the continued involvement and support by the regional commissions in the promotion of the implementation of the objectives of the World Summit for Social Development at the regional and subregional levels, and reiterates its invitation to the commissions, in accordance with their mandates and in cooperation with the regional intergovernmental organizations and banks, to convene on a biennial basis a meeting at a high political level to review the progress made towards implementing the outcome of the Summit, to exchange views on their respective experiences and to adopt appropriate measures;

42. Welcomes in this context the convening by the Economic Commission for Latin America and the Caribbean of the first regional meeting to evaluate the World Summit for Social Development, held at Sao Paulo from 6 to 9 April 1997, with the participation of high-level representatives of Latin American and Caribbean countries, and takes note with appreciation of

the final document of the meeting, known as the Sao Paulo Consensus;

43. Also welcomes the convening by the Economic and Social Commission for Asia and the Pacific of the Fifth Asian and Pacific Ministerial Conference on Social Development at Manila, from 5 to 11 November 1997, to review national progress achieved and regional action taken in the implementation of the outcome of the Summit;

44. Further welcomes the convening of the expert group meeting on employment questions at Vienna, from 2 to 6 February 1998, as a follow-up to the Summit in the European region;

45. Urges the Economic Commission for Africa to convene in the forthcoming year a regional meeting to evaluate the follow-up of the World Summit for Social Development in the African region;

46. Welcomes the efforts of funds and programmes in assisting countries in implementing all Summit commitments at the national, regional and international levels;

47. Also welcomes the efforts of the United Nations Development Programme in the implementation of Summit commitments aimed at poverty eradication in developing countries, particularly in Africa and the least developed countries;

48. Takes note with appreciation of the contribution of the International Labour Organization to the consideration by the Commission for Social Development, at its thirty-fifth session, of the theme "Productive employment and sustainable livelihoods" and reiterates its invitation to the International Labour Organization to continue to contribute to the implementation of the Copenhagen Declaration and Programme of Action and to the work of the Commission for Social Development;

Special session of the General Assembly in 2000
for an overall review and appraisal of the
implementation of the outcome of the Summit

49. Recalls its resolution 50/161, in which it decided to hold a special session in 2000 for an overall review and appraisal of the implementation of the outcome of the Summit and to consider further actions and initiatives;

50. Also recalls its resolution 51/202, in which it decided on the preparatory process of the special session;

51. Decides to establish a Preparatory Committee open to the participation of all States Members of the United Nations and members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly, and that the Preparatory Committee will hold an organizational session of four days' duration, from 19 to 22 May 1998;

52. Also decides that, at its organizational session, the Preparatory Committee will consider and decide on the process to be followed to achieve the purpose of the special session with respect to an overall review and appraisal of the implementation of the outcome of the Summit, and the consideration of further actions and initiatives and that, in this context, the Preparatory Committee will decide, *inter alia*, on the programme and organization of its work, including issues such as documentation, national contributions and input from the United Nations system, the election of its Bureau,

the participation of non-governmental organizations, the dates for the special session and other organizational issues;

53. Reaffirms that the Preparatory Committee will initiate its substantive activities in 1999 on the basis of input by the Commission for Social Development and the Economic and Social Council, and that account will be taken of contributions by all relevant organs and specialized agencies of the United Nations system;

54. Requests the Secretary-General to prepare the necessary documentation for the Preparatory Committee at its organizational session and in particular to present a report at the organizational session, containing recommendations and proposals on the organization of the work of the Preparatory Committee;

55. Reaffirms that the follow-up to the Summit will be undertaken on the basis of an integrated approach to social development and within the framework of a coordinated follow-up to and implementation of the results of the major international conferences in the economic, social and related fields;

56. Invites Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development in support of the implementation of the Copenhagen Declaration and Programme of Action, including the preparation for the special session of the Assembly;

57. Requests the Secretary-General to ensure that the preparatory process for the special session benefits from the active involvement of all concerned and that the secretariat is adequately supported;

58. Also requests the Secretary-General to report to the Assembly at its fifty-third session on the implementation of the outcome of the Summit;

59. Decides to include in the provisional agenda of its fifty-third session the item entitled "Implementation of the outcome of the World Summit for Social Development".

Report on the World Social Situation 1997

The Report on the World Social Situation 1997 [Sales No. E.97.IV.1] surveyed the current socio-economic situation, including trends in the world economy, population patterns, health, education, and hunger and malnutrition. In addition, it examined the core issues of concern to all countries identified at the World Summit—poverty, unemployment, discrimination—in order to provide background to the discussion of the measures needed or taken to advance the Summit's objectives.

Under economic trends, the Report reviewed regional economic performance and the economies of developed and developing countries, as well as those in transition from centrally planned to market economies. It examined population trends in the areas of size and growth, fertility rates, mortality rates and international migration. Global health issues that had come to the forefront included changes in life expectancy, the global burden of health and new and infectious diseases. General trends and policy issues regard-

ing hunger and malnutrition, which referred mainly to developing regions where hunger was most prevalent, were considered.

The Report reviewed the current status of formal education, examining enrolment, quality of education and public expenditures in the sector. Adult illiteracy was briefly examined.

A separate section presented main trends in global absolute poverty and its relationship to world economic growth and provided an assessment of progress made towards the goal of global poverty eradication, as well as an overview of key elements in a comprehensive strategy for poverty reduction. It also examined the problem of unemployment in developing countries and among youth and women, in addition to child labour. Lastly, it described how discrimination operated, identified discrimination against various groups and reviewed policy options for combating discrimination.

UN Research Institute for Social Development

The United Nations Research Institute for Social Development (UNRISD) continued to engage in research on the social dimensions of development problems. Its activities included the programme on information technologies and social development, which began early in the year; sponsorship of conferences and papers on globalization and citizenship, including a conference on the relationship between globalization and citizenship (Melbourne, Australia, May); and the programme on gender, poverty and well-being, which began in 1997, for which UNRISD commissioned thematic review papers and country-specific case studies on the gender/poverty nexus that were presented at a workshop organized by UNRISD and the Centre for Development Studies (Trivandrum, India, 24-27 November).

UNRISD and the Universidad Nacional in Costa Rica co-hosted an international workshop on business responsibility for environmental protection in developing countries; and the programme on grass-roots initiatives and knowledge networks for land reform in developing countries, which began in April, sought to document activities of civil society organizations involved in promoting land reform or improving land tenure arrangements to benefit the poorer and weaker sections of the rural population.

A UNRISD project considered the socio-economic, cultural and environmental implications of emerging national and regional mass tourism in the South; the war-torn societies project which had activities in Eritrea, Guatemala, Mozambique and Somalia, explored innovative approaches to rebuilding such societies; and the

vulnerability and coping strategies in Cambodia project consisted of three independent studies on food security, psycho-social vulnerability and the role of international and national institutions in the transition to democracy and a market economy.

As follow-up to the 1995 World Summit for Social Development, UNRISD organized a public conference in Geneva on 9 and 10 July. Efforts were made to highlight approaches in mobilizing resources for social development; learning from successful attempts to provide universal social services; promoting harmony in multi-ethnic societies; dealing with the legacy of hatred in countries torn by civil war; and developing community-based approaches to urban social problems.

Research continued on national social development plans of sub-Saharan African countries. In West Africa, work progressed on a programme developed at a March regional workshop.

The community perspectives on urban governance project continued to identify instances of, and constraints on, collaboration between community-based/volunteer organizations and local governments in designing, implementing and evaluating social and economic policy at the local level. A number of case studies were conducted in cities worldwide in preparation for the UNRISD workshop on comparative perspectives on decentralized governance in a globalizing world (Shanghai, China, October).

UNRISD expenditures in 1997 grew by 6.4 per cent over the previous year and were expected to expand by another 6 per cent in 1998, reaching a total of \$5.36 million.

Follow-up to International Year of the Family

As requested by the General Assembly in resolution 50/142 [YUN 1995, p. 1128], the Secretary-General in a January report [A/52/57-E/1997/4], described follow-up activities to the 1994 International Year of the Family [YUN 1994, p. 1144] at the national, regional and international levels and made proposals for follow-up action by the Secretariat. The report also provided an analysis of family-related provisions from the outcomes of the international conferences held in the 1990s.

Recommendations related to the decisions of the conferences included encouraging Governments to develop family-impact assessments in their development activities and to draw up, implement and evaluate family-sensitive policies. The Commission for Social Development was called on to give appropriate attention to the development of family-sensitive policies and pro-

grammes in the context of its agenda, particularly during the period 1997-2000. In addition, the activities of the focal point of the UN system to promote family issues, as the successor to the secretariat of the International Year of the Family, should concentrate on implementing family-related provisions of the international declarations and plans of action of the global conferences.

The Economic and Social Council, by **decision** 1997/205 of 7 February, took note of the Secretary-General's report.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission for Social Development [E/1997/26], adopted **resolution 1997/21** without vote [agenda item 7 (c)].

Follow-up to the International Year of the Family

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/81 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Special, Humanitarian and Cultural) Committee [A/52/634], adopted **resolution** 52/81 without vote [agenda item 102].

Follow-up to the International Year of the Family

The General Assembly,

Recalling its resolutions 44/82 of 8 December 1989, 46/92 of 16 December 1991, 47/237 of 20 September 1993 and 50/142 of 21 December 1995 concerning the proclamation, preparations for and observance of the International Year of the Family,

Recognizing that the basic objective of the follow-up to the International Year of the Family should be to strengthen and support families in performing their societal and developmental functions and to build upon their strengths, in particular at the national and local levels,

Noting that the family-related provisions of the outcomes of the world conferences of the 1990s provide policy guidance on ways to strengthen family-centred components of policies and programmes as part of an integrated comprehensive approach to development,

Emphasizing that equality between women and men and respect for the rights of all family members is essential to family well-being and to society at large,

1. Takes note with appreciation of the report of the Secretary-General on the International Year of the Family, and welcomes the proposals contained therein;

2. Invites Governments to continue their actions to build family-friendly societies, inter alia, by promoting the rights of individual family members, in particular gender equality and the rights of the child;

3. Emphasizes the need for a more focused and coordinated approach towards family issues within the United Nations system;

4. Calls upon Governments, non-governmental organizations, other organizations of civil society, the private sector and individuals to contribute generously to the United Nations Trust Fund on Family Activities;

5. Urges Governments to take sustained action at all levels concerning families, including studies and applied research on families, and to promote the role of families in development, and invites Governments to develop concrete measures and approaches to address national priorities to deal with family issues;

6. Recommends that all relevant actors in civil society, including research and academic institutions, contribute to and participate in action on families;

7. Requests the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Year of the Family, to facilitate the exchange of experiences and information among Governments on effective policies and strategies, to facilitate technical assistance, with a focus on least developed and developing countries, and to encourage the organization of subregional and interregional meetings and relevant research;

8. Calls upon Governments to encourage the active follow-up to the International Year of the Family at the national and local levels;

9. Reaffirms Economic and Social Council resolution 1996/7 of 22 July 1996, in which the Council decided that the follow-up to the International Year of the Family should be an integral part of the multi-year programme of work of the Commission for Social Development.

International Day of Families

The International Day of Families, proclaimed by the General Assembly in resolution 47/237 [YUN 1993, p. 1003], was observed annually on 15 May. In 1997, the theme focused on building families based on partnership.

Persons with disabilities

The Economic and Social Council in 1997 decided to renew for an additional three years the mandate of the Special Rapporteur appointed in 1994 [YUN 1994, p. 1130] to monitor the implementation of the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly in resolution 48/96 [YUN 1993, p. 977].

On 21 July [meeting 36], the Council, on the recommendation of the Commission for Social Development [E/1997/26], adopted **resolution 1997/19** without vote [agenda item 7 (c)].

Equalization of opportunities for persons with disabilities

The Economic and Social Council,

Recalling General Assembly resolution 37/52 of 3 December 1982, by which the Assembly adopted the

World Programme of Action concerning Disabled Persons, which designates a focal point within the United Nations for coordinating and monitoring the implementation of the Programme of Action, including its review and appraisal, and General Assembly resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also the Universal Declaration of Human Rights, the Convention on the Rights of the Child and other international human rights instruments which proclaim that the rights therein should be ensured equally to all individuals, without discrimination,

Recalling further the Programme of Action of the World Summit for Social Development, in which Governments are requested to promote the Standard Rules and to develop strategies for their implementation and in which it is emphasized that policies concerning persons with disabilities should focus on their abilities rather than their disabilities,

Recalling that children with disabilities and their families or other caretakers have special needs,

Noting with great satisfaction that the Standard Rules play an important role in influencing legislation, policies, action and evaluations at both the national and international levels,

Acknowledging the active role played by non-governmental organizations, including organizations of persons with disabilities, in support of the Standard Rules and their contribution to the implementation and monitoring of the Rules,

Concerned about the effects of the current budgetary constraints of the United Nations on its disability activities,

1. Takes note with appreciation of the valuable work done by the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and welcomes his comprehensive report;

2. Urges the United Nations, Governments and the non-governmental organizations concerned to strengthen their efforts to implement at all levels, by appropriate legal, administrative, financial and other measures, the goal of full participation and equality for persons with disabilities, in accordance with the Programme of Action of the World Summit for Social Development and the Standard Rules;

3. Requests the Secretary-General to give higher priority to disability activities and to allocate the resources necessary to enable the Secretariat to fulfil its function as focal point in a forceful way;

4. Urges the Secretary-General and Governments to further the effective implementation of the standard Rules and to emphasize the dimension of human rights, including that dimension for persons with developmental and psychiatric disabilities;

5. Also urges the Secretary-General and Governments to give full attention to a gender perspective in all policies and programmes related to disability;

6. Further urges the Secretary-General and Governments to give full attention to the rights of children with disabilities;

7. Encourages the United Nations and Governments to involve organizations of persons with disabilities in policy planning and decision-making processes re-

garding education, communications, employment and health services;

8. Also encourages the United Nations and Governments to enhance cooperation, through appropriate mechanisms, with organizations of persons with disabilities or concerned with disability issues so as to improve the implementation of the Standard Rules;

9. Urges the United Nations, Governments and the non-governmental organizations concerned to combat the sexual abuse of persons with disabilities;

10. Requests the Secretary-General to invite appropriate United Nations bodies to provide advisory services and support to Governments in their efforts to develop disability policies based on the Standard Rules and thereby collaborate with the focal point in its role as policy-coordinating body and with organizations of persons with disabilities;

11. Encourages the United Nations Development Programme and other entities of the United Nations system, including the Bretton Woods institutions and inter-agency mechanisms, to mainstream disability issues in their development activities and in their efforts to eradicate poverty;

12. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and all other relevant organizations and bodies of the United Nations system take into account, in their policies and programmes, the rights of children with disabilities and mainstream the particular needs of such children;

13. Invites the Special Rapporteur and the Committee on the Rights of the Child to pursue and enhance their cooperation to ensure that the rights of children with disabilities are addressed fully in the Committee's reporting process;

14. Calls upon Governments, when formulating national policies and strategies during the International Decade for the Eradication of Poverty, to combat the social exclusion of persons with disabilities, to promote their employment and to include disability measures in poverty eradication programmes;

15. Urges all Governments to provide education for disabled children, youth and adults, regardless of the nature of the disability, in accordance with the Salamanca Statement and Framework for Action on Special Needs Education;

16. Urges Governments that have not ratified International Labour Organization Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) to consider doing so, in order to strengthen their policies, and to use the opportunity to obtain technical assistance from the International Labour Organization, and urges Governments that have ratified the Convention to seek further guidance when implementing it, in the accompanying Recommendation No. 168;

17. Encourages donors to provide assistance to developing countries and countries with economies in transition in their efforts to address the needs of persons with disabilities, and encourages Governments of recipient countries to include disability matters in their applications for such assistance;

18. Decides to renew the mandate of the Special Rapporteur for a further period of three years, so as to

make it possible to continue the monitoring of the implementation of the Standard Rules in accordance with section IV of the Rules, and to request the Special Rapporteur, assisted by the Secretariat and in consultation with the panel of experts established by six major international non-governmental organizations in the disability field, to prepare a report for submission to the Commission for Social Development at its thirty-eighth session;

19. Requests the Special Rapporteur to pay special attention to the situation of children with disabilities when monitoring the implementation of the Standard Rules;

20. Urges States to make contributions to the United Nations Voluntary Fund on Disability so as to support initiatives on disability, and also urges them to support, by financial and other means, the important work of the Special Rapporteur;

21. Requests the Secretary-General to include in his reports to the Commission for Social Development at its thirty-sixth and thirty-seventh sessions information on activities within the United Nations system that relate to the Commission's priority themes of promoting the social integration of disabled persons and of social services for all, and to counteract the social exclusion facing persons with disabilities and eradicate poverty among them.

Children with disabilities

On the recommendation of the Commission for Social Development [E/1997/26], the Economic and Social Council, on 21 July [meeting 36], adopted **resolution 1997/20** without vote [agenda item 7 (c)].

Children with disabilities

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights and other international human rights instruments, including the Convention on the Rights of the Child, which proclaim that the rights therein should be ensured equally to all individuals, without discrimination,

Recalling also the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond, as well as the various resolutions and declarations adopted by the General Assembly relating to persons with physical, mental and psychological disabilities, including the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons,

Recalling further the disability provisions in the results of international conferences, including the World Conference on Special Needs Education: Access and Quality, held at Salamanca, Spain, in 1994 and the World Summit for Social Development, held at Copenhagen in 1995,

Welcoming the report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Noting with appreciation the activities in support of disability issues carried out by non-governmental organizations,

Convinced that disability is not inability and that it is critically important to take a positive view of abilities as the basis of planning for persons with disabilities, in particular children with disabilities,

1. Recognizes the need for special attention to be directed towards children with disabilities and their families or other caretakers;

2. Notes with concern the large numbers of children who have become disabled physically or mentally, or both, as a consequence of, *inter alia*, poverty, disease, disasters, landmines and all forms of violence;

3. Urges both Governments and the Secretary-General to give full attention to the rights, special needs and welfare of children with disabilities;

4. Invites Governments, concerned United Nations organizations and bodies, including the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and non-governmental organizations, especially those of persons with disabilities, to conduct awareness-raising activities, with a view to combating and overcoming discrimination against children with disabilities;

5. Encourages further cooperation among Governments, in coordination, where appropriate, with the United Nations Children's Fund, other relevant United Nations organizations and non-governmental organizations, to nurture the talents and potential of children with disabilities by developing and disseminating appropriate technologies and know-how;

6. Encourages Governments to include data on children when implementing rule 13 on information and research of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

7. Urges Governments to ensure, in accordance with rule 6 of the Standard Rules, that children with disabilities have equal access to education and that their education is an integral part of the educational system, and also urges Governments to provide vocational preparatory training appropriate for children with disabilities;

8. Invites the United Nations Educational, Scientific and Cultural Organization to continue its programme activities aimed at the integration of children and youth with disabilities into mainstream education and to provide appropriate assistance to Governments, at their request, in designing and setting up programmes to encourage the creative, artistic and intellectual potential of children, including those with disabilities;

9. Calls upon Governments to ensure the participation of children with disabilities in recreational activities and sports;

10. Emphasizes the right of children with disabilities to the enjoyment of the highest attainable standard of physical and mental health, and urges Governments to ensure the provision of equal access to comprehensive health services and the adoption of holistic approaches to the total well-being of all children with disabilities, in particular children at highest risk, including refugee, displaced or migrant children, children living in situations of violence and its immediate aftermath,

children living in disaster areas, street children and children in squatter colonies;

H. Encourages Governments to contribute to the United Nations Voluntary Fund on Disability;

12. Requests the Special Rapporteur, in monitoring the implementation of the Standard Rules, to pay special attention to the situation of children with disabilities, to pursue close working relations with the Committee on the Rights of the Child in its monitoring role with respect to the Convention on the Rights of the Child and to include in his report to the Commission for Social Development at its thirty-eighth session his findings, views, observations and recommendations on children with disabilities.

Follow-up to the World Programme of Action

In a September report [A/52/351], the Secretary-General presented the findings of the third quinquennial review and appraisal of the implementation of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly in resolution 37/52 [YUN 1982, p. 981]. The two earlier reviews were undertaken in 1987 [YUN 1987, p. 647] and in 1992 [YUN 1992, p. 821].

The review and appraisal assessed recent trends and emerging issues in disability policies and programmes since the end of the United Nations Decade of Disabled Persons (1983-1992), proclaimed by the Assembly in resolution 37/53 [YUN 1982, p. 983]; documented initiatives of Governments, NGOs and the United Nations since 1992 that had interacted with disability issues and trends; and submitted recommendations to further the implementation of the World Programme of Action to the year 2000 and beyond. The report also examined options to improve policy development and monitoring of programme implementation, including issues related to the development of information, statistics and indicators on disability.

It was concluded that there was widespread policy-level support for the goals and objectives of the World Programme of Action and the need to address disability issues in the context of overall development and with reference to human rights issues was recognized. Constituencies concerned with disability issues had expanded, and the content of the World Programme maintained its validity. One issue that had emerged since the end of the Decade but which had not received detailed attention in the World Programme was the relationship among population ageing, impairment and disability.

The report suggested that effective strategies for the implementation of the World Programme were characterized by their linking of disability issues with overall development variables and within the broader human rights framework of

the United Nations. In particular, there were three strategic areas in which further action and resource commitments were expected to result in improved implementation: data collection and statistics on disability; indicators for monitoring and evaluation; and national capacity-building and institutional development for the disability perspective within the framework of a society for all.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted **resolution 52/82** without vote [agenda item 102].

Implementation of the World Programme of Action concerning Disabled Persons: towards a society for all in the twenty-first century

The General Assembly,

Recalling its resolutions 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons, and 49/153 of 23 December 1994 and 50/144 of 21 December 1995, in which it called upon Governments, when implementing the World Programme of Action, to take into account the elements suggested in the Long-term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond,

Recalling also its resolution 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Welcoming the inclusion of measures to address questions of disability in the programmes, plans and platforms for action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996,

Mindful of the need to adopt and implement effective public policies and programmes to promote the rights of persons with disabilities,

Convinced that the end of the century provides an opportunity for considering which issues to address in order to implement fully the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Welcoming initiatives to hold international conferences related to disabled persons, in particular the holding of the Fifth World Assembly of Disabled Peoples' International at Mexico City in December 1998, on the theme "Towards an inclusive twenty-first century",

Recognizing the importance of timely and reliable data on disability for disability-sensitive policies, programme planning and evaluation and the need for further development of practical statistical methodology for data collection and compilation on populations with disabilities,

1. Takes note with appreciation of the report of the Secretary-General on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons, and welcomes the conclusions and recommendations contained therein;

2. Takes note of Economic and Social Council resolutions 1997/19 of 21 July 1997 on equalization of opportunities for persons with disabilities and 1997/20 of 21 July 1997 on children with disabilities;

3. Notes with appreciation the valuable work undertaken by the Special Rapporteur for monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities of the Commission for Social Development, and welcomes the second round of monitoring the implementation of the Standard Rules, the cooperation of the Special Rapporteur with the Commission on Human Rights, and especially with the Committee on the Rights of the Child;

4. Encourages Governments and the non-governmental community to examine key social and economic policy issues related to the equalization of opportunities for persons with disabilities, in particular, (a) accessibility, (b) social services and social safety nets and (c) employment and sustainable livelihoods;

5. Urges Governments to cooperate with the Statistics Division of the Secretariat in the continued development of global statistics and indicators, and encourages them to avail themselves of the technical assistance of the Division, as needed;

6. Urges relevant bodies and organizations of the United Nations system, including relevant treaty bodies, such as the Committee on the Rights of the Child, the regional commissions and intergovernmental and non-governmental organizations and institutions, to work closely with the United Nations in the promotion of the rights of persons with disabilities by sharing experiences and findings on disability issues;

7. Decides that the next quinquennial review and appraisal of the World Programme of Action, in 2002, shall consider the issues mentioned in paragraph 4 above;

8. Invites Governments, concerned non-governmental organizations and the private sector to continue to support the United Nations Voluntary Fund on Disability, with a view to providing additional support to the implementation of the Standard Rules, including further assistance in national capacity-building and support for the work of the Special Rapporteur;

9. Requests the Secretary-General to develop a plan to increase the accessibility of the United Nations and its offices and meetings to persons with disabilities;

10. Also requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Commission for Social Development at its thirty-seventh session, a report on the implementation of the present resolution.

Cultural development

World Decade for Cultural Development

In response to General Assembly resolution 41/187 [YUN 1986, p. 624], the Secretary-General, in

September [A/52/382], transmitted the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the implementation of the World Decade for Cultural Development (1988-1997) during 1994-1997. The Decade was proclaimed by the Assembly in resolution 41/187 and UNESCO was designated as the lead agency.

The report described the activities of the World Commission on Culture and Development, a research project on the integration of cultural factors in development strategies and regional and intercultural projects.

The Economic and Social Council, by **decision 1997/205** of 7 February, authorized the Secretary-General to transmit the report to the Assembly.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/628/Add.9], adopted **resolution 52/197** without vote [agenda item 97 (i)].

Cultural development

The General Assembly,

Recalling its resolutions 41/187 of 8 December 1986, in which it proclaimed the period 1988-1997 the World Decade for Cultural Development, 46/158 of 19 December 1991, in which it requested the Secretary-General to cooperate with the Director-General of the United Nations Educational, Scientific and Cultural Organization in establishing an independent World Commission on Culture and Development, and expected the World Commission to submit its final report to the General Conference of the United Nations Educational, Scientific and Cultural Organization and to the United Nations General Assembly no later than three years after it began its work, and 51/179 of 16 December 1996, concerning the report of the World Commission,

Noting the fact that public opinion throughout the world as well as Governments and non-governmental organizations have become much more sensitive to the need for better integration of the cultural dimension into the entire development process,

Recognizing that this awareness of the central importance of culture is, nevertheless, insufficiently present in development policy and practice,

Acknowledging with satisfaction the active participation of Member States, United Nations bodies, intergovernmental and non-governmental organizations and individuals in the implementation of projects of national, regional and interregional scope, aiming at the promotion of the objectives of the Decade, and in the work of the World Commission and its follow-up,

Taking note of the first meeting of Ministers of Culture of non-aligned countries, held at Medellin, Colombia, on 4 and 5 September 1997 A/52/432,

1. Takes note of the note by the Secretary-General on the progress of the World Decade for Cultural Development during the period 1994-1997;

2. Invites all Member States, intergovernmental bodies and organizations of the United Nations system and non-governmental organizations:

(a) To ensure that the lessons and experiences gained and the momentum generated through the World Decade and the World Commission on Culture and Development are reflected in all their development strategies, as appropriate;

(b) To submit their comments to the United Nations Educational, Scientific and Cultural Organization on the report of the World Commission on Culture and Development, entitled *Our Creative Diversity*;

(c) To intensify their efforts to integrate cultural factors into their development programmes and projects, so as to ensure sustainable development that fully respects cultural diversity, taking into account their cultural values and identity;

3. Stresses the importance of the question of interaction between culture and development, and encourages the United Nations Educational, Scientific and Cultural Organization to accord priority to this theme in its work;

4. Encourages the United Nations Educational, Scientific and Cultural Organization to pursue its ongoing task of promoting throughout the United Nations system a greater awareness of the crucial relationship between culture and development, taking into account the diversity of cultures;

5. Welcomes the convening in Stockholm in 1998 of an intergovernmental conference on cultural policies for development, organized by the United Nations Educational, Scientific and Cultural Organization;

6. Requests the Secretary-General, in the elaboration of the international development strategy for the next United Nations development decade, to include recommendations for the integration of the cultural dimension in development activities;

7. Also requests the Secretary-General to include the outcome of the Stockholm conference in his report on the implementation of the present resolution to the General Assembly at its fifty-third session.

Cultural property

In response to General Assembly resolution 50/56 [YUN 1995, p. 1131], the Secretary-General transmitted a June report of the Director-General of UNESCO on action taken by UNESCO to promote the return of cultural property to countries of origin or its restitution in cases of illicit appropriation [A/52/211]. The report summarized the main topics discussed at the ninth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (Paris, 16-19 September 1996), which resulted in the adoption of eight recommendations. Those recommendations dealt with Greece's request to the United Kingdom to return the marbles from the Parthenon; training programmes on illicit trafficking; use of the Committee's good offices in settling international claims for the return of cultural property;

coordinating action with other concerned institutions; the establishment of a international

ly exported cultural objects for countries unable to bear the related financial costs; a draft code of ethics for dealers in cultural property; the return of cultural property smuggled from Iraq; and a handbook on standards for documentation of African collections.

GENERAL ASSEMBLY ACTION

On 25 November [meeting 55], the General Assembly adopted **resolution 52/24** [draft: A/52/L.12 & Add.1] by recorded vote (87-0-23) [agenda item 27].

Return or restitution of cultural property to the countries of origin

The General Assembly,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993 and 50/56 of 11 December 1995,

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Welcoming the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held at Medellin, Colombia, on 4 and 5 September 1997 A/52/432,

Taking note with satisfaction of the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

1. Commends the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. Reaffirms that the restitution to a country of its objets d'art, monuments, museum pieces, archives, manuscripts, documents and any other cultural or ar-

tistic treasures contributes to the strengthening of international cooperation and to the preservation and flowering of universal cultural values through fruitful cooperation between developed and developing countries;

3. Requests the Secretary-General, in collaboration with the United Nations Educational, Scientific and Cultural Organization, to continue to develop all possibilities for bringing about the attainment of the objectives of resolution 50/56;

4. Also requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Return or restitution of cultural property to the countries of origin".

RECORDED VOTE ON RESOLUTION 52/24:

In favour: Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Ghana, Greece, Iceland, India, Indonesia, Iran, Jamaica, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saudi Arabia, Senegal, Singapore, Slovakia, Sri Lanka, Sudan, Swaziland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia.

Against: None.

Abstain: Andorra, Austria, Belgium, Chile, Denmark, France, Georgia, Germany, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Netherlands, Poland, Portugal, Russian Federation, San Marino, Spain, Sweden, United Kingdom, United States.

Olympic Truce

On 25 November [meeting 54], the General Assembly adopted **resolution 52/21** [draft: A/52/L.23/Rev.1 & Add.1] without vote [agenda item 24].

Building a peaceful and better world through sport and the Olympic ideal

The General Assembly,

Recalling its resolution 50/13 of 7 November 1995, in which it decided to include in the provisional agenda of its fifty-second session the item entitled "Building a peaceful and better world through sport and the Olympic ideal" and to consider this item every two years in advance of each Summer and Winter Olympic Games,

Recalling also its resolution 48/11 of 25 October 1993, which, inter alia, revived the ancient Greek tradition of *ekcheiria* or "Olympic Truce", calling for all hostilities to cease during the Games, thereby mobilizing the youth of the world in the cause of peace,

Recognizing the valuable contribution that the appeal launched by the International Olympic Committee for an Olympic Truce, with which the National Olympic Committees of the Member States are associated, could make towards advancing the purposes and principles of the Charter of the United Nations,

Taking into account resolution CM/Res.1608(LXII), adopted by the Council of Ministers of the Organization of African Unity at its sixty-second ordinary ses-

sion, held at Addis Ababa from 21 to 23 June 1995, and endorsed by the Assembly of Heads of State and Government of that organization, which supports the appeal for an Olympic Truce,

Reaffirming that the Olympic ideal promotes international understanding, particularly among the youth of the world, through sport and culture in order to advance the harmonious development of humankind,

Noting with satisfaction the increasing number of joint endeavours of the International Olympic Committee and the United Nations system, for example in the fields of development, humanitarian assistance, protection of the environment, health promotion and education, in which the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Environment Programme, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization have participated,

1. Urges Member States to observe the Olympic Truce during the XVIII Olympic Winter Games, which will be held in Nagano, Japan, from 7 to 22 February 1998, the vision of which is to be a link to the twenty-first century, inspiring the search for wisdom for the new era, respect for the beauty and bounty of nature and the furtherance of peace and goodwill;

2. Takes note of the idea of the Olympic Truce, as dedicated in ancient Greece to the spirit of fraternity and understanding between peoples, and urges Member States to take the initiative to abide by the Olympic Truce, individually and collectively, and to pursue in conformity with the purposes and principles of the Charter of the United Nations the peaceful settlement of all international conflicts;

3. Calls upon all Member States to cooperate with the International Olympic Committee in its efforts to promote the Olympic Truce;

4. Requests the Secretary-General to promote the observance of the Olympic Truce among Member States, drawing the attention of world public opinion to the contribution such a truce would make to the promotion of international understanding and the preservation of peace and goodwill, and to cooperate with the International Olympic Committee in the realization of this objective;

5. Welcomes the decision of the International Olympic Committee to fly the United Nations flag at all competition sites of the Olympic Games;

6. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Building a peaceful and better world through sport and the Olympic ideal" and to consider this item before the Games of the XXVII Olympiad in Sydney, Australia, in the year 2000.

International Year of Thanksgiving

On 22 July [meeting 3] the Economic and Social Council adopted **resolution 1997/46** [draft: E/1997/L.35] without vote [agenda item 6 (i)].

International Year of Thanksgiving, 2000

The Economic and Social Council,

Considering that the dedication of a year to the act of giving thanks gives us the opportunity to remember the

development of a rich and harmonious international life and that one of the purposes of the United Nations, as expressed in its Charter, is to achieve international cooperation in solving international problems in the economic, social, cultural and humanitarian areas without creating any distinctions based on race, sex, language or religion.

Convinced that the observance of the year 2000 as an international year of thanksgiving within the United Nations will bring together the efforts of nations to achieve full tolerance and strengthen universal peace,

Mindful that the Preamble to the Charter of the United Nations includes the practice of tolerance as one of the principles that need to be applied to prevent war and maintain peace,

Affirming that this initiative will contribute to international cooperation by creating an awareness among peoples and Governments of the importance of gratitude, as much in the personal and civic life of every human being as in the relations between the countries and cultures of the world,

Affirming also that the proposal to begin the twenty-first century and the new millennium with an international year of thanksgiving to celebrate the gift of life as the most noble expression of the human spirit is intended to promote friendship and solidarity between nations,

1. Reaffirms that such an expression of gratitude will bring together national and international efforts to achieve full tolerance and strengthen universal peace and international cooperation;

2. Recommends that the General Assembly, at its fifty-second session, proclaim the year 2000 as International Year of Thanksgiving;

3. Invites all Member States and interested intergovernmental and non-governmental organizations to do whatever they can in their respective areas of expertise to contribute to the preparations for the Year and to publicizing it.

On 20 November, the General Assembly, by **resolution 52/16**, proclaimed the year 2000 as the International Year of Thanksgiving.

Crime prevention and criminal justice

Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice held its sixth session in Vienna from 28 April to 9 May [E/1997/30 & Corr.1]. The Commission, the principal policy-making body of the United Nations in the field of crime prevention and criminal justice, recommended five draft resolutions for adoption by the General Assembly and 10 draft resolutions and one draft decision for adoption by the Economic and Social Council (see below). It also adopted a resolution

regarding its strategic management of the United Nations Crime Prevention and Criminal Justice Programme.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July, the Economic and Social Council, by **decision 1997/232**, took note of the Commission's report on its sixth session and approved the provisional agenda and documentation for its seventh (1998) session. The Council decided that each session of the Commission should have one prominent theme and that the themes for the 1998, 1999 and 2000 sessions should be, respectively, organized transnational crime, crime prevention and the results of the Tenth (2000) United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It decided that the Commission, from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission at its seventh session, on the understanding that no more than two meetings would be held concurrently, in order to ensure maximum participation of delegations.

UN Programme on Crime Prevention and Criminal Justice

In response to General Assembly resolution 51/63 [YUN 1996, p. 1021], the Secretary-General submitted an August report on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity [A/52/295].

The report described the Programme's advisory services, training activities, fellowship programme and publications, as well as efforts to assist Member States to implement the United Nations Declaration on Crime and Public Security, adopted by the Assembly in resolution 51/60 [YUN 1996, p. 1028]. It also covered efforts to strengthen the Programme and to mobilize resources, activities financed through the United Nations Crime Prevention and Criminal Justice Fund, and cooperation and coordination of activities between the Programme and other relevant UN bodies.

The Programme activities described in the report included the implementation of recommendations made at the Ninth (1995) Crime Congress [YUN 1995, p. 1132] and preparations for the Tenth (2000) Congress. Other Programme activities focused on: international cooperation in combating transnational crime; corruption and bribery;

measures to regulate firearms; computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information; elimination of violence against women; measures to prevent illicit trafficking in children; and the use and application of UN standards and norms in crime prevention and criminal justice.

In his concluding remarks, the Secretary-General noted that, as part of his 1997 UN reform programme (see PART FIVE, Chapter I), Vienna would become the locus for UN efforts against crime, drugs and terrorism. The Division for Crime Prevention and Criminal Justice was to be reconstituted as the Centre for International Crime Prevention and proposals would be submitted to Member States on strengthening its capacities. The new Centre and the United Nations International Drug Control Programme would together form a new Office for Drug Control and Crime Prevention.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted **resolution 52/90** without vote [agenda item 103].

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to the resolution,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes, such as money laundering, illicit arms trade and terrorist crimes, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities in order to assist countries, in particular developing countries and countries in transition, with their efforts in translating United Nations policy guidelines into practice,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

1. Takes note with appreciation of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 51/63 of 12 December 1996;

2. Reaffirms the importance of the United Nations Crime Prevention and Criminal Justice Programme and the crucial role it has to play in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. Also reaffirms the priority of the Programme, in accordance with relevant resolutions, and requests the Secretary-General to further strengthen the Programme by providing it with the resources necessary for the full implementation of its mandate, including follow-up action to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

4. Reaffirms the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice, and stresses the need to continue to improve the operational activities of the Programme, in particular in developing countries and countries in transition, in order to meet the needs of Member States, at their request, for support in crime prevention and criminal justice;

5. Calls upon States and United Nations funding agencies to make significant financial contributions for the operational activities of the Programme, and encourages all States to make voluntary contributions for that purpose to the United Nations Crime Prevention and Criminal Justice Trust Fund, also taking into account the activities required for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

6. Calls upon all relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, the World Bank and other international, regional and national funding agencies, to support technical operational activities in this field and to include such activities in their programmes, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme in such activities and cooperating closely on relevant technical assistance projects and advisory missions;

7. Takes note with appreciation of the contributions of the Programme to United Nations peacekeeping and special missions, as well as its contributions to the follow-up to those missions, inter alia, through advisory services, and encourages the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations;

8. Requests the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-

making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights and the Commission on the Status of Women;

9. Welcomes the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to improve the strategic management of the Programme and to exercise more vigorously its mandated function of resources mobilization, and calls upon the Commission to further strengthen its activities in that direction;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session.

Strategic management and programme questions

In a March report [E/CN.15/1997/19], the Secretary-General provided an overview of the inter-sessional activities undertaken by the Commission to strengthen its strategic management of the Programme and presented proposals to measure the impact of Programme activities and to maximize the existing resource potential. The Secretary-General called for definition of standards and indicators, which would vary in different contexts and which would be directly related to objectives. A fairly comprehensive evaluation of the Programme and its impact could be achieved over time through a variety of existing mechanisms and low-cost measurement tools, he stated. Regarding the Programme's resource potential, the Secretary-General suggested changing the utilization of existing resources so that they were used in the most effective and efficient manner possible, and called for the generation of additional funds so that there was a more appropriate match between mandates and resources.

A March note of the Secretary-General summarized the proposed 1998-1999 programme of work in crime prevention and criminal justice for consideration by the Commission [E/CN.15/1997/20]. The programme would focus on technical assistance and advisory services, the control of organized transnational crime, criminal justice systems management and information, crime prevention strategies, and preparations for the Tenth Congress. The note outlined activities based on the submission to the proposed 1998-1999 budget, including servicing of intergovernmental and expert bodies; international cooperation and inter-agency coordination and liaison; technical cooperation; and other activities such as the promotion of legal instruments, issuing publications, maintaining and expanding databases and technical information, and carrying out public information activities.

On 9 May [E/1997/30 des. 6/1]), taking note of the Secretary-General's March note, the Commission decided to submit the comments reflected in its report to relevant UN bodies and asked the Secretary-General to ensure the provision of sufficient resources for the implementation of programme activities. The Commission also took note of the Secretary-General's report on strategic management and endorsed the recommendations of its bureau [E/CN.15/1997/CRP.2] with respect to streamlining the Commission's agenda and organization of work. The bureau was asked to develop recommendations, for the Commission's consideration in 1998, concerning criteria that the Commission could use to determine which types of agenda items should be submitted to the session that immediately followed.

The Commission asked its Chairman to convene an informal working group of its members to review the programme mandates and resources with a view to establishing a more realistic relationship between them, and asked the working group to report in 1998. The Secretary-General was asked to measure the impact of programme activities and to report thereon to the Commission on a biennial basis, starting in 1999. In addition, the Commission called on the Secretary-General to redeploy savings in administration and conference services to the Programme and asked him to issue a consolidated appeal on crime prevention and criminal justice requirements to Governments. The Commission called for contributions from Member States to cover the cost of support for developing and administering the Programme's technical cooperation component.

Technical cooperation and coordination

In response to Economic and Social Council resolution 1992/22 [YUN 1992, p. 842] and a 1996 Commission resolution [YUN 1996, p. 1023], the Secretary-General, in a February report [E/CN.15/1997/17], reviewed technical cooperation activities undertaken during 1996 by the Crime Prevention and Criminal Justice Division, including the advisory services provided by the two interregional advisers for crime prevention and criminal justice based in Vienna and the regional adviser based at the Economic and Social Commission for Asia and the Pacific.

The Secretary-General stated that the number of technical assistance activities undertaken by the Division had steadily increased. The activities consisted mainly of needs assessment and fact-finding missions, training, development of curricula and training material, workshops, seminars and expert meetings, expert assistance and advisory services on substantive, legal and ad-

ministrative issues, and the exchange and dissemination of information. The Division had also provided its services and assistance through UN peacekeeping and peace-building operations.

The report contained information on the coordination of activities and cooperation between the Programme and other UN entities and intergovernmental and non-governmental organizations. The Secretary-General observed that a more systematic approach towards cooperation and coordination was followed. However, financial and human resource limitations imposed constraints on optimal cooperation and coordination.

Regarding the establishment of a resource mobilization mechanism, the chairmen of the regional groups, after consultations with their member States, expressed the view that there was no need to establish another mechanism in addition to the informal consultative group on resource mobilization and that the needs expressed in the Commission's 1996 resolution could be served by the group.

The Secretary-General stated that the Commission might wish to invite Member States to treat crime prevention and criminal justice as an essential element of the whole development process, and to call on States to include crime prevention and criminal justice in their requests for technical assistance. It might also wish to invite them to contribute to the further operationalization of the Programme, and to encourage the regular exchange of information among donor Governments and funding agencies both to mobilize resources and to ensure the coordination of activities.

In accordance with Council resolution 1994/21 [YUN 1994, p. 1174], the Secretary-General submitted a February report [E/CN.15/1997/18] on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, which included the United Nations Interregional Crime and Justice Research Institute, the affiliated regional institutes and the associate institutes and centres. The report also covered the activities of the International Scientific and Professional Advisory Council.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, acting on a draft proposed by the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution 1997/35** without vote [agenda item 7 (c)].

Technical cooperation and interregional advisory services in crime prevention and criminal justice

The Economic and Social Council,

Recalling General Assembly resolution 51/63 of 12 December 1996 on strengthening the United Nations

Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling also its resolution 1995/15 of 24 July 1995 and resolution 5/2 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice, on technical cooperation and interregional advisory services in crime prevention and criminal justice,

Stressing the direct relevance of crime prevention and criminal justice to sustained development, stability, improved quality of life, democracy and human rights, which is increasingly recognized by other United Nations entities, specialized agencies and international organizations,

Aware of the continued increase in requests for technical assistance forwarded to the Crime Prevention and Criminal Justice Division of the Secretariat by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

1. Commends the efforts of the Crime Prevention and Criminal Justice Division of the Secretariat, in cooperation with the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network and others, in responding to the increasing requests for assistance, as reported by the Secretary-General, and expresses appreciation for the operationalization of the Programme, including the elaboration of a number of important project proposals that urgently require new funding;

2. Welcomes the work done by the informal consultative group on resource mobilization in accordance with resolution 5/3 of 31 May 1996 of the Commission on Crime Prevention and Criminal Justice;

3. Commends the increased cooperation between the Crime Prevention and Criminal Justice Division, the United Nations Crime Prevention and Criminal Justice Programme network and other entities of the United Nations, in particular the United Nations Development Programme, the Department of Economic and Social Affairs of the Secretariat and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, and calls upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme;

4. Welcomes the cooperation between the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme, in particular in the area of action against money laundering, and calls upon the two programmes to continue to undertake joint activities, in particular the elaboration and execution of technical cooperation projects;

5. Expresses its concern at the lack of adequate resources, which may impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that have been elaborated so far in response to urgent requests from countries in need;

6. Expresses its appreciation to those Member States that contribute to the activities of the Programme by providing funding, the services of associate experts,

consultants and experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities and by hosting action-oriented workshops and expert group meetings;

7. Calls upon potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation, coordination and implementation of technical assistance projects elaborated within the framework of the Programme and to strengthen the mandated role of the Programme as facilitator of bilateral assistance;

8. Invites developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular as part of its country programme framework, projects and/or elements on crime prevention and criminal justice, with a view to upgrading national institutional capacity and professional expertise in that field;

9. Requests the Secretary-General, bearing in mind the plan for strategic management of the Commission on Crime Prevention and Criminal Justice, in accordance with Commission resolutions 1/1 of 29 April 1992 and 4/3 of 9 June 1995, to enhance further the resources required for the operational activities of the Programme, including travel funds for the mobilization of resources and special efforts for fund-raising;

10. Also requests the Secretary-General to include in his programme budget proposals for the biennium 1998-1999, under the section on technical cooperation, adequate funds for maintaining two posts of interregional advisers in crime prevention and criminal justice and for further strengthening the interregional advisory services to support technical assistance activities, including short-term advisory services, needs assessments, feasibility studies, field projects, training and fellowships.

UN African crime prevention institute

As requested in General Assembly resolution 51/61 [YUN 1996, p. 1048], the Secretary General, in a September report [A/52/327] on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), described its 1996-1997 programme activities, funding and a consultative mission to the Institute by the Economic Commission for Africa. The report was the sixth since 1991, when the Institute became operational and began efforts to promote and coordinate regional activities related to crime prevention and criminal justice in Africa.

Programme activities during 1996-1997 focused on developing innovative approaches to raise the awareness of Governments regarding new strategies in crime prevention and criminal justice, training and human resources development, comparative research and policy development, information and documentation services, providing advisory services to Governments and

technical cooperation, cooperation with other institutes, and participation in conferences and seminars.

UNAFRI was funded by assessed contributions from its 28 members, a grant from the United Nations and income generated by the rental of the Institute's premises. By 31 July, only two members had paid their assessed contributions for 1996-1997. The Secretary-General noted that despite the various appeals by different bodies and authorities, the outstanding balance of unpaid assessed contributions amounted to over 85 per cent of expected collections. He emphasized the role of UNAFRI in assisting African countries in strengthening their capacity in crime prevention and criminal justice since high crime rates and malfunctioning justice systems were detrimental to sustainable development.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted **resolution 52/89** without vote [agenda item 103].

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 51/61 of 12 December 1996 and all other relevant resolutions,

Taking note of the report of the Secretary-General, and further acknowledging the assistance rendered to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders,

1. Commends the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. Reiterates the need for strengthening the capacity of the Institute to support a national mechanism for crime prevention and criminal justice in African countries in view of the contribution that the Institute can make to the United Nations Crime Prevention and Criminal Justice Programme;

3. Urges the States members of the Institute to make every possible effort to meet their obligations to the Institute;

4. Appeals to all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and in the elaboration and implementation of programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

5. Requests the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;

6. Also requests the Secretary-General to enhance regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational

dimension, which could not be adequately dealt with by national action alone;

7. Further requests the Secretary-General to make concrete proposals to strengthen the programmes and activities of the Institute and to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

Transnational crime

In 1997, UN efforts to combat organized transnational crime continued to focus on implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted in 1994 by the World Ministerial Conference on Organized Crime [YUN 1994, p. 1160]. In a February report [E/CN.15/1997/7], submitted pursuant to Council resolution 1996/27 [YUN 1996, p. 1025], the Secretary-General provided information received from Member States, the UN Secretariat, other entities of the UN system and intergovernmental and non-governmental organizations on action they had taken to combat organized transnational crime. The Secretary-General proposed activities for consideration by the Commission to assist the international community in consolidating and strengthening action against organized transnational crime, including expanding the central repository. The Crime Prevention and Criminal Justice Division could provide assistance to Member States to collect and systematize information; carry out a comparative study on the situation of organized crime in selected countries; and develop model legislation and training manuals for law enforcement personnel.

International convention

In response to General Assembly resolution 51/120 [YUN 1996, p. 1027], the Secretary-General submitted an April report [E/CN.15/1997/7/Add.1] summarizing the views of Member States on the question of the elaboration of an international convention against organized transnational crime, as well as the substantive comments on the draft framework convention proposed by Poland in 1996 [YUN 1996, p. 1027], which was annexed to the report.

Also in April [E/CN.15/1997/7/Add.2], the Secretary-General submitted proposals on articles of the draft text made by participants at the informal meeting on the question of the elaboration of a convention against organized transnational crime (Palermo, Italy, 6-8 April).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], by **resolution 1997/22**, the Economic and Social Council, acting without vote on a draft resolution recommended by the

Commission on Crime Prevention and Criminal Justice [E/1997/30], approved the draft for adoption by the General Assembly [agenda item 7 (c)].

Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

[Same text as General Assembly resolution 52/85 below, except for the second preambular paragraph, operative paragraph 17 and annexes I to VI.]

"Recalling also Economic and Social Council resolution 1996/27 of 24 July 1996,

"17. Requests the Secretary-General to provide the Crime Prevention and Criminal Justice Division with adequate resources for the preparation and servicing of the meeting of the intergovernmental group of experts;

"ANNEX I

"Recommendations of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight

"To combat transnational organized crime efficiently, the members of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight recommended the following:

"1. States should review their laws governing criminal offences, jurisdiction, law enforcement powers and international cooperation, as well as their measures dealing with law enforcement training and crime prevention, to ensure that the special problems created by transnational organized crime are effectively addressed.

"2. With the aim of improving mutual assistance, States should, as needed, develop mutual legal assistance arrangements or treaties and exercise flexibility in the execution of requests for mutual assistance.

"3. States should, where feasible, render mutual assistance, notwithstanding the absence of dual criminality.

"4. States developing mutual assistance treaties should ensure that the treaties:

"(a) Provide a clear description of the scope of the assistance available;

"(b) Encourage a speedy process for assistance;

"(c) Are as comprehensive as possible in terms of assistance available;

"(d) Reflect the principle that evidence will be gathered in the manner sought by the requesting State, unless the procedures are contrary to the fundamental principles of the law of the requested State.

"In order further to facilitate cooperation against transnational organized crime, States should consider negotiating arrangements in areas that are not covered by mutual legal assistance treaties.

"5. States should establish a central authority structured to provide speedy coordination of requests. The central authority should provide a quality-control and prioritizing function for both incoming and outgoing requests to take into account both the seriousness of the offence and the urgency of the request. At the same time, the central authority should not be seen as an exclusive channel for assistance between States. Direct ex-

change of information between law enforcement agencies should be encouraged to the extent permitted by domestic laws or arrangements.

"6. States should prepare and distribute to other States materials that would describe the channels of communication for mutual assistance and extradition and the process for obtaining such assistance from them.

"7. In cases where a criminal activity occurs in several countries, States with jurisdiction should coordinate their prosecutions and the use of mutual assistance measures in a strategic manner so as to be more efficient in the fight against transnational criminal groups.

"8. States should be encouraged to develop, through treaties, arrangements and legislation, a network for extradition. They should modernize their extradition treaties by eliminating the lists of crimes and allowing for extradition for conduct punishable in both States by deprivation of liberty in excess of an agreed minimum period. They should make every effort to ensure that their domestic arrangements for extradition are flexible enough to permit extradition to States with a different legal tradition. They should seek to identify and eliminate obstacles to extradition, including those that may arise from the differences between legal systems, for example, by simplifying evidentiary and procedural requirements.

"9. States should ensure that their domestic arrangements for extradition are as effective and expeditious as possible. They should also consider the possibility of extradition without a treaty.

"10. If the extradition of nationals is not permitted by the requested State, and the extradition of one of its nationals is requested, the requested State should:

"(a) Allow for conditional extradition provided that it is only for trial and that its national will be returned promptly after trial to its territory to serve any sentence within the limits of the law of the requested State; or

"(b) Allow for transfer/surrender, when it is permitted by domestic law, only for trial and on condition that its national will be returned promptly after trial to its territory to serve any sentence within the limits of the law of the requested State; or

"(c) Apply the rule of *aut dedere aut judicare* by submitting the case, at the request of the requesting State, to its competent authorities in order that proceedings may be initiated if they are considered appropriate.

"11. States should promote other techniques for mutual education that will facilitate mutual assistance and extradition, such as language training, secondments and exchanges between personnel in central authorities or between executing and requesting agencies. Training courses, joint seminars and information exchange sessions should be encouraged on a bilateral, regional and worldwide basis.

"12. Consideration should also be given to posting in other States representatives of prosecuting agencies or of judicial authorities.

"13. States should provide effective protection for individuals who have given or have agreed to give information or evidence, or who participate or have agreed to participate in an investigation or prosecution of an offence, and for the relatives and associates of those individuals who require protection because of risk to their security of person.

"14. States should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons.

"15. States should consider adopting appropriate measures to ensure the protection of witnesses during criminal proceedings. These might include such methods as testifying by telecommunications or limiting the disclosure of the address and identifying particulars of witnesses. Consideration should be given to the temporary transfer as witnesses of persons in custody, enlargement of the admissibility of written statements and the use of modern technology, such as video links, to overcome some of the current difficulties in obtaining the testimony of witnesses located outside the prosecuting State.

"16. States should review their laws in order to ensure that abuses of modern technology that are deserving of criminal sanctions are criminalized and that problems with respect to jurisdiction, enforcement powers, investigation, training, crime prevention and international cooperation in respect of such abuses are effectively addressed. Liaison between law enforcement and prosecution personnel of different States should be improved, including the sharing of experience in addressing these problems. States should promote study in this area and negotiate arrangements and agreements to address the problem of technological crime and investigation.

"17. States should take all other lawful steps available under domestic legislation to ensure that they do not provide safe havens for criminals.

"18. We commend the work done by the International Criminal Police Organization and the World Customs Organization, and call upon these organizations to maintain and develop their support for operational activity, facilitating as rapid as possible an exchange of information between law enforcement agencies. We also call upon them to focus on a strategic overview of the methods of, and trends in, transnational organized crime for the benefit of all their member countries.

"19. In order to facilitate the work of law enforcement practitioners we will, on request, provide brief guides on our respective legal systems and on the mandates of relevant agencies.

"20. States should identify central contact points within their existing structures for the purpose of facilitating contact between their operational agencies. It may be useful to locate these points in liaison with the National Central Bureau of the International Criminal Police Organization.

"21. We stress the important contribution that liaison officers can make to the fight against transnational organized crime. We encourage States to make the most effective use possible of their liaison officers in other countries and to consider additional postings. We stress the need for liaison officers to have access, in accordance with the law of the host country, to all agencies of that country with relevant responsibilities.

"22. We reiterate our condemnation of drug trafficking, which is a major source of finance for transnational organized criminal groups.

"Therefore we:

"(a) Reaffirm the importance of the three United Nations conventions that are fundamental to action against illicit drugs, namely, the Single Convention on

Narcotic Drugs of 1961 as amended by the Protocol of 1972, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

"(b) Call upon all states to adopt and implement fully legislation in accordance with those conventions;

"(c) Believe in the value of giving the widest publicity to information issued by official international bodies, such as the International Narcotics Control Board, on illicit drug production, trafficking and the proceeds of the illicit drug trade;

"(d) Will work in all relevant forums to prevent the diversion of chemical precursors used in illicit drug production and take the necessary steps to implement fully all relevant international agreements.

"(e) Welcome and support implementation of the recommendations of the United Nations International Drug Control Programme Working Group on Maritime Cooperation.

"23. In order to ensure more effective transnational crime prevention and foster public safety, we will develop strategies to identify and combat the illicit traffic in firearms. In furtherance of this goal, and in support of the specific recommendations contained in resolution 9 of 7 May 1995 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, and Economic and Social Council resolution 1995/27 of 24 July 1995, we will review and encourage other States to review existing firearms laws and regulations to facilitate discussion at an international level. We will promote information exchange among our relevant law enforcement authorities. We will encourage States to enhance the exchange of information useful for law enforcement purposes (for example, data for the identification of illicit firearms and specific information on tests conducted on firearms and ammunition which have been used in the course of criminal activities).

"24. States should ensure that immigration services play their part in the fight against transnational organized crime. We note the involvement of transnational organized crime in alien smuggling and call upon all States to enact legislation to criminalize such smuggling of persons. Immigration services and other agencies should exchange information on the transnational movement of organized criminals, have as full as possible an exchange of information on forged and stolen documents used by traffickers and consider the most effective means for its communication. We will take the necessary steps to improve the quality of our travel documents. We encourage other States to improve theirs and will assist them in doing so.

"25. We support the exchange of law enforcement expertise regarding scientific and technological developments such as advances in the forensic sciences.

"26. We emphasize the relevance and effectiveness of techniques such as electronic surveillance, undercover operations and controlled deliveries. We call upon States to review domestic arrangements for those techniques and to facilitate international cooperation in these fields, taking full account of human rights implications. We encourage States to exchange experiences concerning their use.

"27. We emphasize the importance of giving the fullest possible protection to sensitive information re-

ceived from other countries. The competent authorities of different States should advise each other on the requirements regarding the disclosure of information in the course of judicial and administrative proceedings and should discuss in advance potential difficulties arising from those requirements. A transmitting State may make conditions for the protection of sensitive information before deciding whether to transmit it. A receiving State must abide by the conditions agreed with the transmitting State.

"28. Building on current cooperative arrangements, the different agencies in our countries will develop their work together in specific law enforcement projects targeted on transnational organized crime. We have formulated practical guidance on project-based action and commend this approach to all States. Project-based action involves bilateral and multilateral priority-setting, targeting, resourcing and assessment of law enforcement operations, drawing on the strength of the full range of competent agencies.

"29. We welcome the resolve of the Financial Action Task Force on Money Laundering to extend criminalization of money laundering to other serious offences.

"30. States should consider adopting legislative measures for the confiscation or seizure of illicit proceeds from drug trafficking and other serious offences, asset forfeiture, as required, and the availability of provisional arrangements such as the freezing or seizing of assets, always with due respect for the interests of bona fide third parties. States should also consider the introduction of arrangements for the equitable sharing of such forfeited assets.

"31. States should consider implementing measures to detect and monitor the physical transportation of cash and bearer-negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

"32. States should adopt the necessary legislative and regulatory measures to combat corruption, establish standards of good governance and legitimate commercial and financial conduct and develop cooperation mechanisms to curb corrupt practices.

"33. We agree to share information on practical anti-money-laundering techniques and to draw on the experience gained to adapt and improve national and international training activities in this area, in conjunction with the action of the Financial Action Task Force on Money Laundering.

"34. In order to improve understanding and information on the detection of financial networks linked to transnational organized crime (in particular, investments by transnational organized crime), we encourage States to take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies.

"35. We urge States to adhere to and implement fully the existing relevant multilateral conventions whose provisions effectively contribute to the fight against all forms of transnational organized crime, in particular the conventions concerning the control of illicit drugs.

"36. We will keep under review the possibility of supplementing existing conventions and adopting new

instruments in response to developing needs in the fight against transnational organized crime.

"37. We support and encourage the provision and reporting of clear and accessible information on adherence to and implementation of the main conventions.

"38. In order to avoid wasteful duplication and to ensure that limited resources are used to best effect, we urge international organizations to coordinate their programmes of work and to concentrate their efforts within their areas of competence on activities of practical value to member States.

"39. We will work together in the governing bodies of international organizations whenever possible in order to give more coherent impetus and coordination to the fight against transnational organized crime.

"40. We will seek to ensure that all international organizations that play an effective role in the fight against transnational organized crime have adequate resources to fulfil their mandate. We will also examine possibilities for providing appropriate financial resources for specific, practical and viable projects developed by the competent international organizations.

"ANNEX II

"Methodological points and categorization of data

"1. Methodological points:

"(a) Exploitation of methods to collect texts other than the issuance of notes verbales, especially taking into account potential burdens imposed on those States whose languages are not working languages of the United Nations or which do not have any texts translated into such languages;

"(b) Coordination with the work already done by other United Nations entities or relevant international organizations in order to avoid duplication;

"(c) Identification of access points to the depositories of the texts prepared by other United Nations entities and relevant international organizations.

"2. Categorization of data:

"(a) Substantial provisions:

"(i) Participation in a criminal organization (that is, conspiracy, criminal association);

"(ii) Confiscation and provisional measures;

"(iii) Money laundering;

"(iv) Sentencing;

"(b) Procedural provisions:

"(i) Search and seizure;

"(ii) Electronic surveillance;

"(iii) Undercover operations;

"(iv) Controlled delivery;

"(v) Immunity;

"(vi) Witness protection;

"(vii) Mutual assistance and extradition;

"(c) Other provisions:

"(i) Victim compensation;

"(ii) Bank secrecy;

"(iii) Reporting of suspicious transactions;

"(iv) Border control of proceeds of crime;

"(v) Immigration control;

"(vi) Control over criminal organizations.

"ANNEX III

"Draft United Nations Framework Convention against Organized Crime

"The States Parties to the present Convention,

"Concerned about the growing threat of organized crime, including the illicit traffic in narcotic drugs and

psychotropic substances, money laundering and the illicit traffic in arms, nuclear material and explosive devices, motor vehicles and objects of art,

"Concerned also with the increasing threat of organized crime to global security and criminal justice,

"Aware that organized crime, in its national and transnational dimensions, destabilizes international relations, including interregional, regional, sub-regional and bilateral cooperation, by exerting an influence on politics, the media, public administration, judicial authorities and the economy by establishing commercial or business-like structures,

"Convinced that a flexible and efficient framework for multilateral and bilateral cooperation is required to intensify law enforcement, criminal justice and crime prevention activities of Member States,

"Recalling General Assembly resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organizational Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

"Recalling also the recommendations of the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995,

"Bearing in mind the United Nations model legal arrangements, such as the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters, the Model Treaty on Extradition, the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released and the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property,

"Mindful of other existing criminal justice and human rights instruments that provide legal protection to offenders and victims of crime,

"Affirming that the matters regulated by the present Convention continue to be governed by the rules and principles of general international law,

"Have agreed on the following:

"Article 1

"1. For the purpose of this Convention 'organized crime' means group activities of three or more persons, with hierarchical links or personal relationships, which permit the group leaders to earn profits or control territories or markets, internal or foreign, by means of violence, intimidation or corruption, both in furtherance of criminal activity and to infiltrate the legitimate economy, in particular through:

"(a) Illicit traffic in narcotic drugs or psychotropic substances and money laundering, as defined in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

"(b) Traffic in persons, as defined in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

"(c) Counterfeiting currency, as defined in the International Convention for the Suppression of Counterfeiting Currency of 1929;

"(d) Illicit traffic in or stealing of cultural objects, as defined in the United Nations Educational, Scientific and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, and the International Institute for the Unification of Private Law Convention on Stolen or Illegally Exported Cultural Objects of 1995;

"(e) Stealing of nuclear material, its misuse or threats to misuse to harm the public, as defined in the Convention on the Physical Protection of Nuclear Material of 1980;

"(f) Terrorist acts;

"(g) Illicit traffic in or stealing of arms and explosive materials or devices;

"(h) Illicit traffic in or stealing of motor vehicles;

"(i) Corruption of public officials.

"2. For the purpose of the present Convention, 'organized crime' includes the commission of an act by a member of a group as part of the criminal activity of such an organization.

"Article 2

"1. Each Contracting State shall make the offences enumerated in article 1 of the present Convention punishable by appropriate penalties that take into account their grave nature.

"2. Each Contracting State shall make punishable acts consisting of participation in or association with an organized crime group whose purpose it is to commit offences.

"3. Each Contracting State shall take necessary measures to create the possibility of the confiscation of the profits deriving from organized crime.

"Article 3

"Each Contracting State shall consider establishing in its domestic penal legislation the possibility of criminal liability of corporate persons who derive profits from organized crime or function as a cover for the criminal organization.

"Article 4

"Each Contracting State shall take legislative measures to recognize, in its domestic law, the previous foreign conviction for offences referred to in article 1 of the present Convention for the purpose of establishing the criminal history of the alleged offender.

"Article 5

"1. Each Contracting State shall take legislative measures to establish its jurisdiction over the crimes mentioned in article 1 of the present Convention in the following cases:

"(a) When the crime is committed in the territory of that State or on board a vessel or aircraft registered in that State;

"(b) When the alleged offender is a national of that State. Such jurisdiction shall be independent of the punishability of the act in the place of its commission;

"(c) When the alleged offender is present in its territory and it does not extradite him. Such jurisdiction shall be independent of the punishability of the act in the place of its commission.

"2. The present Convention does not exclude any criminal jurisdiction exercised in accordance with the domestic law.

"Article 6

"1. The offences mentioned in article 1 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty between the Contracting States. The Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a Contracting State that makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it shall consider the present Convention as the legal basis for extradition in respect of the offences mentioned in article 1 of the present Convention. Extradition shall be subject to the other conditions provided for by the law of the requested State.

"3. The Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences mentioned in article 1 of the present Convention as extraditable offences between them, subject to the conditions provided by the law of the requested State.

"4. The Contracting States, subject to their domestic legislation, shall consider simplifying the extradition of consenting persons who waive formal extradition proceedings by allowing direct transmission of extradition requests between appropriate ministries and extraditing persons based only on warrants of arrest or judgements.

"Article 7

"1. Each Contracting State shall consider necessary legislative measures, including extradition of its nationals, if the extradition is requested in respect of any offence defined in article 1 of the present Convention.

"2. Extradition of a national may be granted on the condition that the sentence pronounced abroad will be executed in the requesting State.

"Article 8

"1. The offences mentioned in article 1 of the present Convention shall not be considered political offences for the purpose of extradition.

"2. Extradition shall not be granted if the requested Party has substantial grounds for believing that a request for extradition has been made for the purpose of prosecuting or punishing a person on account of his or her race, religion, nationality or political opinion or that a person's position may be prejudiced for any of these reasons.

"Article 9

"Upon being satisfied that the circumstances so warrant, the Contracting State in whose territory the alleged offender is present shall take a person whose extradition is sought into custody, or take other appropriate measures under its domestic law, so as to ensure his or her presence for the purpose of extradition.

"Article 10

"1. The Contracting States shall afford one another the widest measure of mutual legal assistance, within the conditions prescribed by domestic legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences mentioned in article 1 of the present Convention, and shall exercise flexibility in the execution of requests for such mutual assistance.

"2. Subject to domestic legislation, legal assistance shall also include the delivery of information constituting bank secrecy.

"Article 11

"1. The Contracting States shall consider entering into bilateral and multilateral agreements, including direct cooperation between their police agencies and joint operations in the territory of each Contracting State.

"2. The Contracting States shall strengthen cooperation in law enforcement training and crime prevention to facilitate mutual assistance and extradition through, inter alia, language training, secondments and exchanges.

"3. In the case of existing bilateral and multilateral agreements, the Contracting States shall strengthen efforts to maximize operational and training activities within the International Criminal Police Organization and within other relevant bilateral and multilateral agreements or arrangements.

"Article 12

"1. The Contracting States shall consider entering into bilateral and multilateral agreements on cooperation between criminal justice authorities on the exchange of information concerning all aspects of the criminal activity of persons involved in organized crime as defined in article 1 of the present Convention, including information from their registers of convicted persons.

"2. The Contracting States shall facilitate such exchange of information on the basis of their domestic legislation.

"3. The Contracting States shall consider the establishment of a common data bank on organized criminality, including information on the activities of criminal groups and their members and information on convicted persons.

"4. The collection of information mentioned above shall be carried out with due regard for the need for legal protection of personal files, in accordance with domestic and international provisions.

"Article 13

"The Contracting States shall cooperate in the establishment and implementation of their respective witness protection programmes, including the protection of witness families, in particular by creating the possibility of the settlement of a foreign protected witness in their territories.

"Article 14

"A Contracting State may adopt stricter or more severe measures than those provided for by the present Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of organized crime.

"Article 15

"1. For the purpose of examining the progress made by the Contracting States in achieving the realization of the obligations undertaken in the present Convention, these States shall provide periodic reports to the Commission on Crime Prevention and Criminal Justice, which shall carry out the functions hereinafter provided.

"2. The Contracting States undertake to provide such reports within two years of the entry into force of

the present Convention for the Contracting State concerned, and thereafter, every five years.

"3. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Commission with a comprehensive understanding of the implementation of the present Convention in the country concerned.

"4. A Contracting State that has submitted a comprehensive initial report to the Commission need not, in its subsequent reports submitted in accordance with paragraph 1 of the present article, repeat basic information previously provided.

"5. The Commission may request from the Contracting States further information relevant to the implementation of the present Convention.

"6. The Commission shall make its recommendations and submit to the Economic and Social Council reports on its activities, in accordance with existing provisions.

"7. The Contracting States shall make their reports widely available to the public in their own countries.

"Article 16

"In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the Convention:

"(a) Intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council, and other invited multilateral organizations, shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Commission may invite the specialized agencies and other United Nations organs to submit reports on the implementation of the present Convention in areas falling within the scope of their activities;

"(b) The Commission shall transmit, as it may consider appropriate, to the intergovernmental and non-governmental organizations, to other multilateral organizations and to the specialized agencies, any reports from the Contracting States that contain a request, or indicate a need, for technical advice or assistance, along with the observations and suggestions of the Commission, if any, on these requests or indications;

"(c) The Commission may recommend to the Economic and Social Council that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the control and prevention of organized crime;

"(d) The Commission may make suggestions and general recommendations based on information received pursuant to article 14 of the present Convention. Such suggestions and general recommendations shall be transmitted to any Contracting Party concerned and reported to the Economic and Social Council, together with comments, if any, from the Contracting States.

"Article 17

"The present Convention shall be open to all States for signature from ___ to ___, and thereafter at the Headquarters of the United Nations in New York until

"Article 18

"The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"Article 19

"1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification, acceptance, approval or accession.

"2. For each Contracting State ratifying, accepting, approving or acceding to the present Convention after the deposit of the twentieth instrument of such action, the Convention shall enter into force on the thirtieth day after the deposit by such State of that relevant instrument.

"Article 20

"1. A Contracting State may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the Contracting States with a request that they indicate whether they favour a conference of Contracting States for the purpose of considering and voting upon the proposal. In the event that, within four months from the date of such communication, at least one third of the States favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of Contracting States present and voting at the conference shall be submitted to the General Assembly for approval.

"2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of Contracting States.

"3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other Contracting States still being bound by the provisions of the present Convention and any earlier amendments they have accepted.

"Article 21

"1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by Contracting States at the time of ratification, acceptance, approval or accession.

"2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

"3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

"Article 22

"A Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

"Article 23

"The Secretary-General of the United Nations is designated as the depository of the present Convention.

"Article 24

"The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

"ANNEX IV

"Report of the Chairman of the Open-ended Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime

"1. The Open-ended Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime was established pursuant to Economic and Social Council resolution 1996/27 of 24 July 1996 and its mandate was set out in paragraph 10 of that resolution. The General Assembly, in its resolution 51/120 of 12 December 1996, requested the Commission on Crime Prevention and Criminal Justice to consider as a matter of priority the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on that matter, with a view to finalizing its work on this question as soon as possible. The Commission was also requested to report, through the Economic and Social Council, to the General Assembly at its fifty-second session on the results of its work on that question. The Working Group was therefore given the task of assisting the Commission in implementing the above-mentioned requests of the General Assembly.

"2. The Working Group had before it the following documents:

"(a) Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

"(b) Report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime;

"(c) Report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy, from 6 to 8 April 1997;

"(d) Report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996.

"3. The Working Group was also provided with the following documents:

"(a) Views of the Government of the United States of America on the most effective means for discussion by the Commission on Crime Prevention and Criminal

Justice at its sixth session of the issue of elaboration of conventions (annex V);

"(b) Views of the Government of Germany on an alternative solution for a draft United Nations framework convention on combating organized transnational crime (annex VI);

"(c) The forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight, which met at Lyon, France, from 27 to 29 June 1996 (annex I);

"(d) Non-paper containing a tentative idea of the Japanese delegation in relation to the elaboration of a convention on measures against organized crime.

"4. The Working Group first discussed the question of the elaboration of an international convention against organized transnational crime. The Working Group was of the view that its contribution would be most useful to the Commission if it considered the scope and content of such a convention, rather than engaging in a drafting exercise, which would be outside the mandate given by the Council and the Assembly and would require significantly more time than was available. The Working Group felt that organized crime presented grave global dangers to development and security and that the challenges it posed were becoming greater with time. In determining the scope and content of such a convention, the international community could draw on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, but should be able to come up with new and more innovative and creative responses.

"5. The Working Group recognized that it was desirable to develop a convention that would be as comprehensive as possible. In this connection, several States indicated that their remaining reservations on the effectiveness and usefulness of a convention were contingent upon its scope of application and the measures for concerted action that such an instrument would include. Several States stressed the importance they attached to the nature of a convention as a framework instrument. One difficult issue would be arriving at an acceptable definition of organized crime. It was indicated, however, that that issue was not insuperable, especially in the presence of a strong and sustained political will. Several States were of the view that the definition was not necessarily the most crucial element of a convention and that the instrument could come into being without a definition of organized crime. In this connection, it was also suggested that the phenomenon of organized crime was evolving with such rapidity that a definition would limit the scope of application of a convention by omitting activities in which criminal groups might engage. Other States felt that the absence of a definition would send the wrong signal regarding the political will and commitment of the international community. In addition, avoiding the issue would eventually create problems regarding the implementation of a convention. In view of all this, concerted efforts to arrive at a solution should be made. There were several very important advances made at the regional level, where the matter of some of the constituent elements of a workable definition had been satisfactorily resolved. One example was the solution found for defining participation in organized criminal groups, used in

the European Convention on Extradition. The problem of definition could be solved by looking at each of its elements separately. It was suggested that a first step towards a definition might be to use the definitions of offences contained in other international instruments. It was agreed that the work required in connection with the definition could not be carried out by the Working Group but should be undertaken by governmental experts at a future time. There was also discussion about whether, in elaborating the definition, the focus should be on the transnational aspects of organized crime or on organized crime in general. It was pointed out that the mandate of the Commission was related to organized transnational crime but that the issue required further serious consideration in the context of determining the overall scope of a convention.

"6. In the context of the discussion on whether such a convention should include a list of offences, some States expressed their support for the inclusion of terrorist acts in such a list. Many States were of a contrary view, recalling the initiatives currently under way in the United Nations and other forums on terrorism and the conclusions of the Commission at its fifth session.

"7. The Working Group agreed that it would be useful to focus on widely accepted constituent elements of organized crime. In the discussion that ensued, the elements identified included some form of organization, continuity, the use of intimidation and violence, a hierarchical structure of groups, with division of labour, the pursuit of profit and the exercise of influence on the public, the media and political structures.

"8. The Working Group decided that the best way to proceed for the purpose of advancing the issue was to seek common ground, utilizing as many previous contributions as possible and building on the positive experience and valuable work done at other forums, such as the European Union and the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight. The draft United Nations framework convention against organized crime (annex III) was a useful point of departure and a good basis for further work. In this connection, the Working Group decided to discuss matters related to international cooperation in criminal matters that would form an essential part of an international legally binding instrument. The overriding concern would be to equip the international community with an effective instrument to strengthen action against organized crime.

"9. The Working Group agreed that extradition was crucial to international cooperation against organized crime and, as such, it would form a central component of such a convention. A number of States indicated that the extradition of nationals presented several legal and constitutional problems. While some States were in the process of studying the matter in depth, with a view to finding more efficient solutions and improving international cooperation, it would be difficult for them to comply with a provision envisaging extradition of nationals. It was consequently deemed important to incorporate in a convention a more detailed provision regarding the application of the principle *aut dedere aut judicare*. Since there were a number of countries where extradition of nationals was possible and it was also believed that a trend in that direction might develop in the future, it was agreed that the provision of article 7 of the draft United Nations frame-

work convention was a good basis for discussion and should be retained. It was also agreed that the option of extraditing nationals should be left open, while specifying that extradition would be governed by national constitutional and legal provisions. It was suggested that, in finding an acceptable solution to this matter, the formula regarding extradition contained in the draft convention on terrorist bombings could be relied upon. Inspiration could also be drawn from the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. In addition, reference was made to article 6 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which could be used as a model to arrive at a more comprehensive extradition regime.

"10. On the question of corporate criminal liability (contained in article 3 of the draft United Nations framework convention), several States indicated that the concept was still not reflected in their legislation. In those States, criminal liability was personal and corporate entities could be held accountable only under civil and administrative law. Even where the concept of corporate criminal liability had begun to be introduced, such liability was attached to the person of the executive responsible for the management of the corporate entity. It was explained that the problem was one of legal tradition and philosophy, while it was recognized that corporate criminal liability was a powerful deterrent, in particular in view of the tendency of criminal groups to operate using corporate entities, either infiltrated or set up for the purpose of masking the nature of their illicit activities. The issue of corporate criminal liability was considered important but it required further clarification and elaboration in order to take into account the varying legal traditions of countries.

"11. Regarding the recognition of foreign convictions (contained in article 4 of the draft United Nations framework convention), it was indicated that there were a number of issues that required clarification and further work. It was clarified that the term 'conviction' was used in the sense of a finding of guilt and that the article tried to capture the essence of and build upon the concept reflected in paragraph 5 (h) of article 3 of the 1988 Convention. While the issue of prior criminal history was deemed important, because of its potential usefulness to the expeditious judicial processing of organized crime cases, it was necessary to discuss in detail the modalities for the exchange of the relevant information and the weight to be given to previous convictions within the framework of each jurisdiction. It was also indicated that the matter was directly related to the scope of application of such a convention, in particular regarding substantive law. It was important to formulate a provision on this issue that would ensure avoidance of problems related to double jeopardy or to offences existing in one jurisdiction but not in another.

"12. On police cooperation (article 11 of the draft United Nations framework convention), the issue of joint police operations merited further discussion, as it created a number of concerns for several countries. The desirability of closer cooperation between law enforcement agencies had been expressed in the Naples

Political Declaration and Global Action Plan, but it was deemed important to stress that such cooperation would be pursued in accordance with national legislation. Similar provisions were included in the 1988 Convention and could be useful to the discussion of this question. With regard to paragraphs 2 and 3 of article 11, it was pointed out that the concept they contained was valid, but further work would be necessary in specifying modalities for application, especially in the context of a legally binding instrument such as a convention.

"13. Regarding article 12 of the draft United Nations framework convention, it was agreed that the idea was very important in view of the essential role reliable information played in action against organized crime. The provision, however, required considerably more work because the issue of databases involved a number of important matters, such as accessibility, protection of data and safeguards related to the protection of privacy, in addition to costs for the creation and maintenance of such databases. All these issues needed to be resolved in a manner acceptable to all, while retaining the usefulness of a database.

"14. There was general acceptance of the importance of witness protection (reflected in article 13 of the draft United Nations framework convention). Some States took the opportunity to indicate their intention to establish witness protection programmes, while others advised caution in approaching the matter, because of the risks associated with this mechanism, which related to the social conditions prevailing in countries and the possibility of diminished credibility of certain witnesses.

"15. The Working Group then discussed the issue of mutual legal assistance (article 10 of the draft United Nations framework convention), which was deemed one of the most important cooperation mechanisms to feature in a convention against organized crime. Article 10 was similar to the provisions of other United Nations instruments, but in view of the more comprehensive nature of the proposed convention, the provisions on mutual assistance should be more detailed and more innovative. The 1988 Convention could be used as a source of inspiration in order to arrive at the level of detail that was necessary. In this connection, reference was also made to the report of the informal meeting held at Palermo, which had discussed this issue extensively and included material for further consideration.

"16. The Working Group agreed that considerable work was required on the issue of the convention. For this purpose, it proposed that an open-ended intergovernmental inter-sessional group of experts should be established to consider all pending proposals related to the issue of conventions, as well as all elements thereof and appropriate cooperation modalities and mechanisms.

"17. The Working Group discussed and endorsed the proposals of the Secretary-General on the follow-up action for the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. The Working Group expressed its support for the maintenance and expansion of the central repository on national legislation and other information and data related to organized transnational crime. It was suggested that the Secretariat

should make efforts to identify methods for collecting information and legislative texts rather than merely addressing requests to States in the form of notes verbales. Concern was expressed regarding the resources necessary to undertake the activities required for follow-up action. In this connection, the importance attached to practical action to foster the implementation of the Naples Political Declaration and Global Action Plan was reiterated.

"ANNEX V

"Views of the Government of United States of America on the most effective means for discussion by the Commission on Crime Prevention and Criminal Justice at its sixth session of the issue of the elaboration of conventions

"1. The Government of the United States of America considers it very important that discussion of all proposals for the elaboration of multilateral conventions to combat criminal conduct, in particular the question of the elaboration of an international convention against organized crime, take place in the Open-ended Working Group of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime. Such a discussion will be useful as a means for stimulating thought on the extent to which the various proposals can and should be incorporated into a single instrument. In addition, it will enable delegations to focus on the priority to be set concerning the criminal conduct governed by these different proposals.

"2. In addition to the proposal presented by the Government of Poland for a United Nations framework convention against organized crime (annex III), the following five proposals for multilateral conventions are either the subject of draft resolutions to be considered by the Commission on Crime Prevention and Criminal Justice at its sixth session or have been broached in informal discussions among Member States: the proposal presented by the Government of Argentina for a convention to combat trafficking in children, the recommendation of the Buenos Aires expert group on combating corruption, a possible multilateral convention on firearms, a possible convention on trafficking in illegal migrants and a possible convention on theft of motor vehicles. However, the framework convention on organized crime proposed by Poland is intended to cover all of the other proposals, in whole or in part, by including, under article 1, trafficking in persons, corruption of public officials, illicit trafficking in or stealing of arms and illicit trafficking in or stealing of motor vehicles. Thus, these or any other potential single-issue conventions may be to some degree duplicative of the proposal made by Poland and, if consensus is reached on inclusion of such types of criminality in a framework convention on organized crime, it may subsequently be unnecessary to negotiate further instruments.

"3. Moreover, as is more fully set forth in the appendix to the present annex, certain types of cooperation mechanisms cannot be dispensed with in combating organizations that engage in multiple forms of criminality; such mechanisms include law enforcement information exchange, training and technical assistance, mutual assistance, asset seizure and forfeiture, witness

protection, extradition and harmonization of substantive criminal laws. The international community may decide that a single instrument would best ensure that all of these areas are addressed with sufficient consistency, that limited resources for negotiating conventions and fighting organized crime are used most efficiently and that the fight against organized crime is carried out in a comprehensive and logical fashion. If so, it would be inadvisable to continue to discuss the elaboration of other instruments separately.

"4. Finally, discussion of the merits of all potential instruments in the Working Group will be useful for the purpose of comparing the gravity of the various forms of criminality and determining which aspects constitute the most significant transnational criminal problems. The discussion of the level of prioritization that should be given to each form of criminality may assist the Commission in determining the extent to which other multilateral conventions should be pursued separately from a framework convention on organized crime, or whether they should be pursued at all.

"APPENDIX

"Implementation of recommendations 35 and 36 of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight

"Recommendations for combating transnational organized crime: the supplementation of existing multilateral conventions or adoption of new conventions to assist in the fight against transnational organized crime

"Introduction

"1. Recommendation 35 of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight calls for States to adhere to and implement relevant existing multilateral conventions whose provisions contribute to the fight against all forms of transnational organized crime, while recommendation 36 contemplates a review of the feasibility of updating existing conventions and adopting new instruments in order to enhance the ability of States to fight transnational organized crime.

"2. Among the existing conventions that the Senior Experts Group has catalogued for the purpose of considering whether updating is feasible are: the Slavery Convention of 1926 as amended by the 1953 Protocol, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the International Convention for the Suppression of Counterfeiting Currency of 1929, the Forced Labour Convention adopted in 1930 by the General Conference of the International Labour Organization, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 and the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 1977.

"3. In addition, the Government of Poland introduced, at the fifty-first session of the General Assembly, a draft United Nations framework convention against organized crime. The proposal raises issues regarding the feasibility of adopting a single convention to combat transnational organized crime, in contrast with the updating of existing instruments or the adop-

tion of a number of new instruments, each dealing with a separate type of criminal conduct.

"4. Various options available for using multilateral instruments to fight transnational organized crime are briefly analysed below. Section I discusses the above-mentioned existing conventions, outlining some of the modifications that would be required to update them effectively to address contemporary phenomena of transnational organized crime. Section II examines additional multilateral instruments that could be adopted in order to combat transnational organized crime. Finally, section III contains a discussion of the potential benefits and drawbacks arising from the elaboration of a single consolidated framework convention on organized crime.

"I. Updating existing instruments

"A. Slavery Convention of 1926 as amended by the 1953 Protocol and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956

"5. The Slavery Convention of 1926 as amended by the 1953 Protocol defines slavery and slave trading, obligating States parties to take various actions, including criminalization, to suppress those practices. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 defines a number of practices akin to slavery (including debt bondage, serfdom, marriage practices exploitative of women's labour and exploitation of children's labour by their parents or guardians); it also obligates States parties to abolish those practices, criminalize certain specified conduct integral to the perpetuation of slavery and the slave trade and cooperate with each other in carrying out the purposes of the Convention. The conventions have been widely ratified.

"6. Neither the Slavery Convention nor the Supplementary Convention as currently drafted deals specifically with transnational organized crime, nor can they readily be interpreted as imposing an obligation upon States parties to criminalize such related manifestations of modern organized crime as the exploitation of illegal immigrants by organized criminal groups that have smuggled them across international boundaries, the use by criminal groups of compulsion as part of their perpetuation of the international prostitution trade or the compelling of minors to participate in international pornography rings. However, amendment of these instruments may be of assistance in combating these forms of trafficking in persons.

"7. Effective broadening of these conventions will require States to reach agreement both on the need to criminalize a number of additional classes of conduct and on general definitions of those offences. In addition, since both the Slavery Convention and the Supplementary Convention lack specific cooperation mechanisms between national law enforcement authorities to suppress such conduct, supplementation would require the drafting of a number of such mechanisms.

"8. On balance, effective modernization would appear to require negotiation of a significant number of new provisions. Negotiating a supplemental instrument could also be complicated if some States regarded the occasion as an opportunity to reopen the

debate on issues resolved at the time the conventions were originally concluded. Given these factors, the Senior Experts Group should weigh whether supplementation would be preferable to the elaboration of a new instrument or instruments to combat these forms of criminal conduct.

"B. Forced Labour Convention of 1930

"9. The Forced Labour Convention of 1930 limits the conditions under which 'forced or compulsory labour' can be required and obligates States parties to suppress and criminalize those forms of compelled labour not sanctioned by the Convention.

"10. Although the exploitation of compelled labour by criminal groups described in section I.A above may be violative of the terms of the Forced Labour Convention in its present form, few States parties have established these forms of exploitation as discrete offences or have provided for enhanced penalties to deter sophisticated criminal groups from committing such offences. Thus, to be an effective means of suppressing the exploitation of persons controlled by organized criminal groups, the Convention would have to be amended accordingly.

"11. As in the case of the slavery conventions, given the need to define and punish additional classes of criminal conduct and to include provisions related to law enforcement cooperation, adoption of a supplemental or amended instrument may require as extensive an effort as the elaboration of a separate new instrument or instruments.

"C. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949

"12. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 obligates States parties to criminalize the procuring of persons to engage in prostitution and other conduct integral to the propagation of prostitution. It contains more extensive provisions for law enforcement cooperation than the Slavery Convention or the Forced Labour Convention, including provisions requiring: (a) covered offences to be considered extraditable between States parties; (b) prosecution of offenders by a State party that declines to extradite on the basis of the nationality of the offender; (c) cooperation by States parties (subject to domestic law) in the execution of letters of request regarding covered offences; (d) establishment of central authorities to coordinate implementation of the Convention and cooperate with other States; and (e) sharing of information regarding offences and offenders between States parties.

"13. Effective updating of this Convention could prove difficult, given that a significant number of States have not ratified it. In any case, substantial modification seems required to ensure the broad criminalization of such phenomena as the exploitation of minors in conjunction with the production of pornographic materials or sex tourism and to ensure that States parties are obligated to impose suitably enhanced punishment on participants in organized criminal schemes to engage in such conduct. Moreover, although this instrument focuses on cooperation mechanisms to a greater extent than either the Slavery Convention or the Forced Labour Convention, many additional forms of coopera-

tion recommended by the Senior Experts Group as useful in fighting transnational organized crime are not currently included and a number of them could presumably be inserted.

"D. International Convention for the Suppression of Counterfeiting Currency of 1929

"14. The International Convention for the Suppression of Counterfeiting Currency of 1929 obligates States parties to criminalize counterfeiting or alteration of domestic or foreign currency, as well as the distribution of counterfeit or altered currency. It also provides for: (a) confiscation of such currency; (b) covered offences to be considered extraditable between States parties; (c) prosecution of offenders by States parties that decline to extradite on the basis of the nationality of the offender; (d) cooperation between States parties (subject to domestic law) in the execution of letters of request regarding covered offences; (e) establishment of central authorities to coordinate implementation of the Convention and cooperate with States; and (f) sharing of information between States parties regarding offenders and evidence of offences.

"15. The application of this instrument is limited in scope to counterfeit or altered currency. Significant supplementation or the adoption of new instruments would be required to address such issues of concern as counterfeiting or alteration of credit cards, electronic transfers and other negotiable instruments and the need to provide for enhanced cooperation mechanisms in combating such criminal conduct.

"E. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970

"16. The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 obligates States parties to suppress illicit traffic in archaeological, historical, artistic and other property designated by States as being of particular cultural value, without explicitly requiring criminalization of proscribed conduct. The Convention also provides for, *inter alia*, the confiscation and return of cultural property to States parties from which it was removed and the designation of authorities for implementation of the Convention.

"17. Effectively updating this Convention could prove difficult in practice, for a significant number of States have not ratified it. In addition, given that it contains no explicit criminalization or law enforcement cooperation requirements, modernization seems to entail as much effort as would the creation of new instruments governing other related areas.

"F. International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 1977

"18. The International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences of 1977 provides a broad framework for joint investigation, exchanges of information and other mutual assistance between States parties in connection with violations of customs laws, including smuggling of narcotics, cultural property and other contraband. It does not obligate States to criminalize particular forms of conduct.

"19. The Convention has been ratified by three members of the Political Group of Eight and thirty-one

other States. Although additional States have expressed an interest in ratifying the Convention since it was amended in 1995 to permit contracting parties to make reservations, permitting reservations may hamper any effort to achieve broad implementation. Nonetheless, many of the forms of cooperation set forth in the Convention are useful mechanisms for international law enforcement and can serve as examples of cooperation mechanisms that might be drafted for insertion in other instruments governing transnational smuggling.

"II. Adoption of instruments addressing other forms of criminal conduct

"20. In addition to supplementing and modernizing existing conventions, Senior Experts Group recommendation 36 calls for consideration of the adoption of new instruments to respond to developing needs in the fight against transnational organized crime. In a number of other recommendations, the Senior Experts Group has already identified additional forms of criminal conduct for which there is a need for a concerted international law enforcement response to the infiltration of organized crime. Similar expressions of concern have been made in other international forums and by various States in their individual efforts to combat transnational organized crime. Some of the areas in which the need for action may be particularly acute and regarding which the Senior Experts Group may wish to evaluate the utility of adopting a new instrument or instruments are as follows:

"(a) Extortion and other violent crimes carried out by organized groups for profit;

"(b) Bribery and other corrupt practices;

"(c) Smuggling of and trafficking in nuclear materials for weapons of mass destruction;

"(d) Intellectual property violations;

"(e) Money laundering;

"(f) Crimes involving computers and other advanced technologies;

"(g) Illicit trafficking in firearms;

"(h) Auto theft.

"21. Such an evaluation will require weighing such factors as the likelihood of elaborating an instrument that will enjoy widespread acceptance within the international community, the likely degree of effectiveness the instrument will have in aiding the suppression of the targeted conduct and the commitment of time and resources that will be required to elaborate a series of instruments governing these types of criminal conduct.

"III. Adoption of a single instrument on transnational organized crime

"22. Consideration could also be given to the alternative approach of adopting a single integrated instrument on various forms of criminal conduct engaged in by transnational groups. As previously stated, the Government of Poland introduced such a draft convention at the fifty-first session of the General Assembly.

"23. The major advantage of a single instrument creating obligations to criminalize and cooperate in combating a number of categories of conduct is the advantage it offers in terms of preserving time and resources over the negotiation of a series of new or supplemental instruments, each addressing a limited class of criminal conduct. Since each separate convention

would be likely to contain a number of similar (if not identical) provisions, for example, with regard to extradition of fugitives, legal assistance and other cooperation mechanisms, the negotiation of a single instrument could be expected to save considerable time and avoid needless renegotiation of such common provisions. In addition, the promulgation of a single instrument seems useful in order to arrive at an integrated response to particularly serious forms of transnational organized crime, since specialists in a number of law enforcement disciplines would collaborate in devising an effective unified strategy for cooperation in combating these phenomena and since a single secretariat administering the convention would be more easily able to identify and correct practical problems arising in the implementation of the strategy.

"24. The structure of the convention itself could take several possible forms. One approach could be for it to address a specific list of offences of the type set forth in section II above. Another approach might be to draft a convention that, like the proposal by the Government of Poland, seeks to define the term 'organized crime', and to include specific types of conduct under its rubric.

"25. The former approach, by virtue of being less complex, may enjoy some advantages over the latter. Initially, it may be difficult to arrive at a definition of 'organized crime' that enjoys widespread acceptance. As illustrated in the inventory of documents prepared by the Senior Experts Group, numerous different definitions of the term 'organized crime' have been devised. Given the great diversity among modern criminal groups, reaching a single meaningful definition will probably prove elusive and may interfere with the successful conclusion of the convention. Moreover, great care would have to be taken to ensure that the definition of 'organized crime' did not inadvertently legitimize actions by undemocratic Governments to suppress legitimate political opposition.

"26. In addition, a number of States may wish the definition of 'organized crime' to encompass terrorism, leading to problematic results. For example, the inclusion of terrorism may lead to an effort to define it more precisely, a task that will be extremely difficult, given the traditional divide between those States that consider acts of violence carried out by 'national liberation movements' to be permissible and those that wish to proscribe such conduct. The effort to define terrorism will thus divert attention from other issues and ultimately will not be conducive to achieving consensus. The inclusion of terrorism may also result in the duplication of provisions contained in the significant number of existing instruments aimed at combating terrorism.

"27. Even if no effort is made to define these terms, there may be some difficulty in reaching agreement on the list of conduct to be proscribed under the convention. The convention may be seen by some States as an opportunity to seek the inclusion of modes of criminality with respect to which there can be at best a marginal claim that they constitute a significant transnational criminal problem. For example, a small number of States have called for conventions to combat illicit international adoption, trafficking in body parts or racial hatred. However, any effort to broaden the convention too greatly would divert focus from types of criminality

that need to be addressed most urgently and could also make it more difficult to identify appropriate cooperation mechanisms for combating the conduct proscribed by the convention.

"28. The Government of the United States has prepared a discussion draft of a convention for the suppression of transnational organized crime, illustrating how a convention adhering to the recommendations of the Senior Experts Group could be structured. It is hoped that consideration of that document, together with the proposal by Poland, may be useful to the discussion of this issue.

"29. It is conceivable that there are other approaches that might be viable in this area, including the elaboration of a single instrument addressing a much more limited list of criminal activities than that described either in the discussion draft of the United States, presented below, or in the proposal by Poland, on which there is clear consensus that immediate criminalization and enhanced cooperation are required.

"Draft Convention for the Suppression of Transnational Organized Crime

"The States Parties to the present Convention,

"Deeply concerned about the threat posed by the rapid development of transnational organized crime,

"Convinced that the rapid growth and geographical extension of transnational organized crime is a major concern of all countries and that it calls for a concerted response from the international community,

"Desiring to conclude an effective international convention directed specifically against serious transnational organized crime,

"Have agreed as follows:

"Article 1

"Offences and sanctions

"1. Each State Party shall make punishable, by appropriate penalties that take into account their grave nature, the following conduct:

"[Insert definition of transnational organized crime or offences covered by the present Convention]

"2. The provisions of the present article shall not affect the obligations regarding the criminalization of offences pursuant to any other multilateral treaty.

"Article 2

"Establishment of jurisdiction

"1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 of the present Convention when the offence is committed in the territory of that State.

"2. A State Party may also establish its jurisdiction over any such offence when:

"(a) The alleged offender is a national of that State;

"(b) The offence was committed against a national of that State; or

"(c) The offence has substantial effects in that State.

"3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite or transfer that person for trial pursuant to article 5, paragraph 6, of the present Convention to any of the States Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

"4. The present Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

"5. The provisions of the present article shall not affect the obligations with regard to the establishment of jurisdiction over offences pursuant to any other multilateral treaty.

"Article 3

"Extradite or prosecute

"1. The State Party in the territory of which the offender or the alleged offender is found, if it does not extradite that person or transfer that person for trial pursuant to article 5, paragraph 6 of the present Convention shall be obliged, upon request of the State Party seeking extradition or transfer, in cases where article 2 above applies without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

"2. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 1 of the present Convention shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the law of the State in the territory of which that person is present.

"Article 4

"Additional requirements

"1. Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its laws, take that person into custody or take other measures to ensure the presence of that person for such time as is necessary to enable any criminal or extradition proceedings to be instituted. Such State shall immediately make a preliminary inquiry, in accordance with its own laws.

"2. Any person regarding whom the measures referred to in paragraph 1 of the present article are being taken shall be entitled:

"(a) To communicate with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to establish such communication or, if that person is a stateless person, the State in the territory of which that person habitually resides;

"(b) To be visited by a representative of that State.

"3. The rights referred to in paragraph 2 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 1 of the present article are intended.

"Article 5

"Rules relating to extradition

"1. The offences set forth in article 1 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between

any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

"2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider the present Convention as a legal basis for extradition in respect of the offences set forth in article 1 above. Extradition shall be subject to the other conditions provided by the law of the requested State.

"3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 of the present Convention as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

"4. The offences set forth in article 1 of the present Convention shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

"5. For purposes of extradition between the States Parties, none of the offences set forth in article 1 of the present Convention shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

"6. If a State Party denies extradition to another State Party for an offence set forth in article 1 of the present Convention because the person sought is a national of the requested Party, the requested Party shall, upon request of the requesting Party, transfer the person to the requesting Party for trial or other proceedings and the person transferred shall be returned to the requested Party to serve any sentence imposed in the requesting Party as a result of the trial or proceedings for which transfer was made.

"7. With respect to the offences as defined in the present Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent necessary to give effect to the provisions of the present Convention.

"Article 6

"Mutual legal assistance

"1. States Parties shall afford one another the greatest measure of assistance in connection with proceedings brought in respect of the offences set forth in article 1 of the present Convention, including assistance in obtaining evidence at their disposal that is necessary for the proceedings.

"2. States Parties shall carry out their obligations under paragraph 1 above in conformity with any treaties on mutual assistance that may exist between them or pursuant to domestic law.

"3. For offences established in accordance with the present Convention, a State Party shall not decline to render mutual legal assistance on the ground of bank secrecy or on the ground that there is an absence of dual criminality.

"4. States Parties shall adopt measures sufficient to enable a person in the custody of one State Party, whose presence in another State Party is requested for pur-

poses of assistance under the present Convention, to be transferred if the person consents and if the competent authorities of both States agree. For purposes of the present paragraph:

"(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise authorized by the State from which the person was transferred;

"(b) The State to which the person is transferred shall return the person to the custody of the State from which the person was transferred as soon as circumstances permit or as otherwise agreed by the competent authorities of both States;

"(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

"(d) The person transferred shall receive credit for service of the sentence imposed in the State from which he was transferred for time served in the custody of the State to which he was transferred.

"5. In order to ensure the protection of witnesses, States Parties shall, on request, limit disclosure of the addresses or identifying particulars of persons who testify. States Parties shall also adopt measures to permit, upon request, persons to testify by telecommunications or video link or use other modern technology in order to provide testimony to the prosecuting State.

"Article 7

"Confiscation

"1. States Parties shall adopt such measures as may be necessary to enable confiscation of:

"(a) Proceeds derived from offences set forth in article 1 of the present Convention or property, the value of which corresponds to that of such proceeds;

"(b) Property, equipment or other instrumentalities used in or intended for use in offences set forth in article 1 of the present Convention.

"2. States Parties shall adopt such measures as may be necessary to enable the identification, freezing or seizure of any item referred to in paragraph 1 of the present article for the purpose of eventual confiscation.

"3. The State Party that has custody over proceeds or instrumentalities of offences shall dispose of them in accordance with its laws. A Party may transfer all or part of such assets or the proceeds of their sale to another Party, to the extent permitted by the laws of the transferring Party and upon such terms as it deems appropriate.

"4. The provisions of the present article shall not be construed as prejudicing the rights of third parties.

"Article 8

"Transfer of proceedings

"States Parties shall give consideration to transferring to one another proceedings for criminal prosecution of offences established in accordance with the present Convention in cases where such transfer is considered to be in the interests of a proper administration of justice.

"Article 9

"Other forms of cooperation and assistance

"States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effective-

ness of law enforcement action to combat offences set forth in the present Convention. Each State Party shall, in particular, adopt effective measures:

"(a) For the purposes of carrying out the cooperation and assistance provided for under the present Convention, including the making and receiving of requests for cooperation and assistance, to designate a central authority that shall communicate directly with the central authorities of other States Parties;

"(b) To establish and maintain channels of communication between their competent authorities, agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of the offences set forth in the present Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

"(c) To cooperate with one another in conducting inquiries, with respect to offences set forth in the present Convention, concerning:

"(i) The identity, whereabouts and activities of persons suspected of involvement in the offences set forth in the present Convention;

"(ii) The movement of proceeds or property derived from the commission of such offences;

"(d) In appropriate cases and if not contrary to domestic law, to establish joint teams, taking into account the need to protect the security of persons and operations, in order to carry out the provisions of the present paragraph. Officials of any State Party participating in such teams shall act as authorized by the appropriate authorities of the Party in whose territory the operation is to take place; in all such cases, the States Parties involved shall ensure that the sovereignty of the Party in whose territory the operation is to take place is fully respected;

"(e) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

"(f) To establish arrangements for electronic surveillance, undercover operations and controlled deliveries with a view to gathering evidence and taking legal action against persons involved in the offences set forth in the present Convention;

"(g) To provide protection for persons who have given or have agreed to give information or evidence or who participate or who have agreed to participate in an investigation or prosecution of an offence established in accordance with the present Convention and for the relatives and associates of such persons who require protection because of risks to their security of person. States Parties should consider, as appropriate, reciprocal arrangements for the protection of witnesses and other endangered persons;

"(h) To permit the competent authorities, when considering punishment, to consider as a mitigating factor the extent of cooperation provided by an accused in the investigation and prosecution of other persons or the ability and intention of the accused to provide such cooperation;

"(i) To facilitate effective coordination between their competent agencies and services and to promote the exchange of personnel and other experts, including the posting of liaison officers.

"Article 10

"Law enforcement training

"1. Each State Party shall, to the extent necessary, initiate, develop or improve a specific training programme for its law enforcement personnel, including prosecutors and investigating magistrates, and other personnel charged with the suppression of the offences set forth in the present Convention. Such programmes shall deal, in particular, with the following:

"(a) Methods used in the detection and suppression of the offences set forth in the present Convention;

"(b) Techniques used by persons suspected of involvement in offences set forth in the present Convention;

"(c) Detection and monitoring of the movements of proceeds, property and instrumentalities derived from offences set forth in the present Convention and methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities;

"(d) Collection of evidence;

"(e) Modern law enforcement techniques.

"2. States Parties shall assist one another to plan and implement research and training programmes designed to share expertise in the areas referred to in paragraph 1 of the present article and, to this end, shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and stimulate discussion on problems of mutual concern.

"3. States Parties shall promote other techniques for mutual education that will facilitate extradition and mutual legal assistance, including language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

"Article 11

"Transparency of transactions

"1. States Parties shall implement measures to detect and monitor the physical transportation of cash and bearer-negotiable instruments at the border, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of legitimate capital movements.

"2. In order to improve understanding and information on the detection of financial networks linked to transnational organized crime, States Parties shall take measures to gather financial information and, as much as possible, facilitate the exchange of such information, including exchanges between law enforcement agencies and regulatory bodies.

"Article 12

"Other forms of cooperation

"1. States Parties shall cooperate closely in the prevention, investigation and prosecution of the offences set forth in article 1 of the present Convention. In particular, they shall, in accordance with their domestic laws or pursuant to bilateral or multilateral agreements or arrangements:

"(a) Take all appropriate measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;

"(b) Exchange information in accordance with their national law and coordinate administrative and other measures taken, as appropriate, to prevent the

commission of offences set forth in article 1 of the present Convention.

"2. States Parties shall consider the establishment of a common data bank concerning transnational organized crime, including information gathered regarding activities of criminal groups, their members and convicted persons.

"Article 13

"Application of cooperation provisions to other multilateral conventions

"States Parties may apply articles 3 to 12 of the present Convention to other multilateral conventions to the extent agreed between States Parties.

"Article 14

"Dispute settlement

"1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

"2. Each State may, at the time of ratification or accession to the present Convention, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 of the present article with respect to any State Party which has made such a reservation.

"3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to [the Secretary-General of the United Nations].

"Article 15

"Signature, ratification, accession

"1. The present Convention shall be open for signature by all States until [date] at [United Nations Headquarters in New York].

"2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the [Secretary-General of the United Nations].

"3. The present Convention is subject to accession by any State. The instruments of accession shall be deposited with [the Secretary-General of the United Nations].

"Article 16

"Entry into force

"1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the [twenty-fifth] instrument of ratification or accession with [the Secretary-General of the United Nations].

"2. For each State ratifying or acceding to the present Convention after the deposit of the [twenty-fifth] instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

"Article 17
"Denunciation

"1. Any State Party may denounce the present Convention by written notification to [the Secretary-General of the United Nations].

"2. Denunciation shall take effect one year following the date on which notification is received by [the Secretary-General of the United Nations].

"Article 18
"Languages and depositary

"The original of the present Convention, of which the [Arabic, Chinese, English, French, Russian and Spanish] texts are equally authentic, shall be deposited with [the Secretary-General of the United Nations], who shall send certified copies thereof to all States.

"IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at [place] on [date].

"ANNEX VI

"Views of the Government of Germany on an alternative solution for a draft United Nations framework convention on combating organized transnational crime

"1. Organized transnational crime threatens both the economic and political structures of States. It is a global menace endangering industrial and developing societies alike and requires a global response. The draft United Nations framework convention against organized crime, submitted to the General Assembly by the Government of Poland (annex III), offers a good basis for discussion of this urgent problem by the Commission on Crime Prevention and Criminal Justice.

"2. So far, national and international efforts to produce a workable definition of organized transnational crime have been unsuccessful. The definition contained in article 1 of the draft United Nations framework convention is, from the perspective of the Government of Germany, in part too narrow, in part too broad. Germany considers organized transnational crime not as a clearly definable criminal offence but as a complex phenomenon of criminality. Elements of a description could probably be agreed upon and set out in the preamble of such a convention. It is problematic even to give a paradigmatic list of specific crimes because, whereas everyone can agree on what constitutes murder, there is no international consensus on what constitutes, for example, corruption of public officials. This would lead to insuperable difficulties in penalizing such criminal behaviour and establishing jurisdiction.

"3. From the point of view of the Government of Germany, these difficulties could be circumvented by the following alternative solution:

"(a) The elaboration of a comprehensive United Nations convention on organized transnational crime should be based on the Model Treaty on Extradition and the Model Treaty on Mutual Assistance in Criminal Matters;

"(b) Such a convention should refrain from reference to specific crimes but the point of reference would be the framework given by article 2 of the Model Treaty on Extradition, at least for extraditable offences. For the granting of legal assistance, probably no specific point of reference would be necessary;

"(c) A gap in the international armoury against organized transnational crime seems to stem from the fact that some legal systems do not penalize criminal

behaviour that is not directly aimed at a concrete crime and therefore cannot qualify as participation in a crime, whereas the laws of Germany, France and Italy, for example, penalize participation on the basis of membership in a 'criminal association'. The convention ought to contain an obligation to penalize on these lines. This could follow the formulation of article 3, on conspiracy and association to commit offences, of the Convention, drawn up on the basis of article K.3 of the Treaty on European Union, relating to extradition between the member States of the European Union of 27 September 1996, for example:

'Each party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law, when committed intentionally, the participation as an accomplice in or the organization or direction of others to commit an offence in the field of drug trafficking or other forms of organized crime.'

"(d) Adequate provisions for skimming off the proceeds of crime are indispensable for an effective fight at the national and international levels against organized transnational crime. The convention should, therefore, oblige Member States to legislate to this effect;

"(e) In all international forums, there is general agreement that the scope for the imposition of penalties for money laundering in connection with drug trafficking is unsatisfactory. The convention should provide that, in principle, any other serious offence, in addition to drug-related offences, can be considered a predicate offence for money laundering;

"(f) Following the model of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the convention should contain provisions for the domestic implementation of foreign forfeiture measures;

"(g) A precondition for fighting organized transnational crime at the national or international level is an effective witness protection programme; in this regard, see the relevant European Union recommendations, the forty recommendations of the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight (annex I) and the idea underlying article 13 of the draft United Nations framework convention submitted by the Government of Poland;

"(h) In addition, the convention should make provision for police cooperation and training (see article 11 of the draft United Nations framework convention and article 9 of the 1988 Convention);

"(i) Finally, some new ideas put forward by the Council of Europe, the European Union and other international forums in the area of extradition and mutual assistance could be taken up in a United Nations convention."

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted **resolution 52/85** without vote [agenda item 103].

Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

The General Assembly,

Recalling its resolution 49/159 of 23 December 1994, in which it approved the Naples Political Declaration and the Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,

Recalling also Economic and Social Council resolution 1996/27 of 24 July 1996, and bearing in mind Council resolution 1997/22 of 21 July 1997,

Recalling further its resolution 51/120 of 12 December 1996 on the question of the elaboration of an international convention against organized transnational crime,

Convinced of the importance of continuous action by Member States aimed at the full implementation of the Naples Political Declaration and Global Action Plan,

Reiterating the need for increased technical cooperation activities and the provision of practical assistance to requesting Member States for the implementation of the Naples Political Declaration and Global Action Plan,

1. Takes note of the reports of the Secretary-General, submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and on the question of the elaboration of an international convention against organized transnational crime;

2. Takes note also of the forty recommendations elaborated and endorsed by the Senior Experts Group on Transnational Organized Crime, which met at Lyon, France, from 27 to 29 June 1996, which are contained in annex I to Economic and Social Council resolution 1997/22;

3. Takes note further of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held at Palermo, Italy, from 6 to 8 April 1997, and expresses its appreciation to the Fondazione Giovanni e Francesca Falcone for organizing and acting as host to the meeting;

4. Reiterates the high priority accorded to the United Nations Crime Prevention and Criminal Justice Programme as well as to its work on action against organized transnational crime in general and the implementation of the Naples Political Declaration and Global Action Plan in particular;

5. Urges States to continue making every effort possible to implement the Naples Political Declaration and Global Action Plan fully by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention;

6. Requests the Commission on Crime Prevention and Criminal Justice to continue its review of the implementation of the Naples Political Declaration and Global Action Plan as a matter of high priority;

7. Invites developing countries and countries with economies in transition to undertake action against organized transnational crime and to promote international cooperation in this field as priorities in their development efforts and to include in their requests for

assistance to the United Nations Development Programme, as part of the country programme framework of the Programme, projects on action against organized transnational crime and money laundering, with a view to upgrading national institutional capacities and professional expertise in these fields;

8. Calls upon the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to give favourable consideration to project proposals on strengthening national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and money laundering that are elaborated and submitted to them by the Centre for International Crime Prevention of the Secretariat;

9. Requests the Secretary-General to continue his work on the central repository established pursuant to Economic and Social Council resolution 1996/27, with a view to increasing, maintaining and updating the data and other information contained in the repository and making such information available to States and, for this purpose, to continue collecting information and material, taking into account the methodological points and categorization of data listed in annex II to Economic and Social Council resolution 1997/22, including legislative and regulatory texts on the prevention and control of organized transnational crime, as well as reports on preventive measures;

10. Calls upon all States and relevant international organizations and institutes affiliated and associated with the United Nations to assist the Secretary-General in the implementation of paragraph 9 above by providing him with data and other information, as well as legislative and regulatory texts, and to keep such data up to date;

11. Requests the Secretary-General to continue to provide States with advisory services and other forms of assistance on request in the field of prevention and control of organized transnational crime;

12. Also requests the Secretary-General to assist States in collecting and systematizing data and other information on the occurrence, dimensions and patterns of organized transnational crime by designing and undertaking a comparative study on the situation of organized transnational crime throughout the world;

13. Further requests the Secretary-General to review the data submitted to the central repository and to take that data into account in developing model legislation against organized transnational crime as well as technical manuals for law enforcement and judicial personnel and for agencies engaged in preventive activities;

14. Decides to establish an inter-sessional open-ended intergovernmental group of experts, from within existing resources or, where possible, funded by extrabudgetary resources, if made available, for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session;

15. Welcomes the generous offer of the Government of Poland to organize and host a meeting of the intergovernmental group of experts;

16. Requests the intergovernmental group of experts, when elaborating the preliminary draft:

(a) To take into account existing multilateral instruments, the draft United Nations framework convention against organized crime presented by the Government of Poland at the fifty-first session of the General Assembly, contained in annex III to Economic and Social Council resolution 1997/22, the report of the Chairman of the Working Group on the Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the Question of the Elaboration of an International Convention against Organized Transnational Crime, contained in annex IV to Council resolution 1997/22, the principles indicated in the forty recommendations mentioned in paragraph 2 above and the observations and proposals made by other member States during the sixth session of the Commission on Crime Prevention and Criminal Justice, including those contained in annexes V and VI to Council resolution 1997/22, as well as those contained in the report of the Secretary-General on the question of the elaboration of an international convention against organized transnational crime and the principles contained in the report of the Secretary-General on measures to prevent trafficking in children;

(b) To give priority consideration to the following issues:

- (i) Measures for judicial and police cooperation, particularly in relation to mutual assistance, extradition, money laundering and confiscation of illicit assets, protection of witnesses, information sharing, training and other forms of technical assistance;
- (ii) Identification of the scope of application of the above-mentioned measures, having particular regard to the documents contained in annexes III and IV to Council resolution 1997/22, referred to in subparagraph (a) above;
- (iii) Provisions related to criminal offences, particularly in the areas of criminal associations, conspiracy and money laundering;

(c) Also to consider indicating the need for special provisions related to specific types of crime, such as trafficking in children, corruption, offences related to firearms, trafficking in illegal migrants and theft of motor vehicles, that may be the subject of international instruments, whether associated with or separate from the draft convention;

17. Requests the Secretary-General to provide the Centre for International Crime Prevention of the Secretariat with adequate resources for the preparation and servicing of the meeting of the intergovernmental group of experts;

18. Requests the Commission on Crime Prevention and Criminal Justice to report through the Economic and Social Council to the General Assembly at its fifty-third session on the progress achieved in its work on this question.

UN Declaration on Crime and Public Security

In a February report on technical cooperation activities [E/CN.15/1997/17], the Secretary-General stated that the United Nations Crime Prevention and Criminal Justice Division had made efforts to gear its technical cooperation activities towards providing Member States with services that

would enhance their capacity to implement the United Nations Declaration on Crime and Public Security, adopted by the General Assembly in resolution 51/60 [YUN 1996, p. 1028]. In addition, the Division undertook needs assessment missions regarding effective national measures to combat serious transnational crime to Angola, Kyrgyzstan, Romania and the former Yugoslav Republic of Macedonia. Subsequently, four project proposals were developed. At the request of the Government of Ukraine, the Division developed a project to improve the country's criminal justice system. The Secretary-General noted that the Division planned to continue developing operational activities related to the broad range of issues covered by the Declaration, which was warranted by the increased number of requests received from Member States for assistance in that area.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/34 without vote [agenda item 7 (c)].

Implementation of the United Nations Declaration on Crime and Public Security

The Economic and Social Council,

Recalling General Assembly resolution 51/60 of 12 December 1996, by which the Assembly, convinced that the adoption of a declaration on crime and public security would contribute to the enhancement of the struggle against serious transnational crime, approved the United Nations Declaration on Crime and Public Security,

Noting that the General Assembly, in its resolution 51/60, urged Member States to make every effort to ensure that the Declaration became generally known and was observed and implemented in full in accordance with their respective national legislation,

Noting also that the General Assembly, in its resolution 51/60, invited the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration,

1. Welcomes the report of the Secretary-General on technical cooperation and coordination of activities setting forth the information provided to date by Member States on their efforts to observe and implement in full General Assembly resolution 51/60 and the United Nations Declaration on Crime and Public Security in accordance with their national legislation;

2. Requests the Secretary-General, utilizing a questionnaire or other means to ensure standardized responses, to seek from Member States, as well as from any interested intergovernmental organizations or United Nations institutes, information related to the implementation of the Declaration, including in particular, in the case of Member States, the following:

(a) A summary of existing legislation and pending legislative proposals to combat serious transnational crime, including organized crime, illicit drug and arms

trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes;

(b) A summary of bilateral, regional, multilateral and global extradition, mutual legal assistance and other types of law enforcement cooperation arrangements;

(c) A summary of involvement or participation in law enforcement training and education activities at the international level;

(d) A status report on adherence to the principal existing international treaties relating to various aspects of the problem of international terrorism and to the international drug control conventions;

(e) A summary of existing or proposed victim assistance programmes or systems;

(f) A summary of existing or proposed legislation to combat the transnational flow of the proceeds of serious transnational crime, including measures to require adequate record-keeping and reporting of suspicious transactions by financial and related institutions, to permit the seizure and forfeiture of the proceeds of crime, to limit the application of any bank secrecy laws with respect to criminal operations and to obtain the cooperation of financial institutions in detecting any operations that may be used for money laundering;

(g) A summary of measures undertaken to combat and prohibit corruption and bribery;

3. Urges all Member States to respond fully to the request by the Secretary-General for information on their efforts to implement the Declaration, either in their initial responses if they have not yet responded or, if necessary, in an amended version of any previous response;

4. Recognizes that the Crime Prevention and Criminal Justice Division of the Secretariat should continue to provide technical assistance to Member States in their efforts to implement the Declaration, drawing on extrabudgetary resources;

5. Requests the Secretary-General to compile the responses received for submission as a report to the Commission on Crime Prevention and Criminal Justice at its eighth session, if possible within existing resources;

6. Decides that the Declaration should be included in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice when the Compendium is next published in any of the official languages of the United Nations;

7. Invites Member States to give serious consideration, in their efforts to implement the Declaration, to the means and methods for combating organized transnational crime set forth in the forty recommendations endorsed by the Senior Experts Group on Transnational Organized Crime of the Political Group of Eight at Lyon, France, in June 1996;

8. Decides that the Commission on Crime Prevention and Criminal Justice, at its eighth session, should review the report of the Secretary-General and should continue to consider the implementation of the Declaration.

Extradition

In January, the Secretary-General submitted to the Commission the report on the Intergovernmental Expert Group Meeting on Extradition

(Siracusa, Italy, 10-13 December 1996) [E/CN.15/1997/6 & Corr.1], convened in response to Economic and Social Council resolution 1995/27 [YUN 1995, p. 1138].

The Expert Group surveyed the problems encountered in extradition practice, including administrative, legal and technical, as well as policy and political, concerns. Several key areas were identified, including clarity of procedures, dual criminality, especially in relation to complex crimes, the political offence exception in a modern context, problems relating to the rule of speciality, conflicting claims of jurisdiction, non-extradition of nationals and differences in evidentiary standards and burdens. The Group stated that improving the effectiveness of extradition practice could be achieved by raising the professional standards and competence of officials involved in the extradition process, including central authorities, police, prosecutors and judges, especially in developing countries and countries in transition. It recommended a draft resolution for adoption by the Commission.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], by resolution 1997/26, the Economic and Social Council, acting without vote on the recommendation of the Commission on Crime and Prevention and Criminal Justice [E/1997/30], approved a draft text for adoption by the General Assembly [agenda item 7 (c)].

International cooperation in criminal matters

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/88 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted **resolution 52/88** without vote [agenda item 103].

International cooperation in criminal matters

The General Assembly,

Acknowledging the benefits of the enactment of national laws providing the most flexible basis for extradition, and bearing in mind that some developing countries and countries with economies in transition may lack the resources for developing and implementing treaty relations on extradition, as well as appropriate national legislation,

Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in law enforcement must be continuously reviewed and revised to ensure that the specific contemporary problems of fighting crime are being effectively addressed at all times,

Convinced also that reviewing and revising the United Nations model treaties will contribute to increased efficiency in combating criminality,

Commending the work of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996, to implement, in part, Economic and Social Council resolution 1995/27 of 24 July 1995 by reviewing the Model Treaty on Extradition and by proposing complementary provisions for it, elements for model legislation in the field of extradition and training and technical assistance for national officials engaged in the field of extradition,

Commending also the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences for providing support for the Expert Group Meeting and the Governments of Finland, Germany and the United States of America and the United Nations Interregional Crime and Justice Research Institute for their cooperation in its organization,

Recognizing that the work of the Intergovernmental Expert Group could not be fully completed given the limited amount of time available and that its work was therefore ultimately limited to the field of extradition,

Determined to implement section I of Economic and Social Council resolution 1995/27, in which the Council requested the Secretary-General to convene a meeting of an intergovernmental expert group to explore ways of increasing the efficiency of extradition and related mechanisms of international cooperation,

I

Mutual assistance

1. Requests the Secretary-General to convene, using extrabudgetary funds already offered for this purpose, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mutual assistance in criminal matters;

2. Recommends that the expert group should, in accordance with section I of Economic and Social Council resolution 1995/27, explore ways and means of increasing the efficiency of this type of international cooperation, having due regard for the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters, developing model legislation and providing technical assistance in the development of agreements;

3. Also recommends that the expert group submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice no later than at its eighth session;

II

Extradition

1. Welcomes the report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996;

2. Decides that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to the present resolution;

3. Encourages Member States, within the framework of their national legal systems, to enact effective extradition legislation, and calls upon the international community to give all possible assistance in achieving that goal;

4. Requests the Secretary-General to elaborate, in consultation with Member States and subject to extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation to assist Member States in giving effect to the Model Treaty on Extradition in order to enhance effective cooperation between States, taking into account the contents of model legislation recommended by the Intergovernmental Expert Group Meeting;

5. Invites States to consider taking steps, within the framework of national legal systems, to conclude extradition and surrender or transfer agreements;

6. Urges States to revise bilateral and multilateral law enforcement cooperation arrangements as an integral part of the effort to effectively combat constantly changing methods of individuals and groups engaging in organized transnational crime;

7. Urges Member States to use the Model Treaty on Extradition as a basis in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

8. Also urges Member States to continue to acknowledge that the protection of human rights should not be considered inconsistent with effective international cooperation in criminal matters, while recognizing the need for fully effective mechanisms for extraditing fugitives;

9. Invites Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the use and application of extradition treaties or other arrangements:

(a) Establishing and designating a national central authority to process requests for extradition;

(b) Undertaking regular reviews of their treaty or other extradition arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating new and complex forms of crime;

(c) Simplifying and streamlining procedures necessary to execute and initiate requests for extradition, including the provision to requested States of information sufficient to enable extradition;

(d) Reducing the technical requirements, including documentation, necessary to satisfy the tests for extradition in cases where a person is accused of an offence;

(e) Providing for extraditable offences to extend to all acts and omissions that would be criminal offences in both States carrying a prescribed minimum penalty and not to be individually listed in treaties or other agreements, particularly with respect to organized transnational crime;

(f) Ensuring effective application of the principle of *aut dedere aut judicare*;

(g) Paying adequate attention, when considering and implementing the measures mentioned in subparagraphs 9 (b) to (f) above, to furthering the protection of human rights and the maintenance of the rule of law;

10. Encourages Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to facilitate extradition, such as specialized training and, whenever possible, secondment and exchanges of personnel, as well as the appointment in other States of representatives of prosecuting agencies or of judicial authorities,

in accordance with national legislation or bilateral agreements;

11. Reiterates its invitation to Member States to provide the Secretary-General with copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to extradition, as well as updated information on central authorities designated to deal with requests;

12. Requests the Secretary-General:

(a) Subject to extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 11 above;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in the development, negotiation and implementation of bilateral, subregional, regional or international treaties on extradition, as well as in the drafting and application of appropriate national legislation, as necessary;

(c) To promote regular communication and exchanges of information between central authorities of Member States dealing with requests for extradition and to promote meetings of such authorities on a regional basis for Member States wishing to attend;

(d) To provide, taking into account the recommendations for a training programme contained in the report of the Intergovernmental Expert Group Meeting, in cooperation with relevant intergovernmental organizations, with the participation of interested Member States at the intergovernmental organizational meeting referred to in the recommendations and subject to extrabudgetary resources, training for personnel in appropriate governmental agencies and central authorities of requesting Member States on extradition law and practice designed to develop necessary skills and to improve communications and cooperation aimed at enhancing the effectiveness of extradition and related practices;

13. Also requests the Secretary-General, subject to extrabudgetary resources and in cooperation with other relevant intergovernmental organizations, the United Nations Interregional Crime and Justice Research Institute and the other institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

14. Commends the International Institute of Higher Studies in Criminal Sciences for its offer to organize and host a coordination meeting for the purpose of developing the training material referred to in paragraph 13 above, as well as training courses on extradition law and practice;

15. Requests the Secretary-General to ensure the full implementation of the provisions of the present resolution, and urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

16. Also requests the Secretary-General to submit the report of the Intergovernmental Expert Group Meeting on Extradition together with the present resolution to the Preparatory Committee on the Establishment of an International Criminal Court for consideration.

ANNEX

Complementary provisions for the Model Treaty on Extradition

Article 3

1. Move the text of footnote 96 to the end of subparagraph (a) and add a new footnote reading: "Countries may wish to exclude certain conduct, e.g., acts of violence, such as serious offences involving an act of violence against the life, physical integrity or liberty of a person, from the concept of political offence".

2. Add the following sentence to footnote 97: "Countries may also wish to restrict consideration of the issue of lapse of time to the law of the requesting State only or to provide that acts of interruption in the requesting State should be recognized in the requested State".

Article 4

3. Add the following footnote to subparagraph (a): "Some countries may also wish to consider, within the framework of national legal systems, other means to ensure that those responsible for crimes do not escape punishment on the basis of nationality, such as, *inter alia*, provisions that would permit surrender for serious offences or permit temporary transfer of the person for trial and return of the person to the requested State for service of sentence".

4. Add to subparagraph (d) the same *aut dedere aut judicare* (either extradite or prosecute) provisions as are found in subparagraphs (a) and (f).

Article 5

5. Add the following footnote to the title of article 5: "Countries may wish to consider including the most advanced techniques for the communication of requests and means which could establish the authenticity of the documents as emanating from the requesting State".

6. Replace existing footnote 101 with the following text: "Countries requiring evidence in support of a request for extradition may wish to define the evidentiary requirements necessary to satisfy the test for extradition and in doing so should take into account the need to facilitate effective international cooperation".

Article 6

7. Add the following footnote to the title of article 6: "Countries may wish to provide for the waiver of speciality in the case of simplified extradition".

Article 14

8. Add the following footnote to subparagraph 1 (a): "Countries may also wish to provide that the rule of speciality is not applicable to extraditable offences provable on the same facts and carrying the same or a lesser penalty as the original offence for which extradition was requested".

9. Delete footnote 103.

10. Add the following footnote to paragraph 2: "Countries may wish to waive the requirement for the provision of some or all of these documents".

Article 15

11. Add the following sentence to footnote 105: "However, countries may wish to provide that transit should not be denied on the basis of nationality".

Article 17

12. Add the following sentence to footnote 106: "There may also be cases for consultation between the requesting and requested States for the payment by the requesting State of extraordinary costs, particularly in complex cases where there is a significant disparity in the resources available to the two States".

Criminal law and protection of the environment

Pursuant to Economic and Social Council resolution 1996/10 [YUN 1996, p. 1030], the Secretary-General, in a February report with later addenda [E/CN.15/1997/10 & Add.1,2], summarized the views of Governments, UN organizations, and inter-governmental and non-governmental organizations on the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment.

The Secretary-General concluded that criminal law had a crucial role to play in protecting the environment, particularly in combating and deterring crimes involving illegal trafficking in hazardous and nuclear substances and endangered species. Several countries had taken steps to create uniform and effective legislation to counter-act environmental crime. However, criminal enforcement was still in its relative infancy in most countries. The Secretary-General stated that the guidance of the Commission was needed in developing a strategy. He suggested that the Commission consider preparing, in cooperation with relevant UN agencies and programmes, a model law on environmental offences, as well as a manual for practitioners, in order to ensure a quick response to requests for assistance from Member States.

Alien smuggling

In a February report with later addendum [E/CN.15/1997/8 & Add.1], the Secretary-General summarized information received from Governments and the UN system regarding measures and initiatives taken or envisaged to combat the smuggling of illegal migrants. He stated that the Commission might be in a position to consider whether the information acquired from States might be sufficient to determine the course of future international action on the matter. Additional information might be sought to determine patterns of transborder smuggling of migrants and the various criminogenic factors involved. In that way, the Commission would be apprised not only of the measures taken or envisaged by States to combat the problem but also its forms and dimensions.

By a 16 September letter [A/52/357] to the Secretary-General, Austria transmitted the draft

of an international convention against the smuggling of illegal migrants, prepared by Austrian legal experts, taking into account comments of international organizations and legal experts of various countries.

Trafficking in motor vehicles

In response to Economic and Social Council resolution 1995/27 [YUN 1995, p. 1138], the Secretary-General, in a February report [E/CN.15/1997/9], provided an overview of the dimensions of illicit trafficking in motor vehicles and a summary of responses received from Governments and relevant organizations on measures they had taken to prevent and suppress such trafficking. The report stated that the criminal activity was increasing as it was considered low-risk and generated high profits. A major area for international cooperation was the recovery of stolen or embezzled vehicles. The Conference on Theft of and Illicit Trafficking in Motor Vehicles (Warsaw, Poland, 2-3 December 1996) recommended, among other things, that States be urged to negotiate and conclude bilateral and/or multilateral agreements for a simplified and effective procedure to recuperate stolen vehicles. The Conference adopted a resolution containing a model treaty for the return of stolen and embezzled vehicles.

The Secretary-General drew attention to the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles (Moscow, 28 February-2 March 1997).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution** 1997/29 without **vote** [agenda item 7 (c)].

Measures on the prevention and control of illicit trafficking in motor vehicles

The Economic and Social Council,

Alarmed by the rapid growth and geographical expansion of the illicit trafficking in motor vehicles, which increasingly transcends national borders,

Concerned about the increasing role of organized transnational crime in the theft of and illicit trafficking in motor vehicles,

Recognizing that car theft and illicit trafficking in motor vehicles, with their high costs, have adverse effects on the safety and national economies of Member States,

Recalling section II, paragraph 1, of its resolution 1995/27 of 24 July 1995, in which it requested the Commission on Crime Prevention and Criminal Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles,

Emphasizing the need for strengthened and more effective international cooperation at all levels to fight illicit trafficking in motor vehicles,

Acknowledging, in particular, the importance of international police cooperation in the prevention of and the fight against illicit trafficking in motor vehicles and the need for a rapid exchange of information between States on the status and origins of motor vehicles,

Recognizing the work already undertaken by the International Criminal Police Organization in establishing a worldwide stolen vehicle database,

Welcoming the participation of and contributions made by representatives of the private sector, particularly insurance companies, insurance crime bureaux and car manufacturers, in the prevention and control of illicit trafficking in motor vehicles,

1. Expresses its appreciation to the Government of Poland for acting as host to the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996, and to the Government of the United States of America for providing financial support for that conference;

2. Also expresses its appreciation to the Government of the Russian Federation for acting as host to the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997, and to the Government of the United States of America, the United Nations Development Programme and the European Institute for Crime Prevention and Control, affiliated with the United Nations, for providing financial support for that conference;

3. Takes note of the recommendations of the Warsaw Conference, contained in the annex to the report of the Secretary-General on measures for the prevention and suppression of illicit trafficking in motor vehicles, and the Moscow Declaration, contained in annex I to the present resolution;

4. Urges Member States:

(a) To improve international cooperation in the prevention and control of theft of, trafficking in and other offences in connection with stolen vehicles and to negotiate and conclude, as appropriate, in compliance with domestic law, bilateral and/or multilateral agreements or arrangements on a simplified and effective procedure for recovering stolen vehicles that clearly define, *inter alia*, the documentation required, certification procedures, translation requirements, authorized expenses and the applicability of value-added tax, taking into account the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, contained in annex II to the present resolution, and other bilateral treaties, as well as the United Nations model treaties, such as the Model Treaty on Extradition, the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, as necessary, as useful tools in improving international cooperation in the investigation and prosecution of cases involving illicit trafficking in motor vehicles;

(b) To improve the exchange of information on the theft of and illicit trafficking in motor vehicles, to explore the possibility of establishing national databases

on stolen vehicles and other pertinent information, to support the efforts of the International Criminal Police Organization by supplying their national data on stolen vehicles to its Automated Search Facility International Stolen Vehicle Database, to exchange information among themselves on a bilateral, subregional or regional basis and, through international law enforcement entities, to fight illicit trafficking in motor vehicles more effectively;

(c) To consider developing compatible registration and titling procedures and documents for motor vehicles in order to facilitate the identification of rightful owners of such vehicles by competent national authorities, to harmonize the elements contained in the registration documents of motor vehicles as a means of preventing the illicit trafficking in motor vehicles, to consider the possibility of integrating their national stolen vehicle databases into the international stolen vehicle database, to explore the possibility of establishing salvage control procedures to ensure that the title documents of wrecked vehicles are not used on stolen vehicles and to exchange information on how to improve the security features of car registration documents;

(d) To consider making the necessary changes in their national laws and procedures to improve the response of the justice system to vehicle theft and trafficking and reduce to a minimum conflicting property issues derived from the international repatriation of stolen vehicles, giving due consideration to the interests of bona fide third parties;

(e) To make all possible efforts to strengthen their cooperation in this field at the bilateral, regional and interregional levels, *inter alia*, by:

(i) Promoting actively close operational cooperation and exchange of information among competent national authorities across national borders to detect, apprehend and bring to justice persons engaged in trafficking in stolen vehicles and to promote close cooperation among other relevant agencies to ensure the return of stolen vehicles to their rightful owners, in accordance with national laws;

(ii) Responding promptly to requests by law enforcement agencies in other States for assistance in the recovery of stolen vehicles;

(f) To study the possibility of adopting a standard world vehicle identification number system to be applied to all vehicles manufactured within or exported to Member States;

5. Requests the Secretary-General, within existing resources or subject to the availability of extrabudgetary resources:

(a) To elaborate a training manual for law enforcement and customs personnel on the prevention and control of trafficking in stolen and misappropriated vehicles, for use in the provision of practical assistance to requesting Member States, as well as a comprehensive training manual on vehicle identification;

(b) To develop and carry out, in States requesting technical assistance for law enforcement and customs personnel, training programmes on the recovery of stolen vehicles;

(c) To provide advisory services to requesting Member States for the elaboration or reform of pertinent

legislation, as well as for the development of bilateral, multilateral and/or regional treaties in this area;

(d) To continue to conduct research on the scope, methods and organization of groups engaged in the theft of and illicit trafficking in motor vehicles;

6. Invites Member States and the private sector to assist the Secretary-General in undertaking the activities contained in paragraph 5 above;

7. Recommends that the fight against the theft of and trafficking in stolen vehicles should take into account recent progress in anti-theft and immobilizing systems, as well as other possibilities offered by new technologies;

8. Also recommends that authorities, vehicle manufacturers, insurance companies and equipment manufacturers should, in conjunction with the efforts made by government authorities, further study and improve systems for identifying vehicles and spare parts, sharing their findings with the relevant law enforcement agencies;

9. Requests the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its eighth session a report on the implementation of the present resolution.

ANNEX I Moscow Declaration

We, participants gathered at the Conference on International Cooperation in the Prevention and Control of the Theft of and Illicit Trafficking in Motor Vehicles, held at Moscow from 28 February to 2 March 1997,

1. Endorse the recommendations of the Conference on Theft of and Illicit Trafficking in Motor Vehicles, held at Warsaw on 2 and 3 December 1996 and, among the various issues emerging from the Warsaw Conference, recommend the following points for immediate action by Governments:

(a) As a first priority, to support the development of the Automated Search Facility International Stolen Vehicle Database of the International Criminal Police Organization;

(b) To establish national centralized vehicle registration systems based on a standard set of data, which includes the physical description and identifying numbers of the motor vehicle as well as details of the registered owner or keeper;

(c) To request that vehicles written off by insurers are reported to the centralized vehicle registration system or, alternatively, that authorities check with private databases that keep such records, in order to prevent the vehicle identification number of a vehicle that has been written off from being used to hide the identity of a stolen vehicle;

(d) To find appropriate means in order to ensure that, prior to registration of an imported vehicle, national authorities confirm that a vehicle has not been reported stolen in any country of prior registration, inter alia, using the Automated Search Facility system of the International Criminal Police Organization;

(e) To promote the adoption of a standard format for a world vehicle identification number system applying to all vehicles manufactured within the country or exported to other countries, to provide for the secure marking of identifying numbers on component parts of the vehicles, and to encourage the keeping of such records by manufacturers and the practice of making them available to relevant law enforcement agencies;

(f) To consider mandating the installation of effective security devices by manufacturers, including effective immobilizers and perimeter security;

(g) To conclude on a bilateral or multilateral basis agreements on the return of stolen vehicles, based on the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles, contained in annex II below;

(h) To promote better operational cooperation and exchange of information among the relevant law enforcement and other agencies at the national and international levels.

2. Draw the attention of the Commission on Crime Prevention and Criminal Justice to the following:

(a) The elaboration and the implementation of the technical cooperation activities to be requested of the Secretary-General, in accordance with paragraph 2 (g) of the recommendations of the Warsaw Conference; such activities should include the elaboration of a comprehensive training manual on vehicle identification;

(b) In the context of technical assistance and training, the continuation of research on the scope, methods and organization of groups engaged in vehicle theft and trafficking.

3. Urge States and the private sector to assist the Secretary-General in undertaking the activities referred to in paragraph 2 above.

4. Invite the United Nations Commission on Crime Prevention and Criminal Justice to keep this topic and the measures taken by Governments to implement the recommendations contained in the present Declaration under constant review.

ANNEX II Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles

(The Government of [country name] and the Government of [country name],)

or

(The States Parties to the present Treaty,)

Recognizing the growing problem of the theft of and illicit trafficking in motor vehicles,

Considering the difficulties faced by innocent owners in securing the return of motor vehicles stolen or embezzled in the territory of one Party that are recovered in the territory of another Party,

Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles,

Have agreed as follows:

Article 1

For the purposes of the present Treaty:

(a) A "vehicle" shall mean any automobile, truck, bus, motorcycle, motorhome, or trailer;

(b) A vehicle shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such motor vehicle;

(c) A vehicle shall be considered "embezzled" when:

(i) It is unlawfully converted by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business; or

(ii) It is unlawfully converted by a person with whom it has been deposited by official or judicial action;

(d) All references to "days" shall mean calendar days.

Article 2

Each Party agrees to return, in accordance with the terms of the present Treaty, vehicles that are:

- (a) Registered, titled or otherwise documented in the territory of a Party;
- (b) Stolen or embezzled in the territory of a Party; and
- (c) Found in the territory of a Party.

Article 3

1. Whenever police, customs or other authorities of a Party impound or seize a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party, the first Party shall, within [thirty] days of such impoundment or seizure, notify, in writing, [the Embassy] of the other Party that its authorities have custody of the motor vehicle.

2. Such notification shall include all available identifying data about the vehicle of the type listed in appendix I, a description of the condition of the vehicle, the current location of the vehicle, the identity of the authority with physical custody of the vehicle and [any] information that indicates whether it was being used in connection with the commission of a crime.

Article 4

Authorities of the Party who have impounded or seized a vehicle that they have reason to believe is registered, titled or otherwise documented in the territory of another Party shall promptly take it to a storage area and shall take reasonable steps regarding the safekeeping of the vehicle. Thereafter, the said authorities shall not operate, auction, dismantle or otherwise alter or dispose of the vehicle. However, the present Treaty shall not preclude the said authorities from operating, auctioning, dismantling or otherwise altering or disposing of the vehicle if:

(a) No request for the return of the vehicle is filed within [sixty] days of the notification made pursuant to article 3 above;

(b) A determination is made in accordance with article 7, paragraph 1, below that a request for the return of the vehicle does not meet the requirements of the present Treaty and notification of such determination has been made in accordance with article 7, paragraph 3, below;

(c) The vehicle has not been retrieved within the time period stated in article 7, paragraph 2, below by the person identified in the request for return as the owner or the authorized representative of the owner after the vehicle has been made available as provided for in article 7, paragraph 2, below; or

(d) There is no obligation under the present Treaty pursuant to article 8, paragraphs 2 or 3, below to return the vehicle.

Article 5

1. After receiving a notification made pursuant to article 3 above, a Party may submit a request for the return of the vehicle.

2. The request for return [shall be transmitted under seal of a consular officer of the Requesting Party and] shall follow the form shown in appendix II. A copy of the request shall be transmitted under cover of a note to the [Ministry of Foreign Affairs] of the Re-

quested Party. A request shall be made only after receipt by the consular officer of properly notarized certified copies of the following documents:

- (a) (i) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if a title is not available, a certified statement from the titling authority affirming that the motor vehicle is titled and specifying the person or entity to whom it is titled;
- (ii) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority affirming that the vehicle is registered and specifying the person or entity to whom it is registered;
- (iii) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;

(b) The document of transfer if, subsequent to the theft or embezzlement of the vehicle, the owner at the time of the theft or embezzlement has transferred ownership to a third party;

(c) The theft report, made within a reasonable time to a competent authority in the Requesting Party, and a translation thereof. In the event that the theft report is made after the vehicle is seized or otherwise comes into the possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft and may provide any supporting documentation therefor; and

(d) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney, granted in the presence of a notary public by the owner or his or her legal representative, authorizing that person to recover the vehicle.

3. Except as noted in paragraph 2 (c) above, translations of documents need not be provided. The requirement for translation of a theft report may be waived by authorities of the Requested Party. No further legalization or authentication of documents will be required by the Requested Party.

Article 6

If a Party learns, through means other than a notification made pursuant to article 3 above, that the authorities of another Party may have impounded, seized or otherwise taken possession of a vehicle that may be registered or otherwise documented in the territory of the first Party, that Party:

(a) May, through a note to the [Ministry of Foreign Affairs] of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in article 3, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and

(b) May also, in appropriate cases, submit a request for the return of the vehicle as described in article 5 above.

Article 7

1. Except as provided for in article 8 below, the Requested Party shall, within [thirty] days of receiving a request for the return of a stolen or embezzled vehicle, determine whether the request for return meets the requirements of the present Treaty and shall notify [the Embassy] of the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen or embezzled vehicle meets the requirements of the present Treaty, the Requested Party shall within [fifteen] days of such determination make the vehicle available to the person identified in the request for return as the owner or the authorized representative of the owner. The vehicle shall remain available for the person identified in the request for return as the owner or the authorized representative of the owner to take delivery for at least [ninety] days. The Requested Party shall take the necessary measures to permit the owner or the authorized representative of the owner to take delivery of the vehicle and return it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of the present Treaty, it shall provide written notification to [the Embassy] of the Requesting Party.

Article 8

1. If a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to the present Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to ensure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

2. If the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the Requested Party, its return pursuant to the present Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under the Treaty to return the vehicle if such judicial action results in the award of the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the authorized representative of the owner.

3. A Party shall have no obligation under the present Treaty to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime. The Requested Party shall not forfeit the vehicle without giving the owner or the authorized representative of the owner reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. A Party shall have no obligation under the present Treaty to return a stolen or embezzled vehicle if no request for return is made within [sixty] days of a notification made pursuant to article 3 above.

5. If the return of a stolen or embezzled vehicle whose return is requested is postponed, pursuant to paragraph 1 or 2 of the present article, the Requested Party shall so notify [the Embassy] of the Requesting Party in writing within [thirty] days of receiving a request for the return of the vehicle.

Article 9

1. The Requested Party shall not impose any import or export duties, taxes, fines or other monetary penalties or charges on vehicles returned in accordance with the present Treaty, or on their owners or

authorized representatives, as a condition for the return of such vehicles.

2. Actual expenses incurred in the return of the vehicle, including towing, storage, maintenance and transportation costs, as well as the costs of translation of documents required under the present Treaty, shall be borne by the person or entity seeking its return and shall be paid prior to the return of the vehicle. The Requested Party shall use its best efforts to keep such expenses at reasonable levels.

3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle which may have been necessary to permit the vehicle to be moved to a storage area or to maintain it in the condition in which it was found. The person or entity seeking the return of a vehicle shall not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

Article 10

The mechanisms for the recovery and return of stolen or embezzled vehicles under the present Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in the Treaty shall impair any rights for the recovery of stolen or embezzled vehicles under applicable law.

Article 11

1. Any differences regarding the interpretation or application of the present Treaty shall be resolved through consultations between the Parties.

2. The present Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.

3. The present Treaty may be terminated by either Party upon a minimum of [ninety] days' written notification.

DONE at [site], this _____ day of _____, ____, in duplicate, in the _____ and _____ languages, both texts being equally authentic.

APPENDIX I

Identifying information to be provided in a notification made pursuant to article 3 of the present Treaty

1. Vehicle identification number.
2. Name of manufacturer of vehicle.
3. Vehicle model and year of manufacture, if known.
4. Colour of vehicle.
5. Licence plate number of vehicle and jurisdiction of issuance, if available.
6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction, if available.
7. A description of the condition of the vehicle, including mobility of vehicle, if known, and repairs that appear necessary.
8. The current location of the vehicle.
9. The identity of the authority having physical custody of the vehicle and a contact point, including the name, address and telephone number of the official having recovery information.
10. Any information which indicates whether the vehicle was being used in connection with the commission of a crime.
11. Any indication that the vehicle may be subject to forfeiture under the laws of the notifying State.

APPENDIX II

Request for the return of a stolen or embezzled vehicle
(The Embassy of [country name]) respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/the authorized representative of its owner) in accordance with the Treaty for the Return of Stolen or Embezzled Vehicles:

Make:

Model (year):

Type:

Vehicle identification number:

Licence plates:

Registered owner:

(The Embassy of [country name]) certifies that it has examined the following documents, which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and has found them to be properly certified under the laws of (appropriate jurisdiction):

(a) (Document description);

(b) (Document description);

(c) (Document description);

(d) (Document description).

Complimentary close

Place and date

Attachments.

Corruption

Action against corruption and bribery

In response to General Assembly resolution 51/59 [YUN 1996, p. 1036] and Economic and Social Council resolution 1995/14 [YUN 1995, p. 1154], the Secretary-General submitted to the Commission a March report on corruption and bribery [E/CN.15/1997/3], in which he presented an overview of the phenomenon and described initiatives taken by relevant international bodies to prevent it. The Secretary-General concluded that corruption in all its forms had commanded such international attention and concern that it had led to an emerging consensus regarding the urgency of concerted action at all levels. Even though international organizations were lending help in fighting corruption through aid for democratic reform, more competitive economies and the improvement of governance, a more focused effort was needed, involving a systematic attack on systematic corruption. At the international level in particular, it was essential to enhance the momentum for advancing international agreements and cooperation arrangements, while devoting energy and resources to creating an environment in which corrupt practices would no longer be tolerated.

In an April addendum to the Secretary-General's report [E/CN.15/1997/3/Add.1] was the re-

port of the Expert Group Meeting on Corruption (Buenos Aires, Argentina, 17-21 March). The Expert Group recommended a series of measures for States to prevent and control corruption. Technical cooperation programmes to assist States in strengthening their capacity to meet the threat posed by corruption should be a component of the efforts of the international community, including the United Nations and other international organizations, to improve action against corruption. The Group considered the elaboration of an international convention against corruption and bribery to be the most effective response to the problem. It recommended that the Commission be requested to undertake that task as a matter of high priority.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution 1997/25** without vote [agenda item 7 (c)].

International cooperation against corruption and bribery in international commercial transactions

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/87 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted **resolution 52/87** without vote [agenda item 103].

International cooperation against corruption and bribery in international commercial transactions

The General Assembly,

Disturbed by the bribery of public officials by individuals and enterprises of other States in relation to international commercial transactions,

Convinced that such practices undermine the integrity of state bureaucracies and weaken social and economic policies by promoting corruption in the public sector, thus diminishing its credibility,

Convinced also that the fight against corruption must be supported by sincere international cooperation efforts,

Recalling its resolution 3514(XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, by transnational corporations and other corporations, their intermediaries and others involved, in violation of the laws and regulations in host countries, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling also Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling further its resolution 50/225 of 19 April 1996 on public administration and development,

Recalling in particular its resolution 51/59 of 12 December 1996, in which it adopted the International Code of Conduct for Public Officials, annexed thereto, and recommended it to Member States as a tool to guide their efforts against corruption,

Recalling that by its resolution 51/191 of 16 December 1996 it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Recalling also that in its resolution 51/191 it requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways to further the implementation of that resolution and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to keep the issue of corruption and bribery in international commercial transactions under regular review and to promote the effective implementation of that resolution,

Taking note of the report of the Secretary-General on action against corruption and bribery and of the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,

Welcoming developments that have advanced international understanding and cooperation regarding bribery in transnational business, such as the Inter-American Convention against Corruption adopted by the Organization of American States on 29 March 1996, which includes an article on the prohibition of foreign commercial bribery; the ongoing work of the Council of Europe against corruption, including the elaboration of several international conventions containing provisions on bribery in international commercial transactions; the ongoing work of the World Trade Organization to improve transparency, openness and due process in government procurement procedures; and the ongoing work of the States members of the Organisation for Economic Cooperation and Development, including, as elements, the agreement to prohibit the tax deductibility of bribes paid to foreign public officials in international commercial transactions, and the commitment to criminalize the bribing of foreign public officials in international business transactions,

1. Agrees that all States should take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions and of the International Code of Conduct for Public Officials;

2. Urges Member States that have not yet done so to implement relevant international declarations and to ratify, where appropriate, international instruments against corruption;

3. Also urges Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions, and encourages them to engage, as appropriate, in programmatic activities to deter, prevent and combat bribery and corruption, for example, by diminishing institutional barriers through the de-

velopment of integrated management systems and the promotion of legal reform, in accordance with their fundamental legal principles in both the public and private sectors, by encouraging a greater role for citizens in the development of transparent and accountable government, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that raise ethical standards and practices in both government and business transactions and by providing training and technical assistance to other States, as appropriate, and to develop and implement standards of good governance, in particular, accountability and transparency, legitimate commercial and financial conduct and other anti-corruption measures;

4. Requests the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the Declaration, including those dealing with criminalization, effective sanctions, tax deductibility, accounting standards and practices, development of business codes, illicit enrichment, mutual legal assistance and bank secrecy provisions, as well as on national anti-corruption strategies and policies, for compilation by the Secretary-General and consideration by the Commission on Crime Prevention and Criminal Justice, with a view to examining further steps to be taken for the full implementation of the Declaration;

5. Invites competent international, regional and non-governmental organizations to provide relevant information to the Commission on Crime Prevention and Criminal Justice on international efforts to combat corruption and bribery;

6. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to intensify technical assistance to combat corruption, providing advisory services to Member States that request such services, and urges Member States to provide the Secretariat with the necessary extrabudgetary funds for such technical assistance;

7. Requests the Commission on Crime Prevention and Criminal Justice to give attention to the question of the bribery of public office holders of other States in international commercial transactions and to include in its agenda for a future session a review of action taken by States to implement the Declaration.

UN standards and norms

In response to Economic and Social Council resolution 1996/16 [YUN 1996, p. 1040], the Secretary-General, in a March report with later addendum [E/CN.15/1997/14 & Add.1], presented an overview of the current system for gathering information on the use and application of UN standards and norms for crime prevention and criminal justice. The report provided additional replies from Member States to the 1996 surveys [YUN 1996, p. 1040] on the use and application of the 1955 Standard Minimum Rules for the Treatment of Prisoners [YUN 1955, p. 209]; the 1979 Code of Conduct for Law Enforcement Officials [YUN 1979, p. 779] and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement

Officials [YUN 1990, p. 701]; the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power [YUN 1985, p. 743]; and the 1985 Basic Principles on the Independence of the Judiciary [YUN 1985, p. 757]. The surveys had provided, for the first time, quantitative and qualitative data on major trends, with suggestions for follow-up activities.

The report incorporated comments received from Member States on the desirability of establishing an inter-sessional working group, which most States supported. The Secretary-General suggested that the Commission urge those States that had not replied to the surveys to do so, so that the information could be summarized, State by State, and the country reports disseminated via the World Wide Web database facilities of the United Nations Crime and Justice Information Network.

The report highlighted activities of the Secretariat to promote the standards and norms, including training courses, advisory services and dissemination of information, as well as cooperative efforts with other UN programmes and relevant organizations.

The Secretary-General concluded that effective implementation of the standards and norms could be achieved only through wide dissemination and promotion at the international, regional and national levels. Measures to improve the efficacy of the use and application of the standards and norms included strengthening the role of the Commission on Crime Prevention and Criminal Justice, enhancing cooperation and coordination between the UN Crime Prevention and Criminal Justice Division and the UN Centre for Human Rights, and improving the dissemination of publications. The Commission might wish to recommend the establishment of national focal points to promote the widest possible use and application of the norms, and to call on Member States to make available additional funds for technical cooperation activities geared towards the further use and application of the standards and norms.

UN minimum rules for administration of justice

As requested by the Commission in 1996 [YUN 1996, p. 1041], the Secretary-General submitted a March report with later addendum [E/CN.15/1997/15 & Add.1] summarizing the views received from Member States regarding the utility of formulating draft minimum rules for the administration of criminal justice, the utility of convening an expert group to review the draft minimum rules and specific areas in which an expert group

could consider making changes thereto. The Secretary-General concluded that, in the light of the overall assessment of the replies and the results of the previous inquiries, a general trend had emerged towards promulgating common minimum rules for the administration of criminal justice (or criminal proceedings).

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution** 1997/32 without vote [agenda item 7 (c)].

United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Recalling its resolution 1993/34 of 27 July 1993, in section III of which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys,

Recalling also its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

1. Invites Governments to promote and disseminate the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice in the languages of their countries;

2. Recommends that the relevant national authorities promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

3. Invites Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice referred to in its resolution 1996/16, namely the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary, to submit their replies in order to enable the Secretariat to summarize that information and to disseminate it through the World Wide Web database facility of the United Nations Crime and Justice Information Network;

4. Requests the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

5. Calls upon Member States to consider making available funds for technical cooperation activities that are aimed at promoting the further use and application of United Nations standards and norms in crime prevention and criminal justice;

6. Recommends that the cooperation and coordination between the Crime Prevention and Criminal Justice Division of the Secretariat and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights be further improved, not only to avoid overlapping in the implementation of their programmes, but also to reinforce existing collaboration;

7. Requests the Secretary-General to convene a meeting of government experts in crime prevention and criminal justice, attending in their personal capacity, funded by extrabudgetary resources, to review the draft minimum rules for the administration of criminal justice, without prejudice to the future work of the Commission on Crime Prevention and Criminal Justice, paying special attention to the following:

(a) Whether those draft minimum rules duplicate or contradict existing conventions or standards and norms in crime prevention and criminal justice;

(b) The necessity of elaborating such an instrument;

(c) The diversity of legal systems and practices in each Member State.

Responsible crime prevention

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution 1997/33** without vote [agenda item 7 (c)].

Elements of responsible crime prevention: standards and norms

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Recalling also its resolution 1992/22 of 30 July 1992 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, in section VI of which it determined that crime prevention in urban areas and juvenile and violent criminality would be one of the priority themes that should guide the Commission on Crime Prevention and Criminal Justice in the development of a detailed programme,

Recalling further its resolution 1995/9 of 24 July 1995 on guidelines for the prevention of urban crime,

Taking into account the fact that a growing and undermining criminality highlights the inadequacy of conventional criminal policies and the need urgently to devise preventive approaches,

Considering that the challenge and the magnitude of modern crime, including organized crime, combined with the insufficient resources of the criminal justice system, for example, the overpopulation of prisons and overburdened criminal justice systems, reinforce the need for non-repressive crime prevention,

Considering also that an international effort is necessary to develop an effective strategy on responsible crime prevention,

1. Takes note of the preliminary draft of elements of responsible crime prevention: standards and norms, annexed to the present resolution;

2. Requests the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, on the draft contained in the annex to the present resolution, including the advisability of elaborating such an instrument;

3. Also requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at a future session, on the comments received;

4. Further requests the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments, to elaborate proposals for further action and to report thereon to the Commission on Crime Prevention and Criminal Justice;

5. Urges Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in implementing the present resolution.

ANNEX

Elements of responsible crime prevention: standards and norms

I. The concept of crime prevention

1. The prevention of crime through non-punitive measures is to be considered an important complement to the administration of criminal law. It constitutes a legitimate response by society to threats to the safety of citizens posed by criminal acts.

2. The concept of crime prevention should not be limited to conventional forms of crime, including domestic violence, but should encompass new forms of crime, such as organized crime, terrorism, illegal trafficking in migrants, computer crime and cybercrime, environmental crime, corruption and illegal commerce related to the acquisition and development of weapons of mass destruction.

3. The concept of crime prevention should take into account the growing internationalization of criminal activities and the relationship between the global economy, advanced technologies and national phenomena of crime, with special consideration for developing countries.

II. Responsible crime prevention

4. Under all circumstances, measures of crime prevention should be carried out in strict conformity with the relevant provisions of international law and international standards of human rights.

5. Crime prevention should respect principles such as the rule of law, the protection of individual rights and freedoms, the principle of equality before the law and due process.

6. Whenever preventive measures are adopted which do not infringe upon the principles set out in paragraphs 4 and 5 above but which affect human rights, they must be implemented in strict accordance

with the principle of the rule of law and of proportionality.

7. If the impact of a preventive measure on human rights is comparable to that of a penal measure, there should be provision for the same legal guarantees, including controls by the courts or by an ombudsman.

8. Measures which touch upon the rights of those who are considered to be at risk of becoming offenders should be handled in strict accordance with the principles set out in paragraphs 4 and 5 above [with great restraint]. Prediction of future criminality at the individual level requires a high degree of caution and stigmatization should be avoided. However, this should not obviate the development of secondary prevention programmes for persons with known risk factors.

9. In the planning and implementation of preventive measures, affirmative action may play a role but discrimination should always be avoided.

10. If the police are a partner in the implementation of prevention programmes, their participation should not be hidden and any confusion of roles should be avoided. Data collected in relation to prevention programmes should be used for the criminal investigation of serious crime only.

11. The limits within which the private security sector may act should be defined by law. The private security sector, in accordance with human rights standards, should not exercise any function which, by its nature, is incompatible with the rule of law and the principle that the use of force is reserved for the State.

12. Codes of conduct for public officials and other persons involved are useful supplements to legal regulations in order to reduce the risks connected with preventive measures.

13. Preventive measures that do not in any way affect the rights of individuals need little legal regulation. Over-regulation in this respect would unduly limit the development of these types of measures.

III. The promotion of responsible crime prevention

14. Governments should take appropriate steps to promote and to regulate crime prevention through the establishment of special councils or other agencies, provisions for funding and the dissemination of information. Crime prevention programmes should be developed and implemented in collaboration with the police, municipalities, the private sector and other interested parties in a manner that clearly sets objectives and defines roles.

15. Crime prevention strategies at the national, local and community levels should also address the root causes of crime through social, economic, public health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion.

16. Community-based programmes of crime prevention that include the active participation of citizens, the business sector, the police and other relevant parties should be encouraged and developed. These programmes should avoid activities with the potential to affect the rights of others.

17. Crime prevention measures which target groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities.

These measures should avoid stigmatization of the target groups.

18. Where necessary, educational support, such as instruction in parental skills, and special medical care should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

19. Situational crime prevention programmes should be developed, to include target hardening, environmental design and surveillance. These programmes should not unduly reduce the quality of the built environment or limit free access to the public domain or public facilities.

20. Victim-oriented crime prevention consisting of, inter alia, the provision of information and advice to potential victims should be promoted. Steps should be taken to avoid the undue rise of fear of crime or the stigmatization of the target groups.

21. Victims of crime should be offered protection, where necessary, and should be informed of possible ways to reduce the risks of future victimization, with due consideration for the rights of offenders. Due regard should be given to means of avoiding the tendency to blame the victim, as well as to reparation by the offender.

22. To promote prevention, provisions should be made available or strengthened for out-of-court mediation in appropriate penal matters, if this option is foreseen in national legislation. Procedures should comply with the principles of due process.

23. Research on crime prevention, including evaluation studies, should be promoted, taking into account the interests and rights of all parties involved. The international exchange of information on best practices, in terms of both effectiveness and respect for human rights, should be facilitated.

Administration of juvenile justice

Pursuant to Economic and Social Council resolution 1996/13 [YUN 1996, p. 1033], the Secretary-General, in a March report [E/CN.15/1997/13], summarized information received from Governments regarding the development of a programme of action to promote the effective use and application of international standards and norms in juvenile justice. Drawing on that information, a group of experts met (Vienna, 23-25 February) and developed a draft Programme of Action on Children in the Criminal Justice System, which was annexed to the report. The report described activities of the Secretariat in the area of administration of juvenile justice, such as advisory services to Governments, participation in regional consultations, workshops and international meetings, and finalizing a manual on UN standards and norms in juvenile justice.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice

[E/1997/30], adopted **resolution 1997/30** without vote [agenda item 7 (c)].

Administration of juvenile justice

The Economic and Social Council,

Recalling General Assembly resolution 50/181 of 22 December 1995 on human rights in the administration of justice, Commission on Human Rights resolutions 1996/85 of 24 April 1996 and 1997/78 of 18 April 1997, on the rights of the child, and resolution 7 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996 on human rights in the administration of justice, in particular with regard to children and juveniles in detention,

Welcoming the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation,

Noting the importance of advisory services and technical cooperation programmes for assisting States in implementing such recommendations,

Expressing its appreciation to the Government of Austria for having hosted an expert group meeting at Vienna from 23 to 25 February 1997 on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice,

Recognizing the need further to strengthen international cooperation and technical assistance in the field of juvenile justice,

1. Welcomes the Guidelines for Action on Children in the Criminal Justice System, annexed to the present resolution, which were elaborated by the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, held at Vienna from 23 to 25 February 1997, in response to Council resolution 1996/13 and were amended by the Commission on Crime Prevention and Criminal Justice at its sixth session, and invites all parties concerned to make use of the Guidelines for Action in the implementation of the provisions of the Convention on the Rights of the Child with regard to juvenile justice;

2. Encourages Member States to make use of the technical assistance offered through United Nations programmes, including in particular the United Nations Crime Prevention and Criminal Justice Programme, in order to strengthen national capacities and infrastructures in the field of juvenile justice, with a view to implementing fully the provisions of the Convention relating to juvenile justice, as well as making effective use and application of the United Nations standards and norms in juvenile justice;

3. Invites the Crime Prevention and Criminal Justice Division of the Secretariat, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and other relevant United Nations bodies and

programmes to give favourable consideration to requests by Member States for technical assistance in the field of juvenile justice;

4. Calls upon Member States to contribute financial and other resources to project activities designed to assist in the use of the Guidelines for Action;

5. Invites the Secretary-General to strengthen the system-wide coordination of activities in the field of juvenile justice, including the prevention of juvenile delinquency, in particular with regard to research, dissemination of information, training and the effective use and application of existing standards and norms, as well as the implementation of technical assistance projects;

6. Also invites the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice, subject to the availability of regular budget or extrabudgetary funds, as recommended in the Guidelines for Action, which could be convened at least annually with a view to coordinating such international activities in the field of juvenile justice and could consist of representatives of the Committee on the Rights of the Child, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division, together with representatives of the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Children's Fund, the United Nations Development Programme and other relevant United Nations organizations and specialized agencies, as well as of other interested intergovernmental, regional and non-governmental organizations, including international networks concerned with juvenile justice issues and academic institutions involved in the provision of technical advice and assistance;

7. Further invites the Secretary-General to undertake, subject to the availability of regular budget or extrabudgetary funds and in cooperation with interested Governments, needs-assessment missions on the basis of recommendations made by the Committee on the Rights of the Child, with a view to reforming or improving the juvenile justice systems of requesting States, through joint initiatives involving, as required, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, including existing international networks concerned with juvenile justice issues, taking into account the advice of any panel established pursuant to paragraph 6 above;

8. Requests those organizations and bodies, subject to the availability of regular budget or extrabudgetary funds, as well as interested Governments, to offer assistance through short-, medium- and long-term projects to those States parties to the Convention which the Committee on the Rights of the Child considers to be

in need of improvement in their juvenile justice systems, and recommends that such projects be undertaken in the context of the report of the States parties concerned on the implementation of the Convention, in accordance with article 44 of the Convention;

9. Invites the governing bodies of the organizations and bodies referred to in paragraph 7 above to include in their programme activities a component on juvenile justice, with a view to ensuring the implementation of the present resolution;

10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on a biennial basis on the implementation of the present resolution.

ANNEX

Guidelines for Action on Children in the Criminal Justice System

1. Pursuant to Economic and Social Council resolution 1996/13 of 23 July 1996, the present Guidelines for Action on Children in the Criminal Justice System were developed at the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, held at Vienna from 23 to 25 February 1997 with the financial support of the Government. In developing the Guidelines for Action, the experts took into account the views expressed and the information submitted by Governments.

2. Twenty-nine experts from eleven States in different regions, representatives of the Centre for Human Rights of the Secretariat, the United Nations Children's Fund and the Committee on the Rights of the Child, as well as observers for non-governmental organizations concerned with juvenile justice, participated in the meeting.

3. The Guidelines for Action are addressed to the Secretary-General and relevant United Nations agencies and programmes, States parties to the Convention on the Rights of the Child, as regards its implementation, as well as Member States as regards the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, hereinafter together referred to as "United Nations standards and norms in juvenile justice".

I. Aims, objectives and basic considerations

4. The aims of the Guidelines for Action are to provide a framework to achieve the following objectives:

(a) To implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice and other related instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(b) To facilitate the provision of assistance to States parties for the effective implementation of the Convention and related instruments.

5. In order to ensure effective use of the Guidelines for Action, improved cooperation between Governments, relevant entities of the United Nations system,

non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society is essential.

6. The Guidelines for Action should be based on the principle that the responsibility for implementing the Convention clearly rests with the States parties thereto.

7. The basis for the use of the Guidelines for Action should be the recommendations of the Committee on the Rights of the Child.

8. In the use of the Guidelines for Action at both the international and national levels, consideration should be given to the following:

(a) Respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender-sensitivity, upholding the best interests of the child, the right to life, survival and development and respect for the views of the child;

(b) A rights-based orientation;

(c) A holistic approach to implementation through maximization of resources and efforts;

(d) The integration of services on an interdisciplinary basis;

(e) The participation of children and concerned sectors of society;

(f) The empowerment of partners through a developmental process;

(g) Sustainability without continuing dependency on external bodies;

(h) Equitable application and accessibility to those in greatest need;

(i) Accountability and transparency of operations;

(j) Proactive responses based on effective preventive and remedial measures.

9. Adequate resources (human, organizational, technological, financial and information) should be allocated and utilized efficiently at all levels (international, regional, national, provincial and local) and in collaboration with relevant partners, including Governments, United Nations entities, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society, as well as other partners.

II. Plans for the implementation of the Convention on the Rights of the Child, the pursuit of its goals and the use and application of international standards and norms in juvenile justice

A. Measures of general application

10. The importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized, with respect for the interdependence and indivisibility of all rights of the child.

11. Measures relating to policy, decision-making, leadership and reform should be taken, with the goal of ensuring that:

(a) The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice, in particular by establishing a child-oriented juvenile justice system that guarantees the rights of children, prevents the violation of the rights of children, promotes children's sense of dignity and worth and fully respects their age, their stage of development

and their right to participate meaningfully in and contribute to society;

(b) The relevant contents of the above-mentioned instruments are made widely known to children in language accessible to children. In addition, if necessary, procedures should be established to ensure that each and every child is provided with the relevant information on his or her rights set out in those instruments, at least from his or her first contact with the criminal justice system, and is reminded of his or her obligation to obey the law;

(c) Understanding on the part of the public and the media of the spirit, aims and principles of justice centred on the child is promoted in accordance with the United Nations standards and norms in juvenile justice.

B. Specific targets

12. States should ensure the effectiveness of their birth registration programmes. In those instances where the age of the child involved in the justice system is unknown, measures should be taken to ensure that the true age of a child is ascertained by independent and objective assessment.

13. Notwithstanding the age of criminal responsibility, civil majority and the age of consent as defined by national legislation, States should ensure that children benefit from all their rights, as guaranteed to them by international law and, specifically in this context, those set forth in articles 3, 37 and 40 of the Convention.

14. Particular attention should be given to the following points:

(a) There should be a comprehensive child-centred juvenile justice process;

(b) Independent expert or other types of panels should review existing and proposed juvenile justice laws and their impact on children;

(c) No child who is under the legal age of criminal responsibility should be subject to criminal charges;

(d) States should establish juvenile courts with primary jurisdiction over juveniles who commit criminal acts and special procedures should be designed to take into account the specific needs of children. As an alternative, regular courts should incorporate such procedures, as appropriate. Wherever necessary, national legislative and other measures should be considered to accord all the rights of and protection for the child, where the child is brought before a court other than a juvenile court, in accordance with articles 3, 37 and 40 of the Convention.

15. A review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classic criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence. Appropriate steps should be taken to make available throughout the State a broad range of alternative and educative measures at the pre-arrest, pre-trial, trial and post-trial stages, in order to prevent recidivism and promote the social rehabilitation of child offenders. Whenever appropriate, mechanisms for the informal resolution of disputes in cases involving a child offender should be utilized, including mediation and restorative justice practices, in particular processes involving victims. In the various measures to be adopted,

the family should be involved, to the extent that it operates in favour of the good of the child offender. States should ensure that alternative measures comply with the Convention and the United Nations standards and norms in juvenile justice, as well as other existing standards and norms in crime prevention and criminal justice, such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), with special regard to ensuring respect for due-process rules in applying such measures and for the principle of minimum intervention.

16. Priority should be given to setting up agencies and programmes to provide legal and other assistance such as interpretation services to children, if necessary, free of charge, and, in particular, to ensure that the right of every child to have access to such assistance from the moment that the child is detained is respected in practice.

17. Appropriate action should be ensured to alleviate the problem of children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children.

18. The placement of children in closed institutions should be reduced. Such placement of children should only take place in accordance with the provisions of article 37 (b) of the Convention as a matter of last resort and for the shortest period of time. Corporal punishment in the child justice and welfare systems should be prohibited.

19. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty and article 37 (d) of the Convention also apply to any public or private setting from which the child cannot leave at will, by order of any judicial, administrative or other public authority.

20. In order to maintain a link between the detained child and his or her family and community and to facilitate his or her social reintegration, it is important to ensure easy access by relatives and persons who have a legitimate interest in the child to institutions where children are deprived of their liberty, unless the best interests of the child would suggest otherwise.

21. An independent body to monitor and report regularly on conditions in custodial facilities should be established, if necessary. Monitoring should take place within the framework of the United Nations standards and norms in juvenile justice, in particular the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. States should permit children to communicate freely and confidentially with the monitoring bodies.

22. States should consider positively requests from concerned humanitarian, human rights and other organizations for access to custodial facilities, where appropriate.

23. In relation to children in the criminal justice system, due account should be taken of concerns raised by intergovernmental and non-governmental organizations and other interested parties, in particular systemic issues, including inappropriate admissions and lengthy delays that have an impact on children deprived of their liberty.

24. All persons who have contact with or are responsible for children in the criminal justice system should receive education and training in human rights, the principles and provisions of the Convention and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials, judges and magistrates, prosecutors, lawyers and administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice.

25. In the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials of deliberate violation of the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned.

C. Measures to be taken at the international level

26. Juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of the United Nations system-wide action.

27. There is an urgent need for close cooperation between all bodies in this field, in particular, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. In addition, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, are invited to support the provision of advisory services and technical assistance in the field of juvenile justice. Cooperation should therefore be strengthened, in particular with regard to research, the dissemination of information, training, the implementation and monitoring of the Convention and the use and application of existing standards, as well as with regard to the provision of technical advice and assistance programmes, for example, by making use of existing international networks on juvenile justice.

28. The effective implementation of the Convention on the Rights of the Child, as well as the use and application of international standards through technical cooperation and advisory service programmes, should be ensured by giving particular attention to the following aspects related to protecting and promoting the human rights of children in detention, strengthening the rule of law and improving the administration of the juvenile justice system:

- (a) Assistance in legal reform;
- (b) The strengthening of national capacities and infrastructures;
- (c) Training programmes for police and other law enforcement officials, judges and magistrates, prosecutors, lawyers, administrators, prison officers and other professionals working in institutions where chil-

dren are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice;

(d) The preparation of training manuals;

(e) The preparation of information and education material to inform children about their rights in juvenile justice;

(f) Assistance with the development of information and management systems.

29. Close cooperation should be maintained between the Crime Prevention and Criminal Justice Division and the Department of Peacekeeping Operations of the Secretariat in view of the relevance of the protection of the rights of children in peacekeeping operations, including the problems of children and youth as victims and perpetrators of crime in peace-building and post-conflict or other emerging situations.

D. Mechanisms for the implementation of technical advice and assistance projects

30. In accordance with articles 43, 44 and 45 of the Convention, the Committee on the Rights of the Child reviews the reports of States parties on the implementation of the Convention. According to article 44 of the Convention, these reports should indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Convention.

31. States parties to the Convention are invited to provide in their initial and periodic reports comprehensive information, data and indicators on the implementation of the provisions of the Convention and on the use and application of the United Nations standards and norms in juvenile justice.

32. As a result of the process of examining the progress made by States parties in fulfilling their obligations under the Convention, the Committee on the Rights of the Child may make suggestions and general recommendations to the States parties to ensure full compliance with the Convention (in accordance with article 45 (d) of the Convention). In order to foster the effective implementation of the Convention and to encourage international cooperation in the area of juvenile justice, the Committee transmits, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies any reports from States parties that contain a request, or indicate a need, for advisory services and technical assistance, together with the observations and suggestions of the Committee, if any, on those requests or indications (in accordance with article 45 (b) of the Convention).

33. Accordingly, should a State party report and the review process by the Committee reveal any necessity to initiate reform in the area of juvenile justice, including through assistance by the United Nations technical advice and assistance programmes or those of the specialized agencies, the State party may request such assistance, including assistance from the Crime Prevention and Criminal Justice Division, the Centre for Human Rights and the United Nations Children's Fund.

34. In order to provide adequate assistance in response to those requests, a coordination panel on technical advice and assistance in juvenile justice should be established, to be convened at least annually by the Secretary-General. The panel will consist of representatives of the Crime Prevention and Criminal Justice

Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities, as well as other interested intergovernmental, regional and non-governmental organizations, including international networks on juvenile justice and academic institutions involved in the provision of technical advice and assistance, in accordance with paragraph 39 below.

35. Prior to the first meeting of the coordination panel, a strategy should be elaborated for addressing the issue of how to activate further international cooperation in the field of juvenile justice. The coordination panel should also facilitate the identification of common problems, the compilation of examples of good practice and the analysis of shared experiences and needs, which in turn would lead to a more strategic approach to needs assessment and to effective proposals for action. Such a compilation would allow for concerted advisory services and technical assistance in juvenile justice, including an early agreement with the Government requesting such assistance, as well as with all other partners having the capacity and the competence to implement the various segments of a country project, thus ensuring the most effective and problem-oriented action. This compilation should be developed continuously in close cooperation with all parties involved. It will take into account the possible introduction of diversion programmes and measures to improve the administration of juvenile justice, to reduce the use of remand homes and pre-trial detention, to improve the treatment of children deprived of their liberty and to create effective reintegration and recovery programmes.

36. Emphasis should be placed on formulating comprehensive prevention plans, as called for in the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines). Projects should focus on strategies to socialize and integrate all children and young persons successfully, in particular through the family, the community, peer groups, schools, vocational training and the world of work. These projects should pay particular attention to children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children. In particular, the placement of these children in institutions should be proscribed as much as possible. Measures of social protection should be developed in order to limit the risks of criminalization for these children.

37. The strategy will also set out a coordinated process for the delivery of international advisory services and technical assistance to States parties to the Convention, on the basis of joint missions to be undertaken, whenever appropriate, by staff of the different organizations and agencies involved, with a view to devising longer-term technical assistance projects.

38. Important actors in the delivery of advisory services and technical assistance programmes at the

country level are the United Nations resident coordinators, with significant roles to be played by the field offices of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and the United Nations Development Programme. The vital nature of the integration of juvenile justice technical cooperation in country planning and programming, including through the United Nations country strategy note, is emphasized.

39. Resources must be mobilized for both the coordinating mechanism of the coordination panel and regional and country projects formulated to improve observance of the Convention. Resources for those purposes (see paragraphs 34 to 38 above) will come either from regular budgets or from extrabudgetary resources. Most of the resources for specific projects will have to be mobilized from external sources.

40. The coordination panel may wish to encourage, and in fact be the vehicle for, a coordinated approach to resource mobilization in this area. Such resource mobilization should be on the basis of a common strategy as contained in a programme document drawn up in support of a global programme in this area. All interested United Nations bodies and agencies as well as non-governmental organizations that have a demonstrated capacity to deliver technical cooperation services in this area should be invited to participate in such a process.

E. Further considerations for the implementation of country projects

41. One of the obvious tenets in juvenile delinquency prevention and juvenile justice is that long-term change is brought about not only when symptoms are treated but also when root causes are addressed. For example, excessive use of juvenile detention will be dealt with adequately only by applying a comprehensive approach, which involves both organizational and managerial structures at all levels of investigation, prosecution and the judiciary, as well as the penitentiary system. This requires communication, *inter alia*, with and among police, prosecutors, judges and magistrates, authorities of local communities, administration authorities and with the relevant authorities of detention centres. In addition, it requires the will and ability to cooperate closely with each other.

42. To prevent further overreliance on criminal justice measures to deal with children's behaviour, efforts should be made to establish and apply programmes aimed at strengthening social assistance, which would allow for the diversion of children from the justice system, as appropriate, as well as for improving the application of non-custodial measures and reintegration programmes. To establish and apply such programmes, it is necessary to foster close cooperation between the child justice sectors, the different services in charge of law enforcement and the social welfare and education sectors.

III. Plans concerned with child victims and witnesses of crime

43. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, States should undertake to ensure that child victims and witnesses of crime are provided with appropriate access to justice and fair treatment, restitution,

compensation and social assistance. If applicable, measures should be taken to prevent the settling of penal matters through compensation outside the justice system, when doing so is not in the best interests of the child.

44. Police, lawyers, the judiciary and other court personnel should receive training in dealing with cases in which children are victims. States should consider establishing, if they have not yet done so, specialized offices and units to deal with cases involving offences against children. States should establish, as appropriate, a code of practice for the proper management of cases involving child victims.

45. Child victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered.

46. Child victims should have access to assistance that meets their needs, such as advocacy, protection, economic assistance, counselling, health and social services, social reintegration and physical and psychological recovery services. Special assistance should be given to those children who are disabled or ill. Emphasis should be placed upon family- and community-based rehabilitation rather than institutionalization.

47. Judicial and administrative mechanisms should be established and strengthened where necessary to enable child victims to obtain redress through formal or informal procedures that are prompt, fair and accessible. Child victims and/or their legal representatives should be informed accordingly.

48. Access should be allowed to fair and adequate compensation for all child victims of violations of human rights, specifically torture and other cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. The legal representation needed to bring an action within an appropriate court or tribunal, as well as interpretation into the native language of the child, if necessary, should be available.

49. Child witnesses of crime need assistance in the judicial and administrative processes. States should review, evaluate and improve, as necessary, the situation for children as witnesses of crime in their evidential and procedural law to ensure that the rights of children are fully protected. In accordance with the different law traditions, practices and legal frameworks, direct contact between the child victim and the offender should be avoided as far as possible during the process of investigation and prosecution as well as during trial hearings. The identification of the child victim in the media should be prohibited, where necessary, to protect the privacy of the child. Where prohibition is contrary to the fundamental legal principles of Member States, such identification should be discouraged.

50. States should consider, if necessary, amendments to their penal procedural codes to allow for, *inter alia*, videotaping of testimony by the child and presentation of the videotaped testimony in court as an official piece of evidence. In particular, police, prosecutors, judges and magistrates should apply more child-friendly practices, for example, in police operations and interviews of child witnesses.

51. The responsiveness of judicial and administrative processes to the needs of child victims and witnesses of crime should be facilitated by:

(a) Informing child victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved;

(b) Encouraging the development of child witness preparation schemes to familiarize children with the criminal justice process prior to giving evidence. Appropriate assistance should be provided to child victims and witnesses throughout the legal process;

(c) Allowing the views and concerns of child victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and in accordance with the relevant national criminal justice system;

(d) Taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, where necessary, ensuring their safety from intimidation and retaliation.

52. Children displaced illegally or wrongfully retained across borders are, as a general principle, to be returned to their country of origin. Due attention should be paid to their safety and they should be treated humanely and should receive necessary assistance, pending their return. They should be returned promptly to ensure compliance with the Convention on the Rights of the Child. Where the Hague Convention on the Civil Aspects of International Child Abduction of 1980, the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption of 1993 or the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of the Child of 1996, approved by the Hague Conference on Private International Law, is applicable, the provisions of the convention in question with regard to the return of the child should be promptly applied. Upon the return of the child, the country of origin should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.

53. The United Nations Crime Prevention and Criminal Justice Programme, including the institutes constituting the Programme network, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization, the World Bank and interested non-governmental organizations should assist Member States, at their request, from within the overall appropriations of their regular budgets or from extrabudgetary resources, in developing multidisciplinary training, education and information activities for law enforcement and other criminal justice personnel, including police officers, prosecutors, judges and magistrates.

Victims of crime and abuse of power

The Secretary-General, in a February note with later addendum [E/CN.15/1997/16 & Add.1], provided the Commission with an overview of re-

cent developments related to the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 [YUN 1985, p. 742], in particular with regard to the implementation of the mandates contained in Economic and Social Council resolution 1996/14 [YUN 1996, p. 1043].

The Secretary-General noted that an Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting (Tulsa, Oklahoma, United States, 10-12 August 1996) had prepared the first version of the draft "International victim assistance training manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power". The draft outlined the main elements for the provision of assistance to victims, including: the development of effective victim service programmes; the responsibilities of professionals and volunteers to victims; integration of victim needs in national law, policy and planning, as well as technical assistance projects; and international cooperation to reduce victimization and assist victims. In order to elaborate the final text of the manual and to develop a longer version as a handbook, another Expert Group Meeting was held in The Hague, Netherlands, on 6 and 7 March 1997. The main purpose of both the manual and the handbook was to enable countries to establish programmes to provide emotional and financial support and effectively intervene on behalf of victims. The expert groups began work on establishing a database on promising practices and legislation on victim-related issues as a supplement to the draft manual.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution 1997/31** without vote [agenda item 7 (c)].

Victims of crime and abuse of power

The Economic and Social Council,

Bearing in mind General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Considering that the adoption of the Declaration is an important landmark in international efforts to improve the treatment of victims,

Recalling that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and urged United Nations entities, other intergovernmental organizations and non-

governmental organizations to cooperate in the implementation of those provisions,

Mindful of the serious consequences of various forms of crimes, including those committed in cases of armed conflict or military occupation, for the victims,

Bearing in mind all relevant Security Council resolutions, in particular resolutions 687(1991) of 3 April 1991, 688(1991) of 5 April 1991, 827(1993) of 25 May 1993 and 955(1994) of 8 November 1994,

Taking into account section IV, paragraph 2, of its resolution 1995/27 of 24 July 1995 and its resolution 1996/14 of 23 July 1996, in which it noted the usefulness of the manuals published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

Taking into account also the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,

1. Takes note of the progress made in the work on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as reflected in the note by the Secretary-General;

2. Welcomes the establishment of a victim and witness unit as reported in the 1995 yearbook of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

3. Recommends that, during armed conflicts, the rights of victims as contained in relevant international law, in particular in international humanitarian law, should be rigorously enforced, that universal adherence to the corresponding treaties and protocols should be promoted and that proper consideration should be given to those issues by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

4. Welcomes the positive developments related to the work of the Preparatory Committee on the Establishment of an International Criminal Court, and recommends that, in the statute and rules of procedure of the court, appropriate attention should be given to the principles contained in the Declaration;

5. Also welcomes the fact that the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions has relied on the Declaration in accomplishing his task;

6. Urges Governments to make effective use of the provisions contained in the Declaration and, to that end, to provide for legislation and other mechanisms for their effective use and application, including access to justice and fair treatment, reparation, restitution and compensation, as well as physical, medical and social assistance;

7. Expresses its appreciation to the Governments of the Netherlands and the United States of America for having acted as host to two expert group meetings on victims of crime and abuse of power in the international setting, one organized by the United States Department of Justice at Tulsa, United States of America, from 10 to 12 August 1996 and the other organized by the Ministry of Justice of the Netherlands at The Hague on 6 and 7 March 1997;

8. Takes note of the results of those two expert group meetings, which proposed the elaboration of a manual as a strategic guide for policy makers and of a handbook as a resource tool for practitioners and other relevant parties;

9. Welcomes the invitation of the Government of the United States of America to act as host to a fourth expert group meeting, in 1997, in order to complete the work on the proposed handbook;

10. Requests the Secretary-General to seek the views of Member States on the proposed manual and the proposed handbook and, drawing on the observations received, to finalize their texts for submission to the Commission on Crime Prevention and Criminal Justice at its seventh session;

11. Invites Governments to provide the Secretary-General with information on promising practices and legislation concerning victim-related issues with a view to establishing a database and a clearing house for the provision of a continuing service for governmental agencies and non-governmental organizations, as proposed by the above-mentioned expert group meetings;

12. Also invites Governments to make proposals regarding the elaboration of a plan of action with emphasis on the activities of the United Nations, such as technical cooperation activities, so as to promote the effective use and application of the Declaration, as well as the use of the proposed manual and handbook, including new modalities for funding involving also the private sector and non-governmental organizations, such as the establishment of a foundation;

13. Requests the relevant United Nations bodies, programmes and specialized agencies, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental and non-governmental organizations and other entities to provide their substantive and technical contributions to such proposals, drawing also on work already done in that field, with a view to ensuring the integration and coordination of activities among the various parties involved;

14. Requests the Secretary-General to consult with the above-mentioned entities as well as funding agencies and potential donor countries on the desirability of establishing mechanisms to facilitate the coordination of technical cooperation initiatives to prevent victimization and to assist victims of crime and abuse of power;

15. Reiterates the importance of technical cooperation in providing assistance to those Governments requesting it, as noted in the report of the Secretary-General on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, in particular in the form of advisory services, training and assistance in the review or promulgation of national legislation, and requests the

Secretary-General to continue to provide such assistance, drawing on extrabudgetary resources, in close collaboration with the Programme network;

16. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

Other crime prevention and criminal justice issues

Trafficking in children

In a February report with later addendum [E/CN.15/1997/12 & Add.1], the Secretary-General provided additional information received from Governments since his 1996 report [YUN 1996, p. 1034] concerning possible elements to be included in an international convention against trafficking in children. The report also contained the results of a survey, based on existing international conventions, analysing the extent to which children were protected from becoming victims of international trafficking. The analysis also drew on the work accomplished by the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (see PART TWO, Chapter II).

The Secretary-General concluded that, based on the information received, the Commission on Crime Prevention and Criminal Justice might feel the need to develop an international convention. He suggested that the Commission might wish to establish an open-ended inter-sessional working group to elaborate elements of a draft convention; or establish a pre-sessional working group to identify the scope and main content of a possible convention; or ask the Secretariat to organize a meeting of experts to develop a set of specific proposals for the Commission's consideration in 1998 and to seek the views of Member States on the possible elements of a convention and on the main issues to be covered, and to provide data on the extent to which children became victims of transborder trafficking in practice.

Violence against women

In response to Economic and Social Council resolution 1996/12 [YUN 1996, p. 1068], the Secretary-General, in a March report with later addendum [E/CN.15/1997/11 & Add.1], presented the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant UN entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities for the elimination of vio-

lence against women. The draft measures, strategies and activities were considered by the Commission in 1996 [YUN 1996, p. 1068] under the title "Draft plan of action on the elimination of violence against women". Annexed to the report was the revised text of the draft measures, strategies and activities, taking into account the views submitted to the Secretary-General. The report proposed a series of actions for the Commission, among them, to consider the revised draft measures with a view to adopting them; focus on ways of implementing the measures with the support of the Secretariat; and improve coordination with various partners in the UN system. (See PART TWO, Chapter II, and PART THREE, Chapter X.)

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/24 without vote [agenda item 7 (c)].

Crime prevention and criminal justice measures to eliminate violence against women

[For text, see General Assembly resolution 52/86 below.]

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/86 without vote [agenda item 103].

Crime prevention and criminal justice measures to eliminate violence against women

The General Assembly,

Bearing in mind its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Strongly condemning all forms of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women contributes to the elimination of violence against women and that the implementation of the Declaration strengthens and complements that process,

Recalling the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

Recognizing the need to implement fully the Beijing Declaration and the Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

Taking note of Commission on Human Rights resolution 1997/44 of 11 April 1997 on the elimination of violence against women,

Welcoming the renewal of the mandate of the Special Rapporteur on violence against women, its causes and consequences, by the Commission on Human Rights,

Recalling the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

Reaffirming Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

Acknowledging the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies in working towards the elimination of violence against women,

1. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

2. Also urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in such areas as social development, environmental design and educational prevention programmes;

3. Further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice, which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

4. Calls upon the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate with all relevant organs, bodies and other entities of the United Nations system and to coordinate their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

5. Calls upon the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

6. Requests the Commission to ensure that *Strategies for Confronting Domestic Violence: A Resource Manual* is published in all official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

7. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate *Strategies for Confronting Domestic Violence: A Resource Manual* into local languages and to ensure its wide dissemination for use in training and education programmes;

8. Takes note of the report of the Secretary-General on the elimination of violence against women, including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including the specialized agencies and associate entities, as well as intergovernmental and non-governmental organizations;

9. Adopts the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model for guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

10. Urges Member States to be guided by the Model Strategies and Practical Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

11. Requests the Commission on Crime Prevention and Criminal Justice, through the Centre for International Crime Prevention of the Secretariat, to assist Member States, at their request, in utilizing the Model Strategies and Practical Measures;

12. Calls upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

13. Requests the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

14. Also requests the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and its consequences, and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women in their areas of expertise;

15. Invites the Economic and Social Council to consider including the question of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

16. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution.

ANNEX

Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

1. The multifaceted nature of violence against women suggests that different strategies are required for different manifestations of violence and the various settings in which it occurs. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to deal with the problem of violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Recalling the definition of violence against women contained in the Declaration on the Elimination of Violence against Women and reiterated in the Platform for Action adopted by the Fourth World Conference on Women, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build upon the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, with a view to furthering their fair and effective implementation.

4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with the various manifestations of violence against women within the criminal justice system.

5. The Model Strategies and Practical Measures are aimed at providing *de jure* and *de facto* equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

I. Criminal law

6. Member States are urged:

(a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and to remove provisions that allow for or condone violence against women;

(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;

(c) To review, evaluate and revise their criminal laws in order to ensure that:

- (i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;
- (ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

II. Criminal procedure

7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

(d) Rules and principles of defence do not discriminate against women and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(g) Courts, subject to the constitution of their State, have the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders;

(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

(i) Safety risks are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation.

III. Police

8. Member States are urged, within the framework of their national legal systems:

(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized

and responded to accordingly by the criminal justice system;

(b) To develop investigative techniques that do not degrade women subjected to violence and that minimize intrusion into their lives, while maintaining standards for the collection of the best evidence;

(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise, and that these procedures also prevent further acts of violence;

(d) To empower the police to respond promptly to incidents of violence against women;

(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

(f) To encourage women to join police forces, including at the operational level.

IV. Sentencing and correction

9. Member States are urged, as appropriate:

(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

(i) Holding offenders accountable for their acts related to violence against women;

(ii) Stopping violent behaviour;

(iii) Taking into account the impact on victims and their family members of sentences imposed on perpetrators who are members of their families;

(iv) Promoting sanctions that are comparable to those for other violent crimes;

(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.

V. Victim support and assistance

10. Member States are urged, as appropriate:

(a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the

scheduling, progress and ultimate disposition of the proceedings;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;

(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;

(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

(e) To establish a registration system for judicial protection and restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.

VI. Health and social services

11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;

(d) To establish better linkages between medical services, both private and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women;

(e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;

(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

VII. Training

12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women;

(b) To ensure adequate training, sensitivity and education of police, criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

(c) To encourage professional associations to develop enforceable standards of practice and behaviour, which promote justice and equality for women, for practitioners involved in the criminal justice system.

VIII. Research and evaluation

13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes and non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To develop crime surveys on the nature and extent of violence against women;

(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women, its causes and consequences;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The relationship between the victim and the offender;

(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.

IX. Crime prevention measures

14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness, public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;

(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;

(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(f) To support initiatives of organizations seeking women's equality and of non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination.

15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

X. International cooperation

16. Member States and United Nations bodies and institutes are urged, as appropriate:

(a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models;

(b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance, in accordance with national law;

(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

17. Member States are urged:

(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including, in particular, murder, systematic rape, sexual slavery and forced pregnancy;

(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women for the States that

are still not parties to it, so that universal ratification can be achieved by the year 2000;

(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;

(e) To cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications.

XL Follow-up activities

18. Member States, United Nations bodies, subject to the availability of extrabudgetary funds, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international organizations, research institutes and non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical guide for activities aimed at eliminating violence against women;

(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice systems, including their criminal legislation, on the basis of the Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to put the Model Strategies and Practical Measures into effect;

(f) To design standard training programmes and manuals for the police and criminal justice officials, based on the Model Strategies and Practical Measures;

(g) To periodically review and monitor, at the national and international levels, progress made in terms of plans, programmes and initiatives to eliminate violence against women in the context of the Model Strategies and Practical Measures.

Prison conditions

On 21 July [meeting 36], on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], the Economic and Social Council adopted **resolution 1997/36** without vote [agenda item 7 (c)].

International cooperation for the improvement of prison conditions

The Economic and Social Council,

Gravely alarmed by the serious problem confronting many Member States as a result of prison overcrowding,

Convinced that conditions in overcrowded prisons may affect the human rights of prisoners,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977,

Recalling General Assembly resolution 45/111 of 14 December 1990, adopted on the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by which the Assembly affirmed the Basic Principles for the Treatment of Prisoners, annexed to that resolution,

Recognizing that prison overcrowding requires the implementation of effective policies directed towards the rehabilitation of prisoners and their social reintegration, as well as the application of the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners,

Mindful of the fact that the physical and social conditions associated with prison overcrowding may result in outbreaks of violence in prisons, a development that could pose a grave threat to law and order,

Recalling the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),

Recalling also the resolutions on the conditions of prisoners adopted by United Nations congresses on the prevention of crime and the treatment of offenders, in particular resolution 16 on reduction of the prison population, alternatives to imprisonment and social integration of offenders and resolution 17 on the human rights of prisoners, both adopted on 6 September 1985 by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Taking note of the resolution adopted at the seminar entitled "Criminal justice: the challenge of prison overcrowding", organized by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders with the support of the European Commission, and held at San Jose, Costa Rica, from 3 to 7 February 1997, in which it was recommended, *inter alia*, that the number of prisoners should not exceed the number that could be held in decent conditions,

Taking note also of the Kampala Declaration on Prison Conditions in Africa, annexed to the present resolution,

Noting the nomination of a special rapporteur on prisons in Africa by the African Commission on Human and Peoples' Rights, in accordance with recommendations contained in the Kampala Declaration,

Mindful that many Member States lack the necessary resources to resolve the problem of prison overcrowding,

1. Requests the Secretary-General to provide assistance to countries, at their request and within existing resources or, where possible, funded by extrabudgetary resources if available, for the improvement of their prison conditions in the form of advisory services, needs assessment, capacity-building and training;

2. Invites other entities of the United Nations system, including the United Nations Development Programme and the United Nations Crime Prevention and Criminal Justice Programme network, as well as intergovernmental organizations, to assist the Secretary-General in implementing the request contained in paragraph 1 above;

3. Urges Member States, if they have not yet done so, to introduce appropriate alternatives to imprisonment in their criminal justice systems;

4. Recommends that Member States, if they have not yet done so, adopt appropriate effective measures to reduce pre-trial detention;

5. Invites international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate into their technical assistance programmes measures to reduce prison overcrowding, including the construction of adequate infrastructure and the development of alternatives to imprisonment in criminal justice systems;

6. Requests the Commission on Crime Prevention and Criminal Justice to discuss the issue of prison overcrowding in the context of technical cooperation at its eighth session, with a view to achieving greater international cooperation in that area;

7. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eighth session on the implementation of the present resolution.

ANNEX

Kampala Declaration on Prison Conditions in Africa

Prison conditions

Considering that in many countries in Africa the level of overcrowding in prisons is inhuman, that there is a lack of hygiene, insufficient or poor food, difficult access to medical care, a lack of physical activities or education, as well as an inability to maintain family ties,

Bearing in mind that any person who is denied freedom has a right to human dignity,

Bearing in mind also that the universal norms on human rights place an absolute prohibition on torture of any description,

Bearing in mind further that some groups of prisoners, including juveniles, women, the old and the mentally and physically ill, are especially vulnerable and require particular attention,

Bearing in mind that juveniles must be separated from adult prisoners and that they must be treated in a manner appropriate to their age,

Remembering the importance of proper treatment for female detainees and the need to recognize their special needs,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That the human rights of prisoners should be safeguarded at all times and that non-governmental agencies should have a special role in this respect;

2. That prisoners should retain all rights which are not expressly taken away by the fact of their detention;

3. That prisoners should have living conditions which are compatible with human dignity;

4. That conditions in which prisoners are held and the prison regulations should not aggravate the suffering already caused by the loss of liberty;

5. That the detrimental effects of imprisonment should be minimized so that prisoners do not lose their self-respect and their sense of personal responsibility;

6. That prisoners should be given the opportunity to maintain and develop links with their families and the outside world;

7. That prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release;

8. That special attention should be paid to vulnerable prisoners and that non-governmental organizations should be supported in their work with these prisoners;

9. That all the norms of the United Nations and the African Charter on Human and Peoples' Rights on the treatment of prisoners should be incorporated into national legislation in order to protect the human rights of prisoners;

10. That the Organization of African Unity and its member States should take steps to ensure that prisoners are detained in the minimum conditions of security necessary for public safety.

Remand prisoners

Considering that in most prisons in Africa a great proportion of prisoners are awaiting trial, sometimes for several years,

Considering also that for this reason the procedures and policies adopted by the police, the prosecuting authorities and the judiciary can significantly influence prison overcrowding,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That the police, the prosecuting authorities and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solutions to reduce this;

2. That judicial investigations and proceedings should ensure that prisoners are kept in remand detention for the shortest possible period, avoiding, for example, continual remands in custody by the court;

3. That there should be a system for regular review of the time detainees spend on remand.

Prison staff

Considering that any improvement in conditions for prisoners will be dependent on staff having pride in their work and a proper level of competence,

Bearing in mind that this will only happen if staff are properly trained,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That there should be a proper career structure for prison staff;

2. That all prison personnel should be linked to one government ministry and that there should be a clear line of command between the central prison administration and the staff in prisons;

3. That the State should provide sufficient material and financial resources for staff to carry out their work properly;

4. That in each country there should be an appropriate training programme for prison staff to which the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders should be invited to contribute;

5. That there should be a national or subregional institution to deliver this training programme;

6. That the penitentiary administration should be directly involved in the recruitment of prison staff.

Alternative sentencing

Noting that, in an attempt to reduce prison overcrowding, some countries have been trying to find a solution through amnesties or pardons or by building new prisons,

Considering that overcrowding causes a variety of problems, including difficulties for overworked staff,

Taking into account the limited effectiveness of imprisonment, especially for those serving short sentences, and the cost of imprisonment to the whole of society,

Considering the growing interest in African countries in measures which replace custodial sentences, especially in the light of human rights principles,

Considering that community service and other non-custodial measures are innovative alternatives to imprisonment and that there are promising developments in Africa in this regard,

Considering also that compensation for damage done is an important element of non-custodial sentences,

Considering further that legislation can be introduced to ensure that community service and other non-custodial measures will be imposed as an alternative to imprisonment,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend:

1. That petty offences should be dealt with according to customary practice, provided this meets human rights requirements and that those involved so agree;

2. That, whenever possible, petty offences should be dealt with by mediation and should be resolved between the parties involved without recourse to the criminal justice system;

3. That the principle of civil reparation or financial recompense should be applied, taking into account the financial capability of the offender or of his or her parents;

4. That the work done by the offender should, if possible, recompense the victim;

5. That community service and other non-custodial measures should, if possible, be preferred to imprisonment;

6. That there should be a study of the feasibility of adapting successful African models of non-custodial measures and applying them in countries where they are not yet being used;

7. That the public should be educated about the objectives of these alternatives and how they work.

African Commission on Human and Peoples' Rights

Considering that the African Commission on Human and Peoples' Rights has the mandate to ensure the promotion and the protection of human and peoples' rights in Africa,

Considering also that the Commission has shown on many occasions its special concern on the subject of poor prison conditions in Africa and that it has adopted special resolutions and decisions on this question previously,

The participants in the International Seminar on Prison Conditions in Africa, held at Kampala from 19 to 21 September 1996, recommend that the African Commission on Human and Peoples' Rights:

1. Should continue to attach priority to the improvement of prison conditions throughout Africa;

2. Should nominate a Special Rapporteur on Prisons in Africa as soon as possible;
3. Should make the member States aware of the recommendations contained in the present Declaration and publicize United Nations and African norms and standards on imprisonment;
4. Should cooperate with non-governmental organizations and other qualified institutions in order to ensure that the recommendations contained in the present Declaration are implemented in all the member States.

Measures to regulate firearms

In a response to Economic and Social Council resolution 1996/28 [YUN 1996, p. 1044], the Secretary-General, in March, submitted to the Commission a report [E/CN.15/1997/4 & Corr.1] on measures to regulate firearms. Information collected from Member States on measures to regulate firearms was used to establish a database on the subject, which was available through the United Nations Crime and Justice Information Network. An Expert Group Meeting was held (Vienna, 10-14 February) to discuss the finalization of the international study on firearm regulation, prepared in response to Council resolution 1995/27 [YUN 1995, p. 1138]; to make recommendations on firearm regulation; to help finalize the summary of the study; and to improve the survey instrument.

Three regional workshops were held: for Europe (Ljubljana, Slovenia, 22-26 September); for Africa (Arusha, United Republic of Tanzania, 3-7 November); and for the Americas (Sao Paulo, Brazil, 8-12 December) [E/CN.15/1998/4]. A regional workshop for Asia was scheduled for 1998. The workshops reviewed regional developments and priorities of firearm regulation, as well as a number of issues raised in the draft international study. Annexed to the report were the results of the February Expert Group Meeting and a summary of an international study on general firearm regulation.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/28 without vote [agenda item 7 (c)].

Firearm regulation for purposes of crime prevention and public health and safety

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995 adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,

Recalling also section IV.A of its resolutions 1995/27 of 24 July 1995 and its resolution 1996/28 of 24 July 1996,

Mindful of the need for effective implementation of those resolutions,

Taking note of the report of the Secretary-General on measures to regulate firearms,

Taking note also of the findings contained in the draft "United Nations international study on firearm regulation", prepared by the Crime Prevention and Criminal Justice Division of the Secretariat,

Taking note further of the work of the Inter-American Drug Abuse Control Commission of the Organization of American States on the question of control of the international movement of illicit firearms and explosives, including the proposal for a model regulation for the control of the international movement of firearms,

1. Urges Member States that have not already replied to the questionnaire related to the draft "United Nations international study on firearm regulation" to do so by 30 September 1997;

2. Requests the Secretary-General to continue the data collection and dissemination of information on firearm regulation, including the revised survey format referred to in the report of the Expert Group Meeting on Gathering Information on and Analysis of Firearm Regulation, held at Vienna from 10 to 14 February 1997, and the ongoing and regular maintenance of a list of contact persons and organizations in each Member State with the responsibility of providing such information and enhancing the existing database on firearm regulation;

3. Takes note with appreciation of the proposal of the Secretary-General to convene an ad hoc meeting of representatives of relevant international organizations with a view to better coordinating the data collection that is necessary for a more complete understanding of the issues affecting firearm regulation;

4. Requests the Secretary-General to promote, within existing resources, technical cooperation projects that recognize the relevance of firearm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime, and in re-establishing or strengthening the rule of law in post-conflict peacekeeping projects;

5. Encourages Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:

(a) Regulations relating to firearm safety and storage;

(b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;

(c) Mitigation of or exemption from criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate, so as to encourage citizens to surrender illegal, unsafe or unwanted firearms;

(d) A licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;

(e) A record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of

firearms at manufacture and upon import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States;

6. Requests the Secretary-General to include in the provisional agendas for the four regional workshops on firearm regulation to be organized in 1997 in accordance with the work plan approved by the Council in its resolution 1996/28, within existing resources or subject to the availability of extrabudgetary funding, the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested above, the collection of comparable information on firearm regulation, the provision of technical assistance, training and information sharing and the need for implementing bilateral, regional or multilateral agreements or arrangements on combating illicit trafficking in firearms, in order to ensure that all Member States have sufficient capacity in the area of firearm regulation, and requests that interested non-governmental organizations should each be allowed to make a statement at the regional workshops on subjects covered in their agenda but should not be permitted to attend workshop meetings where sensitive law enforcement issues will be discussed;

7. Also requests the Secretary-General to seek the views of Member States, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the development of a declaration of principles, based on the regulatory approaches suggested above, and to submit a report containing the views received to the Commission on Crime Prevention and Criminal Justice at its seventh session;

8. Further requests the Secretary-General to explore ways and means of developing a programme of continuing education for criminal justice administrators and of public education and awareness-building in relation to the links between firearms in civilian use and the unacceptable levels of violence in cities, communities and families and to disseminate that information in order to encourage Member States to undertake similar programmes;

9. Encourages Member States to ensure the tracing of illegal firearms and accurate and prompt responses to requests from other Member States for firearm-tracing;

10. Invites the International Criminal Police Organization to review the firearm- and ballistic-tracing capabilities of its member States, with a view to advising the Commission on Crime Prevention and Criminal Justice on the adequacy of those capabilities, and to clarify and compile common firearm terminology and descriptions, preferably in the form of an index, in order to enhance the sharing of investigative information on illegal firearms among Member States;

11. Invites the United Nations Panel of Governmental Experts on Small Arms, established in pursuance of General Assembly resolution 50/70 B of 12 December 1995, and other relevant specialized intergovernmental organizations to provide the Commission with available information about the results of their work in relation to the proliferation of illegal military small arms in Member States;

12. Invites the Customs Cooperation Council, also called the World Customs Organization, to review international customs practices relating to the movement of firearms for civilian purposes and worldwide trends in firearm smuggling, including such matters as import and export licensing, monitoring, standard protocols, including a common import and export certificate, and an advance notification system, with a view to advising the Commission on the effectiveness of controls concerning the international movement of firearms;

13. Invites other relevant intergovernmental organizations to re-analyse their data on issues related to firearms, within the scope of the United Nations international study on firearm regulation, with a view to informing the Commission, through the Secretary-General, of possible steps towards improving the collection and analysis of the related interdisciplinary statistics;

14. Reiterates its request to the Secretary-General to publish the "United Nations international study on firearm regulation", as scheduled in the work plan approved in Council resolution 1996/28, and to disseminate the study as widely as possible;

15. Encourages Member States to disseminate the report of the Secretary-General on measures to regulate firearms and the "United Nations international study on firearm regulation" in their own countries and to consider the usefulness of the report and the study in evaluating whether to undertake new initiatives in firearm regulation;

16. Requests the Secretary-General to prepare a report on the implementation of the present resolution and to submit it to the Commission at its seventh session;

17. Decides that the Commission on Crime Prevention and Criminal Justice should consider the item entitled "Measures to regulate firearms" at its seventh session, drawing on the report of the Secretary-General referred to in paragraph 16 above.

Statistics and computerization

In response to Economic and Social Council resolution 1996/11 [YUN 1996, p. 1045], the Secretary-General, in a March report [E/CN.15/1997/5], reviewed the computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information. He described the status of the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems covering the period 1990-1994, which was being conducted jointly by the Crime Prevention and Criminal Justice Division and the Statistics Division. The report described other data collection and statistical activities and analysed replies received from Member States to a survey of national capacities for the collection of crime statistics. The replies indicated that all respondents were keeping statistics on reported or detected crimes. The report summarized the views of Member States on the establishment of an advisory steering group and

a standing pool of experts to implement technical cooperation activities. As for future activities, the Secretary-General suggested that the next step in expanding the exchange of information within the United Nations Crime Prevention and Criminal Justice Programme network should be the broader and more systematized electronic provision of information to Commission members.

In April [E/CN.15/1997/5/Add.1], the Secretary-General transmitted to the Commission the report of the Expert Group Meeting on Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange (Buenos Aires, Argentina, 10-13 March). The Group made recommendations on the implementation of the Fifth United Nations Survey, on the survey of national capacities for the collection of data on crime prevention and criminal justice, and on the establishment of an advisory steering group and a standing pool of experts. It also made recommendations on the Guide on Development and Analysis of Criminal Justice Statistics and the question of transnational crime.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted resolution 1997/27 without vote [agenda item 7 (c)].

Strengthening the United Nations Crime Prevention and Criminal Justice Programme with regard to the development of crime statistics and the operations of criminal justice systems

The Economic and Social Council,

Recalling its resolution 1996/11 of 23 July 1996, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information", in which it urged Member States to assist the Secretary-General in strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme network,

Recalling also the recommendations of the Expert Group Meeting on Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange, held at Buenos Aires from 10 to 13 March 1997,

Considering the importance of the exchange of information and technical assistance with regard to the computerization of operational information in criminal justice,

Mindful that the development of adequate national capacities is vital to the reliability of global statistics,

Considering the urgent need for statistics on conventional types of crime and on transnational crime that can be used for comparative purposes,

Considering also that crime and criminal justice statistics that can be used for comparative purposes are an indispensable tool for designing criminal policies,

Taking into account the fact that modern information technologies offer new opportunities both for improved operational information systems and for the collection, analysis and dissemination of statistical information,

Noting with appreciation the directory of computerized criminal justice information systems published by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the draft model of the European Sourcebook of Crime and Criminal Justice Statistics, to be published by the Council of Europe,

Noting with appreciation also the interregional training course entitled "The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries", hosted by the Government of the Republic of Korea, which was held at Seoul from 9 to 13 September 1996,

1. Urges Member States to designate offices or bodies responsible for the coordination of data collection at the country level, with a view to improving cooperation with the United Nations, and to communicate information on the designated coordinating offices or bodies to the Crime Prevention and Criminal Justice Division of the Secretariat;

2. Requests the Secretary-General to provide assistance, upon request, to those Member States that might have difficulties in replying to the questionnaires related to the United Nations surveys of crime trends and operations of criminal justice systems;

3. Recommends that the Secretary-General carry out the Sixth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems for the period 1995-1997 and that subsequent core surveys be conducted every three or four years and include, when needed, supplementary surveys on selected topics;

4. Urges Member States and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network to assist the Secretary-General in establishing an advisory steering group, pursuant to Economic and Social Council resolution 1996/11, drawing upon extrabudgetary resources, to carry out the following operational tasks:

(a) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in the review and assessment of experiences in the computerization of criminal justice operations and/or in the implementation of actual computerization projects;

(b) Assisting Member States, at their request, through, inter alia, a standing pool of experts, in technical cooperation projects to strengthen national capacities for the collection, analysis and dissemination of crime and criminal justice statistics, including participation in the United Nations surveys of crime trends and operations of criminal justice systems and the international surveys of victims of crime;

(c) Assisting Member States, at their request, in the training, at the national, regional and interregional levels, of experts in the collection, analysis, dissemination and policy use of crime and criminal justice statistics;

(d) Assisting the Secretary-General in the design of a core questionnaire for future United Nations surveys

of crime trends and operations of criminal justice systems and in the design of supplementary questionnaires on extensive ad hoc topics;

(e) Assisting the Secretary-General in the design of an effective framework for the collection of data on transnational crime;

(f) Assisting in the dissemination of statistical and other relevant policy information on crime and criminal justice by means of modern information technologies, in collaboration with the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House;

(g) Assisting in the training of officials responsible for maintaining national crime and criminal justice statistics in order to improve national data collection capacities;

5. Welcomes the offer of the Governments of Argentina and the Netherlands to support the work of the advisory steering group by hosting regional and/or inter-regional meetings, and invites other Member States to provide similar support;

6. Also welcomes the offer of the Government of Canada to assist the Secretariat, which will work in cooperation with the members of the United Nations Crime Prevention and Criminal Justice Programme network and other interested experts, in the preparation of the Guide on the Development and Analysis of Criminal Justice Statistics;

7. Requests the Secretary-General to develop, in cooperation with the members of the United Nations Crime Prevention and Criminal Justice Programme network and other interested experts, an annex to the above-mentioned Guide that would include specific examples of basic statistical instruments used for data collection, such as questionnaires, information output, reports, classifications, definitions and victimological issues, with a view to making national approaches to data collecting more compatible, thus making data comparable.

Preparations for Tenth UN Crime Congress

A February report of the Secretary-General on preparations for the Tenth (2000) United Nations Congress on the Prevention of Crime and the Treatment of Offenders [E/CN.15/1997/2 & Corr.1 & Add.1] summarized the views of Governments, relevant UN bodies and agencies and intergovernmental and non-governmental organizations, regarding the theme, agenda items, workshop topics and possible venue of the Congress. The report provided an overview of experience gained in preparation for the Ninth (1995) Congress [YUN 1995, p. 1132] and outlined suggestions on substantive and organizational arrangements for the Tenth Congress.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Crime Prevention and Criminal Justice [E/1997/30], adopted **resolution 1997/23** without vote [agenda item 7 (c)].

Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

[For text, see General Assembly resolution 52/91 below.]

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/635], adopted resolution 52/91 without vote [agenda item 103].

Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 50/145 of 21 December 1995 on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Considering that, pursuant to its resolutions 415(V) of 1 December 1950 and 46/152 of 18 December 1991, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to be convened in the year 2000,

Recognizing the significant contributions of the United Nations congresses on the prevention of crime and the treatment of offenders to the promotion and strengthening of international cooperation in crime prevention and criminal justice,

Bearing in mind the new role of the congresses, as stipulated in paragraph 29 of the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme contained in the annex to resolution 46/152,

Recalling Economic and Social Council resolution 1993/32 of 27 July 1993 and the draft rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders annexed to that resolution,

Recalling resolution 5/1 of 30 May 1996 of the Commission on Crime Prevention and Criminal Justice, in which the Commission requested the Secretary-General to summarize the views received from Governments, relevant agencies and programmes of the United Nations system and intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress for consideration by the Commission at its sixth session,

1. Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its sixth session and of its discussion on the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. Decides that the Tenth Congress should be held in the year 2000 and that the following topics should be included in its provisional agenda, as recommended by the Commission on Crime Prevention and Criminal Justice at its sixth session:

(a) Promoting the rule of law and strengthening the criminal justice system;

(b) International cooperation in combating transnational crime: new challenges in the twenty-first century;

(c) Effective crime prevention: keeping pace with new developments;

(d) Offenders and victims: accountability and fairness in the justice process;

3. Also decides that four workshops on the following issues should be held within the framework of the Tenth Congress:

(a) Combating corruption;

(b) Crimes related to the computer network;

(c) Community involvement in crime prevention;

(d) Women in the criminal justice system;

4. Welcomes the offer by the Government of South Africa to host the Tenth Congress, and requests the Secretary-General to initiate consultations with the Government and to report to the Commission at its seventh session;

5. Takes note with appreciation of the statement made on behalf of the Government of Austria that, if consensus could be reached and questions of timing could be resolved, that Government would be honoured to host the Tenth Congress at Vienna;

6. Requests the Commission, at its seventh session, to finalize the programme for the Tenth Congress and to make its final recommendations, through the Economic and Social Council, to the General Assembly, taking into account the fact that the Tenth Congress should deal with a limited number of precisely defined substantive topics reflecting the urgent needs of the world community and should include practical technical workshops on well-focused issues related to the substantive agenda items;

7. Requests the Secretary-General to prepare a discussion guide for the consideration of the Commission, in cooperation with the institutes for the prevention of crime and the treatment of offenders affiliated with the United Nations, and invites Member States to be actively involved in that process;

8. Invites the regional commissions, the United Nations Crime Prevention and Criminal Justice Programme network, government-appointed national correspondents in the field of crime prevention and criminal justice, the specialized agencies and other entities within the United Nations system, the intergovernmental organizations concerned and relevant non-governmental organizations in consultative status with the Economic and Social Council to become actively involved in the preparations for the Tenth Congress;

9. Invites Member States to be represented at the Tenth Congress at a high political level, for example by heads of State, government ministers and attorneys-general;

10. Decides to reserve the first two days of the plenary session at the Tenth Congress following its opening primarily for statements by such representatives at a high political level on the main themes of the Congress;

11. Requests the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the opening of the Tenth Congress;

12. Also requests the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations partici-

pating in the Tenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community at the Tenth Congress;

13. Further requests the Secretary-General to provide the Centre for International Crime Prevention of the Secretariat, serving as the secretariat of the Tenth Congress, with the resources necessary to undertake, in an effective and timely manner, within the overall appropriations of the programme budget for the biennium 1998-1999, the preparatory activities for the Tenth Congress, as directed by the Commission, including the organization of regional preparatory meetings, and to ensure adequate resources for the biennium 2000-2001 for other requirements and the conduct of the Tenth Congress itself;

14. Requests the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice and within the overall appropriations of the programme budget for the biennium 1998-1999, and adequate resources for the biennium 2000-2001, in order to ensure an appropriate programme of public information relating to the preparations for the Tenth Congress;

15. Also requests the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Tenth Congress and in the Congress itself, in accordance with past practice;

16. Invites the Commission, as the preparatory body for the United Nations congresses, to finalize all organizational arrangements for the Tenth Congress at its seventh session, including its dates, duration, documentation and venue;

17. Requests the Secretary-General to ensure proper follow-up action to the present resolution and to report thereon to the General Assembly, through the Commission on Crime Prevention and Criminal Justice at its seventh session.

Human resources

UN research and training institutes

In his July report outlining a programme of reform for the United Nations [A/51/950] (see PART FIVE, Chapter I), the Secretary-General stated that he would initiate, in consultation with the United Nations University (UNU) and other research institutes of the UN family, measures for coordinating and rationalizing their activities and ensuring that they contributed more fully and effectively to UN policies, programmes and priorities. Recommendations might be made to Member States to improve governance arrangements in respect of those institutes, possibly including amendments to the UNU Charter. In addition, the United Nations Staff College (UNSC) would be requested, in preparing programmes for international civil servants throughout the

UN system, to make full use of the research and capacity-building experience of the research institutes.

JIU report. In response to General Assembly resolution 51/188 [YUN 1996, p. 1051], the Secretary-General, in November [A/52/559], transmitted the Joint Inspection Unit (JIU) report on training institutions in the UN system.

JIU called for the establishment of an effective and flexible division of labour among the main UN system training and research institutions: the United Nations Institute for Training and Research (UNITAR), UNU and the UNSC. The Inspectors suggested that UNITAR should be the clearing house for the needs of personnel from Member States for general training and UNSC should serve the same function for UN staff members. They recommended that UNU conduct research that could be used by all UN training institutions, thus stimulating cooperation and co-ordination among them. Training programmes could best be strengthened through cooperation among UNITAR, UNSC and UNU. JIU also recommended that the Assembly consider all major training issues under a single agenda item, with a view to enhancing the transparency of the activities of training institutions and stimulating cooperation among them.

UN Institute for Training and Research

In October [A/52/367], the Secretary-General transmitted a report approved by the Board of Trustees of UNITAR on the completion of its restructuring, which was carried out in compliance with General Assembly resolution 47/227 [YUN 1993, p. 996]. During the restructuring process, UNITAR transferred its headquarters from New York to Geneva; established a liaison office in New York; continued to operate with no financial assistance from the UN regular budget, as it had for five years; downgraded the post of Executive Director; downsized and streamlined its staff; phased out research functions not related to training; and made efforts to establish closer cooperation with other entities of the UN system.

UNITAR's programmes were aimed at enhancing the functions and performance of national civil servants; some 4,000 people participated in about 70 training events annually in five continents. In identifying and designing its programmes, UNITAR was guided by the following objectives: inter-institutional cooperation and networking; avoiding duplication and building on existing resources; ensuring a valuable contribution in a cost-effective manner; and responding to the needs of recipient countries and inter-governmental organizations.

The Board had launched a fund-raising campaign to expand the Institute's core funding and called on Member States to contribute, in particular those industrialized States that had utilized UNITAR services. The Institute's general fund, which amounted to some \$1 million, was not sufficient to allow UNITAR to systematically develop new programmes, share its innovations and experience with other institutions and participate more fully in crafting a more system-wide approach to capacity-building.

In response to Assembly resolution 51/188 [YUN 1996, p. 1051], the Secretary-General, in an October report [A/52/492], discussed UNITAR's role within the UN system. In recent years, the UNITAR Board of Trustees had given increasing attention to enhancing the Institute's inter-agency cooperative links and, in September, had reviewed a document by the Executive Director on UNITAR's principal axes of cooperation. He stated that the Institute's cooperative links with the UN Secretariat and with the funds, programmes and specialized agencies of the system, were diverse in nature, ranging from occasional events to well-structured, long-term joint ventures. UNITAR had greatly expanded its network of cooperation with regional, national, public and non-governmental institutes, especially research institutions.

The report suggested that the experience of UNITAR in terms of training methods and pedagogical materials would be of value to the UNSC project, established in 1996 [YUN 1996, p. 1050] and inaugurated by the Secretary-General in April 1997. As the Staff College was conceived as a global network of institutions, partnership arrangements would be key to development of the project. The Secretary-General observed that, despite the completion of the restructuring of UNITAR, it remained vulnerable, owing to the fragility of its general fund.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/631], adopted **resolution 52/206** without vote [agenda item 100].

United Nations Institute for Training and Research

The General Assembly,

Recalling its resolutions 47/227 of 8 April 1993, 48/207 of 21 December 1993, 49/125 of 19 December 1994, 50/121 of 20 December 1995 and 51/188 of 16 December 1996,

Having considered the report of the Secretary-General, the report of the Board of Trustees of the United Nations Institute for Training and Research on the activities of the Institute and the report of the Joint Inspection Unit,

Welcoming the successful restructuring of the Institute and the recent progress made by the Institute in its various programmes and activities, including the improved cooperation that has been established with other organizations of the United Nations system and with regional and national institutions,

Expressing its appreciation to the Governments and private institutions that have made or pledged financial and other contributions to the Institute,

Reiterating that the funding of training programmes offered at the specific request of States or departments and units of the Organization and other organs of the United Nations system and the specialized agencies should be arranged by the requesting parties,

Recognizing that training activities should be accorded a more visible and larger role in support of the management of international affairs and in the execution of the economic and social development programmes of the United Nations system,

1. Reaffirms the relevance of the United Nations Institute for Training and Research in view of the growing importance of training within the United Nations and the training requirements of States, and the pertinence of research activities related to training undertaken by the Institute within its mandate;

2. Invites the Institute to strengthen further its cooperation with other United Nations institutes and relevant national, regional and international institutions, as well as with projects;

3. Renews its appeal to all Governments and to private institutions that have not yet contributed financially or otherwise to the Institute to give it their generous financial and other support, and urges the States that interrupted their voluntary contributions to consider resuming them in the light of the successful restructuring and revitalization of the Institute;

4. Stresses the need for an effective division of labour among the main training and research institutions of the United Nations system, taking into account the distinct and complementary mandates of the United Nations University, the United Nations Institute for Training and Research and the United Nations Staff College Project, and in this regard notes the recommendations of the Joint Inspection Unit;

5. Also stresses the need for better coordination among the main training and research institutions of the United Nations system, and in this regard notes the recommendations of the Joint Inspection Unit;

6. Further stresses in this regard the need for the General Assembly to consider all major training issues in a coherent manner without prejudice to its resolution 50/227 of 24 May 1996;

7. Welcomes the initiative of the Board of Trustees and the Executive Director to explore the possibilities for the Institute to become a partner of the agencies and bodies of the United Nations system with respect to their training programmes, especially for developing countries and countries with economies in transition, consistent with the division of labour;

8. Requests the Board of Trustees to attract, to the extent possible, experts from developing countries and countries with economies in transition for the preparation of the relevant training materials for the programmes and activities of the Institute;

9. Calls upon the Secretary-General to explore all possible ways and means to provide additional facilities

to the Institute for conducting programmes and training courses that are provided at no cost to States and to their representatives accredited to United Nations offices in New York, Nairobi, Geneva and Vienna;

10. Requests the Secretary-General, in consultation with the Institute, as well as with the United Nations funds and programmes, to explore ways and modalities to utilize systematically the Institute in the execution of training and capacity-building programmes;

11. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

United Nations University

UNU activities

During 1997, the United Nations University (UNU) continued its research, capacity-building and dissemination activities, as described in a report of the UNU Council to the General Assembly [A/53/31]. UNU carried out global activities in four programme areas: environment, science and technology, development, and peace and governance. The Council's report described UNU efforts in postgraduate training, dissemination of research findings and institutional development and reviewed UNU work in cooperation with other UN organizations. Academic activities were carried out by a decentralized network of scholars working at UNU headquarters in Tokyo, Japan, and by the UNU's eight research and training centres and programmes around the world: the World Institute for Development Economics Research (Helsinki, Finland); the Institute for New Technologies (Maastricht, Netherlands); the International Institute for Software Technology (Macau); the Institute for Natural Resources in Africa (Accra, Ghana); the Institute of Advanced Studies (Tokyo); the International Leadership Academy (Amman, Jordan); the International Network on Water, Environment and Health (Hamilton, Canada); and the Programme for Biotechnology in Latin America and the Caribbean (Caracas, Venezuela).

In March, the Secretary-General appointed Hans van Ginkel (Netherlands) as the fourth Rector of the UNU, effective 1 September 1997.

UNU Council

The UNU Council, at its forty-fourth session (Tokyo, 1-5 December) [A/53/31], focused on the new Rector's assessment of the University's strengths and weaknesses. It also discussed the 20-year external peer evaluation of UNU planned for 1998 to assess the extent to which the University had fulfilled the objectives set out in its charter over the 11-year period from 1987 to 1997; the Joint Inspection Unit (JIU) review (see below);

and the adoption of the 1998-1999 budget and academic programme.

On 18 December, the General Assembly (**decision 52/450**), decided that, beginning in 1998, the report of the UNU Council would be considered directly by the Assembly's Second Committee, in accordance with its programme of work.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 July [meeting 3] the Economic and Social Council, having considered the report of the UNU Council for 1996 [YUN 1996, p. 1053], adopted **resolution 1997/43** [draft E/1997/L.38, orally revised] without vote [agenda item 6 (h)].

Report of the Council of the United Nations University

The Economic and Social Council,
Recalling General Assembly resolution 3081 (XXVIII) of 6 December 1973,

Stressing the need to rationalize further the agenda of its substantive session in accordance with the relevant provisions of General Assembly resolution 50/227 of 24 May 1996,

1. Takes note of the report of the Council of the United Nations University for 1996;
2. Expresses its appreciation to the outgoing Rector of the University for his contribution to the work of the University during his term in office;
3. Recommends that the General Assembly adopt a decision whereby, beginning in 1998, the report of the Council of the University would be considered directly by the Second Committee of the General Assembly in accordance with its programme of work.

JIU report. In August, the Secretary-General transmitted to the General Assembly the JIU work programme for 1997-1998 [A/52/267], in which JIU stated that it was prepared to undertake a comprehensive review of UNU since it had been in existence for more than 20 years without a proper external evaluation. The report would cover the functioning of UNU and issues facing it, focusing among other things, on the management, organizational structure, governance arrangements and the relevance of its activities to the emerging needs of the larger UN community.

Human resources for development

In response to General Assembly resolution 50/105 [YUN 1995, p. 1162], the Secretary-General, in an October note [A/52/540], described further action taken by the UN system with regard to developing human resources for development (HRD), with a special focus on inter-agency coordination. The Secretary-General noted two significant developments that had a direct impact on the substance and process of HRD within the UN system: the active efforts under way within the system to coordinate assistance to countries

in the follow-up to the major global conferences held during the 1990s and the package of UN system reform proposals announced by the Secretary-General in July 1997 (see PART FIVE, Chapter I). The UN conferences of the 1990s had innovative themes that bore directly on HRD policies and practice. The concept of sustainable livelihoods for all offered a fresh framework for development strategies that could guide HRD and address some of the shortcomings of earlier HRD strategies.

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second Committee [A/52/628/Add.8], adopted **resolution 52/196** without vote, as orally amended [agenda item 97 (h)].

Developing human resources for development

The General Assembly,

Reaffirming its resolutions 50/105 of 20 December 1995, 48/205 of 21 December 1993, 46/143 of 17 December 1991 and 45/191 of 21 December 1990, as well as the relevant sections of the Agenda for Development,

Recognizing that people are at the centre of concerns for sustainable development and that the development of human resources is an essential component in the achievement of sustainable development, and stressing that effective human resources development should strengthen people's capabilities and competencies and enlarge the choices available to them in developing their lives and fulfilling their aspirations so as to reach total human development,

Recognizing also that there is a need to integrate human resources development into comprehensive strategies that mainstream a gender perspective, taking into account the needs of all people, in particular, the needs of women and the girl child,

Stressing that Governments have the primary responsibility for defining and implementing appropriate policies for human resources development and that there is a need for continued support from the international community to complement the efforts of Governments of developing countries to promote human resources development in pursuit of their national programmes, plans and strategies for development,

Stressing also that there is a need for a supportive and favourable national and international economic environment that will enhance human resources development in developing countries and promote sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences,

Recognizing that economic reforms and structural adjustment programmes are aimed at benefiting those countries which undertake them but that these programmes can also affect the capacity of Governments to implement appropriate policies that promote human resources development, and that there is a need, in the formulation of these programmes, to continue to integrate measures that mitigate such an effect,

Recognizing also the vital role of South-South cooperation in supporting national efforts at human resources development,

Emphasizing the continued need for coordination and integration among the organs and organizations of the United Nations system in assisting developing countries, in particular the least developed among them, to foster the development of their human resources, especially that of the most vulnerable, and for the United Nations to continue to give priority to human resources development in developing countries,

Recognizing the importance accorded to the human component of development in the declarations and programmes of action adopted at all the major United Nations conferences and summits since 1990,

1. Takes note of the note by the Secretary-General;
2. Emphasizes that, in the development of human resources, an overall, well-conceived and integrated approach that mainstreams a gender perspective and takes into account the needs of all people should be adopted, incorporating such vital areas as population, health, nutrition, water, sanitation, housing, communications, education and training, and science and technology, as well as taking into account the need to create more opportunities for employment in an environment that guarantees political freedom, popular participation, respect for human rights, justice and equity, all of which are essential for enhancing human capacity to meet the challenge of development;
3. Encourages all countries to apply the requisite policies to ensure the development of their human resources, through education and training and by seeking, where possible, to increase receptivity to technological innovations, including those in the field of information technology;
4. Emphasizes the need to ensure the full participation of women in the formulation and implementation of national policies to promote human resources development;
5. Acknowledges the efforts of developing countries in promoting human resources development, and, in this regard, emphasizes the need for international cooperation to advance human resources development and the need for concerted efforts to support the efforts of developing countries, especially those in Africa and the least developed countries, to develop their human resources;
6. Encourages all countries to accord priority, in particular in national budgets, to human resources development in the context of the adoption of economic and social policies;
7. Emphasizes that human resources development and institution-building can be promoted through South-South cooperation, and calls upon countries to take action in this regard;
8. Invites international organizations, including international financial institutions, to continue to give priority to supporting the objectives of human resources development and to integrating them into their policies, programmes and operations;
9. Emphasizes that structural adjustment programmes should support social development goals, in particular the eradication of poverty, the promotion of full and productive employment and the enhancement of social integration, with due regard to the implementation of sound economic policies;

10. Calls upon the relevant organs, organizations and bodies of the United Nations system, in accordance with their mandates, work programmes and priorities, to coordinate effectively their activities in support of national and regional action in the area of human resources development and capacity-building, both among themselves and with other development partners, and to strengthen the impact of their development activities on human resources development;

11. Requests the Secretary-General to include in his report to the General Assembly at its fifty-fourth session an assessment of the effectiveness of the contribution made by the United Nations system to advance human resources development through its operational activities, and to make recommendations to further enhance the efficiency and effectiveness of its contribution to human resources development, including the identification of possible new approaches that will enhance their impact;

12. Decides to include in the provisional agenda of its fifty-fourth session, under the item entitled "Sustainable development and international economic cooperation", the sub-item entitled "Human resources development".

Education for all

In response to General Assembly resolution 50/143 [YUN 1995, p. 1129], the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), issued a June progress report on the implementation process of the education for all objectives [A/52/183-E/1997/74]. The report included the conclusions and recommendations of the mid-decade meeting of the International Consultative Forum on Education for All (Amman, Jordan, 16-19 June 1996), and of the third global meeting of the Education for All Forum, established to follow up the 1990 World Conference on Education for All [YUN 1990, p. 763]. Annexed to the report was the Amman Affirmation, which summarized the gains, shortfalls and emerging challenges identified by the Forum following its mid-decade review of progress towards education for all.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted **resolution 52/84** without vote [agenda item 102].

Education for all

The General Assembly,

Recalling that in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child the right of every individual to education is recognized as inalienable,

Recalling also its resolutions 42/104 of 7 December 1987, by which it proclaimed 1990 as International Lit-

eracy Year, 44/127 of 15 December 1989, 46/93 of 16 December 1991 and 50/143 of 21 December 1995, in which it called for continuing international efforts to promote literacy,

Recalling further its resolution 45/126 of 14 December 1990, in which it called for strengthening efforts towards the elimination of illiteracy of women of all ages,

Mindful of the fact that eradication of illiteracy is one of the paramount objectives of the International Development Strategy for the Fourth United Nations Development Decade,

Deeply concerned about the persistence of the gender gap in education which is reflected by the fact that nearly two thirds of the world's adult illiterates are women,

Convinced that literacy, especially functional literacy and adequate education, represents an indispensable element for the development and harnessing of science, technology and human resources for economic and social progress,

Recalling its resolution 49/184 of 23 December 1994, entitled "United Nations Decade for Human Rights Education", and taking note with satisfaction of resolution 1997/7 of 22 August 1997 of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights on the realization of the right to education, including education in human rights,

Confident that the International Literacy Year and the World Conference on Education for All, held at Jomtien, Thailand, in 1990, resulted in increased awareness and support for literacy efforts and became a turning point in the struggle for a literate world,

Underlining the importance of sustaining and further promoting the progress achieved since the International Literacy Year and the Jomtien Conference,

Welcoming the Amman Affirmation, the final communique of the mid-decade meeting of the International Consultative Forum on Education for All, adopted at Amman in June 1996, which reaffirmed the necessity for and possibility of bringing the benefits of education to all,

Recognizing that, despite the significant progress in basic education, especially the increase in primary school enrolment coupled with a growing emphasis on the quality of education, major problems, both emerging and continuing, still persist which require even more forceful and concerted action at the national and international levels so as to achieve the goal of education for all,

1. Takes note of the report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization entitled "Progress report on the implementation process of the education for all objectives";

2. Reaffirms that basic education for all is essential for achieving the goals of eradicating poverty, reducing child mortality, curbing population growth, achieving gender equality and ensuring sustainable development, peace and democracy;

3. Acknowledges the efforts of the mid-decade review of progress towards achieving the goals of education for all in identifying both continuing and emerging challenges, and stresses the need to meet those challenges and to accelerate the efforts to meet the basic

needs of people of all age groups, particularly girls and women;

4. Appeals to all Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for all human rights and fundamental freedoms;

5. Also appeals to all Governments to redouble their efforts to achieve their own goals of education for all by setting firm targets and timetables, where possible, including gender-specific education targets and programmes to combat the illiteracy of women and girls, and by working in active partnership with communities, associations, the media and development agencies, to reach those targets;

6. Appeals anew to Governments and to economic and financial organizations and institutions, both national and international, to lend greater financial and material support to the efforts to increase literacy and achieve education for all;

7. Invites Member States, the specialized agencies and other organizations of the United Nations system and relevant intergovernmental and non-governmental organizations to further intensify their efforts to effectively implement the World Declaration on Education for All, the Amman Affirmation and the Hamburg Declaration and the Agenda for the Future adopted at the Fifth International Conference on Adult Education, held at Hamburg, Germany, from 14 to 18 July 1997, as well as the relevant commitments and recommendations to promote literacy made at major United Nations-sponsored international conferences, with a view to better coordinating their activities and increasing their contribution to development;

8. Recommends that all Member States and relevant organizations of the United Nations, as well as non-governmental organizations, provide the necessary information on the implementation of the strategies of education for all to the Secretary-General and to the Director-General of the United Nations Educational, Scientific and Cultural Organization so as to enable them to report on the overall progress achieved and the shortfalls encountered in attaining the goal of education for all;

9. Requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to consider effective ways and means for achieving the goal of education for all, including the desirability and the feasibility of launching a United Nations decade to eradicate illiteracy, and to report thereon to the General Assembly at its fifty-fourth session, through the Economic and Social Council;

10. Decides to include in the provisional agenda of its fifty-fourth session the question of cooperation towards education for all under the item on social development.

University for Peace

On 4 November [meeting 44], the General Assembly adopted **resolution 52/9** [draft: A/52/L.10 & Add.1] without vote [agenda item 26].

University for Peace

The General Assembly,

Recalling that in its resolution 34/111 of 14 December 1979 it approved the idea of establishing the University for Peace as a specialized international centre for post-graduate studies, research and the dissemination of knowledge specifically aimed at training and education for peace and its universal promotion within the United Nations system,

Recalling also that in its resolution 35/55 of 5 December 1980 it approved the establishment of the University for Peace in conformity with the International Agreement for the Establishment of the University for Peace,

Recalling further its resolutions 45/8 of 24 October 1990 and 46/11 of 24 October 1991, on the tenth anniversary of the University for Peace and the report of the Secretary-General on that anniversary, its resolution 48/9 of 25 October 1993, in which it decided to include in the agenda of its fiftieth session the item entitled "University for Peace", and its resolution 50/41 of 8 December 1995, in which it decided to include in the agenda of its fifty-second session the item entitled "University for Peace" and requested the Secretary-General to consider ways of strengthening cooperation between the United Nations and the University for Peace and to submit a report thereon to the General Assembly at its fifty-second session,

Recognizing once again that the University has suffered from financial limitations which have impeded the full development of the activities and programmes necessary for carrying out its important mandate,

Recognizing also the important and varied activities carried out by the University during the period 1995-1997, largely thanks to the financial contributions made by Canada, Costa Rica and Spain and contributions by foundations and non-governmental organizations,

Noting that in 1991 the Secretary-General, with the assistance of the United Nations Development Programme, established a Trust Fund for Peace consisting of voluntary contributions in order to provide the University with the means necessary to extend its sphere of activity to the rest of the world, to take full advantage of its potential capacity for education, research and support of the United Nations and to carry out its mandate of promoting peace in the world,

Noting also that the University has placed special emphasis, in the context of the report of the Secretary-

General entitled "An Agenda for Peace", on the area of conflict prevention, peacekeeping and peace-building, as well as on the peaceful settlement of disputes, and that it has launched programmes in the area of democratic consensus-building and in the training of academic experts in the techniques of the peaceful settlement of conflicts, as well as a broad programme in Central America and the Caribbean on the building of cultures of peace,

Considering the importance of promoting an education for peace which will help to foster respect for the values inherent in peace and universal coexistence among human beings, such as respect for life, friendship and solidarity between peoples and the dignity and integrity of persons irrespective of their nationality, race, sex, religion or culture,

Considering with appreciation that the Government of Uruguay established in 1997 in the city of Montevideo a World Centre for Research and Information on Peace, by agreement with the University for Peace, which gave that Centre the status of regional sub-headquarters of the University for Peace for South America,

Taking into account the efforts being made by the United Nations and by the United Nations Educational, Scientific and Cultural Organization for the development and promotion of a new culture of peace,

Recalling that in its resolution 46/11 it decided to include in the agenda of its forty-eighth session and biennially thereafter an item entitled "University for Peace",

1. Requests the Secretary-General, in view of the intense work done by the University for Peace, to consider ways of strengthening cooperation between the United Nations and the University for Peace and to submit a report thereon to the General Assembly at its fifty-fourth session;

2. Invites Member States, non-governmental organizations and intergovernmental bodies, as well as interested organizations and individuals, to contribute directly to the Trust Fund for Peace and to the budget of the University;

3. Invites Member States to accede to the International Agreement for the Establishment of the University for Peace, thereby demonstrating their support for a global peace studies institution whose mandate is the promotion of a global culture of peace;

4. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "University for Peace".

Chapter X

Women

In 1997, United Nations efforts to advance the status of women and ensure their rights continued to focus on implementation of the Beijing Declaration and Platform for Action, a comprehensive plan for women's empowerment adopted at the 1995 Fourth World Conference on Women in Beijing, China.

The General Assembly took action on follow-up activities to the Conference, including ways to enhance the capacity of the United Nations to implement the Conference outcomes. In addition, the Assembly adopted resolutions on protecting women and ensuring their rights in a variety of situations, including women migrant workers, the girl child, women in rural areas, women in development, traditional practices affecting women's health and trafficking in women and girls.

The Economic and Social Council adopted a comprehensive set of agreed conclusions on mainstreaming the gender perspective into all policies and programmes in the United Nations system. It endorsed agreed conclusions adopted by the Commission on the Status of Women on 4 of the 12 critical areas of concern identified in the Beijing Platform for Action. The Council also addressed the situation of Palestinian women.

In 1997, the Commission on the Status of Women commemorated its fiftieth anniversary as the only intergovernmental body devoted to women's advancement. During its forty-first session (10-21 March), the Commission continued to monitor implementation of the Beijing Declaration and Platform for Action, in particular the strategic objectives related to the 12 critical areas of concern outlined in the Platform for Action. The 45-member Commission also addressed emerging issues related to women's equality, took action to protect the status of women in particular situations, and reviewed the status of women in the United Nations Secretariat (see also PART FIVE, Chapter III).

For the first time, in 1997 the Committee on the Elimination of Discrimination against Women held two 3-week annual sessions. At its sixteenth (13-31 January) and seventeenth (7-25 July) sessions, the Committee examined reports from States parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

Follow-up to the Fourth World Conference on Women

Critical areas of concern

The Commission on the Status of Women, at its forty-first session (New York, 10-21 March) [E/1997/27], assessed progress achieved in implementing four of the critical areas of concern contained in the Platform for Action [YUN 1995, p. 1170] adopted at the 1995 Fourth World Conference on Women: women and the environment; women in power and decision-making; women and the economy; and the education and training of women. The remaining critical areas of concern related to poverty, health, violence against women, armed conflict, mechanisms to promote the advancement of women, human rights, the media and the girl child. The Commission adopted a set of agreed conclusions on the four areas considered.

Regarding women and the environment [E/1997/27 (agreed conclusions 1997/1)], the Commission recognized that gender equality was essential in order to achieve sustainable development and called for measures to ensure the active participation of women on an equal footing with men in sustainable development at all levels. The Commission stated that the involvement of women was essential for the development and implementation of policies aimed at promoting and protecting the environmental aspects of human health, and in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management. It proposed a series of actions for Governments, the private sector and the international community.

In its agreed conclusions on women in power and decision-making [agreed conclusions 1997/2], the Commission called for accelerated implementation of strategies promoting women's full and equal participation in decision-making in the political, economic and social spheres. A gender balance should be promoted in governmental and non-governmental organizations (NGOs), including the United Nations, as well as in the business sector. Political parties should fund training programmes to enable women to run for, be

elected to and serve in public office. Structural changes in the work environment were needed to promote reconciliation of work and personal life for women and men.

As to women and the economy [agreed conclusions 1997/3], the Commission stated that economic policies and structural adjustment programmes should be formulated and monitored in a gender-sensitive way, with input from women most impacted by those policies. It recommended that Governments, international organizations, the private sector, NGOs, employers' organizations and labour unions adopt a systematic approach to accelerating women's full participation in economic decision-making and ensure the mainstreaming of a gender perspective in the implementation of economic policies. It called for comprehensive policy-making on the use of analytical tools, effective legislation, transparency of women's and men's wages, changing the gender-based division of labour and the stereotyped choices of men and women; and effective guidance for employers. Governments should ensure women's equal access to economic resources, develop strategies to increase the well-being of low-waged workers, ensure the protection of migrant women workers, and enforce equal opportunity policies and labour laws.

On the education and training of women [agreed conclusions 1997/4], the Commission suggested that Governments, international bodies, donors and NGOs make special efforts to achieve the benchmarks contained in the Platform for Action regarding universal access to basic education. Other actions called for reducing the female illiteracy rate; providing women with labour market information; programme development in education, technical training and lifelong learning; the development of gender-sensitive teaching materials, classroom practices and curricula; and support for women's studies. The Secretary-General should continue to analyse and widely disseminate to Governments and NGOs information on the education and training of women and girls.

Reports of Secretary-General. In response to Economic and Social Council resolution 1996/6 [YUN 1996, p. 1060], the Secretary-General submitted to the Commission a February report on thematic issues related to the four critical areas of concern [E/CN.6/1997/3]. Drawing on the recommendations of expert group meetings convened by the UN Division for the Advancement of Women, the report presented strategies for accelerating implementation of the Platform for Action in the four areas.

A February note by the Secretary-General [E/CN.6/1997/6] described activities already planned or undertaken by the Commission regarding

poverty eradication, a critical area of concern that it had considered in 1996 [YUN 1996, p. 1055], and offered options for further action.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1997/27], adopted resolution 1997/17 without vote [agenda item 7 (c)].

Agreed conclusions of the Commission on the Status of Women on the critical areas of concern identified in the Platform for Action of the Fourth World Conference on Women

The Economic and Social Council,

Recalling General Assembly resolutions 50/203 of 22 December 1995 and 51/69 of 12 December 1996 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action of the Conference,

Recalling also Economic and Social Council resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, by which a multi-year programme of work for the Commission on the Status of Women was adopted as a framework for assessing the progress achieved in the implementation of the Platform for Action,

Noting that the Commission at its forty-first session reviewed progress achieved in the implementation of the Platform for Action in the critical areas of concern: women and the environment, women in power and decision-making, women and the economy and the education and training of women, and proposed ways and means to accelerate implementation in those four areas,

1. Takes note of the report of the Secretary-General on thematic issues before the Commission on the Status of Women and the recommendations contained therein;

2. Calls upon Governments, United Nations agencies and bodies and other international organizations, non-governmental organizations and civil society to co-operate in implementing the strategies adopted at the Fourth World Conference on Women and other recent international conferences;

3. Calls upon Governments, the United Nations system and other international organizations to mainstream a gender perspective into all policies and programmes, while maintaining institutional arrangements to carry out research and develop methodologies and tools for mainstreaming, and to advocate gender equality and the enjoyment by women of their human rights;

4. Endorses the agreed conclusions of the Commission on the Status of Women on women and the environment, women in power and decision-making, women and the economy and the education and training of women.

Mainstreaming gender concerns

Reports of Secretary-General. In response to General Assembly resolution 51/69 [YUN 1996, p. 1062], the Secretary-General in a February report [E/CN.6/1997/2] reviewed progress in the follow-up to the Fourth World Conference on

Women and in mainstreaming a gender perspective within the UN system. The report focused on the activities of the Assembly, the Economic and Social Council, the Secretariat and the Administrative Committee on Coordination (ACC) Inter-Agency Committee on Women and Gender Equality, and included information on the joint work plan of the Division for the Advancement of Women and the Centre for Human Rights, which aimed at facilitating the mainstreaming of women's human rights. It also discussed national action plans of Governments and activities of NGOs to implement the outcome of the Conference. In accordance with Council resolution 1996/5 [YUN 1996, p. 393], the Secretary-General presented information on social and economic developments that had a gender impact, in particular the situation of Palestinian women and the release of women and children taken hostage in armed conflicts and subsequently imprisoned.

In accordance with Council decision 1996/310 [YUN 1996, p. 1331], the Secretary-General submitted a June report on mainstreaming the gender perspective into all UN policies and programmes as well as mainstreaming by intergovernmental bodies [E/1997/66]. The report stressed the need to bring a gender perspective not only into socio-economic areas and activities within the responsibility of the Council and its subsidiary bodies, but also into areas where gender issues had not or had only infrequently been considered. It described mainstreaming efforts by the Secretariat and the funds, programmes and specialized agencies of the UN system. A series of recommendations were made to the Assembly, the Council and its functional commissions, the regional commissions, UN planning and budgeting programmes and policies, the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Development Fund for Women (UNIFEM) and gender units and focal points. Proposals were presented regarding capacity-building for mainstreaming, information in support of mainstreaming, gender balance, lessons learned, integrated follow-up to global UN conferences and accountability.

Commission action. In March [E/1997/27 (res. 41/6)], the Commission on the Status of Women, reaffirming that mainstreaming a gender perspective was integral to the empowerment of women and to achieving gender equality, asked the Secretary-General to give due attention to the implementation of the Platform for Action, including mainstreaming. It called on all UN bodies and agencies, in implementing their pro-

grammes and assistance, to respect fully the human rights of women and the girl child. UNIFEM was asked to bring its experience in programme countries to the attention of other UN organizations with a view to strengthening the gender perspective of development programmes in developing countries and increasing synergy with other UN organizations. The Secretary-General was asked, in his thematic report to the Commission in 1998 on violence against women, women and armed conflict, the human rights of women and the girl child, to draw special attention to the full participation of women in all aspects of humanitarian assistance programmes. Stressing the importance of mainstreaming a gender perspective in the individual programmes of the 1998-2001 medium-term plan [YUN 1996, p. 1299], the Commission encouraged the Committee for Programme and Coordination to examine the issue when reviewing the medium-term plan. The Commission encouraged the Economic and Social Council to develop specific recommendations for mainstreaming a gender perspective into all UN system activities. The Secretary-General was asked to report on the implementation of the Commission's resolution.

Also in March [res. 41/2], the Commission decided to ensure that the contributions and needs of women of all ages, including those of older women, were taken into account when monitoring the mainstreaming of a gender perspective into all UN system policies and programmes.

In other March action [dec. 41/101], the Commission supported the increased efforts by the Division for the Advancement of Women to contribute actively to mainstreaming a gender perspective in all UN activities, programmes and policies and supported the increased cooperation between the Division, the functional commissions of the Economic and Social Council and UN bodies and agencies, including the Centre for Human Rights. The intensified activities in coordination and outreach by the Division, including its recurrent publications, were appreciated, in particular the proposal to continue the publication *Women 2000* in its new streamlined format, as well as the *Women Watch* Web site being developed jointly by the Division, UNIFEM and INSTRAW.

ECONOMIC AND SOCIAL COUNCIL ACTION

At its July session, the Economic and Social Council [A/52/3/Rev.1] devoted part of the coordination segment to mainstreaming the gender perspective into all policies and programmes in the UN system.

It adopted agreed conclusions 1997/2 on the subject, which defined the concept of gender

mainstreaming and presented principles for the UN system. Recommendations were made for the intergovernmental process of the United Nations, institutional requirements for mainstreaming in all policies and programmes, gender units and focal points, capacity-building and mainstreaming in the integrated follow-up to global UN conferences.

Women in the Secretariat

Pursuant to General Assembly resolution 51/67 [YUN 1996, p. 1330], the Secretary-General, in a February report [E/CN.6/1997/7], updated information on the status of women in the Secretariat.

The Secretary-General had appointed a Special Adviser on Gender Issues and the Advancement of Women, who assisted him in ensuring the system-wide coordination of policy for implementing the Platform for Action and for mainstreaming a gender perspective in all UN activities. The year 1996 had proved to be very difficult for improving the status of women in the Secretariat due to the recruitment freeze, ongoing restructuring, retrenchment and early separation programmes. Nevertheless, the percentage of women in posts subject to geographical distribution made a slight gain.

Recently, efforts had been made to implement the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) [YUN 1994, p. 1383], which aimed at achieving gender equality by the beginning of the twenty-first century; the issuance and review of special measures for the achievement of gender equality; information-sharing; and staff development and training (see PART FIVE, Chapter III).

Commission action. The Commission on the Status of Women took note of the Secretary-General's report on 21 March [E/1997/27 (dec. 41/102)].

Also on 21 March [dec. 41/101], the Commission stated that efforts should be made to improve service to the Committee on the Elimination of Discrimination against Women and to hold two regular annual sessions of the Committee, starting in 1997. Sufficient resources should be made available to the Division for the Advancement of Women to provide substantive support to the Special Adviser on Gender Issues and the Advancement of Women.

Enhancing UN capacity

Reports of Secretary-General. As requested by the General Assembly in resolution 51/69 [YUN 1996, p. 1062], the Secretary-General in May reported on ways to enhance the capacity of the Organization and the UN system to support the on-

going follow-up to the Fourth World Conference on Women [E/1997/64]. The report focused on implementation of the Beijing Declaration and Platform for Action [YUN 1995, p. 1170] in intergovernmental forums reporting to the Economic and Social Council, by the regional commissions and in the ACC Inter-Agency Committee on Women and Gender Equality.

Also in response to resolution 51/69, the Secretary-General in August submitted another report on the subject [A/52/281]. The report described measures taken and progress achieved in implementing the Declaration and Platform for Action by the UN system since the submission to the Assembly of his 1996 report on the subject [YUN 1996, p. 1060]. It also described factors related to the capacity of the UN system in terms of human and financial requirements.

The Secretary-General concluded that significant progress had been made since the submission of his previous report. He stated that the adoption by the Economic and Social Council of agreed conclusions 1997/1 on gender mainstreaming stood out as the most comprehensive intergovernmental action to date on gender mainstreaming. The Council was planning to hold a session in 1998 to further consider integrated conference follow-up, which should provide an opportunity to build upon the agreed conclusions. The consideration by the Commission on the Status of Women of a synthesized report on national action plans in 1998 would provide a comprehensive assessment of action at the national level and a stepping stone for the initiation of the review and appraisal of the implementation of the Platform for Action, scheduled for 2000. The mid-term review of the system-wide medium-term plan on the advancement of women, 1996-2001, by the Commission and the Council in 1998 should accomplish the same purpose with regard to action within the UN system.

Inter-Agency Committee on Women

The ACC Inter-Agency Committee on Women and Gender Equality held its second session (New York, 5-6 March) [ACC/1997/8] to consider mainstreaming a gender perspective into all policies and programmes of the UN system. The Committee was established in 1996 [YUN 1996, p. 1060] to address, system-wide, all aspects of the implementation of the Platform for Action as well as gender-related recommendations emanating from other international conferences.

The Committee decided to establish an inter-sessional working group on gender mainstreaming and entrusted the group with preparing draft guidelines for budgeting processes and coding of budgets. It also decided to continue monitoring

the inclusion of gender aspects in the ACC task forces for integrated conference follow-up. The Committee entrusted its Chairman with preparing a draft mission statement.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/638], adopted **resolution 52/100** without vote [agenda item 106].

Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995, 50/203 of 22 December 1995 and 51/69 of 12 December 1996,

Taking note of Economic and Social Council resolutions 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women and 1996/34 of 25 July 1996 on the system-wide medium-term plan for the advancement of women, 1996-2001, as well as the Council's agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes in the United Nations system,

Reaffirming that the implementation of the Platform for Action of the Fourth World Conference on Women will require immediate and concerted action by all to create a peaceful, just and humane world based on all human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life, and, to that end, recognizing that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice,

Deeply convinced that the Beijing Declaration and the Platform for Action adopted at the Fourth World Conference on Women are important contributions to the advancement of women worldwide and must be translated into effective action by all States, the United Nations system and other organizations concerned, as well as by non-governmental organizations,

Recognizing that the implementation of the Platform for Action rests primarily at the national level, that Governments, non-governmental organizations and public and private institutions should be involved in the implementation process and that national mechanisms also have an important role to play, and bearing in mind the fact that promotion of international cooperation is essential for the effective implementation of the Beijing Declaration and the Platform for Action,

Reaffirming its decision that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with its resolution 48/162 of 20 December 1993 and other relevant resolutions, constitute a three-tiered intergovernmental mechanism that plays the primary role in the overall policy-making and follow-up and in coordinating the implementation and monitoring of the Platform for Action, and reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Reaffirming that the Commission on the Status of Women has a central role as a functional commission assisting the Economic and Social Council in the monitoring, within the United Nations system, of the implementation of the Platform for Action and in advising the Council thereon and should therefore be strengthened,

Reaffirming also that the Economic and Social Council should continue to oversee system-wide coordination on the basis of an integrated approach in the implementation of the Platform for Action, including the mainstreaming of a gender perspective, and should ensure overall coordination of the follow-up to and implementation of the results of all United Nations international conferences in the economic, social and related fields and report thereon to the General Assembly,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the outcome of the Fourth World Conference on Women;

2. Welcomes the initiatives and actions taken by Governments, the United Nations system and other international organizations, including their secretariats, as well as by non-governmental organizations and other actors of civil society, towards the implementation of the Beijing Declaration and the Platform for Action adopted by the Conference;

3. Stresses that Governments have the primary responsibility for implementing the Platform for Action, and reaffirms that Governments should continue to commit themselves at the highest political level to its implementation and should take a leading role in coordinating, monitoring and assessing progress in the advancement of women;

4. Calls once again upon States, the United Nations system and all other actors to implement the Platform for Action, in particular by promoting an active and visible policy of mainstreaming a gender perspective at all levels, including in the design, monitoring and evaluation of all policies and programmes to ensure effective implementation of all critical areas of concern in the Platform for Action;

5. Calls for intensified efforts at the international level to integrate the equal status and all human rights of women into the mainstream of United Nations system-wide activity and to address those issues regularly and systematically throughout the relevant United Nations bodies and mechanisms;

6. Draws attention to the need to give due consideration to the human rights of women and the girl child in the preparations for the five-year review of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

7. Welcomes the adoption, by the Economic and Social Council, of agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes in the United Nations system, to serve as a comprehensive basis for concrete steps to achieve measurable progress in gender mainstreaming at all levels and in all areas, and endorses the definition, set of principles and specific recommendations for gender mainstreaming contained therein;

8. Welcomes also the steps already taken by the Secretary-General to draw the attention of all senior managers in the United Nations system to agreed conclusions 1997/2 of the Economic and Social Council and to the need to ensure full accountability for their implementation, urges the Secretary-General to continue his efforts to ensure that managers are held accountable for gender mainstreaming in their areas of responsibility, and requests the Secretary-General and his senior managers to ensure, *inter alia*, in the work of the executive committees, that gender mainstreaming is systematically integrated in the reform process of the United Nations;

9. Reiterates that gender mainstreaming as a strategy for achieving gender equality must become an integral part of all policies and programmes in the United Nations system and of national activities to follow up and implement the Platform for Action and the outcomes of other recent United Nations conferences;

10. Directs all of its committees and bodies, and draws the attention of other bodies of the United Nations system to the need to mainstream a gender perspective systematically into all areas of their work, in particular in such areas as macroeconomic questions, operational activities for development, poverty eradication, human rights, humanitarian assistance, budgeting, disarmament, peace and security and legal and political matters;

11. Requests all bodies that deal with programme and budgetary matters, including the Committee for Programme and Coordination, to ensure that all programmes, medium-term plans and programme budgets visibly mainstream a gender perspective;

12. Invites other intergovernmental bodies, such as the governing bodies of the United Nations funds and programmes, to monitor the way in which the concerned agencies, funds and programmes implement gender mainstreaming in their respective medium-term plans and programme budgets, including at the field level;

13. Reiterates the Council's request to the Secretariat to present issues and approaches in a gender-sensitive manner when preparing reports, so as to provide the intergovernmental machinery with an analytical basis for gender-responsive policy formulation;

14. Emphasizes that the role of gender focal points as catalysts for gender mainstreaming and in providing advice, guidance and assistance in monitoring of progress needs to be strengthened, including through adequate resources and through support at the most senior levels of management and decision-making;

15. Requests the Economic and Social Council to ensure that gender mainstreaming is an integral part of all its activities concerning integrated follow-up to recent United Nations conferences, building upon its agreed conclusions 1997/2;

16. Urges Governments that have not yet done so to establish or strengthen appropriate national mechanisms for the advancement of women at the highest political level, appropriate intra- and inter-ministerial procedures and staffing and other institutions with the mandate and capacity to broaden women's participation and integrate gender analysis into policies and programmes;

17. Notes with appreciation that many Governments have developed national strategies and action plans,

some of them in consultation with non-governmental organizations, and urges those Governments that have not yet done so to prepare national action plans as strategic planning instruments, and to do so in consultation with non-governmental organizations, in full implementation of the Platform for Action, and to participate in the discussion by the Commission on the Status of Women in 1998 of a synthesis of national action plans as a first step in the comprehensive review and appraisal of the implementation of the Platform for Action;

18. Encourages non-governmental organizations, including women's organizations, to contribute to the design and implementation of these strategies or national plans of action in addition to their own programmes that complement government efforts;

19. Calls upon Governments to invite and encourage the active support and participation of all women and men and a broad and diverse range of institutional actors, including legislative bodies, academic and research institutions, professional associations, trade unions, local community groups and the media, as well as financial and non-profit organizations, in the implementation of the Platform for Action, while emphasizing the principle of shared responsibility between women and men for the achievement of gender equality;

20. Recognizes the importance attached to the regional and subregional monitoring of the global and regional platforms for action by regional commissions and other subregional or regional structures, within their mandates, in consultation with Governments, as well as the necessity of promoting cooperation among Governments of the same region in that respect;

21. Calls upon States to take action to fulfil the commitments for the advancement of women and for the strengthening of international cooperation made at the Fourth World Conference on Women, and reaffirms that adequate financial resources should be committed at the international level for the implementation of the Platform for Action in developing countries, in particular those in Africa and the least developed countries;

22. Invites the Secretary-General, in the implementation of the United Nations System-wide Special Initiative for Africa, to pay special attention to the needs and role of women as actors and beneficiaries in the development process;

23. Recognizes that implementation of the Platform for Action in the countries with economies in transition requires continued international cooperation and assistance, as indicated in the Platform for Action;

24. Reaffirms that, in order to implement the Platform for Action, a reformulation of policies and reallocation of resources may be needed, but that some policy changes may not necessarily have financial implications;

25. Also reaffirms that, in order to implement the Platform for Action, adequate mobilization of resources at the national and international levels, as well as new and additional resources to the developing countries, in particular those in Africa and the least developed countries, from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women, will also be required;

26. Calls upon Member States to allocate sufficient resources for undertaking gender impact analyses in order to develop successful national implementation strategies for the Platform for Action;

27. Recognizes that the creation of an enabling environment at the national and international levels is necessary to ensure the full participation of women in economic activities, and calls upon States to remove obstacles for the full implementation of the Beijing Declaration and the Platform for Action;

28. Requests Governments and the international community to implement specific programmes for the eradication of poverty and illiteracy, ensuring women's equal access to education, training, credit, employment and the promotion of entrepreneurial activities, and strongly urges the international community to support national efforts towards the advancement of women in developing countries, particularly those in Africa and the least developed countries;

29. Stresses that full and effective implementation of the Platform for Action will require a political commitment to make available human and financial resources for the empowerment of women, the integration of a gender perspective in budgetary decisions on policies and programmes and adequate financing of specific programmes for securing equality between women and men;

30. Calls upon Member States to commit themselves to achieving gender balance by, *inter alia*, aiming at gender balance in the composition of delegations to the United Nations and other international forums and by presenting, promoting and appointing women candidates in all government-appointed committees, boards and other relevant official bodies, as well as in all international bodies, institutions and organizations;

31. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to formulate a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005, to submit a new draft plan to the Economic and Social Council at its substantive session of 2000, taking into consideration the results of the Council's 1998 comprehensive mid-term review of the plan covering the period 1996-2001, in order to provide guidance for the medium-term plans of the individual organizations and bodies of the United Nations system, and to submit the draft plan to the Commission on the Status of Women at its forty-fourth session for comments;

32. Invites the Economic and Social Council to devote one high-level segment and one operational segment to the advancement of women and the implementation of the Platform for Action, taking into account the multi-year programme of work of the Commission on the Status of Women and all other functional commissions of the Council and the need for a system-wide approach to the implementation of the Platform for Action;

33. Welcomes the Council's decision to monitor annually, under an item entitled "Integrated and coordinated implementation and follow-up of the major United Nations conferences and summits", the way in which its functional commissions and subsidiary bodies mainstream a gender perspective, on the basis of the annual report on the follow-up to the Fourth World

Conference on Women, and once again invites all functional commissions of the Economic and Social Council, within their mandates, to take due account of the Platform for Action and to ensure the integration of gender aspects in their respective areas of work;

34. Reiterates its request to the Secretary-General to ensure that the Division for the Advancement of Women of the Secretariat can effectively carry out all the tasks foreseen for it in the Platform for Action by, *inter alia*, providing sufficient human and financial resources within the regular budget of the United Nations and to ensure that the Division can play a catalytic role in support of gender mainstreaming in the new Department of Economic and Social Affairs of the Secretariat and through policy advisory services at the request of Governments, in cooperation with other bodies of the United Nations system;

35. Requests the Secretary-General to ensure that resident coordinators, in the execution of their mandates, fully incorporate a gender perspective, in particular into the coordinated follow-up to recent global United Nations conferences, fully utilizing all the expertise available in the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and other organizations of the United Nations system;

36. Notes the importance of the activities undertaken by the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women in the implementation of the Platform for Action, and encourages the strengthening of their cooperation and coordination within their respective mandates;

37. Encourages the Division for the Advancement of Women, acting as the secretariat of the Commission on the Status of Women, to play an especially active role in generating new ideas, proposing practical suggestions and promoting constructive implementation of the Platform for Action, including gender mainstreaming;

38. Welcomes the growing number of ratifications to the Convention on the Elimination of All Forms of Discrimination against Women and the withdrawal of reservations, invites States parties to include information on measures taken to implement the Platform for Action in their reports, and encourages the Division for the Advancement of Women to provide to Governments, at their request, advice on reporting under the Convention;

39. Urges States to limit the extent of any reservations they lodge to the Convention, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

40. Welcomes the progress made by the Inter-Agency Committee on Women and Gender Equality in strengthening system-wide coordination for implementation of the Platform for Action and gender mainstreaming, and encourages the Committee to continue its cooperation with Administrative Committee on Coordination bodies to develop strategies, tools and

methodologies, such as gender-sensitive budgeting, to enhance implementation of the Platform for Action and for gender mainstreaming, in particular at the field level;

41. Notes with appreciation the work done by the Division for the Advancement of Women and by the Special Adviser on Gender Issues and the Advancement of Women, *inter alia*, in her role as the Chairperson of the Inter-Agency Committee on Women and Gender Equality, for the system-wide implementation of the Platform for Action, for increased system-wide attention to gender mainstreaming and towards the achievement of gender balance in the Secretariat and system-wide, and, in that regard, stresses the importance of increasing human and financial resources from all available funding sources;

42. Encourages international financial institutions to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women;

43. Invites the World Trade Organization to consider how it might contribute to the implementation of the Platform for Action, including activities in co-operation with the United Nations system;

44. Decides to appraise progress on an annual basis and to retain on the agenda of its forthcoming sessions the item entitled "Implementation of the outcome of the Fourth World Conference on Women";

45. Decides also to convene, in the year 2000, a high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and the Platform for Action, five years after its adoption, and to consider further actions and initiatives, and requests the Secretary-General, with a view to ensuring participation at a high political level, to explore, in a report to the General Assembly at its fifty-second session, the possibility, among other options, of convening the review (a) at the start of the fifty-fifth session of the General Assembly, (b) within the framework of the proposed millennium Assembly, if agreed upon by the General Assembly, (c) following the annual session of the Commission on the Status of Women or (d) as a special session of the General Assembly;

46. Decides further that the Commission on the Status of Women shall serve as the preparatory committee for the high-level review and as such will be open to the participation of all States Members of the United Nations, members of the specialized agencies and observers, in accordance with the established practice of the General Assembly, and invites the Commission to take appropriate action towards that end, including giving attention to appropriate arrangements for the involvement and participation of non-governmental organizations in the review;

47. Requests the Commission on the Status of Women to consider at its forty-second session the report of the Secretary-General requested in paragraph 45 above, thus enabling the General Assembly, through the Economic and Social Council, to decide on this issue, as soon as possible, at its fifty-second session;

48. Requests the Secretary-General to report annually to the General Assembly, the Commission on the Status of Women and the Economic and Social Council on follow-up to and implementation of the Beijing Declaration and the Platform for Action.

Women's rights

The 30-article Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895], set forth constitutional, legislative and other measures to promote equality for women. It also set standards by which countries could improve the situation of women, especially their living and working conditions.

The girl child

In 1997, the General Assembly again adopted a resolution on the girl child, a subject that was dealt with during the year by the Commission on Human Rights (see PART TWO, Chapter II).

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/640], adopted **resolution 52/106** without vote [agenda item 108].

The girl child

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995, 50/154 of 21 December 1995, 50/203 of 22 December 1995 and 51/76 of 12 December 1996,

Also recalling the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Vienna Declaration and Programme of Action of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children, held in New York on 29 and 30 September 1990, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs adopted at the World Conference on Education for All and the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,

Deeply concerned that girls, in particular adolescent girls, continue to be silent and invisible victims of violence, abuse and exploitation and that some legal systems do not adequately address the vulnerability of girls in the administration of justice, including the need for better protection of child victims and witnesses,

Recalling that in 1998 the fiftieth anniversary of the Universal Declaration of Human Rights will be observed, the mid-term review of the implementation of the Programme of Action of the International Conference on Population and Development will be carried out and the Commission on the Status of Women will

review, at its forty-second session, the implementation of the sections of the Platform for Action of the Fourth World Conference on Women on the girl child and the human rights of women,

Welcoming the appointment of the Special Representative of the Secretary-General on the impact of armed conflict on children, in accordance with section II of its resolution 51/77 of 12 December 1996,

Stressing that discrimination and neglect of the girl child can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as incest, early marriage, female infanticide, prenatal sex selection and female genital mutilation,

Deeply concerned also that, in situations of poverty, war and armed conflict, girl children are among the victims most affected and that thus their potential for full development is limited,

Concerned that the girl child has become a victim of the human immunodeficiency virus/acquired immunodeficiency syndrome and sexually transmitted diseases, which affect the quality of her life and leave her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, *inter alia*, in the preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

1. Stresses the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;

2. Urges all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms;

3. Also urges all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

4. Calls upon all States and international and non-governmental organizations, individually and collectively:

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate

negative cultural attitudes and practices against the girl child;

(b) To take measures to ensure the non-discrimination and equal enjoyment of all human rights and fundamental freedoms of the girl child with disabilities;

(c) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

(d) To give attention to the rights and needs of adolescent girls, which call for special action for their protection from sexual and economic exploitation and abuse, harmful traditional and cultural practices, teenage pregnancy and vulnerability to the human immunodeficiency virus/acquired immunodeficiency syndrome and sexually transmitted diseases and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(e) To take measures to increase awareness of the potential of the girl child and to promote gender-sensitive socialization of boys and girls from early childhood, with the aim of achieving gender equality, development and peace within the family and the community;

(f) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(g) To strengthen and reorient health education and health services, in particular primary health-care programmes, including in sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and attend to the needs of young expectant and nursing mothers;

5. Urges States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

6. Also urges States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

7. Encourages States to consider ways and means to ensure the continuing education of married women, pregnant women and young mothers;

8. Urges States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, paying special attention to refugee and displaced girls, in line with the recommendations of the expert appointed by the Secretary-General to study the impact of armed conflict on children, and to take into account the special needs of the girl child in the delivery of humanitarian assistance;

9. Urges States parties to fulfil the obligations they have undertaken under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including

domestic violence, sexual trafficking and child prostitution;

10. Urges States to implement measures to protect women and girls from all forms of violence, in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

11. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

12. Calls upon Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, *inter alia*, through the translation, production and dissemination of age-appropriate information materials on these rights to all sectors of society, in particular to children;

13. Calls upon Governments to encourage efforts by civil society and non-governmental organizations, including women's organizations, to establish community-based groups or local committees which could assist with the safety and welfare of children;

14. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the outcomes of all recent global conferences, in particular the Platform for Action of the Fourth World Conference on Women, and of the system-wide medium-term plan for the advancement of women for the period 1996-2001;

15. Calls upon the Commission on Human Rights, while considering, in accordance with agreed conclusions 1996/1 of 26 July 1996 of the Economic and Social Council, its input to the Commission on the Status of Women on ensuring women's equal enjoyment of their human rights, in particular those relating to economic resources, to pay particular attention to all the human rights of the girl child;

16. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to regularly and systematically adopt a gender perspective in the implementation of their mandates and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

17. Calls upon States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

18. Calls upon all States, all relevant organizations and bodies of the United Nations system and non-governmental organizations to implement commitments to goals and actions relating to the girl child and to report on initiatives and progress to the Commission on the Status of Women at its forty-second session, pursuant to the decision of the Commission to review, in 1998, the progress made in the implementation of the provisions of the Platform for Action of the Fourth World Conference on Women relating to the girl child.

Violence against women

In February, the Secretary-General transmitted to the Commission on the Status of Women a report of the United Nations Development Fund for Women (UNIFEM) on its role in eliminating violence against women [E/CN.6/1997/8], as requested in General Assembly resolution 50/166 [YUN 1995, p. 1188].

During 1996-1997, UNIFEM continued to facilitate regional initiatives to eliminate violence against women, including support for two projects in Brazil, assistance to produce and disseminate information in Ecuador and public awareness initiatives in Senegal. During that period, UNIFEM was also working to establish a Trust Fund to support actions to eliminate violence against women. The Trust Fund would support national, regional and international actions, including those undertaken by Governments and non-governmental organizations. Activities to be supported by the Fund included awareness-raising, capacity-building, legal literacy, training, action-related research, and innovative and catalytic support for efforts geared towards the prevention and deterrence of violence against women. Financial and organizational mechanisms for administering the Trust Fund had been established at the United Nations Development Programme (UNDP) and UNIFEM. Pledges were received in excess of \$1 million.

On 21 July, the Economic and Council, by **resolution 1997/24**, recommended for adoption by the General Assembly a draft text on crime prevention and criminal justice measures to eliminate violence against women, which the Assembly adopted as **resolution 52/86**.

(For details of action taken by the Commission on Human Rights, see PART TWO, Chapter II, and of action relating to crime prevention and criminal justice, see PART THREE, Chapter IX.)

Women migrant workers

In March [E/1997/27 (res. 41/4)], the Commission on the Status of Women took note of a 1996 expert group meeting on violence against women migrant workers [YUN 1996, p. 1070], and encouraged Member States to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 [YUN 1990, p. 594]. The Secretary-General was asked to reflect in his thematic report to the Commission in 1998 the major findings and recommendations from all of his reports to the Assembly on the issue of violence against women migrant workers, in order for the Commission to make recommendations thereon.

Report of Secretary-General. In a September report [A/52/356], the Secretary-General described measures taken to implement Assembly resolution 51/65 [YUN 1996, p. 1071] concerning violence against women migrant workers, based on information received from Member States, UN bodies and organizations and intergovernmental organizations. The report concluded that although Member States had introduced measures to ameliorate the situation of migrant workers and to combat discrimination and violence against women, few had adopted measures to combat violence against women migrant workers. More information and data were required on the situation of women migrant workers so that concrete strategies could be introduced. The analysis of national action plans by the Commission would broaden the information base against which strategies could be developed. (See also PART TWO, Chapter II.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/637], adopted **resolution 52/97** without vote [agenda item 105].

Violence against women migrant workers

The General Assembly,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Declaration on the Elimination of Violence against Women,

Reaffirming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as the results pertain to women migrant workers,

Emphasizing the need for accurate, objective and comprehensive information, as well as for a wide exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action,

Acknowledging the results of the Expert Group Meeting on Violence against Women Migrant Workers, held at Manila from 27 to 31 May 1996, and the comments thereon by Member States and relevant international organizations,

Noting the large numbers of women from developing countries and some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of poverty, unemployment and other socio-economic conditions, and acknowledging the duty of the sending States to work for conditions that provide employment and security to their citizens,

Acknowledging the economic benefits that accrue to sending and receiving States from the employment of women migrant workers,

Recognizing the importance of joint and collaborative approaches at the bilateral, regional, interregional and international levels in protecting and promoting the rights and welfare of women migrant workers,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions and the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their rights and welfare,

1. Welcomes the report of the Secretary-General on violence against women migrant workers;

2. Encourages concerned Governments, in particular those of sending and receiving countries, to develop, as appropriate, systematic data collection methods and to update and share information on violence against women migrant workers;

3. Urges concerned Governments, in particular those of sending and receiving countries, to strengthen their national efforts to protect and promote the rights and welfare of women migrant workers, including through sustained bilateral, regional, interregional and international cooperation, by developing strategies and joint action and by taking into account the innovative approaches and experiences of individual Member States;

4. Also urges concerned Governments, in particular those of sending and receiving countries, to support and allocate appropriate resources for programmes aimed at strengthening preventive action, in particular information for relevant target groups and education and campaigns to increase public awareness of this issue at the national and grass-roots levels, in cooperation with non-governmental organizations;

5. Encourages concerned Governments, in particular those of sending and receiving countries, to support training programmes for public officials dealing with the problem of violence against women migrant workers, in particular law enforcers, to assist women migrant workers who are victims of violence, to provide, in the reporting of such cases and the prosecution of the perpetrators, adequate consular, counselling, legal and welfare services and to consider adopting appro-

prate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

6. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Invites all relevant United Nations human rights treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, relevant thematic and country rapporteurs, in particular the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, the Subcommission on Prevention of Discrimination and Protection of Minorities and its working groups, within their respective mandates, to address the problem of violence against women migrant workers in their deliberations and findings, with a view to promoting and protecting their rights and welfare;

8. Invites the Commission on the Status of Women to address the issue of violence against women migrant workers at its forty-second session under the thematic issues on violence against women and/or human rights of women;

9. Invites the Economic and Social Council and the Commission on Human Rights, at their sessions in 1998, to address the protection and promotion of the rights and welfare of women migrant workers in connection with the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a comprehensive report on the problem of violence against women migrant workers, taking into account the views of Member States and based on the expertise and all available information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the International Organization for Migration and other relevant sources, including non-governmental organizations, as well as to report on the implementation of the present resolution.

Women in armed conflict

In March [E/1997/27 des. 41/1)], the Commission on the Status of Women, condemning violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict, called for an effective response to such acts, including the immediate release of women and children taken hostage or imprisoned. The Secretary-General and relevant international organizations were asked to facilitate their release. The Secretary-General was also asked to report to the Commission in 1998.

Traffic in women and girls

In a March resolution [E/1997/27 des. 41/5)], the Commission on the Status of Women expressed serious concern about the unabating traffic in women and girl children. It called for the accelerated implementation of the Beijing Platform for Action by Governments of countries of origin, transit and destination and international organizations through: ratification and enforcement of international conventions on trafficking in persons and on slavery; measures to address the root factors that encouraged trafficking in women and girls for prostitution, forced marriages and forced labour; stepped up cooperation and action by law enforcement authorities to dismantle trafficking networks; allocating resources to programmes designed to rehabilitate into society victims of trafficking; and education and training programmes. The Commission called on Governments to criminalize trafficking in women and girls, to penalize offenders and to prevent misuse and exploitation by traffickers in such economic activities as the development of tourism and the export of labour. It decided to examine in 1998 the reports of the Special Rapporteurs of the Commission on Human Rights on violence against women and on the sale of children, child prostitution and child pornography and of other relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly.

Report of Secretary-General. Pursuant to Assembly resolution 51/66 [YUN 1996, p. 1072], the Secretary-General, in a September report [A/52/355], summarized information received from Member States, the UN system and intergovernmental organizations on measures taken to prevent trafficking in women and girls.

The report concluded that the information received revealed evidence of significant trafficking activity as well as the need for further data on the issue before effective strategies could be designed and implemented. The strategies thus far introduced had been predominantly legal measures and bilateral agreements. Strategies to confront trafficking in women and children were often affected by the international nature of the activity and the reluctance of the victims to complain or be involved in measures to address it.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/637], adopted resolution 52/98 without vote [agenda item 105].

Traffic in women and girls

The General Assembly,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the

Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also its resolution 51/66 of 12 December 1996 on traffic in women and girls,

Reaffirming the provisions of the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, pertaining to the traffic in women and children,

Noting with concern the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that the problem of trafficking also includes the victimizing of young boys,

Emphasizing the need for more concerted and sustained national, regional and international action on the alarming levels of trafficking in women and girls,

Acknowledging the continuing work of Governments, intergovernmental and non-governmental organizations in combating trafficking in women and girls through preventive education, dissemination of information, research and the provision of shelters and programmes to rehabilitate and reintegrate survivors in society,

Deeply concerned with the increasing unabated use of new information technologies for purposes of prostitution, child pornography, paedophilia, sex tourism and trafficking in women as brides,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, and convinced also that sexual violence and sexual trafficking are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Stressing the need for Governments to accord standard minimum humanitarian treatment to trafficked persons consistent with human rights standards,

1. Takes note with appreciation of the report of the Secretary-General on the traffic in women and girls;

2. Welcomes national, regional and international efforts to implement the recommendations of the World Congress against Commercial Sexual Exploitation of Children, and calls upon Governments to take further measures in that regard;

3. Also welcomes actions undertaken by Governments to implement the provisions on trafficking in women and girls contained in the Platform for Action of the Fourth World Conference on Women and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, and calls upon Governments, particularly those of countries of origin, transit and destination, as well as regional and interna-

tional organizations, as appropriate, to undertake immediate action or to strengthen efforts in their implementation by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation, with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation to prevent sex tourism and trafficking, giving special emphasis to the protection of young women and children;

4. Calls upon Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all those offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

5. Urges concerned Governments to support and allocate resources for programmes to strengthen preventive action, in particular education and campaigns to increase public awareness of the issue at the national and grass-roots level, and for programmes which provide shelter and helplines to victims or potential victims;

6. Encourages Governments to develop systematic data-collection methods and to continuously update information on trafficking in women and girls, including the analysis of the modus operandi of trafficking syndicates;

1. Urges Governments to strengthen national programmes to combat trafficking in women and girls through sustained bilateral, regional and international cooperation, taking into account innovative approaches and best practices;

8. Invites Governments once again, with the support of the United Nations, to formulate training manuals for law enforcement and medical personnel and judicial officers who handle cases of trafficked women and girls, taking into account current research and materials on traumatic stress and gender-sensitive counselling techniques, with a view to sensitizing them to the special needs of victims;

9. Invites Governments and civil society, especially non-governmental organizations, to the extent consistent with freedom of expression, to promote the responsible use of new information technologies, in particular the Internet, to prevent trafficking in women and girls;

10. Invites States parties to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to include information and statistics on trafficking in women and girls as part of their national reports to the Committee on the Elimination of Discrimination against Women, taking into account the general recommendation of the Committee, and to the Committee on the Rights of the Child, respectively;

11. Invites the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to continue addressing, within their respective mandates, the problem of trafficking in women and girls as a priority concern and to recommend, in their reports, measures to combat such phenomena;

12. Encourages the Inter-Agency Committee on Women and Gender Equality to continue to address the issue as part of the integrated follow-up to the Fourth World Conference on Women;

13. Invites the Commission on the Status of Women, at its next session, to address the subject of the traffic in women and girls under the thematic issues on violence against women and the human rights of women;

14. Invites the Economic and Social Council and the Commission on Human Rights, at their sessions in 1998, to address trafficking in women and girls in connection with the five-year review of the Vienna Declaration and Programme of Action and in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

15. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution, in particular the implementation of the relevant provisions on trafficking in women and girls in the Platform for Action of the Fourth World Conference on Women and the Vienna Declaration and Programme of Action.

Traditional practices affecting women's health

The Commission on the Status of Women decided in March to review the theme women and health in 1999.

(For information on action by the Commission on Human Rights and its Subcommission, see PART TWO, Chapter II.)

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/637], adopted resolution 52/99 without vote (agenda item 105).

Traditional or customary practices affecting the health of women and girls

The General Assembly,

Recalling:

(a) General Assembly resolution 843(IX) of 17 December 1954, Economic and Social Council resolution 1997/24 of 21 July 1997, Commission on Human Rights decision 1997/108 of 22 August 1997, and Subcommission on Prevention of Discrimination and Protection of Minorities resolutions 1983/1 of 23 August 1983, 1995/20 of 24 August 1995, 1996/19 of 29 August 1996 and 1997/8 of 22 August 1997,

(b) The reports of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children and of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,

(c) The reports of the United Nations Regional Seminars on Traditional Practices Affecting the Health of Women and Children, which were held in Burkina Faso in 1991 and Sri Lanka in 1994, and the Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children,

(d) The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which proclaims, *inter alia*, that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice, are incompatible with the dignity and worth of the human person and which stresses the importance of working towards the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices,

(e) The Programme of Action of the International Conference on Population and Development, which calls upon Governments and communities to take steps urgently to stop the practice of female genital mutilation and to protect women and girls from all such similar dangerous practices,

(f) The Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women, which, *inter alia*, call upon Governments to enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and to give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices,

(g) The commitment of all States to fulfil their obligations to promote universal respect for and observance of all human rights and fundamental freedoms,

(h) Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, which provides that States parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women, as reiterated in the Beijing Declaration and the Platform for Action,

(i) General recommendation 14 of the Committee on the Elimination of Discrimination against Women concerning female genital mutilation,

(j) Article 24 of the Convention on the Rights of the Child, which provides that States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,

(k) The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, in particular its resolution 8 of 7 May 1995 on the elimination of violence against women,

(l) The extensive work of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children,

Reaffirming that certain traditional or customary practices affecting the health of women and girls constitute a definite form of violence against women and girls and a serious violation of their human rights, and expressing concern at the continuing large-scale existence of such practices,

1. Welcomes:

(a) The progress achieved by a number of Governments in their struggle against harmful traditional or customary practices, in particular against female genital mutilation, and encourages the Governments in question to continue and to increase their efforts aimed at the eradication of these practices;

(b) The work carried out by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children;

(c) The joint statement by the World Health Organization, the United Nations Children's Fund and the United Nations Population Fund on female genital mutilation, which expresses a common purpose in supporting the efforts of Governments and communities to promote and protect the health and development of women and children by promoting awareness of the problem and by educating the public, health workers and those who carry out the practice, on all its health consequences;

(d) The appointment of a special ambassador of the United Nations Population Fund for the elimination of female genital mutilation;

(e) The efforts undertaken by the United Nations Population Fund, the United Nations Children's Fund, the United Nations Development Fund for Women and other United Nations bodies, programmes and organizations to raise awareness of this issue;

(f) The work carried out by non-governmental and community organizations in raising awareness of the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls;

(g) The fact that the Commission on the Status of Women will address the critical areas of concern, namely, "Violence against women", "The girl child" and "Human rights of women", at its session in 1998 and "Women and health" at its session in 1999, and invites the Commission to address the issue of harmful traditional or customary practices during those sessions;

2. Emphasizes:

(a) The need for Governments to analyse, from a gender perspective, all policies and programmes, particularly those relating to poverty, health and violence against women, with a view to assessing their implications for women and men;

(b) The need for national legislation and/or measures prohibiting harmful traditional or customary practices as well as for their implementation, inter alia, through appropriate measures against those responsible;

(c) The need to improve women's position in society and to promote their economic independence;

(d) The importance of education and the dissemination of information in raising awareness, in all sectors of society, of the serious consequences of traditional or customary practices affecting the health of women and girls and the responsibilities of Governments in this regard;

(e) The necessity of involving, among others, public opinion leaders, educators, religious leaders, medical practitioners, women's health and family planning organizations and the media in publicity campaigns, with a view to promoting a collective and individual awareness of the human rights of women and girls and of how harmful traditional or customary practices violate those rights;

(f) That information and education with regard to harmful traditional or customary practices should also be targeted at men and that they should be encouraged to be responsive to such information and education;

(g) The importance of coordination between the Subcommission on Prevention of Discrimination and Protection of Minorities and the relevant treaty bodies, the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences and the Commission on the Status of Women, including through the exchange of information, and encourages them, within their respective mandates, to continue to pay attention to traditional or customary practices affecting the health of women and girls;

(h) The need for financial and technical assistance for developing countries from United Nations funds and programmes, as well as from international and regional financial institutions and bilateral and multilateral donors, so as to assist Governments in combating such practices;

3. Calls upon all States:

(a) To implement their international commitments in this field, inter alia, under the Vienna Declaration and Programme of Action, the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Programme of Action of the International Conference on Population and Development and the Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children;

(b) To ratify, if they have not yet done so, the relevant human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and to respect and fully implement their obligations under the relevant human rights treaties to which they are parties, emphasizing the incompatibility between the continuation of these harmful traditional or customary practices and the obligations they

have voluntarily undertaken through the ratification of such international human rights instruments;

(c) To include specific information on measures taken to eliminate traditional or customary practices harmful to the health of women and girls in their reports to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child;

(d) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of female genital mutilation and other traditional or customary practices affecting the health of women and girls, in particular through education, the dissemination of information and training, with the aim of achieving the total elimination of these practices;

(e) To develop and implement national legislation and policies prohibiting traditional or customary practices harmful to the health of women and girls, particularly female genital mutilation;

(f) To support women's organizations, at the national and local levels, working for the elimination of female genital mutilation and other traditional or customary practices harmful to the health of women and girls;

(g) To cooperate closely with the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children and to submit information on such practices with a view to enabling her to assess the progress achieved and obstacles encountered in implementing the Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children;

(h) To cooperate closely with relevant United Nations funds, programmes and the specialized agencies, such as the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Educational, Scientific and Cultural Organization and the Office of the United Nations High Commissioner for Human Rights, as well as with relevant non-governmental and community organizations, in a joint effort to eradicate harmful traditional or customary practices affecting women and girls;

4. Decides:

(a) To invite the Commission on Human Rights to address this issue at its fifty-fourth session;

(b) To request the Secretary-General to make the outcome of the discussions in the Commission on the Status of Women on this issue available to the Commission on Human Rights at its fifty-fourth session, if necessary, in the form of an oral report;

(c) To also request the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution.

Women in development

In September, the Secretary-General submitted a report on action taken to incorporate a gender perspective into economic policies [A/52/345], in response to General Assembly resolution 50/104 [YUN 1995, p. 1184]. It stated that promoting gender equality by removing restrictions on

women's access to, and control over, resources, opportunities, incentives, income and wealth should be pursued, not only as a human right and for reasons of social justice, but also as a strategy to promote economic efficiency and sustainable development. The report outlined ways in which mainstreaming the gender perspective into economic policies might offer insights into macro-economic policy-making, and set forth principles that were a prerequisite for such mainstreaming. It was recommended that mainstreaming the gender perspective into economic policies should be effected in line with the following conditions: incorporating the gender perspective into programme design, implementation and evaluation, and the policy development process of all inter-governmental and multilateral development entities; undertaking measures to achieve gender balance between women and men in economic decision-making; strengthening national machineries; demonstrating commitment to gender mainstreaming at the highest level of State throughout the whole government system by adequately allocating resources, training and development of staff and measures of accountability; creating an enabling environment that allowed opportunities for women to have input into national and sectoral policies, programmes and budget processes; generating and maintaining all relevant data disaggregated by sex; developing indicators, conceptual tools and methods for gender analysis and applying them to economic policies by statistical services, economic agencies and UN bodies; and measuring and valuing unpaid work.

ECONOMIC AND SOCIAL COUNCIL ACTION

By decision 1997/319 of 18 December, the Economic and Social Council decided that its high-level meeting of the operational activities segment of its 1998 substantive session would be devoted to "Advancement of women: implementation of the Beijing Platform for Action and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development".

GENERAL ASSEMBLY ACTION

On 18 December [meeting 77], the General Assembly, on the recommendation of the Second (Economic and Financial) Committee [A/52/628/Add.7], adopted resolution 52/195 without vote [agenda item 97 (g)].

Women in development

The General Assembly,

Recalling its resolution 50/104 of 20 December 1995 and all other relevant Assembly resolutions on the inte-

gration of women in development, and also the resolutions and the agreed conclusions adopted by the Commission on the Status of Women on the integration of women in development,

Reaffirming the Beijing Platform for Action and the outcomes of recent major United Nations conferences and summits,

Reaffirming also that gender equality is of fundamental importance for achieving sustained economic growth and sustainable development, in accordance with the relevant General Assembly resolutions and recent United Nations conferences,

Recognizing the significant contribution that women make to economic activities and the major force that they represent for change and development in all sectors of the economy, especially in key areas such as agriculture, industry and services,

Concerned that the continued discrimination against women, the denial or lack of equal rights and access to education, training and credit facilities and the lack of control over land, capital, technology and other areas of production impede their full and equal contribution to, and equal opportunity to benefit from, development,

Recognizing that discrimination in education and training, hiring, remuneration and promotion, and horizontal mobility practices, continue to restrict employment, economic, professional and other opportunities and mobility for women and impede women in achieving their full potential,

Reaffirming that investing in the development of women and girls has multiplier effects on productivity, efficiency and sustained economic growth,

Recognizing that the difficult socio-economic conditions that exist in many developing countries, particularly those in Africa and the least developed countries, have resulted in the acceleration of the feminization of poverty, especially in rural areas and among female-headed households,

Reaffirming that women are key contributors to the economy and to combatting poverty through both remunerated and unremunerated work at home, in the community and in the workplace and that the empowerment of women is a critical factor in the eradication of poverty,

Recognizing the continued need to review the impact of structural adjustment programmes in order to reduce any adverse impact on women, especially in terms of cutbacks in social services, education and health and the removal of subsidies on food and fuel,

Aware that, although globalization and liberalization processes have created employment opportunities for women in some countries, they have also created risks to and marginalization of women in developing countries,

Recognizing that the informal sector is a major source of entrepreneurship and employment for women in developing countries and that data collection on its important contribution should be improved,

Expressing its concern about the poor representation of women in economic decision-making, including in the formulation of monetary and fiscal policies as well as rules governing pay,

Emphasizing the promotion of programmes aimed at financial intermediation with a view to ensuring the equal access of rural women to credit and to agricul-

tural inputs and implements and, in particular, to easing collateral requirements for access to credit by women,

Stressing the need for a family-friendly work environment, including appropriate working hours, affordable childcare and flexible working hours, and emphasizing the principle of shared responsibility between women and men for the achievement of gender equality,

Stressing also that neglecting a gender perspective in policy formulation and implementation exacerbates the feminization of poverty and economic inefficiency and has a high social cost,

Noting the importance of the organizations and bodies of the United Nations system, particularly the

Development Fund for Women and the International Research and Training Institute for the Advancement of Women, in facilitating the advancement of women in development,

1. Takes note of the report of the Secretary-General and the recommendations contained therein;

2. Calls for the urgent implementation of the Beijing Platform for Action and the relevant provisions contained in the outcomes of all other major United Nations conferences and summits;

3. Stresses that a favourable and conducive international and national economic, financial, political, social and legal environment and a positive investment climate are necessary for the effective integration of women in development;

4. Reiterates its call to all Governments and all actors of society to implement the commitment made at Beijing to create an enabling environment by, inter alia, removing discriminatory barriers and ensuring the full and equal participation of women in economic activities through, inter alia, the adoption of gender-sensitive policies and legal measures and the provision of other necessary structures;

5. Stresses the importance of developing national strategies for promoting sustainable and productive entrepreneurial activities to generate income among disadvantaged women and women living in poverty;

6. Urges Governments to develop and promote methodologies for mainstreaming a gender perspective into all aspects of policy-making, including economic policy-making;

7. Stresses the need to ensure that women and girls have full and equal access to all levels of education, vocational training and retraining programmes in order to improve their employment opportunities;

8. Urges all Governments to ensure women's equal rights with men and access to economic resources and to increase the access of women to credit by instituting innovative lending practices, including practices that integrate credit with services and training for women and that provide flexible credit facilities to women, in particular rural women, women in the informal sector, young women and women who lack access to traditional sources of collateral;

9. Invites Governments to enact legislation to ensure that women have equal access to and control over land, unmediated by male relatives, in order to end land rights discrimination, that women are accorded secure use rights and are fully represented in the decision-making bodies that allocate land and other

forms of property, credit, information and new technologies, that in the implementation of the Beijing Platform for Action women are accorded full and equal rights to own land and other property, *inter alia*, through inheritance, and that land reform programmes begin by acknowledging the equality of the rights of women to land and that other measures are taken to increase land availability to poor women and men;

10. Requests Governments to ensure that the priorities of women are included in, and that women fully participate in, decisions on public investment programmes for economic infrastructure, technology, water supply and sanitation, electrification and energy conservation, transport and road construction and to promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure their access to jobs and contracts;

11. Urges Governments to promote and strengthen microenterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities, to facilitate, where appropriate, the transition from the informal to the formal sector, especially in rural areas, to provide outreach programmes to inform low-income and poor women, particularly in rural and remote areas, of opportunities for market and technology access and to provide women with assistance in taking advantage of such opportunities;

12. Calls upon Governments to promote, *inter alia*, through legislation, family-friendly and gender-sensitive work environments and also to promote the facilitation of breastfeeding for working mothers;

13. Urges the international community, the United Nations system and other relevant organizations to give priority to assisting the efforts of developing countries to ensure the full and effective participation of women in deciding and implementing development strategies, through, *inter alia*, the increased access of women to health care, capital, education, training and technology and full and equal participation in decision-making;

14. Urges multilateral donors, international financial institutions and regional development banks to review and implement policies in support of national efforts to ensure that a higher proportion of resources reach women, in particular women in rural and remote areas;

15. Calls upon the United Nations system to support developing countries in their efforts to integrate gender concerns into national programmes and to implement those programmes, including by providing adequate resources for operational activities for development;

16. Also calls upon the United Nations system to integrate gender mainstreaming into all its programmes and policies, including in the integrated follow-up to United Nations conferences, in accordance with agreed conclusions 1997/2 on gender mainstreaming adopted by the Economic and Social Council at its substantive session of 1997;

17. Requests the United Nations development system to continue working towards establishing a more coherent approach to its support for the income-generating activities of women, in particular credit schemes;

18. Decides to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Women in development";

19. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the outcome of the implementation of the present resolution, including the impact of the globalization and liberalization processes on the integration of women in development, the implementation of operational activities for development of the United Nations system in enhancing the participation of women in national development programmes and the gender mainstreaming of United Nations programmes and policies.

Women in rural areas

In response to General Assembly resolution 50/165 [YUN 1995, p. 1185], the Secretary-General submitted a September report on progress in improving the situation of women in rural areas [A/52/326]. The report examined issues deemed to be of growing importance for rural women, including the role of women in agriculture and food security, access to productive resources, female-headed households and migration, and participation in community activities and decision-making processes.

The report underlined the importance of strengthening the productive and reproductive capacity of women farmers and entrepreneurs. The development of legal measures, policies and administrative regulations to guarantee rural women equal and secure rights of access to land was a priority. The report emphasized the importance of disaggregated data by sex on differentials in access to productive resources, including land and credit, as a prerequisite for effective policy formulation. Recommendations included increasing the number of women in decision-making positions and providing training in gender sensitivity and gender mainstreaming for policy makers. In order to maximize the role rural women played in household and national food security, they should be guaranteed access to productive resources; the report presented a series of measures for Governments to promote gender equality in access to those resources.

On 7 February, the Economic and Social Council, by **decision 1997/205**, had authorized the Secretary-General to transmit his report directly to the Assembly.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/637], adopted **resolution 52/93** without vote [agenda item 105].

Improvement of the situation of women in rural areas

The General Assembly,

Recalling its resolution 34/14 of 9 November 1979, in which it endorsed the Declaration of Principles and the Programme of Action as adopted by the World Conference on Agrarian Reform and Rural Development, and its resolutions 44/78 of 8 December 1989, 48/109 of 20 December 1993 and 50/165 of 22 December 1995,

Recalling also the importance attached to the problems of rural women by the Nairobi Forward-looking Strategies for the Advancement of Women and by the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women,

Recalling further its resolution 47/174 of 22 December 1992, in which it welcomed the adoption of the Geneva Declaration for Rural Women by the Summit on the Economic Advancement of Rural Women, held at Geneva in February 1992, and urged all States to work for the achievement of the goals endorsed in that Declaration,

Welcoming the growing awareness of Governments of the need for strategies and programmes to improve the situation of women in rural areas,

Welcoming also the Declaration and Plan of Action adopted by the Microcredit Summit, held in Washington in February 1997, in which micro-finance was identified as an important instrument of poverty alleviation, including for rural women,

Noting with deep concern that the economic and financial crises in many developing countries have severely affected the socio-economic status of women, especially in rural areas, and the continuing rise in the number of rural women living in poverty, including girls and older women,

Mindful of the need for fuller recognition and appreciation of the contribution of rural women to socio-economic development, including human capital development,

Mindful also that, despite the global trend towards rapid urbanization, many developing countries are still largely rural,

Recognizing the urgent need to take appropriate measures aimed at further improving the situation of women in rural areas,

1. Takes note of the report of the Secretary-General on the improvement of the situation of women in rural areas;

2. Invites Member States, in their efforts to implement the outcome of the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women, the World Food Summit and the second United Nations Conference on Human Settlements (Habitat II), and bearing in mind the Geneva Declaration for Rural Women, to attach greater importance to the improvement of the situation of rural women, including older women, in their national development strategies, paying special attention to both their practical and strategic needs, by, inter alia:

(a) Integrating the concerns of rural women into national development policies and programmes, in particular by placing a higher priority on budgetary allocation related to the interests of rural women;

(b) Strengthening national machineries and establishing institutional linkages among governmental bodies in various sectors and non-governmental organizations concerned with rural development;

(c) Increasing the awareness of rural women of their rights and their role in political and socio-economic development;

(d) Increasing the participation of rural women in the decision-making process at the local and national levels;

(e) Designing and revising laws to ensure that women have equal access to and control over land, unmediated by male relatives, in order to end land rights discrimination; according women secure use rights and full representation in the decision-making bodies that allocate land and other forms of property, credit, information and new technologies; in the implementation of the Platform for Action of the Fourth World Conference on Women, according women full and equal rights to own land and other property, inter alia, through inheritance; acknowledging, in the context of land reform programmes, the equality of women's rights to land and taking other measures to increase land availability to poor women and men;

(f) Investing in the human resources of rural women, particularly through health and literacy programmes and social support measures;

(g) Promoting and strengthening micro-financing policies and programmes, cooperatives and other employment opportunities;

(h) Ensuring that women's unpaid work and contributions to on-farm and off-farm production, including income generated in the informal sector, are visible and recorded in economic surveys and statistics at the national level;

3. Requests the international community and relevant United Nations organizations and bodies to promote further the realization of the programmes and projects aimed at the improvement of the situation of rural women within the overall framework of integrated follow-up to recent global conferences;

4. Requests the Secretary-General to prepare, in consultation with Member States and relevant United Nations organizations, a report on the implementation of the present resolution and to submit it, through the Economic and Social Council, to the General Assembly at its fifty-fourth session.

Older women

In March [E/1997/27 (res.41/2)], the Commission on the Status of Women decided that in 1998, when examining the human rights of women, it would also pay attention to the violation of older women's rights. Similarly, under the item "Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men", it would consider the status of older women and make substantive recommendations thereon. The Secretary-General was asked to report in 1999 on the key global issues regarding the differential impact of population ageing on men and women as a con-

tribution to the 1999 International Year of Older Persons (see PART THREE, Chapter XI).

Palestinian women

On 21 July, by **resolution 1997/16**, the Economic and Social Council, reaffirming that the Israeli occupation remained a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development planning of their society, asked the Commission on the Status of Women to continue to monitor and implement the 1985 Nairobi Forward-looking Strategies for the Advancement of Women [YUN 1985, p. 937] and the 1995 Beijing Platform for Action. The Secretary-General was asked to continue to review the situation, to assist Palestinian women and to report in 1998.

(See also PART ONE, Chapter VI.)

UN machinery

Convention on Elimination of Discrimination against Women

As at 31 December 1997, 161 States were parties to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 [YUN 1979, p. 895]. During the year, Algeria, Kyrgyzstan, Lebanon, Mozambique, Myanmar, Switzerland and Turkmenistan became parties. Also at year's end, 19 States parties had accepted the amendment to article 20, paragraph 1, of the Convention in respect of the meeting time of the Committee on the Elimination of Discrimination against Women (CEDAW), which had been adopted by the States parties in May 1995 [YUN 1995, p. 1178]. The amendment would enter into force when accepted by a two-thirds majority of States parties.

The Secretary-General submitted his annual report [A/52/337] to the General Assembly on the status of the Convention, which contained information on signatures, ratifications, successions and accessions as at 1 August 1997. The report also included reservations and declarations and withdrawals thereof, objections, extensions of application and communications received by States parties between 1 August 1996 and 1 August 1997. On 12 December, the Assembly, by **decision 52/420**, took note of the Secretary-General's report.

Optional protocol

The Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, at meetings held between 10 and 20 March, considered two reports of the Secretary-General regarding the protocol, which would introduce complaint procedures to the Convention. A January report [E/CN.6/1997/4] contained a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations. A February report [E/CN.6/1997/5] presented a synthesis of replies from Governments and intergovernmental and non-governmental organizations (NGOs) on an optional protocol, as well as additional views related to the elements of the draft optional protocol as suggested by CEDAW in 1995 [YUN 1995, p. 1176].

The Working Group included a revised draft optional protocol as an appendix to its report to the Commission on the Status of Women [E/1997/27]. The revised draft included an inquiry procedure enabling CEDAW to request State parties to explain and remedy complaints about serious violations of women's rights.

On 21 March [res. 41/3], the Commission, noting the progress achieved by the Working Group, commended the representative of CEDAW on her contribution to the work of the Working Group as a resource person. The Secretary-General was asked to submit in 1998 a report containing an annotated comparison of the draft optional protocol and the proposed amendments thereto with the provisions of existing international human rights instruments.

ECONOMIC AND SOCIAL COUNCIL ACTION

In July, the Economic and Social Council, on the recommendation of the Commission on the Status of Women [E/1997/27], adopted **decision 1997/227** without vote [agenda item 7 (c)].

Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

At its 36th plenary meeting, on 21 July 1997, the Economic and Social Council decided:

(a) To renew the mandate of the in-session Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, so that it might continue its work, pursuant to Council resolution 1995/29 of 24 July 1995, during the forty-second and forty-third sessions of the Commission on the Status of Women;

(b) To authorize the Working Group to meet in parallel with the Commission at its forty-second and forty-third sessions;

(c) To invite a representative of the Committee on the Elimination of Discrimination against Women to attend those meetings as a resource person.

CEDAW

During 1997, the 23-member Committee on the Elimination of All Forms of Discrimination against Women, established in 1982 [YUN 1982, p. 1149] to monitor compliance with the 1979 Convention, at its sixteenth session (New York, 13-31 January), considered the initial and/or periodic reports of Canada, Denmark, Morocco, the Philippines, Saint Vincent and the Grenadines, Slovenia, Turkey and Venezuela on measures they had taken to implement the Convention. On an exceptional basis, Zaire submitted an oral report on the situation of women in the country. The Committee adopted general recommendation 23 on articles 7 and 8 of the Convention related to women in public life. In addition, it adopted three decisions and two suggestions related to its work.

CEDAW increased its annual meeting time from one to two regular sessions, each of three weeks' duration preceded by a pre-session working group. The convening of a second session was approved by the General Assembly in resolution 51/68 [YUN 1996, p. 1075] as an interim measure pending the acceptance by two thirds of the States parties of the amendment to article 20, paragraph 1, of the Convention.

At its seventeenth session (New York, 7-25 July), the Committee considered the initial and/or periodic reports of Antigua and Barbuda, Argentina, Armenia, Australia, Bangladesh, Israel, Italy, Luxembourg and Namibia. It also adopted two decisions related to the submission and consideration of reports from States parties.

On 7 February, the Economic and Social Council, by **decision** 1997/205, had authorized the Secretary-General to transmit the report of CEDAW [A/52/38/Rev.1] directly to the Assembly, which took note of it on 12 December (**decision** 52/420).

Commission on Status of Women

The 45-member Commission on the Status of Women, at its forty-first session (New York, 10-21 March) [E/1997/27], continued to focus on monitoring follow-up action to the Fourth (1995) World Conference on Women and on the development of a draft optional protocol to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (see above). It

adopted six resolutions, two decisions, and four sets of agreed conclusions. It recommended two draft resolutions and three draft decisions to the Economic and Social Council for adoption.

On 21 July, by **decision** 1997/229, the Council took note of the report of the Commission on its forty-first session and approved the provisional agenda and documentation for its forty-second (1998) session.

On 23 July, by **decision** 1997/298, the Council decided, as an interim measure, to invite NGOs that were accredited to the 1995 Conference to attend the forty-second session, provided they had started the process of applying for consultative status in accordance with Council decision 1996/315 [YUN 1996, p. 1368]. The Secretary-General was asked to draw the attention of those NGOs to the provisions of the Council's decision and to the process established under resolution 1996/31 [ibid., p. 1360].

Communications on status of women

On 20 March, at a closed meeting, the Commission reviewed and adopted the report of its Working Group on Communications on the Status of Women [E/1997/27], established in 1993 [YUN 1993, p. 1050] to consider ways to make the communications procedure more transparent and efficient. The Working Group considered non-confidential communications and noted the continued absence of women in decision-making processes, particularly in the context of war and conflict resolution. It expressed concern at recurring situations of armed conflict, which sometimes amounted to genocide, leading to physical and psychological abuses of women and the continuing use of rape as a weapon of war. Concern was also expressed about the brutal treatment of women, incommunicado and arbitrary detention, prolonged detention without trial, rape and sexual abuse by security forces and prison officials, violence against pregnant women, sexual enslavement, and the number of arbitrary killings and torture of women. It noted that specific forms of violence against women continued to exist, as did discrimination against women in employment practices and harmful practices directed against women. The Group pointed out that the rights of migrant women workers and of internally displaced and vulnerable groups, including indigenous women, continued to be violated. It recommended that, in order to provide continuity in the review of communications, the Commission should nominate the same members to serve on the Group for two years.

UN Development Fund for Women (UNIFEM)

During 1997, the United Nations Development Fund for Women (UNIFEM) focused on organizational reassessment and giving greater coherence and clarity to its programme directions. It developed its strategy and business plan, which delineated areas of focus and operations for the period 1997-1999. UNIFEM's programme strategy was designed and guided by an empowerment framework and based on the promotion of women's rights, opportunities and capacities.

In fulfilment of the recommendations of the 1995 Beijing Platform for Action [YUN 1995, p. 1170] to strengthen its operational work and maximize the impact of its projects, UNIFEM's programmes continued to focus on: strengthening women's economic capacity; engendering governance and leadership; and promoting women's human rights and eliminating all forms of violence against women.

During the year, the Fund enhanced work on promoting women's empowerment and gender mainstreaming. It laid the groundwork for placing gender advisers to the resident coordinator system in 10 countries. In addition, UNIFEM, the United Nations Volunteers and the United Nations Development Programme (UNDP) had fielded 15 gender specialists to strengthen support for national-level implementation of the Platform for Action.

WomenWatch (www.un.org/womenwatch), a collaborative project of the UN Division for the Advancement of Women, UNIFEM and the International Research and Training Institute for the Advancement of Women (INSTRAW), was developed to provide UN information on women's empowerment and gender mainstreaming. UNIFEM also developed its own Web site (www.unifem.undp.org).

In August [A/52/300], the Secretary-General transmitted to the General Assembly a report on UNIFEM's activities in 1996 [YUN 1996, p. 1977].

Strategy and business plan

A March report to the UNDP Executive Board [DP/1997/18] contained the Fund's strategy and business plan for the period 1997-1999. The plan set forth the strategic objectives and activities of the Fund and provided an overview of the market niche, challenges, opportunities and parameters that shaped the UNIFEM programme. The Fund's three-year work plan and resource requirements were annexed to the report.

The strategic objectives would focus on increasing options for women, especially those living in poverty, through strengthening women's economic capacity, promoting the realization of women's human rights and the elimination of

violence against women, and engendering governance and leadership. The Fund would strengthen its effectiveness by building on strategic links to field-level experience and incorporating the principles of a learning organization. The strategy also aimed to strengthen UN capacity to support women's empowerment and gender mainstreaming in its policies and programmes, as well as to strengthen partnerships with key stakeholders. Other aspects of the strategy dealt with ensuring that UNIFEM personnel and financial and programme management systems supported its goals and programmes, and building a larger and more diversified resource base.

On 23 May [E/1997/33 (dec. 97/18)], the UNDP/UNFPA Executive Board endorsed the UNIFEM strategy and business plan, and asked UNIFEM to support innovative and experimental activities in implementing the plan within the context of the Beijing Platform for Action. UNIFEM was also asked to develop further and strengthen its role as a catalyst with a view to strengthening the gender perspective of development programmes in recipient countries and increasing synergy with other UN agencies. It was further asked to focus on strategic interventions and build upon its comparative advantages in order to promote systemic change, in particular with regard to political and economic empowerment, and to maintain a balance between potential impact and the needs of women in the application of the criteria for programme selection. The Board decided that UNIFEM should report orally in 1998 and in writing every alternate year and progress made in implementing its strategy and business plan should be described in the annual report of the UNDP Administrator.

On 17 January [dec. 97/4], the Executive Board, noting a conference room paper on the applicability of a partial funding system to UNIFEM, endorsed the methodology for determining project approval and operational reserve levels for UNIFEM under the partial funding system, which was annexed to the Board's decision. It approved its use, on a provisional basis, beginning in 1997, and its continuation on a no-objection basis, pending the discussion of the response to the evaluation of the Fund. The Board further decided that an appropriate monitoring mechanism should be established by UNIFEM in consultation with UNDP and that the Fund should report on the functioning of the partial funding modality in the annual financial report of UNDP and its administered funds, to be presented at each third regular session.

The Executive Board, on 19 September [dec. 97/24], approved \$10.7 million for the UNIFEM 1998-1999 biennial support budget.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/637], adopted **resolution 52/94** without vote [agenda item 105].

United Nations Development Fund for Women

The General Assembly,

Recalling its resolution 31/133 of 16 December 1976, in which it established the Voluntary Fund for the United Nations Decade for Women, and the Platform for Action of the Fourth World Conference on Women, which reaffirmed that the Fund had the mandate to increase options and opportunities for women's economic and social development in developing countries,

Recalling also its resolution 39/125 of 14 December 1984, in which it decided to transform the Voluntary Fund into the United Nations Development Fund for Women and to make the Fund a separate and identifiable entity in autonomous association with the United Nations Development Programme,

Stressing the important contribution the Fund continues to make in providing technical assistance to enable Governments and organizations of the United Nations system, as well as other intergovernmental and non-governmental organizations, to formulate and support policies and innovative activities that directly benefit and empower women,

Considering the innovative and experimental activities of the Fund directed towards strengthening both governmental and non-governmental institutional capacities to ensure women access to development co-operation resources and full participation at all levels in the development process,

Taking note of the importance of the work of the Consultative Committee on the United Nations Development Fund for Women in policy and programme directions, in accordance with the mandate of the Fund,

1. Takes note of the note by the Secretary-General transmitting the report on the activities of the United Nations Development Fund for Women;

2. Emphasizes the important work of the Fund in women's empowerment and gender equality within the framework of implementing the Platform for Action of the Fourth World Conference on Women, and, in that context, notes the recently adopted strategy and business plan;

3. Reaffirms the catalytic role of the Fund in further developing and strengthening women's empowerment by enhancing the integration of a gender perspective into all development programmes, in accordance with its mandate;

4. Stresses the role of the Fund as a development fund in supporting activities related to women's economic and social development in developing countries;

5. Notes the intention of the Fund further to focus its interventions in support of women's empowerment and gender equality;

6. Encourages the Fund to continue to contribute to mainstreaming a gender perspective into all develop-

ment efforts of Governments, organizations of the United Nations system and civil society;

7. Also encourages the Fund to strengthen its work within the United Nations system at the national level through the resident coordinator system, focusing on strategic interventions and building upon its comparative advantages, in order to promote systemic change, in particular with regard to women's political and economic empowerment;

8. Endorses the role of the Fund in strengthening women's economic capacity, encouraging women to become key economic players in combating the feminization of poverty and strengthening women's leadership and political empowerment so as to increase their participation in decision-making processes;

9. Recognizes the important role the Fund plays in promoting the realization of women's civil, cultural, economic, political and social rights so as to facilitate their full participation in society;

10. Welcomes the operationalization of the Trust Fund in Support of Action to Eliminate Violence against Women, and requests the United Nations Development Fund for Women to disseminate information on best practices and strategic interventions funded under that initiative which should contribute to the eradication of violence against women as an obstacle to development;

11. Encourages the United Nations Development Fund for Women, in order to fulfil its mandate, to continue to mobilize resources for its activities in a comprehensive manner from all available sources, including the private sector, and urges all Member States to contribute and to consider increasing their contributions to the Fund;

12. Requests the Secretary-General to transmit to the General Assembly at its fifty-third session a report on the activities of the United Nations Development Fund for Women, to be submitted in accordance with resolution 39/125.

International Research and Training Institute (INSTRAW)

The Board of Trustees of the International Research and Training Institute for the Advancement of Women held its seventeenth session at the Institute's headquarters in Santo Domingo, Dominican Republic, from 17 to 21 February 1997 [E/1997/53]. INSTRAW began work in 1979 [YUN 1979, p. 901] as an autonomous institution conducting research and training programmes for the advancement and mobilization of women in development.

At its 1997 session, the Board reviewed the implementation of the INSTRAW programme of activities during 1996, as well as the framework for research and training for the 1998-1999 biennium and the financial situation. It also discussed the extent and quality of INSTRAW networking with focal points and inter-agency cooperation. The Board recommended that high priority be given to women in situations of armed conflict, violence against women and follow-up

to the 1996 United Nations Conference on Human Settlements [YUN 1996, p. 992], and suggested that the girl child be included in the Institute's research programme. Other recommendations dealt with networking between INSTRAW and its focal points and enhancing the Institute's visibility through better distribution of its publications. The Board also adopted recommendations related to operational and budgetary issues.

Report of Secretary-General. Pursuant to General Assembly resolution 50/163 [YUN 1995, p. 1181], the Secretary-General, in a September report [A/52/352], described activities of INSTRAW during 1996-1997, during which period programmes focused on women's empowerment; statistics and indicators on gender issues; women, environment and sustainable development; women, media and communications; other inter-agency and collaborative activities; and information, documentation and communication. The report concluded that the Institute's activities in research, training, information and documentation placed a high priority on the obstacles that limited or impeded women from becoming equal partners in development. INSTRAW was at the forefront in establishing new concepts and methods for understanding the specific situation of women in the development process and in broadening the empirical and analytical parameters for such understanding. The developmental context required more research to better understand the complexities affecting women. Continued efforts in training and information were also necessary to promote women's essential contribution to development and to bridge the gap between the situation of women and the prevailing development practices. The Institute's activities were an integral part of UN efforts to mainstream gender into both policy and operational activities and hence to contribute to the implementation of the Platform for Action.

On 12 December, the Assembly, by **decision 52/420**, took note of the Secretary-General's report.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third

Committee [A/52/637], adopted **resolution 52/95** without vote [agenda item 105].

International Research and Training Institute for the Advancement of Women

The General Assembly,

Recalling its resolution 50/163 of 22 December 1995,

Taking note of Economic and Social Council resolution 1996/39 of 25 July 1996,

Taking note also of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its seventeenth session,

Reaffirming paragraph 334 of the Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,

Concerned about the declining resource base of the Institute,

1. Welcomes the appointment of the Director of the International Research and Training Institute for the Advancement of Women, and takes note with appreciation of the work done by the previous Acting Director;

2. Urges the Secretary-General to fill the existing vacancies in the Institute in order to permit it to carry out its mandate;

3. Emphasizes the role of the Institute as the only gender unit for research and training within the United Nations system, and reiterates the relevant provisions contained in the agreed conclusions 1997/3 of 21 July 1997 of the Economic and Social Council;

4. Requests the Institute to continue its cooperation with relevant entities of the United Nations system;

5. Also requests the Institute to better coordinate its activities for gender mainstreaming with relevant entities of the United Nations system with a view to developing joint activities and work plans in appropriate areas;

6. Welcomes the fact that in its activities the Institute places a high priority on the obstacles that limit or impede women from becoming equal partners in development;

7. Expresses its appreciation to those Governments and organizations that have contributed to and supported the activities of the Institute;

8. Invites Member States, intergovernmental organizations, the private sector and civil society to contribute generously to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women, thus enabling the Institute to respond effectively to its mandate;

9. Requests the Director of the International Research and Training Institute for the Advancement of Women to develop a funding strategy and to establish a link between the activities of the Institute and its resource base;

10. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution.

Chapter XI

Children, youth and ageing persons

In 1997, the United Nations Children's Fund (UNICEF) continued its work to improve the situation of children worldwide, particularly those living in conditions of poverty. It reinforced coordination with Governments, civil society organizations and other entities to ensure that children received a just proportion of society's resources and that their rights were protected. Particular areas of concern in 1997 were strengthening health systems, reducing maternal mortality, improving basic education, and providing a secure and sanitary water supply.

UNICEF joined other UN bodies in continuing to promote adherence to the 1989 Convention on the Rights of the Child (see PART TWO, Chapter I), and was concerned with the protection of children's human rights (see PART TWO, Chapter II).

In its efforts to promote programmes and policies relating to youth, the United Nations focused in 1997 on implementation of the 1995 World Programme of Action for Youth to the Year 2000 and Beyond, which called on Governments to adopt a national youth policy and a cross-sectoral approach in addressing youth's concerns. The Economic and Social Council, in July, called on States, UN bodies and intergovernmental and non-governmental organizations to implement the Programme of Action. In December, the General Assembly took similar action, and stressed the need to involve youth in implementing it.

The United Nations continued its activities in support of ageing persons, mainly through preparations for the International Year of Older Persons (1999). Both the Economic and Social Council, in July, and the Assembly, in December, encouraged States, the UN system and others to take advantage of the International Year to increase awareness of the challenge of the demographic ageing of societies, the individual and social needs of older persons and the contribution of older persons to societies.

tions and other partners to advance children's rights to survival, protection, development and participation in society. Much of its work involved mobilizing political will and support to ensure that children received a just proportion of society's resources. During the year, UNICEF and its partners helped focus worldwide attention on children who suffered from malaria and malnourishment; children who served in armies or worked at hazardous or exploitative jobs; the scourge of landmines, discrimination and violence against girls and women; and the deaths of adolescent girls and women from causes related to pregnancy and childbirth.

UNICEF cooperated in programmes in 161 countries, areas and territories during the year: 46 in sub-Saharan Africa; 35 in Latin America and the Caribbean; 33 in Asia; 20 in the Middle East and North Africa; and 27 in Central and Eastern Europe, the Commonwealth of Independent States and the Baltic States.

Programme expenditures totalled \$822 million in 1997, of which 33 per cent was spent on child health; 24 per cent on planning, advocacy and cross-sectoral support; 14 per cent on education and early childhood care and development; 12 per cent on community development, women's programmes and children in need of special protection measures; 11 per cent on water supply and sanitation; and 6 per cent on child nutrition. In addition, \$97 million was spent on management and administration and write-offs and other charges. UNICEF operations in 1997 were described in the 1998 UNICEF Annual Report and the report of the Executive Director [E/ICEF/1998/4 (Parts I & II)].

The UNICEF Executive Board held its first regular session of 1997 from 20 to 24 January, the second on 18 and 19 March, the annual session from 2 to 6 June, and the third regular session from 9 to 12 September, all in New York [E/1997/32/Rev.1]. During those sessions, the Board adopted 30 decisions.

Children

UN Children's Fund

In 1997, the United Nations Children's Fund worked with Governments, civil society organiza-

Programme policies

In decisions related to UNICEF's programme policies, the Executive Board endorsed an approach for dealing with children and women in emergencies, and for the implementation of UNICEF policies and strategies on children in need of

special protection. In addition, it called for certain follow-up action to the 1990 World Summit for Children [YUN 1990, p. 797].

Emergency humanitarian assistance

The UNICEF Executive Board, during its discussion on emergency humanitarian assistance (see also PART THREE, Chapter III), considered a report on strengthening the coordination of emergency assistance [E/ICEF/1997/5], as requested by the Economic and Social Council in resolution 1996/33 [YUN 1996, p. 797]. The report described UNICEF's role and operational responsibilities in responding to emergencies, how it coordinated its work with other UN bodies, and measures being taken to improve UNICEF's internal efficiencies. The report emphasized that the child-centred mandate and long-term orientation of UNICEF complemented the roles of other partners in humanitarian action. UNICEF would continue to pursue closer cooperation with its UN partners and to work with partners in the field and through the Inter-Agency Standing Committee Working Group, the Inter-Agency Task Force and its related working groups to ensure that cooperative humanitarian action was based on complementarity, predictability and clear division of labour.

On 21 January [E/1997/32/Rev.1 (dec. 1997/1)], the Executive Board took note of the report and transmitted it, together with comments made by delegations, to the Secretary-General for inclusion in his report on the subject to the Council.

The Board also considered a report on the strategic priorities and operational concerns for UNICEF relating to children and women in emergencies [E/ICEF/1997/7], prepared in response to a 1996 Executive Board decision [YUN 1996, p. 1082]. The main focus of the report was the consequences of complex emergencies for children. The report stated that UNICEF brought a developmental perspective to its emergency action, which had four primary elements: advocacy; assessment; care (including the provision of essential social services); and protection of vulnerable children and women from intentional harm. It outlined progress made towards clarifying UNICEF's role and responsibilities in emergencies; the effective execution of UNICEF's advocacy role for children and women at risk in emergencies; upgrading the UNICEF programmatic capacity; partnership commitment and participation in a coordinated emergency response; and ensuring management effectiveness, fiscal responsibility, transparency and accountability.

The Board, on 23 January [dec. 1997/7], endorsed the approach set out in the report. It asked the Executive Director, in implementing

the approach and in elaborating operational guidelines, to take into consideration the views expressed by delegations. She was also asked to report in 2000 on the experiences gained through the approach and the guidelines.

In her report on UNICEF programmes and operations in 1997 [E/ICEF/1998/4(Part II)], the Executive Director stated that, during the year, 26 countries in crisis received funds earmarked as emergency resources, but priority attention focused on Afghanistan, Angola, Burundi, the Congo, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Iraq, Rwanda, Sierra Leone and the Sudan, where the humanitarian situation continued to be very precarious. UNICEF had been implementing the strategic priorities and operational concerns for children in emergencies as contained in the report considered by the Board (see above). Those concerns addressed the continuing basic needs of the affected population, some of which had fallen outside the main focus of emergency field responses, including the needs of internally displaced persons, very young children, youth and adolescents. Particular attention was being paid to the short- and long-term psychosocial and educational needs of populations. The unique concerns of women and girls in relation to health, education, social status, child soldiers, sexual violence and the threats of gender discrimination were also key issues for UNICEF.

In addition to continued assistance to meet urgent basic needs in 1997, UNICEF sought to play a stronger role in terms of advocacy for the special needs of displaced children based on the principles of the 1989 Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 [YUN 1989, p. 560]. It sought to complement traditional emergency relief with actions in the Sudan to promote respect for humanitarian principles and in the establishment of participatory mechanisms focused on women in displaced camps and settlements. In Liberia (see PART ONE, Chapter II), UNICEF coordinated the initial disarmament and demobilization of over 4,300 child soldiers. The UNICEF mine action programme in Angola promoted a mine ban, supported 20 national and 5 international non-governmental organizations (NGOs) in their work, and promoted mine awareness through the school curriculum. Education became a component of all sustained UNICEF emergency programmes in eastern and southern Africa. Burundi and Uganda were among the emergency programmes that included expansion of education facilities through the construction of temporary schools. In Burundi and Rwanda, psychosocial support was provided for children

affected by war and conflict through the training of teachers and religious leaders in assisting traumatized children; creating structured social activities for children; providing a family environment or its alternative to children whose family members had died or from whom they had been separated; and promoting peace education. In Iraq, UNICEF addressed the impact of sanctions on children (see PART ONE, Chapter IV).

Follow-up to 1990 World Summit for Children

In March, UNICEF submitted to the Executive Board its annual progress report [E/ICEF/1997/14 & Corr.1,2] on follow-up to the 1990 World Summit for Children [YUN 1990, p. 797], covering 1996.

The report provided an updated summary of progress at mid-decade and highlighted the major challenges that remained for the fulfilment of the goals for the year 2000, and contained information on the cost of supporting the review to UNICEF and its country programmes.

At mid-decade, striking progress had been made in the areas of immunization, control of diarrhoeal diseases, polio, dracunculiasis eradication, iodine deficiency control and promotion of breastfeeding. The 1989 Convention on the Rights of the Child had been ratified by almost every country in the world (see PART TWO, Chapter I). However, progress towards goals for child survival, education and nutrition was lagging. In the coming years, while sustaining progress made in the control of preventable diseases, efforts had to be intensified to narrow the gap regarding child development. Among the key next steps to achieve the goals for the year 2000 were to strengthen links between the Convention and the Summit goals by developing indicators to monitor progress on the realization of children's rights covering all areas identified by the Convention; prioritize goals and strategies more closely to local realities; build national capacity; mobilize additional resources; increase inter-agency coordination, including follow-up to international conferences; modify the UNICEF system for allocation of general resources; and prepare for a special session of the General Assembly in 2001 to review achievements of the goals of the World Summit, in accordance with Assembly resolution 51/186 [YUN 1996, p. 1083].

On 6 June [E/1997/32/Rev.1 (dec. 1997/20)], the Executive Board, noting the progress made towards the mid-decade goals and recognizing the enormous challenges ahead to meet the end-decade goals, asked UNICEF to give due consideration to children requiring special protection measures, such as those affected by child labour, sexual exploitation and disabilities. The Board urged

Governments, the international community, the private sector, NGOs and other actors in civil society, the media and communities to reaffirm their commitment to children and to allocate additional resources to achieving the Summit goals for 2000. It also urged Governments to adopt strategies to ensure that children's rights were guaranteed, in conformity with the 1989 Convention, by strengthening their national and subnational programmes of action. In that connection, UNICEF was invited to continue its cooperation with the Committee on the Rights of the Child (CRC) in facilitating national implementation and monitoring of the Convention, as well as its reporting system.

The Executive Director was asked to work with Governments to strengthen further national capacities for the collection and use of data, including data disaggregated by gender and age, to identify indicators that were relevant, comparable and timely to monitor progress towards the realization of children's rights and the World Summit goals, developing core indicators that would enable comparison between countries and additional indicators to reflect the country's reality. She was also asked to support the implementation of Assembly resolution 51/186 regarding the World Summit; to take action, as part of the country programme process, to support efforts by Governments and others to achieve the Summit goals within the framework of national and subnational programmes of action; and to report in 1998 on the steps taken to implement the strategy for improved nutrition of children and women in developing countries, and on the implementation of the Board's current decision.

Child protection policy review

In response to a 1996 Executive Board request [YUN 1996, p. 1086], the UNICEF secretariat submitted, in March, a report on steps taken to implement UNICEF policies and strategies for children in need of special protection measures [E/ICEF/1997/16]. The concept of special protection measures was developed by CRC to guide States parties to the 1989 Convention in responding to situations such as war and violence, exploitation, abuse, separation from family, detention or imprisonment and disability. The report outlined a two-pronged strategy. Firstly, the mainstream of social services needed to be adapted to reach and to provide support to children at risk, since gross violations of children's rights were often associated with overall poverty and inadequacies of social services. Secondly, targeted initiatives to reach disadvantaged children who were missed by, or left out of, mainstream programmes needed to be established.

The implementation plan, a key component of the evolving child rights approach to programming, focused on the establishment of technical support networks (TSN) to ensure support to Governments in addressing special protection issues. Specific steps were described to enhance programmatic responses in the relevant areas, including the revision of guidelines and the strengthening of strategic partnerships with Governments, UN agencies, NGOs and other civil society organizations.

The report described UNICEF activities in selected special protection areas, including economic exploitation, the impact of armed conflict on children, sexual abuse and exploitation, childhood disability and juvenile justice.

Within UNICEF, organizational support was provided by regional child protection advisers or focal points to country offices and country programmes. The headquarters advisory team had been strengthened and focused on childhood disability, child labour and the impact of armed conflict on children. Specific tasks for 1997 included: programme knowledge acquisition; programme knowledge dissemination; a bulletin board on the UNICEF home page; development of a basic set of indicators as tools for situation assessment, analysis and monitoring; and the development of global partnerships.

On 6 June [E/1997/32/Rev.1 (dec. 1997/21)], the Executive Board, having reviewed the report, endorsed its overall approach for implementing the policy on children in need of special protection measures, taking into account the comments made by delegations, in particular with regard to the need for priority-setting, the definition and adaptation of implementation mechanisms, financial implications, and criteria and mechanisms for continuous monitoring and evaluation. The Board asked the Executive Director to report in 1998.

Health strategy

UNICEF, in a report to the Executive Board [E/ICEF/1997/3], described the implementation plan of the health strategy for UNICEF, as requested by the Board in 1995 [YUN 1995, p. 1249]. The strategy responded to changing requirements for approaches to health that could realize the health rights outlined in the 1989 Convention on the Rights of the Child and consequent gains in health status.

In order to play a strategic role in seeking to achieve the universality that was a core principle of the Convention, UNICEF actions in health would focus on the poorest and most vulnerable. To give coherence to programming, the UNICEF

interventions would involve a dynamic relationship between three priority populations—children, young people and women—and three major intervention methodologies—monitoring, services and health promotion.

The organization of health actions around the 1989 Convention would modify the approach to programming at the country level. UNICEF could go beyond the specific health objectives of child survival and infant/child mortality reduction to the broader objectives of improving the quality of life and addressing health concerns of infants, children, adolescents and women, taking into consideration non-discrimination with regard to gender, minority, ethnic, socio-economic and religious factors; the best interests of the child; quality of information and participation of stakeholders, especially women and children; and universality of rights.

The health strategy's implementation would involve strengthening and widening partnerships at both institutional and programme levels. Partnerships had to be developed with new actors, such as private entities and decentralized authorities in various countries. Many of them had already started and were in a development process. The advocacy component of the health strategy should target Governments and regional and municipal authorities.

On 24 January [E/1997/32/Rev.1 (dec. 1997/9)], the Executive Board endorsed the approach for implementing the health strategy. The Executive Director was asked to encourage Governments, the international community, NGOs and other members of civil society to mobilize more resources to implement the health strategy, and to report to the Board in 2000 on progress made.

Maurice Pate Award

In January [E/ICEF/1997/9], the Executive Director recommended that the Maurice Pate Award for 1997 be presented to the Legal Assistance Centre of Namibia and that the Executive Board approve an allocation of \$25,000 from general resources for that purpose. The Award, which was established in 1966 [YUN 1966, p. 385], was made to the Centre, a public interest law firm, in recognition of its key role in lobbying for legal reforms, and in the drafting of the Children Care and Protection Act and lobbying for its adoption by the legislature. By a decision of 18 March [E/1997/32/Rev.1 (dec. 1997/12)], the Board agreed with the recommendation and approved the allocation.

UNICEF programmes by region

Africa

During 1997, programme expenditure in Africa totalled \$305 million, representing 37 per cent of total UNICEF programme expenditure.

In Africa, UNICEF adopted a modified allocation system for general resources to give greater priority to countries with high under-five mortality and low income. Thus, the priority general resources allocations to Africa would increase in line with the agreement that UNICEF should give highest priority to the most disadvantaged children and the countries in greatest need.

UNICEF cooperation continued to emphasize participatory and integrated approaches to strengthen essential social services at the community level. Increasing efforts were made to help national partners to reform civil and penal legislation in the light of the 1989 Convention on the Rights of the Child and the 1979 Convention on the Elimination of All Forms of Discrimination against Women and to promote the participation of children and youth in public debates on issues that concerned them. Guided by the child rights principles of non-discrimination and universality, programmes in Botswana, Eritrea, Kenya, Mali and other countries were helping to extend basic social services to remotely located and underserved populations.

In response to a 1995 Executive Board request [YUN 1995, p. 1198], UNICEF submitted a March report on ensuring children's rights to survival, development and protection in Africa [E/ICEF/1997/15]. The report discussed the current socio-economic situation in Africa and reviewed progress towards the goals of the 1990 World Summit and other areas of concern to children and women. UNICEF responses were described in the areas of health and nutrition, basic education, water supply and environmental sanitation, emergency operations, gender-related concerns, child protection, communication and social mobilization strategies, collaboration with civil society and NGOs, and management and funding. The report discussed future directions for UNICEF and its partners in Africa, which would focus on primary health care and nutrition; basic education, with an emphasis on girls; water supply and environmental sanitation; and the care and protection of the most vulnerable children and women. Priority would be given to assisting countries to reach the goals of the World Summit.

The UNICEF Executive Board, on 6 June [E/1997/32/Rev.1 (dec. 1997/19)], taking note of the report on children's rights to survival, protection and development in Africa, as well as the Executive Director's report on follow-up to the World

Summit (see above), urged the Executive Director to advocate for additional resources from private and public sources for programmes in Africa to support the World Summit goals. It called on her to work with Governments in Africa, multilateral and bilateral agencies and NGOs to increase capacity in health services using the community-participation approach of the 1987 Bamako Initiative [YUN 1987, p. 859]; to expand efforts to control and eliminate malaria; to improve accessibility and quality of primary education, particularly for girls; to strengthen nutrition; and to accelerate progress in water supply and sanitation. The Executive Director was urged to expand UNICEF support for African children in need of special protection, and to work in all sectors and with all its partners to build African capacity to prevent and control the spread of HIV/AIDS. The Board called on her to ensure that UNICEF continued to play an active role in inter-agency work to implement the United Nations System-wide Special Initiative on Africa (see PART THREE, Chapter III). UNICEF was called on to continue working with Governments to promote the reallocation of national resources in favor of social sectors. The Board urged the Executive Director to advocate for measures to reduce the official debt burden of African countries, and asked her to report in 1999 on progress made in implementing the current decision.

In West and Central Africa, civil wars in Sierra Leone and the Congo, and conflict spilling over from the Great Lakes region and into the eastern part of the Democratic Republic of the Congo (DRC) (formerly Zaire), continued to disrupt the lives of hundreds of thousands of children and women (see PART ONE, Chapter II). During the war in the Congo, UNICEF maintained supplies of essential drugs to two hospitals and six health centres and provided emergency food to 15 camps for displaced people. In Sierra Leone, it provided similar support for 120 primary health centres, helping to contain a measles outbreak and to prevent cholera. In the eastern part of the DRC, UNICEF worked with a multi-agency group supplying food and other supplies to 400,000 refugees and 200,000 families displaced by violence. In May 1997, when the DRC ended 32 years of dictatorship, 80 per cent of the population was in poverty, 70 per cent of infants were not immunized and a third of children under five were malnourished. When the new Government took office, UNICEF helped with immunization, education and other basic services. Among other measures, it provided school equipment for 48,000 children and trained some 2,000 teachers. As peace took hold in Liberia during the year, families displaced by violence began return-

ing home. UNICEF helped support government efforts to restore social services. It provided nine country health teams with training, essential drugs and other equipment that helped them make 75 health centres operational. UNICEF also assisted with the rehabilitation of more than 300 wells and handpumps and trained more than 27,000 people in health and hygiene practices. A UNICEF-backed drive to immunize children against polio and measles reached 90 per cent of those under five in 47 urban centres. Also, when peace returned, UNICEF oversaw the demobilization of child soldiers and launched the first programmes to reintegrate them into civilian life. UNICEF urged Governments to earmark 20 per cent of their national budgets to basic social services, but that remained a formidable challenge for countries of West and Central Africa.

In eastern and southern Africa, natural disasters and armed conflict caused suffering for millions during the year. The El Niño weather pattern brought torrential rain or drought that devastated harvests from Ethiopia to southern Africa. In Somalia, where flood waters endangered several hundred thousand people, UNICEF assumed management of an inter-agency team that rescued victims, treated water sources and provided basic drugs to health centres. In Kenya, Mozambique, Somalia, Uganda and the United Republic of Tanzania, flooding helped create a cholera epidemic. Working with the World Health Organization (WHO), UNICEF assisted national cholera task forces.

In 1997, a Regional Emergency Support Unit was set up to handle complex emergencies in the Great Lakes region and to help countries anticipate and respond to human and natural disasters. During the year, the Unit supported surveys in several countries to determine their levels of preparedness for floods and droughts. While peace efforts moved forward in Angola and Somalia, violence continued to plague hundreds of thousands of families in the Great Lakes region and in parts of Uganda. Ethiopia and the United Republic of Tanzania hosted the largest number of refugees in the region—about 340,000. In 1997, 50,000 Burundi children in Tanzanian refugee camps were able to continue their education as a result of agreements between the Governments of Burundi and the United Republic of Tanzania, which were negotiated by UNICEF and the Office of the United Nations High Commissioner for Refugees. In Burundi, UNICEF assisted in the construction of 146 temporary classrooms and provided funds for tuition subsidies and school supplies. Malnutrition remained a problem in about half of the countries of the region. Sub-Saharan Africa had a higher percentage of

children dying before the age of five than any other region of the world, and about half of those deaths were associated with malnutrition. In the United Republic of Tanzania, a child survival and development programme, assisted by UNICEF, was aimed at combating malnutrition by monitoring the growth of children, planting home gardens and improving the treatment of diarrhoea, hygiene standards and the nutrition content of food. In Zambia, UNICEF assisted the Government's reform of the health sector to ensure the participation of communities and civil society organizations in developing primary health care and nutrition programmes. Many efforts to improve nutrition focused on deficiencies of iron, iodine and vitamin A. To help ensure adequate vitamin A in the diet, UNICEF gave technical advice to private companies that fortified sugar and other foods in several countries. The HIV/AIDS pandemic continued to grow, especially in southern Africa. UNICEF responded to the needs of children who had lost one or both parents to the disease. In Botswana and Zimbabwe, UNICEF supported several pilot schemes that explored various care alternatives for orphans, especially foster placement.

Americas and the Caribbean

In 1997, UNICEF programme expenditure for the Americas and the Caribbean amounted to \$100 million, or 12 per cent of the total.

Inequality of income level and of access to social services was the main barrier to development in the region. UNICEF encouraged Governments to direct more resources to social services and poor communities. In Nicaragua, UNICEF's work in 33 impoverished municipalities brought together governments, civil society groups and communities to benefit some 140,000 people through activities that included training in child rights, upgrading the skills of health workers and the installation of water systems. In Guatemala, UNICEF provided essential drugs and supported a door-to-door effort to educate families about immunization. As a result, immunization levels for diphtheria, tetanus, pertussis and polio rose from 12 to 90 per cent of targeted groups in affected areas. The Integrated Management of Childhood Illness initiative was introduced by UNICEF and the WHO/Pan American Health Organization in Latin America and other regions to improve the knowledge and skills of health workers and parents. In Bolivia, UNICEF assisted with training for 60 trainers and 350 health workers, and helped the country's three main medical schools to incorporate the new child-centred strategy into their curricula. A programme in Bolivia, introduced with UNICEF support, provided

poor families with free access to health care for children under five and for women during pregnancy and childbirth. During 1997, UNICEF assisted with training in health, nutrition, child-care, reproductive health and hygiene for almost 3,000 community volunteers and over 50,000 family members (86 per cent women) from more than 120 municipalities. UNICEF worked with schools and health authorities in Belize, Costa Rica, Peru and Saint Lucia, among other countries, to provide education in life skills such as problem-solving and conflict resolution to adolescents and to make health information and services more accessible to that age group. In Costa Rica, training for 80 health workers and teachers focused on understanding adolescents and their needs, improving their access to appropriate information and adapting prenatal care to the needs of pregnant teens.

Early childhood programmes were launched in Peru, with community-based day care centres for 50,000 children. UNICEF assisted in the production of education materials for non-formal pre-schools across the country, benefiting about 360,000 girls and boys. In Guatemala, 1,000 community schools offering basic education to 60,000 students opened in rural areas with support from a multi-agency group that included UNICEF. Many of the schools had been rehabilitated following damage during years of armed conflict. In Brazil, a UNICEF-supported Government campaign was expected to bring 2.7 million working children into primary schools.

Asia and the Pacific

UNICEF programme expenditure for Asia and the Pacific amounted to \$235 million in 1997, or 29 per cent of the total.

Home to more children than any other region, South Asia faced some of the greatest child rights challenges, including poverty, malnutrition, child labour and discrimination against girls and women. In Bangladesh, over half of under-fives suffered moderate to severe stunting from malnutrition. In areas where iodine deficiency was a problem, many thousands of children suffered mental and physical disabilities. UNICEF assisted communities with a range of interrelated programmes, including growth monitoring, encouraging better care for children, increasing the nutritional status and education levels of girls and women, promoting breastfeeding and ensuring the availability of key micronutrients such as vitamin A, iron and iodine. In India, UNICEF and the World Bank assisted the Government in launching a Women and Child Development project in five states, and supported training in combating child malnutrition for 20,000 women in another

five. UNICEF worked with WHO and other organizations to assist the Government's campaign to immunize 128 million children against polio. In addition, India reported no cases of Guinea worm disease. Several problems remained to be addressed, however, including child deaths from diarrhoeal diseases. In Sri Lanka, UNICEF provided 500,000 nutrition leaflets, 500,000 handbills on iodine deficiency disorders, 7,000 iodine-testing kits and 350,000 growth-monitoring charts. Routine immunization programmes were maintained or expanded. Agreements to stop hostilities made possible the immunization of 1.5 million children nationwide. Reducing maternal mortality was the aim of several programmes in South Asian countries, where girls and women had at least a one-in-ten risk of dying as a result of pregnancy or childbirth. In India, a safe motherhood programme represented the largest component of UNICEF's support for women's health. In Bangladesh, UNICEF was helping to improve essential obstetric care. In Bhutan, efforts to reduce maternal mortality were based on a national plan of action that was drawn up at a workshop supported by the United Nations Population Fund (UNFPA), UNICEF and WHO. Child labour was another concern in South Asia, where UNICEF was working with other organizations to provide education for children in the labour force. In Bangladesh, UNICEF helped 35 NGOs set up over 2,000 learning centres providing informal schooling each day for over 60,000 children working in all occupations, more than half of them girls. In Nepal, UNICEF and the Nepal Rugmark Foundation agreed to provide child workers in the carpet industry with non-formal schooling through local NGOs. In India, a similar UNICEF-sponsored initiative helped loom workers attend school. UNICEF provided training for 100,000 women in local government in India and promoted girls' education in 50 districts with low female literacy rates. Despite the continued fighting in Afghanistan, UNICEF cooperated in projects aimed at providing water supply and other services to internally displaced people, a landmine-awareness project and immunization against polio.

In East Asia and the Pacific, positive gains were made towards the World Summit goals. Six countries appeared on track to achieve goals on infant and under-five mortality, while seven countries were likely to achieve the targeted level of 80 per cent of children completing primary school. However, continued economic uncertainty threatened the region's considerable human development achievements. Hardest hit were Indonesia, the Philippines and Thailand. Forest fires in Indonesia affected people in that country as well as parts of Brunei Darussalam, Malaysia, the Philippines, Singapore and Thailand, posing a particular haz-

ard to children. UNICEF Malaysia ordered particle-filtering masks for distribution in Sarawak state. In the Democratic People's Republic of Korea, a severe drought placed 800,000 infants and young children at risk and 80,000 in danger of dying from starvation or disease. Working with the World Food Programme (WFP) and other organizations, UNICEF airlifted 150 metric tons of high-energy milk, supplementary food, medicines and other supplies. Another 350 tons of supplies arrived by sea or rail. At the same time, UNICEF supported long-standing programmes in health, nutrition, water and environmental sanitation, and small-scale food production.

Low enrolment in schools remained a problem in the region. In Myanmar, leaders of the parent-teacher associations in rural villages were trained in collecting household data on enrolment, monitoring school enrolment and completion, and follow-up on out-of-school students. A UNICEF-supported cluster school project in Cambodia provided resources and expertise to 332 schools and 135,000 students. In Thailand, a project mobilized pupils, teachers, families and community members to create children's learning profiles to plan programmes tailored to children's needs. By the end of 1997, the project had benefited 25 schools catering to 3,000 students from 31 communities. China, Indonesia, the Philippines and Thailand were making progress towards achieving the World Summit goals to reduce maternal mortality, whereas Cambodia, the Lao People's Democratic Republic and Papua New Guinea needed major efforts to reach the targets. In Indonesia, UNICEF joined an initiative to sensitize local communities to problems that could arise in childbirth and established programmes to provide emergency care to women facing high-risk deliveries. Transmission of HIV/AIDS from mother to child had increased in Cambodia, Myanmar and Thailand, where UNICEF provided confidential counselling and other support for affected women and children. Youth services were incorporated into many health care centres to help prevent and treat sexually transmitted diseases among the young. In Thailand, UNICEF cooperated with health experts and several UN agencies to produce a video training package for health and community workers to counsel people living with the disease. It was also adapted for use in other countries of the region.

Central and Eastern Europe, CIS and the Baltic States

Programme expenditure in Central and Eastern Europe, the Commonwealth of Independent States (CIS) and the Baltic States totalled \$47 mil-

lion, or 6 per cent of the total programme expenditure.

Access to health services was a major concern in the region, and there had been an upsurge in sexually transmitted diseases and HIV/AIDS, deficiencies of micronutrients such as iron, iodine and vitamins C and D, and large numbers of maternal deaths. Initiatives in Croatia, the Russian Federation and Ukraine focused on adolescent health and development issues such as HIV/AIDS prevention, drug and alcohol abuse, suicide and crime. The transition to market economies led to a discontinuation of State-run programmes to prevent and control iodine deficiency disorders and to an increase in goitre prevalence, which was treated by iodizing salt in Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Poland, Slovakia and the former Yugoslav Republic of Macedonia, and progress was made in other countries.

New initiatives were launched to combat rises in infant and maternal deaths, including a maternal and child health forum in the Central Asian Republics and Kazakhstan, a national five-year perinatal care programme in the Republic of Moldova, and the UNICEF/UNFPA safe motherhood programme in Romania. The region again had high immunization coverage following a period of decline. Since 1995, UNICEF had been working with WHO and other partners to contain polio in 16 countries and diphtheria epidemics in all 15 newly independent States, leading to a reduction in cases of the two diseases. UNICEF also assisted health sector reform. In Azerbaijan, primary health care reform had progressed towards assuring equity, affordability and universal coverage. Reforms ensured free services for the poor, pregnant women and children and gave the health centres' chief doctors responsibilities for management and finance. Community councils were set up to provide links with health centres and identify those in need of free services. Similar projects were planned for Georgia, the Republic of Moldova and Ukraine.

In the area of education, UNICEF and its partners assisted the development of an interactive learning programme for pre-schools and primary schools in the former Yugoslav Republic of Macedonia, which reached 44 schools by year's end. In Romania, UNICEF-assisted kindergartens promoted early childhood care and development through methods that encouraged student participation, self-reliance and creativity, and the involvement of parents. Those centres had reached 24,000 children by the end of 1997. In Turkey, UNICEF continued to cooperate with the World Bank on the rural component of a basic education pilot project. In Bosnia and Herzegovina

and Croatia, UNICEF sponsored landmine-awareness kits, which were distributed to all schools. UNICEF worked with Governments to establish foster care and adoption alternatives to institutionalization. In Romania, where the abandonment of children to public care remained widespread, UNICEF organized a conference that brought together professionals and policy makers from 11 countries in the region as well as experts from Western Europe to discuss ways to protect the rights of children living in settings outside the home. With UNICEF advice, Romania set up a Department for Child Protection, which aimed to regulate the care received by children in residential units, help families in crisis and develop community-based alternatives to institutionalization. UNICEF assisted orphans and disabled children in Albania, helped children in Bosnia and Herzegovina to alleviate the trauma experienced from war, and provided polio vaccines and emergency medical supplies to maternity centres, children's institutions and children's hospitals in Bulgaria.

Middle East and North Africa

Total UNICEF expenditure for programmes in the Middle East and North Africa amounted to \$85 million, or 10 per cent of the total expenditure.

Progress was made in most countries in the region towards achieving the World Summit goals, but the three poorest countries—Djibouti, the Sudan and Yemen—had encountered difficulties in the areas of universal education, reduction of maternal mortality and elimination of Guinea worm disease. On the other hand, Jordan, Lebanon and Tunisia were among several countries that had met most of the goals ahead of schedule.

A national vaccination campaign in Iran, conducted by the Government with support from UNICEF, WHO and other organizations, reached over 7 million children. In Lebanon, the post-war recovery programme was aided by the private sector, which raised funds for immunization, salt iodization and other UNICEF programmes.

UNICEF worked with WFP and Iraq to carry out major surveys to assess the impact on children of both the 1991 Gulf War and international sanctions. The surveys showed that the percentage of underweight children under five had jumped from 9 to 26 per cent since 1991. They also showed that almost a third of children in that age group were chronically malnourished or stunted, and more than a tenth were acutely malnourished, representing an increase of almost 300 per cent since 1991. As part of its efforts to reduce malnutrition, UNICEF supported the establishment of

1,200 community child care units, where local volunteers monitored the growth of under-fives. In collaboration with the Netherlands, UNICEF helped rebuild 150 schools in south-central Iraq, benefiting 40,000 children.

In Algeria, thousands of children had been affected by violent civil conflict. In 1997, UNICEF began working with Government ministries and others to develop children's trauma counselling and psychosocial therapy programmes. In the Sudan, which had also endured years of civil conflict, UNICEF worked with WFP and NGOs to provide emergency food and medical supplies to about 2 million people.

UNICEF worked with a number of Governments to enrol more girls in school and help them complete their education. A project in Egypt, which started in 1992, had brought education to 4,000 girls in about 150 small villages in remote rural areas where girls' enrolment had been low. The project, with foreign aid, would be expanded nationally. Reaching girls in rural areas was also a goal in Yemen, where a UNICEF-assisted programme reached 7,000 children in some of the country's most remote provinces.

Regarding the integration of child rights into the legal systems of countries, UNICEF, in Morocco, trained 60 judges, probation officers, educators and others in ways to incorporate child rights into their work. UNICEF child rights and legal advisers worked with Djibouti in introducing child rights into a new body of law known as the Family Code, which would combine tenets of the Convention on the Rights of the Child, the Sharia, or religious law, and traditional laws.

UNICEF programmes by sector

The major focus of UNICEF programme activity during 1997 continued to be guided by the global agenda for children adopted at the 1990 World Summit for Children [YUN 1990, p. 797]. In several instances where progress towards achieving the World Summit goals had been lagging, the data collected through multiple indicator cluster surveys had highlighted significant disparities, often rooted in discrimination of various forms, but especially those based on gender and ethnic origin.

Child and adolescent health

UNICEF cooperation with national partners continued to focus on the survival, health and development of the young child. Several countries reported significant progress during 1997. In Bhutan, the under-five and infant mortality rates (U5MR and IMR) since 1995 decreased from 189 to 133 per 1,000 live births and from 122 to 93 per

1,000 live births, respectively, while in Nepal U5MR and IMR had fallen to 118 and 79 per 1,000 live births, respectively, despite the severe poverty of both countries.

During 1997, many country programmes made serious efforts to work in an integrated way on the survival, early care and development of children, combined with efforts to make basic preventive and curative health services available to all children, ensuring adequate nutrition, hygiene, household sanitation and waste disposal, the availability of safe water, and promotion of family knowledge about the feeding, care and stimulation of infants and young children. A programme approach known as Integrated Management of Childhood Illnesses (IMCI) since 1992 had been evolving to integrate disease control programmes within a coordinated approach to the management of child health. In 1997, it included an emphasis on prevention and health promotion within the family and at the community level.

UNICEF, in collaboration with WHO, refined strategies to reduce measles mortality. It also continued to support global polio eradication efforts. In 1997, nearly three quarters, or over 450 million, of the world's children received at least one dose of oral polio vaccine (OPV) as part of that initiative. The number of polio cases reported in 1997 was expected to be some 3,500, nearly a 90 per cent decrease since 1988.

During the year, UNICEF increased its activities to combat malaria, which remained a growing threat to the lives of young children and pregnant women. An informal consultation meeting (New York, 18-20 June) reached consensus that key elements of UNICEF efforts should be the accelerated provision and distribution of insecticide-treated bednets, improved case management in homes and health facilities, community participation and social mobilization, health promotion and monitoring and evaluation. The majority of efforts were directed towards country programmes in West and Central Africa and eastern and southern Africa.

It was estimated that close to 500 million under 14 years old were infected with helminths, a worm infestation that reduced normal growth of children, contributed to their overall ill health and negatively affected school performance. WHO and UNICEF were in the process of finalizing technical guidelines for helminths control. Since inadequate sanitation and poor hygiene were major factors in the transmission of helminths, a renewed focus on sanitation was developing within the context of efforts to attain goals related to women's health and child mortality.

Regarding adolescent health, many UNICEF country offices continued to support programmes to promote the health and development of young people by engaging in national planning and policy development and by supporting education and service provision activities through multiple channels. Regional initiatives included the eastern and southern Africa regional HIV/AIDS/Youth Network meeting on youth-friendly health services, a communication project and the eastern and southern Africa regional training meeting on life skills education. The West and Central Africa region organized a meeting on young people, HIV/AIDS and rights. The Regional Office for Central and Eastern Europe, CIS and the Baltic States supported a number of reviews of the situation of young people in the region. A regional consultation in Latin America and the Caribbean region examined the problem of adolescent pregnancy from a rights perspective.

UNICEF experiences in the area of youth health programming over the previous four years were recorded in the publication *Youth Health-for a Change: a Notebook on Programming for Young People's Health and Development*, which formed the basis for the Young People's Programme Knowledge Network. Two important global meetings took place during 1997: a global consultation on young people's participation; and the first meeting of the UNICEF Interregional Programming Group on Meeting the Health and Development Rights of Young People in Crisis.

UNICEF continued to play an advocacy role in relation to young people's health. Tobacco use received particular attention during 1997 as it undermined children's rights to health and development and was creating an additional burden of disease for poorer developing countries.

Maternal mortality

Although overall global progress towards the goal of reducing maternal mortality had been disappointing, there was a heightened awareness and greater consensus on the most effective interventions to reduce maternal and neonatal mortality. In several countries, national programmes of cooperation were supported by UNICEF and other partners and were expected to show positive results in the next two to five years.

The importance of good nutrition and the linkages between women's nutritional status and maternal survival were beginning to be better understood. UNICEF programmes were making explicit links between the education and health of women and girls and efforts to reduce micronutrient deficiencies and promote good nutrition through community-based systems. During

1997, UNICEF promoted family and community support for delayed marriage and childbearing, opportunities for expanding girls' access to education and training, and women's income-earning and opportunities.

In Bangladesh, Bolivia, Egypt and Mali, programmes helped to increase the quality and availability of prenatal and delivery care. In Benin, communities were involved directly in the management of services at district hospitals and health centres and referral systems were strengthened to treat complications. In Viet Nam, communities were assisted to form networks that would support women in the event of obstetric complications. In a number of countries, UNICEF provided support for training health staff, equipping and managing health facilities, establishing monitoring systems and improving women's access to quality services. In Bolivia, the utilization of health services by women rose through a health insurance system for pregnant women and young children. In Peru, training and supervision of maternal and child health workers in the Andean areas improved their ability to recognize danger signs and doubled the number of referrals to health facilities. In Burundi, subsidized sales of delivery kits to pregnant women reduced maternal infections and neonatal tetanus, while the revenues were used by health centres to transport women with obstetric emergencies to hospitals.

HIV/AIDS control

UNICEF continued to respond to the HIV/AIDS pandemic within the context of the Joint and Co-sponsored United Nations Programme on HIV/AIDS (see PART THREE, Chapter XIII). The issues that concerned UNICEF most directly during 1997 included the search for effective and affordable ways to prevent HIV transmission; the promotion of safe behaviour to reduce the risk of infection, especially among children and adolescents; and efforts to develop and strengthen affordable community-based strategies to help families, especially women and children, cope with the impact of HIV/AIDS.

Many country programmes promoted healthy behaviour in formal and non-formal education programmes, making use of various media and building partnerships with organizations and individuals that influenced youth. The Caribbean Regional Health and Family Life Education Programme focused on efforts to mainstream the development of life skills, such as decision-making abilities, in the school system through cooperation with multiple partners, including government ministries, teachers' organizations, the Caribbean Community and UNICEF. The rate of

HIV/AIDS infection in the Caribbean was second after Africa, and the incidence among adolescent girls was one of the highest.

The Mekong project for HIV/AIDS activities used innovative approaches such as collaboration to develop training materials for young people and support peer group education on issues of youth health and responsible behaviour to reduce the risks of HIV/AIDS and other sexually transmitted diseases. In Addis Ababa, Ethiopia, UNICEF and WHO collaborated to bring together representatives from 18 African countries to review experiences and assess lessons learned from programme activity in Uganda and Zimbabwe.

The issue of vertical transmission of HIV was of importance to UNICEF, given its leadership in promoting breastfeeding. UNICEF joined other agencies in searching for ways to reduce the risks of infection in infants born to HIV-positive mothers and to maximize their survival if they were infected. UNICEF also helped health systems to develop the capacity to manage the new drug regimens to reduce vertical transmission and expand women's access to voluntary and confidential testing and counselling services. Clinical trials in Thailand had proved that a short-course regimen of the drug AZT could effectively reduce vertical transmission.

Basic education

Progress continued to be made in basic education around the world, but the pace was uneven and millions of children were still denied basic education. Enrolment rates had increased overall, but access was still a major problem in sub-Saharan Africa and South Asia. It also remained a problem for various groups of marginalized and excluded children who were poor and often victims of discrimination based on gender and ethnic origin. In most countries, girls were still the most marginalized. Two thirds of children not in school were girls, although in some countries the rates of boys' enrolment and retention were falling. Special conditions such as disability, armed conflict and the exploitation of child labour created additional hurdles.

UNICEF emphasized programmes to improve the quality of basic education, and especially to give girls equal access to quality education. In Zambia, the curriculum was under review to ensure that it responded to the learning needs of girls and boys and overcame the gender bias of many curricula. The Dominican Republic was also involved in textbook revision and teacher training to address gender issues. In Nigeria, the issue of promoting and assessing learning achievement was being addressed. Guatemala was focusing on critical language issues through

its bilingual education programme, the Philippines had a programme to address multi-grade teaching, and Papua New Guinea was working with community-level school boards to improve school management.

In 1997, UNICEF clarified the programmatic links and approaches to education and child labour, based largely on programme experience in countries such as Bangladesh, Brazil, India, Morocco and the United Republic of Tanzania. Those countries had demonstrated that it was possible to improve the lives of working children by providing quality education combined with other interventions. Education also remained a key aspect of working with children affected by emergencies and conflicts. Liberia and Sierra Leone were among countries trying to reconstitute education systems. UNICEF had an intranet network of educators engaged in emergencies and post-conflict situations, including in Angola, Colombia, Croatia and Somalia.

Water, environment and sanitation

UNICEF programmes in many countries paid special attention to the issue of sanitation in 1997. Three national training events in low-cost sanitation technologies took place in Burkina Faso, Guinea-Bissau and Nigeria for Governments, NGOs and private sector professionals from 18 countries of the West and Central Africa region and the Comoros and Haiti. A consolidated plan was developed to promote sanitation in those countries. In eastern and southern Africa, training sessions on hygiene evaluation procedures took place in Asmara, Eritrea.

In November, a workshop on women's participation and gender considerations in water supply and sanitation services was organized for southern African countries in Pretoria, South Africa, by UNICEF, the United Nations Development Programme (UNDP), the World Bank and the United Nations Educational, Scientific and Cultural Organization (UNESCO). A handbook for programme implementers entitled *Mainstreaming Gender in Water, Environment and Sanitation* programming was completed to ensure the integration of gender issues in UNICEF programming.

With regard to the United Nations System-wide Special Initiative for Africa, a memorandum of understanding was signed between UNICEF and the World Bank on water supply and sanitation in Africa to pave the way for country-level cooperation.

UNICEF and WHO proposed a Global Environmental Sanitation Initiative aimed at promoting awareness and behaviour change to address the global sanitation gap and its impact on health

and development, which was endorsed at the Water Supply and Sanitation Collaborative Council Global Forum (Manila, Philippines, October). In India, freshwater case studies were completed in five ecozones, which examined the freshwater crisis in India resulting from declining water tables, widespread pollution and environmental degradation. UNICEF country programmes in Cuba, Honduras, Liberia, Mozambique and Pakistan continued to focus on improving water supply systems and sanitation in urban slum areas. In collaboration with the United Nations Centre for Human Settlements (UNCHS), UNICEF was developing a handbook for field-level operations on how to select and apply appropriate urban sanitation technologies. UNICEF also collaborated with UNCHS on the consultation with African countries on developing public/private partnerships in water supply and sanitation in urban areas.

Organizational and administrative matters

UNICEF finances

In 1997, UNICEF income amounted to \$902 million, which was \$13 million (1.4 per cent) less than the \$915 million income estimated in the financial medium-term plan for 1997-2000 and \$42 million (4.4 per cent) less than 1996 income. The decrease in total income was due mainly to a decline in supplementary funds income. The main sources of income were Governments and intergovernmental organizations, which contributed 66 per cent of total income; and non-governmental/private sector sources, which provided 31 per cent. The remaining 3 per cent came from UN agencies and other miscellaneous sources.

Budget appropriations

In September [(E/1997/32/Rev.1 (dec. 1997/22)], the Executive Board approved the following respective amounts for general resources and supplementary funding for programme cooperation: Africa, \$54,524,800 and \$86,640,000; Americas and the Caribbean, \$17,511,460 and \$115,625,000; Asia, \$44,393,000 and \$70,500,000; Central and Eastern Europe, CIS and the Baltic States, \$6,000,000 and \$5,000,000; and the Middle East and North Africa, \$15,361,250 and \$18,050,000.

The Board, also in September [dec. 1997/24], approved the medium-term plan as a framework of projections for 1997-2000 [E/ICEF/1997/AB/L.10], including the preparation of up to \$379 million in programme expenditures from general resources to be submitted in 1998. The amount was subject to the availability of resources and to the

condition that estimates of income and expenditure made in the plan continued to be valid.

Again in September [dec. 1997/25], the Board, taking note of its January decision [dec. 1997/3] that, in order to maintain the integrity of both the country programme recommendation and the integrated budget processes, the "Biennial support budget" for 1998-1999, on an exceptional basis, be reviewed by the Executive Board at its first regular session in January 1998, approved an interim one-month budget allocation for January 1998 in the amount of \$22 million pending the approval of the biennial budget for 1998-1999. It stated that the interim allocation did not include any proposed changes that might be contained in the 1998-1999 budget proposal and agreed that the allocation would be absorbed in the 1998-1999 budget proposals.

The Board, in June [dec. 1997/18], endorsed a modified system for the allocation of general resources available for programmes, as outlined in an annex to its decision, and asked the Executive Director to implement it, beginning in 1999.

The modified system applied only to regular resources, thus not to those for the support budget or to supplementary funds. It continued to be based on the three existing core criteria-U5MR, GNP per capita and child population. It aimed at giving higher priority to children of low-income countries, in particular the least developed countries and those of sub-Saharan Africa; advocating for children's rights and needs as well as ensuring high-quality policy and advice; allocating general resources sufficient to strengthen implementation of programmes in the respective countries; and accommodating evolving needs and special circumstances of children through an appropriate degree of flexibility.

At least two thirds of general resources would be allocated on the basis of the three core criteria, and each country with a UNICEF programme would receive an allocation based on those criteria. Each country would receive a minimum allocation of \$600,000 for core programming. Countries having reached a combined threshold of GNP per capita above \$2,895 and a U5MR of less than 30 per 1,000 live births would gradually be phased out of the allocation of general resources for programme assistance. Seven per cent of the general resources would be set aside to respond flexibly to the diversity in country situations and to evolving needs and special circumstances. Allocations from that portion would be decided upon by the Executive Director. The Executive Director would monitor and evaluate the implementation of the modified system on the lives of children in all programme countries, particularly the situation of children in countries reach-

ing the combined thresholds for income and U5MR. The modified system would be reviewed by the Board in 2003, for which the Executive Director would provide a comprehensive report.

In January [dec. 1997/4], the Board decided that \$470,000 would be transferred from Greeting Card and related Operations (GCO) budgets for 1 May 1996 to 30 April 1997 and an additional \$945,000 would be added to the headquarters and regional offices budget for the 1996-1997 biennium, to cover the costs of the posts and general operating costs for activities transferred from GCO. With the addition, the total expenditure for the 1996-1997 biennium would be \$347,415,000. The Board, in another September decision on budget matters [dec. 1997/26], took note of the interim financial report and statements for 1996 [E/ICEF/1997/AB/L.11].

Harmonization of budgets

The Administrator of the United Nations Development Programme (UNDP), the UNFPA Executive Director and the UNICEF Executive Director issued a report to their Executive Boards on their proposal for a biennial support budget [DP/1997/2-E/ICEF/1997/AB/L.3 & Add.1]. They reported that their organizations had agreed on a common format for presentation of their biennial support budgets; common terms and definitions relating thereto; and a common methodology for the preparation of budget estimates. The UNICEF Executive Board in January [dec. 1997/5] approved the proposed format as contained in the report. In November [E/ICEF/1998/AB/L.1], the Executive Director presented the UNICEF biennial support budget for 1998-1999 within the agreed format. The proposed budget totalled \$527.5 million and reflected no growth over 1996-1997.

The Executive Board in January considered a report of the Executive Director on integrated budgeting in UNICEF [E/ICEF/1997/AB/L.4]. She presented the planning, cost structure and approval process for integrated budgeting, in particular in the context of developing the integrated budget for field offices. The Executive Director sought approval from the Board to submit the support budget for the 1998-1999 biennium to the Board's first regular 1998 session instead of to the third regular 1997 session to enable the secretariat to link the country programme recommendation and the integrated budget processes.

The Board in January [dec. 1997/3] agreed that the support budget should not be formulated before the programme had been sufficiently articulated through the development of the master plan of operations and the draft country pro-

gramme recommendation. It decided to review the biennial support budget for 1998-1999 at its first regular session in January 1998.

Audits

On 23 January [dec. 1997/6], the Executive Board took note of the UNICEF financial report and audited financial statements for the biennium ended 31 December 1995 and the report of the Board of Auditors [A/51/5/Add.2]; and the UNICEF report to the UN Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [E/ICEF/1996/AB/L.14]. On 21 January [dec. 1997/2], the Board took note of the report on the audit of the Kenya country office by the Office of Internal Audit [E/ICEF/1997/AB/L.2], with the understanding that the secretariat would issue a final report on that subject at the appropriate time.

The Executive Board, on 24 January [dec. 1997/10], took note of the comments made by UNICEF [E/ICEF/1996/AB/L.14] in response to recommendations made by the Board of Auditors. It requested the secretariat to present in 1998 an oral update on the implementation of those recommendations and an updated timetable indicating when follow-up action would be completed.

Greeting Card Operation

Following the 1996 decision of the Executive Board [YUN 1996, p. 1093] to change the fiscal year of the Greeting Card and related Operations from 1 May-30 April to 1 January-31 December, UNICEF submitted to the Board a financial report and statements for the eight-month period ended 31 December 1997 [E/ICEF/1998/AB/L.11]. The contribution of GCO to UNICEF general resources was \$93.5 million, compared with \$139.5 million in 1996, representing a 32.9 per cent decrease. Gross proceeds from the sale of UNICEF greeting cards and other products were \$147.1 million, a decrease of \$15.9 million over 1996. The decrease was due primarily to the negative impact of the continued strength of the United States dollar.

The Executive Board, in June [dec. 1997/15], took note of the GCO financial report and statements for the year ended 30 April 1996 [YUN 1996, p. 1093].

Also in June [dec. 1997/14], the Board approved for the fiscal period from 1 May to 31 December 1997 budgeted GCO expenditures of \$85.3 million, as presented in the proposed budget [E/ICEF/1997/AB/L.8]. It authorized the Executive Director to incur expenditures as outlined in the proposed budget and to increase expenditures up to a maximum proposed in the report, should

there be an apparent net proceeds increase from product sales and/or private sector fund-raising and, accordingly, to reduce expenditures should the net proceeds decrease. She was also authorized to transfer funds when necessary between the various budgets and to spend an additional amount between sessions of the Board owing to currency fluctuations, to ensure continued GCO operations. The Board approved the proposed changes in posts contained in the budget and renewed the Market Development Programme with \$3 million for 1997 and the Fund-raising Development Programme with \$7.8 million established for 1997. It also renewed the Central and Eastern European National Committees Development Programme with a budget of \$0.7 million for 1997. The Executive Director was authorized to incur expenditures in the 1997 fiscal period related to cost of goods delivered for the fiscal year 1998 up to \$42.3 million.

In November [E/ICEF/1998/AB/L.3], the Executive Director issued the GCO work plan and proposed budget for 1998. Anticipated 1998 income from GCO was \$179.9 million in net consolidated income for general resources, and an additional \$115.8 million to be raised from private sector fund-raising activities for supplementary funds.

Joint committees

The sixth meeting of the UNESCO/UNICEF Joint Committee on Education (JCE) (Bucharest, Romania, 5-6 May) [E/ICEF/1997/18] reviewed co-operation between the two agencies since the fifth meeting in May 1996, considered future collaborative initiatives and adopted recommendations. JCE recommended that work focus on a series of principles, including paying greater attention to the implications of the 1989 Convention on the Rights of the Child, and commitment to activities that could make a difference to Education for All (EFA) and which reflected national priorities. Topical areas of work stressed educational opportunities for girls and women, particularly working with NGOs; the development of country-level educational data on progress towards EFA; education equality and learning achievement; education in emergencies and for reconstruction; the UN System-wide Special Initiative on Africa; and enhancing the learning opportunities of all children.

In March [dec. 1997/13], the Executive Board elected two members and their alternates to JCE for the 1997-1998 biennium. In June [dec. 1997/16], it took note of the report of the meeting and its recommendations.

The thirty-first session of the UNICEF/WHO Joint Committee on Health Policy (JCHP) (Geneva, 19-20 May) [E/ICEF/1997/19] considered two

areas that were critical for reaching and sustaining primary health care goals—district health system development, and the implementation of a joint strategy for water supply and sanitation. Regarding the former, JCHP indicated that activities would include more detailed analysis of the country situation and further joint work by WHO and UNICEF to support innovative activities in such areas as malaria control and safe motherhood.

The Committee reviewed recent resolutions relevant to improving the health of women and children, adopted by WHO, and the decisions of the UNICEF Executive Board. It welcomed the expansion of its membership to include UNDP/UNFPA Executive Board members [E/ICEF/1997/6], and noted that the UNICEF Executive Board would soon consider the draft terms of reference of the expanded Committee, which would be called the WHO/UNICEF/UNFPA Coordination Committee on Health (CCH), as approved by the WHO Executive Board in January and recommended by the UNICEF Executive Board, also in January [dec. 1997/8].

In June [dec. 1997/17], the Executive Board took note of the JCHP recommendations. In March [dec. 1997/13], the Board elected four members and their alternates to JCHP (to be reconstituted as CCH) for the 1997-1998 biennium.

Following consultations between the UNFPA, UNICEF and WHO secretariats [E/ICEF/1997/6], draft terms of reference for CCH were consolidated by WHO for approval by the three Executive Boards. They were approved by the WHO Executive Board in May [E/ICEF/1997/21]. In September [dec. 1997/27], the UNICEF Executive Board suggested amendments to the proposed terms of reference. It requested the Executive Director to transmit the Board's position to the Executive Board of UNDP/UNFPA and to discuss with WHO, UNFPA and the World Bank the possibility of the World Bank joining CCH. The Executive Director was also requested to discuss with WHO and UNFPA the appropriate division of tasks among the agencies and the frequency and site of CCH meetings.

Management excellence

In response to a 1995 Executive Board request [YUN 1995, p. 1206], the Board considered a report describing progress in implementing decisions of the management excellence programme [E/ICEF/1997/AB/L.1], especially in the area of internal governance. It also examined actions taken in response to the external consultancies on information technology, financial management and supply operations.

A July report on the implementation of management excellence [E/ICEF/1997/AB/L.12], prepared in response to a 1996 request of the Board [YUN 1996, p. 1095], described the framework and accountability system for performance monitoring and oversight in UNICEF. Key roles and responsibilities of country offices, regions and headquarters were outlined for performance monitoring, evaluation, audit and investigation activities. Information was provided on the recent and planned activities of the Office of Internal Audit. The report also reviewed the role of the Division of Evaluation, Policy and Planning in strategic planning, monitoring and evaluation.

The Executive Board, in September [dec. 1997/28], endorsed the framework of roles, responsibilities and accountabilities for performance monitoring and oversight set out in the report. It welcomed the proposal by the Executive Director to issue an annual report on internal audit activities starting in 1998. The secretariat was requested to produce information on budget implications, human resources implications, and efficiency and effectiveness gains in connection with the new roles and responsibilities of headquarters, regional offices and country offices, prior to consultations on the 1998-1999 UNICEF budget. The Board requested an assessment of the results achieved by the management excellence process to date, at the headquarters, regional and, in particular, field levels, emphasizing programme impact, for submission in 1998.

Supply operations

A July report to the Executive Board on supply operations [E/ICEF/1997/AB/L.14] stated that the overall priority of UNICEF as a development partner in the supply function was to enhance national capacities in meeting children's essential supply needs. UNICEF strategies depended on the particular situation of each country.

The report discussed the Supply Division as a global action centre in children's supplies. The Division was repositioning the supply function to tackle the special needs of children and would focus on commodities most relevant to children, including vaccines and safe injection; essential drugs; micronutrients; therapeutic food; medical and health supplies; water equipment; sanitation supplies; education; school supplies; and household products.

UNICEF had provided an effective supply response to the emergency in the Great Lakes region of Africa, positioning materials in Uganda for fast forwarding to specific areas when called for. The Supply Division had supported the rapid response team in training and materials

management. A process of continuous improvement, based on lessons learned, had been instituted with the Office of Emergency Programmes and other agencies involved in emergency response.

The Executive Board, in September [dec. 1997/23], took note of the report on supply operations.

Communication and information

In response to a 1996 Executive Board decision [YUN 1996, p. 1095], the Executive Director, in March [E/ICEF/1997/17], presented an outline of a UNICEF information and publication policy.

The policies guiding print and electronic publishing were a subset of those guiding the UNICEF information and communication policy. Principles and guidelines for the organization's communication work were captured in the UNICEF information manual, which covered such topics as selecting and targeting audiences to ensure maximum outreach, working with the media in emergencies, dealing with radio and television, launching global advocacy publications and conferences and how to support fund-raising activities. Details on those policies were to be included in a more comprehensive paper on the information and publication policy.

The Executive Board considered the report in June and agreed to defer presentation of a more detailed paper on information and publication policy until 1998 [E/1997/32/Rev.1].

Partnership between Board and secretariat

A small "Group of Volunteers" composed of representatives of UNICEF Executive Board member countries and observer delegations began meeting in March 1996 for consultations on the relationship between the Board and the UNICEF secretariat. In a July report [E/ICEF/1997/AB/L.13], the Group issued the final version of proposed guidelines for an effective partnership. The proposed guidelines divided issues such as policies and strategies, operations, organization, structure of the office, budget and funding, and staffing between the Board and secretariat into three categories: those for decision by the Board; for consultation with the Board; and for the Board's information only.

The Executive Board, in September [dec. 1997/29], decided to take up the issue of proposed guidelines no later than its 1998 annual session, based on a revised proposal by the Group.

Annual reports

In March [dec. 1997/11], the Executive Board took note of the Executive Director's annual re-

port to the Economic and Social Council [E/ICEF/1997/10 (Part I)] and of the document on follow-up to the Council's decisions at its 1996 substantive session [E/ICEF/1997/4]. The Board transmitted the reports to the Council, together with comments made, for consideration at its 1997 substantive session.

In September [dec. 1997/30], the Board adopted the dates and programme of work for its 1998 sessions. The first regular session would be held from 26 to 30 January, the annual session from 1 to 5 June and the second regular session from 8 to 11 September.

Youth

Implementation of the World Programme of Action for Youth

In 1997, UN efforts to promote policies and programmes involving youth focused on implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, adopted in 1995 by General Assembly resolution 50/81 [YUN 1995, p. 1211]. In response to a request made in that resolution, the Secretary-General submitted a January report on progress in implementing the Programme of Action [A/52/60-E/1997/6], based on information received from Member States, UN organizations and agencies, and intergovernmental and non-governmental organizations concerned with youth.

According to the report, of a total of 185 Member States, 144, or 78 per cent, had formulated a national youth policy of a cross-sectoral character. Two years earlier, 141 Member States, or 77 per cent, had taken such action. Similarly, there was no major change in the number of Member States that had designated a national youth coordinating mechanism: 164, or 89 per cent of the total, the same number as in 1994. However, a major change concerned the number or percentage of Member States that had implemented a national youth programme of action, which was 73, or 40 per cent of the total, an increase of 19 States.

The report reviewed the major obstacles to effective governmental action to implement the Programme of Action and made recommendations to overcome them. At the national level, it suggested that the United Nations Youth Fund and other UN youth-related funds could support national review meetings, especially in the least developed countries. At the regional level, the regional commissions were invited to become more involved in intergovernmental and non-governmental review meetings, and to support

and follow up the regional youth programmes of action adopted by such meetings. As stated in the Programme of Action, regional organizations were called on to consider meeting biennially to discuss issues and trends and to identify proposals for regional and subregional cooperation. The regional commissions were invited to provide a suitable venue and appropriate input.

The report noted that the Programme of Action had called on the Commission for Social Development to continue its policy-level dialogue on youth for policy coordination and periodic monitoring of issues and trends; to organize meetings at the international level, under the aegis of the United Nations, of ministers responsible for youth affairs, building on current regional and interregional conferences; to hold annual meetings of the existing ad hoc inter-agency group on youth, in which all UN bodies concerned and related intergovernmental organizations could discuss ways to promote the implementation of the Programme of Action on a coordinated basis; and to organize meetings of the World Youth Forum of the United Nations System to contribute to the implementation of the Programme of Action through identification and promotion of joint initiatives so that they better reflected the interests of youth. The report concluded that the time had come to implement those global recommendations and to report to the General Assembly through the Commission on progress achieved and obstacles encountered.

The Economic and Social Council, by **decision 1997/205** of 7 February, authorized the Secretary-General to transmit the report directly to the Assembly.

In a July report [E/1997/103], the Secretary-General described cooperation between the United Nations and the Government of Portugal in planning a World Conference of Ministers Responsible for Youth, to be held in Lisbon from 8 to 12 August 1998. The Conference, which was proposed by the Assembly in resolution 50/81, was intended to provide a forum for a focused global dialogue on youth-related issues and a specific means to review, appraise and further promote the implementation of the World Programme of Action. The Secretary-General discussed pre-conference preparations and agreements reached on arrangements, with Portugal confirming its intention to bear most of the cost.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council, on the recommendation of the Commission for Social Development [E/1997/26], as amended by Portugal [E/1997/L.29], adopted **resolution 1997/55** without vote [agenda item 7 (c)].

Implementation of the World Programme of Action for Youth to the Year 2000 and Beyond, including a World Conference of Ministers Responsible for Youth

The Economic and Social Council,

Recalling General Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond, annexed thereto, as an integral part of that resolution,

Noting especially that in paragraph 123 of the Programme of Action current regional and interregional conferences of ministers responsible for youth affairs in Africa, Asia, Europe, Latin America and the Caribbean and Western Asia were invited to intensify cooperation among each other and to consider meeting regularly at the international level under the aegis of the United Nations to provide an effective forum for a focused global dialogue on youth-related issues,

Noting that in paragraph 124 of the Programme of Action youth-related bodies and organizations of the United Nations system were invited to cooperate with the above-mentioned conferences,

Welcoming the second session of the World Youth Forum of the United Nations System, held at Vienna from 25 to 29 November 1996, pursuant to General Assembly resolutions 44/59 of 8 December 1989 and 50/81, which was convened by the United Nations in partnership with the Austrian Federal Youth Council, and taking note of the report of the Forum,

Mindful that the Secretary-General, in his report on the implementation of the Programme of Action, recommended that action be taken to implement the global recommendations of the Programme of Action and that a report be submitted to the General Assembly, through the Commission for Social Development, on progress achieved and obstacles encountered,

Reiterating the call on all States that have not already done so to formulate and adopt an integrated national youth policy, in consultation with youth and youth-related organizations, as reflected in paragraph 112 of the Programme of Action,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond and of the report of the Secretary-General on cooperation of the United Nations with the Government of Portugal in holding the World Conference of Ministers Responsible for Youth;

2. Calls upon all States, all United Nations bodies, the specialized agencies, the regional commissions and the intergovernmental and non-governmental organizations concerned, in particular youth organizations, to make all possible efforts for the implementation of the Programme of Action, in accordance with their experience, situation and priorities;

3. Encourages the regional commissions, within their mandates, pursuant to the Programme of Action, to convene biennial meetings of regional non-governmental youth organizations, regional offices of youth-related bodies and organizations of the United Nations system and regional intergovernmental organizations to review and discuss issues and trends as well as regional action;

4. Stresses again the importance of the active and direct participation of youth and youth organizations at

the local, national, regional and international levels in promoting and implementing the Programme of Action and in evaluating the progress achieved and obstacles encountered in its implementation, as well as the need to support the activities of youth mechanisms that have been set up by youth and youth organizations;

5. Welcomes the offer of the Government of Portugal to host the World Conference of Ministers Responsible for Youth, to be held at Lisbon from 8 to 12 August 1998 in cooperation with the United Nations, as well as its support to the holding of the third session of the World Youth Forum of the United Nations System, which is to be convened by the United Nations in partnership with the Portuguese National Youth Council at Braga, Portugal, from 3 to 7 August 1998;

6. Notes with appreciation that the Government of Portugal has agreed to support the participation of ministers responsible for youth in the least developed countries as identified by the General Assembly;

7. Invites all States, youth-related bodies, organizations and agencies of the United Nations system, the intergovernmental organizations concerned, as well as non-governmental youth organizations, to support that Conference;

8. Recommends that the report of the Conference be submitted to the General Assembly at its fifty-fourth session through the Commission for Social Development at its thirty-seventh session.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted **resolution 52/83 without vote** [agenda item 102].

Policies and programmes involving youth

The General Assembly,

Recalling its resolution 50/81 of 14 December 1995 by which it adopted the World Programme of Action for Youth to the Year 2000 and Beyond,

Recalling also its resolutions 49/152 and 49/154 of 23 December 1994,

Reaffirming the importance of involving youth and youth organizations in all matters of concern to them,

Welcoming the report of the World Youth Forum of the United Nations system on its second session, convened by the United Nations in partnership with the Austrian Federal Youth Council, and held at Vienna from 25 to 29 November 1996,

Noting that the third session of the World Youth Forum, convened by the United Nations in partnership with the Portuguese National Youth Council, will be held at Braga, Portugal, from 2 to 6 August 1998,

Reiterating the call, in paragraph 112 of the World Programme of Action, to all States that have not already done so to formulate and adopt an integrated national youth policy, in consultation with youth and youth-related organizations,

1. Takes note with appreciation of the report of the Secretary-General on the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond;

2. Calls upon all Member States to undertake all possible efforts to implement the World Programme of Action;

3. Stresses again the importance of the active and direct participation of youth and youth organizations at the local, national, regional and international levels in promoting and implementing the World Programme of Action and in evaluating the progress achieved and the obstacles encountered in its implementation and of the need to support the activities of youth mechanisms that have been set up by youth and youth organizations;

4. Welcomes the initiative of the Government of Portugal to host the World Conference of Ministers Responsible for Youth, to be held at Lisbon from 8 to 12 August 1998, and takes note with appreciation of the ongoing collaboration between the Government of Portugal and the United Nations, including its agencies, funds and programmes, in that regard;

5. Stresses the need to involve youth and youth organizations in all stages of preparation for the World Conference, at the local, national, regional and international levels, and welcomes initiatives taken in that respect;

6. Acknowledges the activities undertaken at the regional level in preparation for the World Conference;

7. Recommends that the results of the second session of the World Youth Forum of the United Nations system be duly taken into account at the World Conference;

8. Notes with interest that the outcome of the third session of the World Youth Forum will be presented at the World Conference;

9. Reiterates the call made in the World Programme of Action to Member States to consider including youth representatives in their delegations to the General Assembly and other relevant United Nations meetings, thus broadening the channels of communication and enhancing the discussion of youth-related issues, and requests the Secretary-General to convey this invitation to Member States;

10. Requests the Secretary-General to make the reports of the third session of the World Youth Forum and of the World Conference available to all Member States;

11. Also requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution and, in particular, on progress made in the implementation of the World Programme of Action.

Ageing persons

International Year of Older Persons (1999)

In response to General Assembly resolution 50/141 [YUN 1995, p. 1225], the Secretary-General reported in September on an operational framework for the International Year of Older Persons [A/52/328], to be held in 1999, declared by the Assembly in resolution 47/5 [YUN 1992, p. 889].

The report outlined a schedule for preparations, which would begin with the launching of the Year on the International Day of Older Persons on 1 October 1998. Four plenary meetings

of the Assembly in 1999 would be devoted to follow-up of the Year. In 2001, three assessments were planned to evaluate target strategies that had been adopted in 1992 [YUN 1992, p. 889]. The Commission for Social Development would review in 1998 options for the future review and appraisal of the implementation of the 1982 International Plan of Action on Ageing [YUN 1982, p. 1184], in preparation for the fifth review of the implementation of the Plan mandated to occur in 2001. The report described key players and selected activities and supporters of the Year. The UN programme on ageing (in the Division for Social Policy and Development of the Department of Economic and Social Affairs) served as the lead agency for the Year by adapting its ongoing activities and collaborating with interested parties.

By August 1997, nearly 50 national focal points had been established for the Year to prepare plans and activities. At the regional level, various entities had begun activities for the Year. For example, the Pan American Health Organization/World Health Organization, in collaboration with the Latin American Parliament and the Government of Uruguay, held a two-day forum on health care and the ageing population. Within the UN system, activities for the Year were launched at an inter-agency meeting in August, which considered collaboration through the Internet; maintaining a database of research, policies and programmes; issuing a conceptual papers series; preparing an information kit; and devising a "2020 strategy".

Five global networks of NGOs were supporting initiatives for the Year. Two of them were established especially for the Year. The networks, close collaborators with the UN programme on ageing, spanned the world and helped to make preparations for the Year all-inclusive.

The operational framework for 1999 and beyond was designed to facilitate mainstreaming and encourage activities within a long-term perspective. Its objectives were to raise awareness, focusing on a society for all ages, of the Year's theme; encourage looking ahead, beyond 1999, identifying a vision and priorities for the long term; reach out to non-traditional actors, such as the development community, the media, the private sector and youth; and improve networking in order to achieve greater consistency and comparability of data and research, and better collaboration among the major global networks.

The report recommended strategic measures to achieve the broad objectives of the operational and conceptual frameworks for the Year, which was a society for all ages. Research, policies and programmes should address active ageing, or op-

portunities for older persons to participate in the socio-economic and cultural life of their societies, and an appropriate caregiving mix for frail older persons, distributing tasks equitably among State, community, family and the primary caregiver. The report also recommended that the international community of experts, practitioners and policy makers develop guidelines supporting lifelong individual development, with longevity in mind, multigenerational relationships and the integration of ageing into government policies. The General Assembly should consider adopting in 1999 a text on the society for all ages to underscore the dimensions of individual and population ageing. Governments, NGOs, foundations and the private sector were asked to support the efforts of the UN programme on ageing to catalyse a debate, reach out to non-traditional actors, including youth, and provide core services for information exchange and research coordination. The report called on all concerned to give priority to activities at the national and local levels, improve regional collaboration and explore opportunities for "twinning" between countries, cities and institutions on well-defined projects.

Annexed to the report were suggestions for activities at the national level.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission for Social Development [E/1997/26], adopted **resolution 1997/18** without vote [agenda item 7 (c)].

International Year of Older Persons: towards a society for all ages

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

[Same text as General Assembly resolution 52/80 below, except for operative paragraphs 17 to 21.]

"17. Welcomes the continuing efforts of the Secretariat to promote information exchange for 1999 and beyond, inter alia, through regular publication of the Bulletin on Ageing, and invites the agencies, bodies and programmes of the United Nations system to consider placing special emphasis on the theme 'A society for all ages' in their publications, including the Human Development Report;

"18. Invites the Department of Public Information of the Secretariat to consider producing a logo and press kit as well as an exhibit for the Year, and invites the United Nations Postal Administration to consider producing stamps on the theme 'A society for all ages';

"19. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the system-wide implementation of the present resolution;

"20. Also requests the Secretary-General officially to launch the International Year of Older Persons in 1998, on the occasion of the International Day of Older Persons;

"21. Decides to devote four plenary meetings at its fifty-fourth session to the follow-up to the Year, which should take place at an appropriate global policy-making level."

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/634], adopted **resolution 52/80** without vote [agenda item 102].

International Year of Older Persons: towards a society for all ages

The General Assembly,

Recalling its resolution 47/5 of 16 October 1992, in which it decided to observe the year 1999 as the International Year of Older Persons,

Recalling also its resolution 40/30 of 29 November 1985, in which it expressed its conviction that older persons must be considered an important and necessary element in the development process at all levels within a given society,

Mindful of the need to promote adherence to the United Nations Principles for Older Persons, as adopted by its resolution 46/91 of 16 December 1991,

Recalling Economic and Social Council resolution 1993/22 of 27 July 1993, in which the Council invited Member States to strengthen their national mechanisms on ageing, inter alia, to enable them to serve as national focal points for the preparations for and observance of the Year,

Also recalling the relevant provisions of the Copenhagen Declaration and the Programme of Action of the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as of the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996,

Keeping in mind that the ageing of societies in the twentieth century, unprecedented in the history of humankind, is a major challenge for all societies and requires a fundamental change in the way in which societies organize themselves and view older persons,

1. Encourages all States, the United Nations system and all other actors, in reaching out for a future society for all ages, to take advantage of the International Year of Older Persons to increase awareness of the challenge of the demographic ageing of societies, the individual and social needs of older persons, the contribution of older persons to societies and the need for a change in attitudes towards older persons;

2. Welcomes the activities undertaken by States, United Nations organizations and bodies and non-governmental organizations in preparation for the observance of the Year, and encourages them to continue their efforts;

3. Invites States to take account of the increasing number, in absolute figures and in percentages, of older persons in need of help;

4. Also invites States to develop comprehensive strategies at the national, regional and local levels to meet the increase in demand for care and support for older persons as individuals, within their families and communities and within institutions, bearing in mind the changing socio-economic, technological and cultural environment;

5. Encourages States, with the support of United Nations organizations, bodies and programmes and of non-governmental organizations, to formulate policies and programmes on ageing with a view to offering older persons opportunities to utilize their experience and knowledge to promote a society for all ages based on solidarity between generations, so that they can contribute to and benefit from full participation in society;

6. Also encourages States to establish a national focal point and formulate national programmes for the Year, bearing in mind the conceptual framework referred to in its resolution 50/141 of 21 December 1995;

7. Calls upon States to include a gender dimension in their national programmes for the Year;

8. Encourages States to consider establishing ad hoc, broad-based national coordinating mechanisms for the Year in order to enhance, inter alia, collaboration with representatives of civil society;

9. Invites States to consider convening high-level and other meetings at the regional level to discuss the theme "A society for all ages";

10. Invites non-governmental organizations, including those specialized in the question of older persons, to develop programmes and projects for the Year, particularly at the local level, in cooperation, inter alia, with local authorities, community leaders, enterprises, the media and schools, and encourages them to support and participate in the appropriate national coordinating mechanisms;

11. Encourages relevant United Nations funds and programmes and the specialized agencies, non-governmental organizations and the private sector to support local, national and international programmes and projects for the Year, and also encourages them, in particular the United Nations Development Programme, as well as international financial institutions, to ensure that the concerns and contributions of older persons are integrated into their development programmes;

12. Emphasizes that activities for the Year should be initiated primarily at the national level;

13. Invites national and international development agencies, bodies and international financial institutions to explore feasible approaches to improving the access of older persons to credit, training and appropriate technologies for income generation and the participation of older persons in family enterprises, community enterprises and microenterprises;

14. Welcomes contributions by the Commission on the Status of Women on the topic of older women in relation to the Year;

15. Encourages the Secretary-General to allocate sufficient resources for promoting and coordinating activities for the Year, bearing in mind its resolution 47/5, in which it was decided that observance of the Year would be supported from resources of the regular budget for the biennium 1998-1999 and from voluntary contributions;

16. Invites States to consider actively supporting the Secretariat in the preparation and implementation of the projects for the Year, *inter alia*, through voluntary financial or personnel contributions;

17. Takes note with appreciation of the report of the Secretary-General entitled "Operational framework for the International Year of Older Persons, 1999";

18. Welcomes the initiative of the United Nations Educational, Scientific and Cultural Organization and the American Association of Retired Persons to collaborate on a worldwide poster competition for the Year, in which artists will portray their vision of "A society for all ages";

19. Also welcomes the continuing efforts of the Secretariat to promote information exchange for 1999 and beyond, *inter alia*, through regular publication of the Bulletin on Ageing, and invites the agencies, bodies and programmes of the United Nations system to consider placing special emphasis on the theme "A society for all ages" in their publications, including the Human Development Report;

20. Invites the Office of Communications and Public Information of the Secretariat to consider producing a logo and a press kit as well as an exhibit for the Year, and invites the United Nations Postal Administration to consider producing stamps on the theme "A society for all ages";

21. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the system-wide implementation of the present resolution;

22. Also requests the Secretary-General to officially launch the International Year of Older Persons in 1998, on the occasion of the International Day of Older Persons;

23. Decides to devote four plenary meetings at its fifty-fourth session to the follow-up to the Year, which should take place at an appropriate global policy-making level.

Implementation of the International Plan of Action on Ageing

The International Plan of Action on Ageing was adopted by the World Assembly on Ageing in 1982 and endorsed the same year by the General Assembly in resolution 37/51 [YUN 1982, p. 1186]. The Assembly requested the Economic and Social Council, through the Commission for Social Development, to review the implementation of the Plan of Action every four years beginning in 1985. Accordingly, reviews were conducted in 1985 [YUN 1985, p. 984], 1989 [YUN 1989, p. 686] and 1993 [YUN 1993, p. 1067].

In a January report on the fourth review and appraisal of the Plan's implementation, [E/CN.5/1997/4], the Secretary-General stated that, based on information received from 21 developed and 34 developing countries, 13 UN entities and 55 NGOs, nearly three quarters of the countries surveyed, up from two thirds in the third review, reported the presence of a national coordinating mechanism on ageing. Although a slight decline in developed countries had been noted, there

had been an increase from some 60 to 70 per cent in developing countries. Over four fifths of the countries reported that they had multiple NGOs of, and/or for, older persons, and more than four fifths of the Governments surveyed had promoted a national day of older citizens. Nearly three quarters of the Governments had promulgated either the United Nations Principles for Older Persons [YUN 1991, p. 699] or other legislation on the rights of older citizens. Several findings, however, indicated that progress in implementing the Plan of Action remained modest. In more than a quarter of the reporting countries, there was no identifiable national coordinating mechanism for ageing. Only half the countries reported a national plan of action, and a country-based research or training centre dealing with issues on ageing was reported in less than half the countries covered. Developing countries generally lagged significantly behind developed countries in infrastructure for addressing the ageing of their populations.

In over two thirds of the countries, population ageing had been addressed in national development plans, including its potential impact on pensions and costs of caring for frail older persons. There was also a growing recognition that older persons could be assisted by expanding their income-generating potential and by employment training and placement. Health-care services specifically designed to deal with the needs of older persons, together with geriatric training, were available in developed countries but were available only in about one third of developing countries. Geriatric training for health and social professionals was available in only half the reporting developing countries.

Less than one fifth of developing countries reported a housing policy for older persons, down from one third in the previous review. Governments reported only limited programmes whose aim was to support the continued integration of older persons in their families. The available support focused on social services for families providing care and educational programmes to assist family members caring for older relatives. Developing countries focused on educational programmes for families and on promoting inter-generational income-generating projects. Two thirds of developing countries reported the availability of social welfare services for older persons, such as centres or clubs, meal programmes and home help. NGOs were particularly important in providing those services in developing countries. One fourth of the developing countries reported having a universal pension or social security scheme, a slight increase over previous reports. Those in the informal work force

generally received no pension benefits. Only between one third and one half of the countries covered reported that educational opportunities were available to older persons.

In view of the similar findings of each of the four reviews and the inherent weakness of a review that was self-reporting and voluntary, the report suggested complementing the review by conducting sample household surveys in each region, and/or by elaborating a global ageing index based on already available information.

While the review and appraisal process moved in four-year cycles, two demographic trends suggested that a longer-range vision was imperative. Firstly, the speed of ageing in developing countries, which was projected to yield an increase in the number of their older persons almost 10 times faster than in developed countries. Secondly, the rising old-age dependency ratio in developed countries. Thus, measures to promote implementation of the Plan of Action would best be conceived within a long-term perspective to the year 2020 that developed concepts, outlined principles and suggested policy options based on the Plan of Action and the United Nations Principles for Older Persons.

The Commission for Social Development, at its thirty-fifth session (February/March) [E/1997/26 (res. 35/1)], expressed concern that the number of countries responding to the review and appraisal had declined, and that implementation remained a largely incomplete task, particularly in developing countries. It invited the Secretary-General to make recommendations on different options for the next review and appraisal.

In December [E/CN.5/1998/3], the Secretary-General presented those options. All four reviews

had indicated that the world's aged population continued to grow, global and national responses had not kept pace with the ageing of populations, particularly in developing countries where population ageing was most rapid, and the number of responding countries had been low.

Options proposed in the report were to continue the review and appraisal process every five years beginning in 2005, complemented by a report on the world ageing situation in the following year and focused on priority areas of the 2020 perspective plan, to be identified by the Commission for Social Development. Additionally, the review and appraisal process could be supported by establishing a permanent database on the Internet of public policies on ageing, enabling continuous updating and access by Member States. Household surveys could also support the review and appraisal process by enabling selected hypotheses to be tested in selected geographical areas. Another proposal involved the development of an ageing-related development index. Certain ageing-specific indicators were already widely used—life expectancy (at birth and at age 60), dependency ratios, retirement ages, adult literacy rates, morbidity trends, use of long-term care facilities and, in some places, statistics on active ageing showing the extent of older persons' contributions to the socio-economic and cultural development of communities and their roles in the maintenance of families.

The report concluded that the review and appraisal process should be maintained but adjusted incrementally. Such adjustments would make the process more relevant to emerging socio-economic realities and might help promote implementation of the Plan of Action.

Chapter XII

Refugees and displaced persons

In 1997, the number of persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) totalled 21 million. Of those, some 12 million were refugees, 3.3 million were repatriating refugees in the early stages of their reintegration, 3.6 million were internally displaced persons and 1.2 million others were humanitarian cases, for the most part victims of conflict. During the year, more than 676,000 refugees returned voluntarily to their countries of origin, highlighting the fact that repatriation was the preferred solution for many of the world's refugees.

Although there had been a distinct reduction in the number and scale of refugee-producing conflicts over the previous several years, the potential for large-scale displacement remained ever present in several regions and the increase in the number and intensity of ethnically based conflicts within States continued to be the subject of concern.

Africa continued to host the largest number of refugees of any continent in 1997, with some 7 million refugees, internally displaced persons and other people being helped by UNHCR. It was also in Africa that the number of people returning to their countries was the highest. The situation in the Great Lakes region remained a serious concern for UNHCR, due to continued violence against refugees and gross violations of human rights, which compelled UNHCR to suspend activities related to Rwandan refugees in the Congo in early September. Large-scale movements of more than 1.3 million returnees to Rwanda reduced the number of refugees in camps but created reintegration and security problems.

Some positive developments in other areas of Africa also eased the refugee situation during the year. After eight years of civil conflict, elections were held in Liberia in July, which led to the spontaneous return of some of the 500,000 refugees. Despite the slow pace of the peace process in Angola in 1997, some 53,000 Angolans spontaneously returned home. The repatriation of Togolese refugees officially ended in September, after almost all of the 300,000 refugees who had fled in 1993 returned to their country. In East Africa, the repatriation of some 65,000 Ethiopian refugees from the Sudan was also expected to finish by the end of 1997.

Elsewhere, the repatriation of Tajik refugees from Afghanistan restarted following the signing of a peace agreement in June, leading to the return of 6,600 refugees to Tajikistan despite a difficult security situation in both countries.

Security constraints also affected UNHCR operations in the North Caucasus, but over 20,000 internally displaced Chechens were assisted in returning home during 1997 from the surrounding republics in the Russian Federation. The repatriation from Bangladesh of Muslim refugees from Rakhine State in Myanmar continued, leaving 21,000 refugees who did not wish to return. Following political violence and military conflict in 1997, over 60,000 Cambodians sought refuge in Thailand.

In Central America, there was further progress in repatriating Guatemalan refugees from Mexico. During the year, 3,573 Guatemalans returned.

Of the 3 million persons uprooted by the conflict in the former Yugoslavia, more refugees were able to be repatriated, particularly to Bosnia and Herzegovina where some 174,000 returned. Repatriation elsewhere in the region was slow. By the end of 1997, only 1,125 refugees had returned to Croatia from the Federal Republic of Yugoslavia.

The UNHCR Executive Committee, in October, considered repatriation challenges as its annual theme, including such issues as refugees from civil conflicts, forcible displacement within countries and threats to the institution of asylum, as well as threats to the security of humanitarian personnel. The Committee emphasized that refugee protection was primarily the responsibility of States and called on States to ensure that refugees were protected effectively.

Those issues were also raised by the Security Council, which in June expressed its grave concern at the increase in the use of force against refugees and other civilians in conflict situations, and called on those involved to comply with international law and to ensure the safety of refugees, displaced persons and other civilians, and to guarantee the unimpeded and safe access of UN and other humanitarian personnel to those in need.

The General Assembly also stressed that refugee protection was primarily the responsibility of

States, whose cooperation and political resolve were required to enable UNHCR to fulfil its mandated functions.

Office of the United Nations High Commissioner for Refugees

Programme policy

At its forty-eighth session (Geneva, 13-17 October 1997) [A/52/127Add.1], the Executive Committee of the UNHCR Programme emphasized that refugee protection was primarily the responsibility of States, and that the mandated role of UNHCR in that regard could not substitute for effective action, political will and full cooperation on the part of States, including host States and countries of origin, as well as other international organizations and the international community as a whole. The Committee called on States to take all necessary measures to ensure that refugees were protected effectively, including through national legislation and compliance with their obligations under international human rights and humanitarian law instruments having a direct bearing on refugee protection, as well as through full cooperation with UNHCR in the exercise of its international protection function and its role in supervising the application of international conventions for the protection of refugees. It encouraged States and UNHCR to continue to promote regional initiatives for refugee protection and durable solutions and to ensure that regional standards conformed fully with universally recognized standards and responded to particular regional circumstances and protection needs. Noting that voluntary repatriation, local integration and resettlement were the traditional durable solutions for refugees, it affirmed that voluntary repatriation was the preferred solution and called on countries of origin, countries of asylum, UNHCR and the international community to enable refugees to exercise freely their right to return to their homes in safety and dignity. It noted that a comprehensive approach to refugee protection comprised, *inter alia*, respect for human rights; the principle of non-refoulement, which prohibited expulsion and return of refugees to places where they would be in danger; access of asylum-seekers to fair procedures for determining status and protection needs; and provision of material assistance where necessary. The Committee called on the High Commissioner to continue to strengthen the Office's refugee law promotion

work, with the active support of States and through increased cooperation with non-governmental organizations (NGOs), academic institutions and other relevant organizations.

In her opening statement to the Committee, the High Commissioner remarked on the apparent contradictions between humanitarian principles and State interest, especially in a situation of mass displacement across conflict lines. As examples of lessons drawn from past experiences, she stated that refugee camps should be located well away from border areas; the civilian character of refugee settlements should be preserved by not allowing armed elements and political extremists to live with and control refugees; and those who had committed crimes against humanity should be brought to justice. The lack of response to UNHCR proposals to implement such measures had contributed to further insecurity and conflict. In that context, she proposed to States and to regional organizations, primarily the Organization of African Unity, a two-way effort: her Office was ready to discuss with Governments practical measures that needed to be adopted to facilitate respect for humanitarian principles and that took into account their concerns.

The High Commissioner emphasized that UNHCR efforts to carry out repatriation under diverse circumstances had led it to confront the challenge of reintegration of uprooted populations. The Office had grappled with the need to develop a comprehensive approach to the requirements of the transition from war to peace, joining the UN system-wide search for a strategy for post-conflict peace-building.

Describing human resources as the mainstay of UNHCR's mission and operations, the High Commissioner noted that the Office had launched on 1 September the Career Management System, which attempted to optimize the utilization of staff resources while enhancing the Office's support for career planning, individual objective-setting and performance evaluation. The new system was closely linked to the "change management" exercise, initiated in 1995 and known as the Delphi project, and dealt with the areas of new technologies, human resources and financial management tools.

Coordination of emergency humanitarian assistance

The Standing Committee of the UNHCR Executive Committee, at a meeting in January, discussed inter-agency follow-up to Economic and Social Council resolution 1995/56 [YUN 1995, p. 927] on strengthening coordination of emergency humanitarian assistance, based on a conference room paper presented by the Depart-

ment of Humanitarian Affairs (DHA) (renamed the Office for the Coordination of Humanitarian Affairs). As a result of the inter-agency process outlined in the paper, the Secretary-General submitted to the Council a July report [E/1997/98] on the review of the capacity of the UN system for humanitarian assistance.

UNHCR was affected both by the new management tools proposed and implemented by the Secretary-General and by the key sectoral measures proposed in the humanitarian field, within the context of his proposals for UN reform (see PART FIVE, Chapter I). UNHCR was a member of two of the four executive committees set up by the Secretary-General, namely the Executive Committee on Humanitarian Affairs and the Executive Committee on Peace and Security. The relatively frequent meetings of both allowed for improved coordination of UN initiatives, particularly where there was an interface between political/peacekeeping and humanitarian activities.

On the implementation of reform in the humanitarian sector, UNHCR, along with DHA, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the World Food Programme (WFP), was a member of a working group set up by the Executive Committee on Humanitarian Affairs. The working group had been asked to examine how General Assembly resolution 46/182 [YUN 1991, p. 421], which set out guiding principles and methods for UN emergency humanitarian assistance, could best be implemented, given the experience of the preceding five years. The recommendations of the group were for the main part accepted by the new Emergency Relief Coordinator. As reported by UNHCR [A/53/12], reform in the humanitarian sector was expected to lead to a strengthened Inter-Agency Standing Committee (IASC) on international emergency assistance (see PART THREE, Chapter III). Within that context, UNHCR looked forward to the development of a clear system-wide policy on coordination options for complex emergencies, especially with regard to the combined roles of the resident coordinator and humanitarian coordinator, the lead agency, and the placing of the humanitarian coordinator within the administrative framework of one of the operational agencies.

UNHCR agreed that the issue of internally displaced persons should be included within the scope of the priorities established by the Office for the Coordination of Humanitarian Affairs for 1998, as proposed by the Emergency Relief Coordinator. In the view of UNHCR, progress should be made on the less contentious matters, such as a manual of best practices and the devel-

opment of training modules, as well as on decision-making, the division of labour and allocation of responsibilities in respect of internally displaced persons.

In 1997, UNHCR continued to develop linkages with other members of the UN system. In that respect, global or country-specific memoranda of understanding were updated (WFP and the World Health Organization (WHO)) or concluded. Joint consultations on new agreements, with the Food and Agriculture Organization of the United Nations (FAO), for example, were pursued. Country-specific agreements were concluded in Eritrea (the United Nations Population Fund (UNFPA)), Liberia (UNDP), Rwanda (UNDP) and Uganda (UNICEF) in an effort to improve the delivery of assistance to refugees, returnees and internally displaced persons. In the case of Algeria, an agreement on common premises was signed with UNDP. Globally, memoranda of understanding with some of the major partners of UNHCR (UNDP, WFP and WHO) were updated, while new ones were signed with the Intergovernmental Authority on Development and the International Organization for Migration.

Evaluation of UNHCR

UNHCR inspection and evaluation activities were outlined in a July report [A/AC.96/886] to the Executive Committee. The reporting period was a time of consolidation for the Inspection and Evaluation Service, which finalized, tested, improved and integrated procedures with oversight work. A major achievement in consolidating the inspection function was the finalization of the Service's computerized database project. The database allowed for comprehensive periodic analyses of compliance with inspection recommendations. Several such analyses were prepared and presented to the High Commissioner and senior management. Follow-up mechanisms for evaluation reports were also reassessed and would make use of the database.

During the period under review, inspection missions were undertaken in 15 countries in Africa, Asia, Central America, Europe and the Middle East. Particular emphasis was placed on managerial effectiveness, including accountability, cost-effectiveness and monitoring. A number of thematic evaluations were completed. They included reviews of UNHCR implementing arrangements, UNHCR refugee education activities, UNHCR project staff arrangements and UNHCR assistance to older refugees, and an evaluation of UNHCR efforts on behalf of children and adolescents, which was conducted in cooperation with the International Save the Children Alliance. The Service also participated in

two joint evaluations with WFP and UNICEF. In addition, general evaluation guidelines were produced for UNHCR staff to encourage and facilitate field-based evaluation initiatives.

The UNHCR Executive Committee, in a decision on a number of administrative and financial matters [A/52/12/Add.1], took note of the report on inspection and evaluation activities.

Relations with NGOs

During 1997, UNHCR concluded 931 implementing agreements with 443 NGOs, covering operational activities with refugee and other populations of concern to UNHCR in 131 countries. The majority of projects were implemented by some 322 national NGOs. UNHCR continued to promote the UNHCR/NGO Partnership in Action (PARinAC) process [YUN 1993, p. 1072], aimed at enhancing the cooperation and coordination of activities in favour of refugees, including through regular protection and other briefings, meetings on specific issues and UNHCR/NGO consultations prior to Executive Committee sessions. Those consultations were extended to two and a half days in 1997, and were attended by over 150 NGOs, including PARinAC NGO focal points and southern hemisphere NGOs. In April, the High Commissioner hosted a one-day meeting with major implementing and operational NGO partners. Two regional PARinAC meetings took place during the year, one in Jordan, covering the countries of North Africa and the Middle East, and the second in Brazil, covering the South American countries. UNHCR/NGO regional recommendations for joint action were drawn up for both areas.

At the eighth meeting of the UNHCR Standing Committee, in June 1997, it was decided that NGOs registered as observers at the plenary session of the Executive Committee would be allowed to participate as observers in meetings of the Standing Committee, following their written request to do so. During the year, over 5,000 NGO staff members worldwide benefited from UNHCR-sponsored training. While the majority of them undertook protection training, other training included emergency management, programme management, people-oriented planning, food aid, registration, nutrition, logistics, security awareness, environmental awareness, resettlement and various other workshops.

The UNHCR Executive Committee, in an October decision [A/52/12/Add.1], supported UNHCR proposals to enhance the capacity of national NGOs to enable them to participate more actively in refugee and refugee-related operations and to develop with NGOs an operational partnership agreement that would set out standards govern-

ing the work of the respective parties in refugee and refugee-related situations.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/639], adopted **resolution 52/103** without vote [agenda item 107].

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session,

Recalling its resolution 51/75 of 12 December 1996,

Reaffirming the fundamental importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, and noting with satisfaction that one hundred and thirty-five States are now parties to one or both instruments,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the deaths of staff members as a consequence of violent events in several countries around the world,

1. Endorses the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session;

2. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees;

3. Deplores the immense human suffering and loss of life that have accompanied refugee flows and other forced displacements, in particular the numerous serious threats to the security or well-being of refugees, such as refoulement, unlawful expulsion, physical attacks and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

4. Emphasizes that refugee protection is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

5. Reaffirms that everyone is entitled to the right to seek and enjoy in other countries asylum from persecution, and, as asylum is an indispensable instrument for the international protection of refugees, calls on all States to refrain from taking measures that jeopardize

the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international human rights and to humanitarian and refugee law;

6. Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate in efforts to lighten the burden borne by States that have received large numbers of asylum-seekers and refugees;

7. Condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and calls upon States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, as well as to abstain from any activity likely to undermine this, *inter alia*, through effective measures to prevent the infiltration of armed elements, the identification and separation of any such armed elements from refugee populations, the settlement of refugees in secure locations and by affording to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to them;

8. Calls upon States and all concerned parties to refrain from any actions that prevent the staff of the Office of the High Commissioner and other humanitarian personnel from performing the functions required under their mandates or obstruct them in so doing, to take all possible measures to safeguard their physical security and property, to investigate fully any crime committed against them, to bring to justice persons responsible for such crimes and to facilitate the discharge of the mandated functions of the Office of the High Commissioner as well as of other humanitarian organizations;

9. Urges all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of her Office to pursue, wherever possible, opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;

11. Recognizes the value of comprehensive regional approaches in which the High Commissioner has played a significant part in both countries of origin and countries of asylum, and encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider adopting protection-based comprehensive and regional approaches that conform fully with universally recognized standards and respond to particular regional initiatives, circumstances and protection needs;

12. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries

of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and with dignity;

13. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity, and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be refugees;

14. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, urges the Office of the High Commissioner, within its mandate and at the request of the Government concerned and in view of the relationship between safeguarding human rights and preventing conditions that give rise to refugee outflows, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights, and, in view of creating conditions furthering reconciliation and long-term development in countries of return, also urges the Office of the High Commissioner to strengthen its cooperation and co-ordination with relevant development agencies;

15. Calls upon States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

16. Urges States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees, and, noting the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation and death in connection with armed conflict, urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse, and to prevent their separation from their families;

17. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States, in particular developing countries, countries in transition and countries with limited resources, that, due to their location, host large numbers of refugees and asylum-seekers, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the

increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.

Future of UNHCR

In accordance with resolution 47/104 [YUN 1992, p. 894], the General Assembly reviewed the arrangements for UNHCR to determine whether it should be continued beyond 31 December 1998.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], on the recommendation of the Third Committee [A/52/639], the General Assembly adopted **resolution 52/104 without vote** [agenda item 107].

Continuation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolution 47/104 of 16 December 1992, in which it decided to review, not later than at its fifty-second session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1998,

Recognizing the need for concerted international action on behalf of refugees and displaced persons of concern to the United Nations High Commissioner for Refugees,

Considering the outstanding work that has been performed by the Office of the High Commissioner in providing international protection and material assistance to refugees and displaced persons as well as in promoting permanent solutions to their problems,

Noting with deep appreciation the effective manner in which the Office of the High Commissioner has been dealing with various essential humanitarian tasks entrusted to it,

1. Decides to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 1999;

2. Also decides to review, not later than at its fifty-seventh session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 2003.

Financial and administrative questions

In 1997, UNHCR's final budget (covering both General and Special Programmes) was just under \$1.2 billion [A/53/12], compared to \$1.3 billion in 1996. Donors provided some \$806 million, compared with total contributions of \$970 million in 1996.

As in previous years, funding of the General Programmes remained a priority in 1997. Those programmes were core activities for refugees and provided the High Commissioner with the flexibility needed to deal with emergencies and voluntary repatriation operations. However, the upward trend of funding for General Programmes experienced until 1996 did not continue. As at 31 December 1997, the Office had received \$320 million for General Programmes, compared with the previous year's figure of \$351 million. A number of important donors were not able to maintain their previous funding levels, particularly those contributing in a currency other than the United States dollar.

Special Programmes accounted for some 60 per cent of UNHCR operational activities. Appeals were launched, in conjunction with the United Nations Office for the Coordination of Humanitarian Affairs, for operations in the former Yugoslavia, for the Afghan repatriation programme, the emergency in the Great Lakes region of Africa and programmes in the Horn of Africa. UNHCR also issued appeals for Central America, for repatriations to Angola, Liberia and Myanmar, and for a number of other operations. The lack of contributions and the timing of pledges for repatriations in Africa and operations in the former Yugoslavia presented great challenges to the Office during 1997. Those programmes were, at times, short of finances, which hampered operations in the field. UNHCR raised some \$486 million for special operations, repatriations and emergencies, in addition to the funds under General Programmes.

Regional apportionments for UNHCR expenditure in 1997 were as follows: Africa, \$429.4 million; Europe, \$254.1 million; Central Asia, South-West Asia, North Africa and the Middle East, \$78.2 million; Asia and the Pacific, \$62.2 million; and the Americas, \$34.8 million.

For 1998, UNHCR faced projected budgetary requirements of some \$1 billion. A 1998 General Programmes target of \$440 million was approved, the first reduction in a number of years of the General Programmes level. For Special Programmes, UNHCR required some \$635 million. Requirements for operations in the Great Lakes region of Africa and the former Yugoslavia, as well as repatriation operations in Africa and Asia, remained priorities, as did programmes in the countries of the Commonwealth of Independent States.

In an October decision [A/52/12/Add.1], the Executive Committee approved the revised 1997 General Programmes budget, amounting to \$452,612,000. It also approved the regional/country/area programmes, other programmes

and the headquarters budgets under 1998 General Programmes, amounting to \$359,100,000, as well as a programme reserve of \$35,900,000 (representing 10 per cent of programmed activities), \$25,000,000 for the Emergency Fund and \$20,000,000 for the Voluntary Repatriation Fund, which constituted a 1998 total General Programmes budget of \$440,000,000 [A/AC.96/884/Add.2]. The Committee authorized the High Commissioner, within the approved level, to make adjustments in project, regional/country/area programmes, other programmes and the headquarters budgets as might be required by changes affecting refugee/returnee programmes. The Committee requested UNHCR to respond flexibly and efficiently to the needs indicated under the 1998 General and Special Programmes, which were estimated at \$995.9 million, bearing in mind the statute of the Office and the priority to be accorded to statutory activities, and the financial rules for voluntary funds. UNHCR was requested to present further proposals to ensure a more appropriate and transparent categorization of expenditure and posts and the harmonization of its budget presentation with that of other relevant UN agencies, with a view to seeking the Committee's approval at its next annual session and, subject to such approval, the introduction of the proposals in the 1999 budgetary documentation for the year 2000.

Accounts (1996)

The audited financial statements on voluntary funds administered by UNHCR for the year ending 31 December 1996 [A/52/5/Add.5] showed total expenditures of \$1,143 million and total income of \$1,034 million, with a reserve balance of \$346.2 million.

The Board of Auditors reviewed the statements and issued its comments in July [A/52/5/Add.5], which included recommendations to be brought to the attention of the General Assembly. Its findings were also communicated to UNHCR, which provided explanations and answers to the Board's queries [A/AC.96/885/Add.1]. Among its recommendations on financial management, the Board said that UNHCR should ensure that audit certificates were submitted by the implementing partners in sufficient time for the Administration to ensure that the expenditure was reflected in the financial statements. UNHCR was also urged to review its system of recording of expenditure by implementing partners, and to focus more attention on timely review and cancellation of obligations no longer required. In regard to programme management, the Board recommended that programme delivery and administrative support costs in the budgets of country programmes

should be reviewed and norms should be established. Project objectives needed to be clearly defined and quantified so that there was no conflict between objectives and inputs and the executing agency had a clear idea of the targets to be achieved.

The Board's examination of the accounts maintained by the various implementing partners indicated deficiencies in the maintenance of accounting records and preparation of cash and bank accounts. The Board called for the maintenance of separate accounts for UNHCR funds by the implementing partners and adequate control by field offices.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in an October report [A/52/518], reviewed both the financial reports and the audited financial statements for 1996 of the voluntary funds administered by UNHCR. As it had mentioned in the past, ACABQ pointed out that the timely submission of audit certificates for expenditures by implementing partners continued to be a concern, and it recommended an assessment of the capabilities of individual implementing partners contracted for major projects. ACABQ requested the High Commissioner to take into account the Board's recommendations on management of assets through a software/hardware system. It expressed concern at the observations made by the Board regarding the use of consultants and noted the deficiencies in the settlement of travel claims.

In its general decision on programme, administrative and financial matters [A/52/12/Add.1], the Executive Committee noted both the Board of Auditors' and ACABQ's reports on UNHCR activities financed from voluntary funds, and requested that it be kept informed of measures taken to address the recommendations raised. In addition, the Committee expressed support for the UNHCR proposals to improve the audit certification of implementing partners, and asked to be kept informed of further progress.

Standing Committee

The Standing Committee held four meetings in 1997 (30-31 January; 30 April-1 May; 24-26 June; 9-10 September and 8 October) [A/AC.96/880, 881, 888, 894]. It reviewed UNHCR programmes in different regions, refugees and the environment, refugee children and adolescents, protection, governance issues, and management and financial issues, and adopted decisions on programme and funding projections, the social and economic impact of large refugee populations on host developing countries, the annual theme of "repatriation challenges" for the 1997 session of the Executive Committee, and NGO ob-

server participation in the Executive and Standing Committees.

In October [A/52/12/Add.1], the Executive Committee decided to include a number of issues in the programme of work of its Standing Committee in 1998, and requested that UNHCR include in its documentation on each item the relevant recommendations of the auditors and ACABQ, as well as the steps taken to implement those recommendations and related Executive Committee decisions and conclusions. Those issues were: international protection; protection/programme policy issues; follow-up to the debate in the Executive Committee on the 1997 annual theme; programme and funding matters; management, financial and human resource matters; oversight issues; coordination issues; and governance issues.

Safety of staff

At its October session [A/52/12/Add.1], the Executive Committee adopted a conclusion on the safety of UNHCR staff and other humanitarian personnel. It called on States and all parties concerned to refrain from preventing or obstructing humanitarian personnel from performing their functions, and to safeguard the physical security and property of such personnel. States were requested to investigate any crime committed against those staff and to bring to justice persons responsible for those crimes. The High Commissioner was urged to bring the issue to the attention of the Administrative Committee on Coordination, with a view to drawing up, in consultation with the Office of the United Nations Security Coordinator, recommendations on improving security for humanitarian personnel.

Refugee protection and assistance

Protection issues

The primary functions of UNHCR were to provide international protection and to seek permanent solutions to the problem of refugees by assisting Governments to facilitate their voluntary repatriation, or their assimilation within new national communities.

International protection meant securing respect for the basic rights of refugees, including admission to safety and non-refoulement, as well as ensuring that refugees were accorded favourable treatment in countries of asylum. Another important aspect of protection was promoting ratification of the relevant international instruments by States and incorporation of those instruments into national legislation. The protec-

tion of refugees was linked to the search for and the attainment of durable solutions to the refugee problem.

In a July note on international protection [A/AC.96/882], the High Commissioner said that contemporary refugee flows were characterized by flight from war and human rights abuses; the very objective of some civil conflicts was the forcible expulsion of targeted populations. That type of violence had caused particular dilemmas for refugee protection. The resulting mass displacements had included civilians, fighters and persons active or complicit in genocide, making asylum placement difficult. The report noted that, during the preceding year, there had been numerous incidents of refoulement and serious abuses of refugee rights. Refugees and asylum-seekers had been expelled, rejected at borders, interdicted on the high seas and otherwise involuntarily returned, and major human rights violations had occurred during forced relocations.

The High Commissioner stated that it was essential that persons in need of international protection be admitted and identified; such persons needed to be protected against refoulement as well. Another concern, refugee security, was evident in situations where the peaceful nature of asylum was not respected, whether through armed attacks on refugee camps and settlements or their militarization. Failure to implement international standards in respect of the civilian nature of camps and protected populations had contributed to the perception of refugee influxes as a threat to national and regional stability.

In securing protection for refugees, the High Commissioner said, a first step would be to distinguish persons who required international protection from those who did not, and giving at least temporary protection in cases of mass influx. In mass influx situations, military elements had to be disarmed from the outset. Camps or settlements should be situated at a proper distance from frontiers, and refugees' adherence to national law ensured. The international community needed to support proper access to camps and their monitoring as critical aspects of securing protection and assistance for both refugees and returnees. It also needed to share the burden in situations when refugee influx overwhelmed the capacity of host States.

As part of the work of the Executive Committee [A/53/12], UNHCR continued consultations with a number of States on such issues as international protection for all who needed it, statelessness, burden-sharing and detention of refugees and asylum-seekers. In accordance with UNHCR guidelines on detention, interventions were undertaken by the Office with various Governments

on the subject of unjustified detention. UNHCR continued to participate in intergovernmental consultations aimed at harmonizing national laws and procedures, especially in Europe, and sought to promote comprehensive regional approaches to protection and immigration policies. The return of persons not in need of international protection remained a problematic issue for UNHCR, amidst disagreements between Governments as to the desirability of involving UNHCR in the return of such persons.

The Executive Committee, in an October conclusion [A/52/12/Add.1], reaffirmed the right of all persons to return to their countries and the responsibility of States to facilitate the return and reintegration of their nationals; recommended to States that strategies for facilitating the return, in safety and dignity, of persons not in need of international protection be examined within the framework of international cooperation; and encouraged UNHCR to continue, in cooperation with other appropriate international organizations, to look into ways in which the return process of individuals, determined through fair and effective procedures not to be in need of international protection, could be facilitated. The Committee emphasized that refugee protection was primarily the responsibility of States and it called on States to take measures to ensure that refugees were protected, including through national legislation and compliance with international human rights instruments. The Committee noted that voluntary repatriation, local integration and resettlement were the traditional durable solutions for refugees; affirmed that voluntary repatriation was the preferred solution, when feasible; and called on countries of origin, countries of asylum, UNHCR and the international community to enable refugees to exercise freely their right to return to their homes in safety and dignity.

In another conclusion on safeguarding asylum, the Committee, noting with concern that the growing complexity of refugee crises posed serious and novel challenges to the institution of asylum, reiterated the need for full respect to be accorded to the institution of asylum, including, *inter alia*, the principle of non-refoulement, the need to admit refugees into States, access of UNHCR to persons in need, the responsibility of host States to separate any armed or military elements from refugee populations, and the duty of refugees to respect the laws of host States.

SECURITY COUNCIL ACTION

The Security Council, having considered the matter of protection for humanitarian assistance

to refugees on 21 May and 19 June [meetings 3778 and 3790], issued a statement through its President [S/PRST/1997/34]:

The Security Council has considered the matter of protection for humanitarian assistance to refugees and others in conflict situations and has given careful consideration to the views expressed in the debate on the matter at its 3778th meeting on 21 May 1997.

The Council notes that massive displacement of civilian populations in conflict situations may pose a serious challenge to international peace and security. The Council, in seeking protection for humanitarian assistance to refugees and others in conflict situations, underlines the importance of pursuing a coordinated and comprehensive approach in accordance with the purposes and principles of the Charter of the United Nations.

The Council expresses its grave concern at the recent increase in attacks or use of force in conflict situations against refugees and other civilians, in violation of the relevant rules of international law, including those of international humanitarian law. The Council reiterates its condemnation of such acts and once again calls upon all those concerned to comply strictly with the relevant rules of international law. In particular, it calls upon all parties concerned to ensure the safety of refugees, displaced persons and other civilians, and guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need.

The Council also expresses its grave concern at all attacks or use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of humanitarian organizations, in violation of the relevant rules of international law, including those of international humanitarian law. In this context, the Council recalls its resolution 868(1993) and the statement by its President of 12 March 1997. It also recalls the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly on 9 December 1994. In this context, it calls upon all parties concerned to ensure the safety and security of these personnel as well as personnel of humanitarian organizations, and encourages all States to consider ways and means to strengthen the protection of such personnel.

The Council reminds all States and others concerned of the need to bring to justice those who violate international humanitarian law. In this context, it recalls the resolution on the establishment of an international criminal court adopted by the General Assembly on 17 December 1996.

The Council supports further exploration of ways and means by which the international community may enhance the compliance by parties concerned with the relevant rules of international law, including those of international humanitarian law.

The Council encourages States to consider acceding to the relevant international conventions designed to address the problems of refugees.

The Council underlines the importance of ensuring clear, appropriate and realistic mandates to be implemented in an impartial manner as well as ade-

quate resources for United Nations peacekeeping operations. In this context, the Council, in establishing or authorizing an operation to protect humanitarian assistance to refugees and others in conflict situations, reaffirms the principles of full respect for the sovereignty, independence and territorial integrity of the States concerned. The Council also underlines the importance of ensuring the proper discharge of the mandates conferred upon peacekeeping operations.

The Council stresses the importance of ensuring closer coordination between the relevant United Nations bodies and other international agencies, acting in accordance with their own mandates and status, with a view to effectively providing or protecting humanitarian assistance to those in need. In this context, the Council encourages an enhanced role for the Special Representatives of the Secretary-General in coordination to this end.

The Council stresses the importance of the activities of the relevant United Nations bodies, agencies and other international humanitarian organizations and the need for these activities to continue to be carried out in accordance with the principles of humanity, neutrality and impartiality of humanitarian assistance.

The Council also stresses the importance of crisis prevention, including by addressing the root causes of such crises. It therefore encourages the Secretary-General and all States to look further into practical ways to enhance the United Nations capacity and capability in this regard.

The Council encourages the Secretary-General to study further how to improve the protection for humanitarian assistance to refugees and others in conflict situations.

International instruments

In 1997, Estonia, Latvia and Lithuania acceded to the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], bringing the number of States parties to one or both instruments to 131. The Executive Committee, by a conclusion adopted in October [A/52/12/Add.1], welcomed the accession of those three States, and noted with appreciation that a number of States not party to the Convention and the Protocol continued to maintain a generous approach to asylum. Nevertheless, considering that over 50 States had not acceded to those instruments, the Committee encouraged the High Commissioner to continue to promote further accessions. It urged States that had not done so to accede to and implement those instruments, as well as relevant regional instruments for the protection of refugees. Welcoming the growing number of accessions to the 1954 Convention relating to the Status of Stateless Persons [YUN 1954, p. 4161 and the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533], the Committee encouraged UNHCR to continue to promote further accessions, to provide technical

and advisory services and training globally, and to disseminate information on statelessness and nationality issues. Spain acceded to the 1954 Convention in 1997.

In Central and Eastern Europe in particular, UNHCR continued to promote accession to the 1951 Convention and its 1967 Protocol, providing training and advice on refugee legislation and status determination procedures. The Office also participated in drafting the 1997 European Convention on Nationality and provided technical and advisory services on nationality laws and their implementation to a number of States in Central and Eastern Europe.

Promotional activities

In 1997, UNHCR increased its promotional efforts at the regional level, participating in various seminars and conferences on refugee issues and organizing refugee law and protection courses for government officials, implementing partners, academic institutions and NGOs in all regions of the world. It continued to monitor the work of the six treaty bodies, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities. It also supported a study carried out by the Subcommission on forced displacements.

Assistance measures

The overall number of persons of concern to UNHCR in 1997 stood at 21 million. That figure represented some 12 million refugees, 3.3 million repatriating refugees in the early stages of their reintegration, 3.6 million internally displaced persons and 1.2 million others of humanitarian concern, for the most part victims of conflict. Over 676,000 refugees returned voluntarily to their countries of origin in 1997, highlighting the fact that repatriation was the preferred solution for many of the world's refugees. Over the previous few years, there had been a reduction in the number and scale of refugee-producing conflicts around the world. However, the potential for large-scale displacement existed in several regions and the increase in the number and intensity of ethnically based conflicts within States continued to be of concern. Solutions were tailored to meet specific characteristics of refugee movements, whether mass outflows from civil war, individuals seeking asylum from persecution, or movements of non-refugees. The Office also continued to develop its institutional capacity to manage voluntary repatriation, seeking to ensure the reintegration of returnees and facilitation of peace and reconciliation. In that regard, UNHCR advocated the creation of conditions con-

ducive to return and reintegration through UN system-wide efforts that included institution-building, strengthening civil society, promoting equity, eliminating landmines and more effective control of small arms.

UNHCR assistance activities were grouped under two broad categories: General Programmes (including a Programme Reserve, the Voluntary Repatriation Fund and the Emergency Fund) and Special Programmes. General Programmes activities were considered statutory, that is, activities relating to the protection of and assistance to refugees and the pursuit of durable solutions for them. In addition, those activities had to be sufficiently stabilized to allow predictable programming and realistic funding. Total voluntary fund obligations for 1997 activities amounted to \$973.1 million, with \$385.1 million for General Programmes and \$588 million for Special Programmes, which included programmes under funding appeals issued by the United Nations. Some 29 per cent of Special Programmes pertained to the UNHCR programme of humanitarian assistance in the former Yugoslavia and a further 36.5 per cent to operations in the Great Lakes region of Africa.

The Emergency Preparedness and Response Section of UNHCR acted as the Office's focal point for both emergency preparedness and response. In 1997, the Section dispatched Emergency Response Teams to Cambodia, the Congo, the Democratic Republic of the Congo, Ethiopia, Kenya, Liberia, Rwanda, Sierra Leone, Thailand, Turkmenistan and Zambia. Emergency Management Training Programme (EMTP) workshops, an important element of emergency preparedness, were held in Georgia (for the Caucasus countries), Turkey (for Central Asia, South-West Asia and Middle East countries) and the United Republic of Tanzania (for countries of East Africa). A country-specific EMTP was organized in Japan. Those training workshops were designed for staff from Governments, other UN agencies, operational partners and UNHCR. In 1997, total expenditure on emergency assistance amounted to \$10.4 million, of which \$4.7 million was under General Programmes and \$5.7 million under Special Programmes.

One form of assistance, referred to as care and maintenance programmes, followed the emergency phase of an operation. The majority of those programmes in 1997 were implemented in Africa, with substantial programmes carried out in the Great Lakes region, Cote d'Ivoire, Ethiopia, Guinea and Kenya. Major care and maintenance programmes were also carried out in Bosnia and Herzegovina, Croatia, Pakistan, the Russian Federation and the Federal Republic of

Yugoslavia (Serbia and Montenegro). Care and maintenance assistance continued to be provided in South-East Asia to Vietnamese populations, pending their repatriation or resettlement.

During 1997, more than half of UNHCR General Programme expenditure (\$234.2 million) was in the form of care and maintenance activities, while the amount spent for care and maintenance assistance under Special Programmes was \$241.3 million.

As part of its efforts to seek durable solutions to refugee problems, UNHCR, in 1997, established the Reintegration and Self-Reliance Unit, which assisted returning populations in post-conflict situations. During the year, UNHCR spent \$282.7 million on voluntary repatriation, including assistance to returnees in countries of origin.

UNHCR also provided assistance to refugee populations where Governments had permitted them some degree of local integration into national society. Those projects were intended to promote socio-economic self-reliance of the refugee group. The largest projects were implemented in Azerbaijan, Bosnia and Herzegovina, Ethiopia, Iran, Mexico, the Sudan and Uganda. Total expenditures amounted to \$119.1 million.

In 1997, some 30,250 refugees were resettled under UNHCR auspices, including refugees accepted for resettlement but who did not travel before the end of the year. Almost half of those resettled were from the Middle East. UNHCR expenditure on those activities totalled \$3.5 million.

Refugees and the environment

The Environmental Guidelines, promulgated by UNHCR in June 1996, continued to be the principal policy framework for integrating sound environmental management practices into UNHCR activities. Efforts were under way to develop environmental indicators, which would become a part of planning, monitoring and evaluation of the environmental impact of refugees and returnees. Throughout 1997, a project entitled "Towards sustainable environmental management practices in refugee-affected areas" allowed UNHCR to identify environmental lessons learned from refugee operations. Large, integrated environmental projects were being implemented in several countries, including Ethiopia, Kenya, Uganda and the United Republic of Tanzania. Model projects were implemented to demonstrate the principles of the Environmental Guidelines in those countries, as well as in the Democratic Republic of the Congo, Kyrgyzstan, Nepal, the Sudan and Zambia. Those projects focused on such matters as environmental planning; geographical information system environ-

mental databases; demarcation of nature reserves and other protected areas; selective guided firewood harvesting; promotion of energy-efficient cooking practices and cooking devices; firewood and stove provision in exchange for environmentally sound work; environmental education and awareness raising; erosion control; protection of areas to allow for natural regeneration; tree planting; agro-forestry and home gardening; and environmental health.

Refugee women

In 1997, UNHCR continued to implement activities in relation to the four areas of concern for UNHCR under the Beijing Platform for Action, adopted at the 1995 Fourth World Conference on Women [YUN 1995, p. 1170]. Those four areas were: women and armed conflict; violence against women; human rights of women; and the girl child. UNHCR sought to integrate gender perspectives into all policies and programmes. A total of 1,794 Professional staff members and implementing partners had been trained in using gender analysis for programme planning. To combat violence against women, especially sexual violence, UNHCR and its implementing partners had introduced and promoted a crisis prevention and intervention programme in several refugee situations, such as in Kenya and the United Republic of Tanzania.

In an effort to aid refugee women affected by armed conflict to reconstruct their lives, UNHCR encouraged special initiatives for refugee and returnee women under the Bosnian Women's Initiative (BWI) and the Rwanda Women's Initiative (RWI). Both BWI and RWI facilitated and supported local and national governmental and non-governmental peace-building initiatives. They also enhanced the integration and participation of women in economic, social and cultural development processes through income-generating activities, education programmes, health care (including reproductive health care), shelter programmes, and management and leadership training. In addition, UNHCR supported inter-agency initiatives worldwide that increased the number of women participating in peace-building, conflict resolution and reconstruction. In December, UNHCR facilitated an inter-agency meeting in Addis Ababa, Ethiopia, which sought to document the best practices of women in peace-building.

Women's rights awareness training was implemented in Guatemala, Kenya, Mexico and Nepal to inform women of their rights to protection from domestic, sexual and other forms of violence. In Ankara, Turkey, UNHCR assisted the

Government to modify its asylum criteria to include women who refused to marry pre-selected husbands, divorced women denied child custody and women who advocated women's liberation.

Refugee children

UNHCR presented a progress report on activities in favour of minors to the Standing Committee at its seventh meeting (30 April-1 May). The report also described UNHCR follow-up to the UN study on the impact of armed conflict on children, the "Machel study" [YUN 1996, p. 663]. Child rights-based performance objectives were established for all phases of UNHCR operations in complex emergencies. To implement those objectives and the Machel study's recommendations, the High Commissioner issued a policy instruction to each country operation calling for the creation of a plan of action, focusing on five critical issues: sexual exploitation and violence; under-age military recruitment; education; unaccompanied minors; and adolescents. In October, the Executive Committee adopted a conclusion on refugee children and adolescents in which it made a number of recommendations to States, UNHCR and other concerned parties to enhance the protection of and assistance to minors, and to take measures to protect child and adolescent refugees.

Report of Secretary-General. In response to General Assembly resolution 51/73 [YUN 1996, p. 1110], the Secretary-General submitted a report in August [A/52/273] on assistance to unaccompanied refugee minors, a term referring to persons under 18 years of age or under a country's legal age of majority, who were separated from both parents and were not being cared for by a guardian or other adult legally responsible for them. The report reviewed inter-agency cooperation in this field; some issues of concern, including violence against refugee minors, military recruitment, sexual exploitation, the best interests of unaccompanied minors, and their situation in countries practising individual refugee status determination; and current responses.

The Secretary-General reported that UNHCR, the United Nations Children's Fund (UNICEF) and NGOs, having recognized the situation of unaccompanied minors, had identified three goals—to prevent separations, to reunify unaccompanied minors with their families, and to ensure adequate care of those minors. In the Great Lakes region, agencies dealt with an exceptionally high proportion of unaccompanied minors. Of the 12,000 minors identified as unaccompanied during the mass repatriation from the Democratic Republic of the Congo and the United Republic of Tanzania at the end of 1996

and the beginning of 1997, about 80 per cent had since been reunited with their families. From March to June 1997, 5,200 unaccompanied Rwandan minors were repatriated from Kisangani and other collection points in the eastern part of the Democratic Republic of the Congo, while the number of such minors remaining in that country was unknown.

In his description of inter-agency cooperation, the Secretary-General noted the memorandum of understanding signed in March 1996 by UNICEF and UNHCR, which provided a framework for cooperation for the development and use of global programming guidelines to ensure protection, care and family reunification of unaccompanied minors. UNHCR took the lead in countries of asylum, while UNICEF had the lead role in countries of origin; in both situations, they worked with NGOs. The memorandum paved the way for increased cooperation, including possible joint missions to assess and address the needs of separated minors. UNHCR worked with several NGOs on emergency deployment of community service officers, country evaluations and training, as they related to children and adolescents. Among current UN responses to situations involving unaccompanied minors, the report stated that inter-agency collaboration in the Great Lakes region was ongoing in response to the ever-changing situation. In the former Yugoslavia, plans were under way for an inter-agency conference to discuss best-interest standards. The UNHCR/International Save the Children Alliance country evaluations and capacity-building programmes aimed to ensure that children's and adolescents' needs were properly accounted for in programming and protection activities.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/639], adopted **resolution 52/105** without vote [agenda item 107].

Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995 and 51/73 of 12 December 1996,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the development of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner in the identification and tracing of unaccompanied refugee minors, and welcoming its efforts in reunifying family members of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and noting that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child and the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General;
2. Expresses its deep concern at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;
3. Expresses the hope once again that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;
4. Calls upon the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing refugee family separation, considering the importance of family unity;
5. Calls upon all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;
6. Urges the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs and interests of unaccompanied refugee minors and towards their reunification with their families;
7. Calls upon all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 adopted at the twenty-sixth International Conference of the Red Cross and Red Crescent, held at Geneva from 3 to 7 December 1995, and to respect the provisions of the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;
8. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced re-

recruitment into military forces, and any other acts that endanger their safety and personal security;

9. Calls upon the Secretary-General, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund and other United Nations organizations and international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

10. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution and to give special attention to the girl-child refugee in his report.

Regional activities

Africa

In a September 1997 report [A/52/360] on assistance to refugees, returnees and displaced persons in Africa, the Secretary-General, quoting UNHCR statistics, stated that at the end of 1996 Africa hosted 4.1 million refugees, some 2 million internally displaced persons of concern to UNHCR and 1.66 million returnees in the early stages of reintegration. In 1997, the largest refugee flows were in the Great Lakes region (see below). In West Africa, a major breakthrough came in Liberia with the agreement by the warring factions to demobilize and disarm before holding elections (see PART ONE, Chapter II). UNHCR and its operational partners recommenced preparations for the voluntary repatriation of 527,000 Liberian refugees in neighbouring countries. Organized repatriation was launched in December 1997. The situation in Sierra Leone deteriorated severely following a military coup that overthrew the elected civilian Government on 25 May; consequently all repatriation activities there were suspended, leaving 380,000 refugees outside the country. The repatriation of some 300,000 Togolese refugees who sought asylum in Benin and Ghana in 1993 was expected to be completed by the end of 1997. In the case of Malian refugees, of whom nearly 100,000 had returned, assistance in countries of asylum would cease at the end of 1997, while reintegration activities would continue in Mali until the end of 1998. In Mauritania, a programme facilitated the reintegration of 30,000 returnees who spontaneously returned from Mali and Senegal. No progress was made during 1997 with regard to the repatriation of an estimated 320,000 Eritrean refugees residing in the Sudan.

In the Horn of Africa, some countries of origin were unwilling to receive their own citizens back unless they were provided with what the Government considered adequate assistance from the international community for reintegration.

Some 10,000 Somali refugees were repatriated at the end of July, and it was expected that an additional 90,000 Somali refugees would return from Ethiopia beginning in June. By the end of 1997, it was estimated that some 452,000 Somalis remained in exile.

An unprecedented heavy rainfall in the Da-daab area of Kenya, where more than 125,000 refugees were located in three camps, required airlifting of food and other relief supplies at high cost.

Uganda was one of the few Governments that offered land for local settlement of refugees. Refugees, mainly Sudanese, were transferred from transit centres to settlements as land was made available and infrastructures were created. In 1997, UNHCR focused its activities in Uganda on local settlement activities, with a view to achieving self-sufficiency.

The objective of the UNHCR operation in Angola was the repatriation of 240,000 Angolan refugees in neighbouring countries and their reintegration in Angola. Due to the slow pace of the peace process in Angola in 1997, however, UNHCR revised its estimated requirements for the year downward, from \$38.2 million to \$21 million. Despite that, some 53,000 Angolans spontaneously returned home from Zambia and the Democratic Republic of the Congo in 1997. In southern Africa, most countries were experiencing a steady increase in arrivals of urban refugees, the majority of whom came from Angola. In South Africa alone, there were over 38,000 registered asylum-seekers from 52 different countries.

Among other UN bodies supporting refugee programmes, the World Food Programme (WFP) was the principal international channel for the provision of food aid in emergencies for refugees, displaced persons and returnees. UNICEF supported a range of emergency programmes focusing on the most vulnerable children, including those among locally affected families in conflict areas, internally displaced groups, returnees and refugees. In Angola, Mozambique and Rwanda, UNICEF worked with UN partners and international and local NGOs to integrate emergency interventions into long-term programming measures. The United Nations Development Programme (UNDP) worked towards the reintegration of uprooted populations, assisting Governments by providing those populations with a working infrastructure following their return.

Throughout Africa, UNHCR cooperated with various agencies, particularly UNICEF and WFP, to implement policies and guidelines on refugee women, refugee children and the environment. Special attention was given to protection, access

to food, access to appropriate health care, education, self-reliance through skills training, income generation, participation in decision-making in camp management and other related activities. UNHCR and WFP, along with the UN Department of Humanitarian Affairs, tried to ensure effective and complementary response in major emergencies. UNHCR, UNICEF, WFP and the United Republic of Tanzania ensured that children under five years of age, pregnant and lactating women and unaccompanied children received emergency health, water, nutrition and sanitation assistance. UNHCR and UNDP signed a memorandum of understanding in Rwanda for activities relating to repatriation and initial reintegration of refugees until the end of 1997. In the Democratic Republic of the Congo, UNHCR focused on quick-impact projects that could be implemented immediately and at modest expense, while UNDP took the lead in re-initiating earlier projects that were halted owing to deteriorating security conditions.

In addition, UNHCR cooperated with African subregional organizations. Joint activities between UNHCR and the Organization of African Unity (OAU) enhanced cooperation on humanitarian and refugee issues. OAU granted \$50,000 to UNHCR to assist Somali refugees in the eastern part of Ethiopia. A memorandum of understanding outlining the framework for cooperation in responding to refugee and returnee issues was signed in June between UNHCR and the Intergovernmental Authority on Development (IGAD). In the Horn of Africa, UNDP worked on a programme that would upgrade the capacity of IGAD to prevent, manage and resolve conflicts and to alleviate humanitarian crises. In southern Africa, UNHCR collaborated with the Southern African Development Community in areas of mutual concern, such as refugees, returnees, displaced persons and undocumented migration in southern Africa.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/639], adopted **resolution 52/101** without vote [agenda item 107].

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 51/71 of 12 December 1996,

Having considered the report of the Secretary-General and that of the United Nations High Commissioner for Refugees,

Noting with appreciation the efforts expended by countries of asylum in accommodating refugees,

Convinced of the necessity of strengthening the capacity within the United Nations system for the imple-

mentation of relief programmes for refugees, returnees and displaced persons,

Welcoming the ongoing process of voluntary repatriation of refugees in some parts of Africa,

Welcoming also decision CM/Dec.362(LXVI) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its sixty-sixth ordinary session, held at Harare from 28 to 31 May 1997,

Welcoming further the outcome of the ministerial meeting of the Security Council on the situation in Africa, held on 25 September 1997, and the attention that was given at that meeting to the issue of refugees, returnees and displaced persons in Africa,

Taking note of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the Southern African Development Community in July 1996 concerning refugees, returnees, displaced persons and undocumented migration in southern Africa,

Taking note also of the memorandum of understanding signed by the Office of the United Nations High Commissioner for Refugees and the Intergovernmental Authority on Development in June 1997 on refugees and returnee issues,

Recalling the provisions of its resolution 2312(XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling also the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Charter on Human and Peoples' Rights,

Recognizing the need for States to create conditions conducive both to the prevention of flows of refugees and displaced persons and to solutions, especially voluntary repatriation,

Recognizing also the positive outcome of the conflict resolution efforts carried out in the subregion by the Economic Community of West African States, in creating a conducive environment for the voluntary repatriation of refugees and displaced persons,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with great concern that, despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

1. Takes note of the report of the Secretary-General and that of the United Nations High Commissioner for Refugees;

2. Notes with concern that the declining socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, such as drought, has led to increased numbers of refugees and displaced persons in some countries of Africa;

3. Expresses deep concern at the serious and far-reaching consequences of large numbers of refugees and displaced persons in the receiving countries and the implications for security, long-term socio-economic development and the environment;

4. Expresses concern at instances where the fundamental principle of asylum is jeopardized by the unlawful expulsion or refoulement or by threats to the

life, physical security, integrity, dignity and well-being of refugees;

5. Expresses its appreciation and strong support for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and over-stretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

6. Commends the Governments concerned for their sacrifices in providing assistance and protection to refugees, returnees and internally displaced persons and for their efforts to promote voluntary repatriation and other durable solutions;

7. Expresses its gratitude to the international community, and to the Office of the United Nations High Commissioner for Refugees in particular, for the humanitarian assistance it has continued to render to refugees and displaced persons and to the countries of asylum;

8. Welcomes the strengthening of cooperation between the Office of the High Commissioner and the Organization of African Unity at all levels, and urges the two organizations, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations, the international community and the Governments concerned, to increase efforts aimed at facilitating voluntary repatriation in a dignified and orderly manner and at addressing the root causes of the refugee problem and working out modalities for a lasting solution;

9. Reiterates that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

10. Calls upon the Office of the High Commissioner and other concerned entities to intensify protection activities by, inter alia, supporting the efforts of African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

11. Appeals to Governments, the United Nations, intergovernmental and non-governmental organizations and the international community to create conditions to facilitate the voluntary return and the early rehabilitation and reintegration of refugees;

12. Appeals to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees;

13. Commends the Governments of the Great Lakes and West African regions and of the Horn of Africa and the Office of the High Commissioner for their initiatives to promote repatriation within the framework of tripartite agreements on voluntary repatriation of refugees in the regions;

14. Encourages the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights, within their respective mandates, in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

15. Welcomes the ongoing efforts undertaken by the Office of the United Nations High Commissioner for Refugees with host Governments, the United Nations, non-governmental organizations and the international community in concentrating on the environment and ecosystems of countries of asylum;

16. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

17. Expresses its concern about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing requirements there;

18. Urges the international community to continue to fund the general refugee programmes of the Office of the High Commissioner, taking into account the substantially increased needs of programmes in Africa;

19. Calls upon Governments, United Nations agencies, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system on the basis of the experience of the emergency in the Great Lakes region and to continue to provide needed resources and operational support to refugees and countries of asylum in Africa until a durable solution can be found;

20. Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in areas affected by refugees in countries of asylum;

21. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children;

22. Calls upon the Secretary-General, the Office of the High Commissioner and intergovernmental, regional and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including refugees in urban areas;

23. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-third session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons

and humanitarian questions" and to present an oral report to the Economic and Social Council at its substantive session of 1998.

Great Lakes operations

During 1997, in the Great Lakes region of Africa, thousands of refugees, many of whom had first dispersed in various locations in the Democratic Republic of the Congo (DRC), returned to their own countries (see also PART ONE, Chapter II). Their return by air and by land to Rwanda was more often an evacuation as a last-resort solution rather than voluntary repatriation. Other refugees continued to resist returning to Rwanda and further dispersed throughout the Great Lakes region and some 10 other African countries. Smaller numbers of Burundi refugees were found along with the Rwandan refugees.

UNHCR was called upon to provide international protection and care for 75,000 refugees from the DRC who arrived in the United Republic of Tanzania, while some 31,000 refugees from the eastern part of the DRC remained in western Rwanda. In June, some 40,000 refugees arrived in Kinshasa as a result of the civil war in the Congo. Among them, approximately 15,000 were assisted in a refugee camp. The Burundi refugees in the United Republic of Tanzania became the single largest group of refugees in the region. While some 100,000 of them repatriated spontaneously, a similar number arrived from provinces where new outbreaks of fighting had occurred. In Burundi, the security situation improved to such an extent that UNHCR considered it safe for an increased number of refugees to return in the course of the year. UNHCR assisted communities as well as returnees and provided emergency assistance for new displacements. Repatriation to the Congo also became possible in December, with the signing of a tripartite memorandum of understanding.

During 1997, the total number of refugees in camps decreased enormously as a result of those large-scale movements. The only large-scale programme in the region at the end of the year was in the United Republic of Tanzania, where UNHCR assisted 450,000 refugees from Burundi and the DRC.

In an effort to reduce the large residual group of Rwandan refugees in the DRC, over 70,000 people were returned to Rwanda from May to June by a mass air evacuation. Thousands of others continued their trek in search of safety, gathering in smaller groups in the Congo (15,000), Angola (2,000), the Central African Republic and other countries. UNHCR conducted screening in the Central African Republic and Malawi, aimed at excluding those persons from refugee status who

had been involved in the 1994 genocide. Among the many thousands of Rwandan and Burundi refugees who had not been located, small numbers continued to return from dense forest areas throughout 1997. In the United Republic of Tanzania, intimidation and political activities in the camps for Burundi refugees had been observed; some of the persons concerned were returned forcibly to their home countries, and over 30,000 refugees were relocated to refugee camps by the Government.

UNHCR continued throughout 1997 with the rehabilitation of areas in the United Republic of Tanzania that had accommodated large numbers of refugees from 1994 to 1996. It provided assistance for schools, medical centres, water supply systems, repairs to key roads and measures to restore the environment. The massive return of refugees to Rwanda required an immense effort on the part of the international community and of UNHCR, in particular to assist the Government in receiving and reintegrating the more than 1.3 million citizens who returned in a matter of months. The primary purpose of the UNHCR rehabilitation programme in Rwanda was to maximize the protection of returnees, promote reconciliation, avoid new conflict and thus ensure smooth and successful reintegration. Serious incidents in the north-west of the country during 1997, however, often impeded access for UNHCR and NGO staff to returnees and directly affected returnees and refugees from the DRC.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 73], the General Assembly adopted **resolution 52/169 B** [draft: A/52/L.16/Rev.2] without vote [agenda item 20 (b)].

Special assistance to Central African countries receiving refugees

The General Assembly,

Recalling its resolution 49/24 of 2 December 1994,

Deeply concerned by the massive flow of refugees, returnees and other displaced persons in Central Africa,

Welcoming the prospects for the voluntary return, repatriation and reintegration of refugees in safety and dignity and efforts made to find durable solutions to their plight,

Recognizing the need for States to create conditions conducive to an early and sustainable solution to the flow of refugees, returnees and other displaced persons,

Bearing in mind the evident impact of these massive flows of refugees on the basic infrastructure and on the life and property of local populations in the host countries,

Also bearing in mind the deterioration of the economic, social and health infrastructure and the ecological impact in the areas receiving refugees,

Realizing the importance of assisting the host countries, in particular those countries that have been host-

ing refugees for a long time, to remedy environmental deterioration and the negative effects on public services and the development process,

Gravely concerned by the effects which epidemics are having on the health of refugees and local communities in certain areas,

Observing that the humanitarian aid dispatched should as far as possible take into consideration the scale of the needs of the local populations,

Recognizing that the countries receiving refugees, most of them least developed countries, continue to experience an extremely critical economic situation,

Expressing again its appreciation to the countries which have received refugees for the sacrifices which they are making in granting refuge and hospitality to them,

Stressing the need to continue providing special assistance to the local populations of the countries receiving refugees,

1. Congratulates the Secretary-General for the efforts he has made to draw the attention of the international community to the situation of refugees in Central African countries;

2. Expresses its gratitude to all States, organizations and bodies of the United Nations and intergovernmental and non-governmental organizations that have done so for the financial, technical and material assistance they have been delivering to those countries that have been receiving refugees since the onset of the crisis and for the humanitarian assistance they have continued to render to refugees and the host countries, and calls upon them to continue to provide assistance for the implementation of programmes intended for the rehabilitation of the environment and social infrastructure in areas affected by the massive presence of refugees in those host countries;

3. Expresses its deep concern at the serious social, economic, health and ecological impact that the massive and unexpected presence of refugees can have;

4. Calls upon all African Governments and in particular those of Central Africa to do their utmost to assist refugees, notwithstanding the constraints which their limited resources place upon them;

5. Urges the Governments of the region and all concerned parties to provide safe and unhindered access for United Nations and other humanitarian personnel to the populations in need in all areas of the region;

6. Calls upon all States and intergovernmental and non-governmental organizations and the international financial and development institutions to facilitate the restoration of the basic services destroyed in the countries receiving refugees;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the follow-up to the present resolution.

The Americas and the Caribbean

In 1997, 3,573 Guatemalan refugees were repatriated with UNHCR assistance, for the most part from Mexico, thus bringing the total of returnees repatriated through UNHCR since 1984 to some 38,000. Organized collective repatriation was expected to close in 1999, although there were still approximately 28,000 Guatemalan refugees in south-eastern Mexico. UNHCR sup-

ported Mexico's plan for the permanent settlement of Guatemalan refugees in Campeche and Quintana Roo, which focused on upgrading and transferring the basic infrastructure and services of the refugee settlements to the local administration, and on addressing the question of land titles.

In Belize and Panama, UNHCR promoted plans for individual voluntary repatriation and permanent local settlement by securing permanent residence permits or citizenship. In 1997, in Belize, a programme of community-based quick impact projects consisted of 24 micro-projects in the water, infrastructure, education, health, crop-production and income-generation sectors benefiting 4,810 refugees and their Belizean host communities.

In Colombia, UNHCR was concerned about the forced displacement resulting from the escalation of armed violence. The High Commissioner agreed to Colombia's request for a permanent UNHCR presence in Bogota. The UNHCR Liaison Office in Caracas, Venezuela, focused on statutory activities related to Colombia as a country of asylum and as a country of origin.

UNHCR continued to follow the implementation of the asylum-related provisions contained in the 1996 immigration legislation enacted by the United States, providing technical advice on international standards to the Immigration and Naturalization Service with respect to the regulatory framework, policy guidelines and their practical application. In Canada, UNHCR was invited to comment on a report resulting from an independent review of Canada's Immigration Act. In the Caribbean region, UNHCR was reorienting its activities from the largely completed task of achieving durable solutions for the small residual Haitian and Cuban refugee caseloads.

Asia and the Pacific and the Arab States

South Asia

Some 9,400 Muslim residents of Rakhine State in Myanmar voluntarily repatriated from camps in Bangladesh during the first quarter of 1997, bringing the total number of persons returning from camps in Bangladesh under UNHCR auspices since 1994 to 230,000. However, voluntary repatriation and alternative durable solutions for some 21,000 individuals remaining in two camps were adversely affected by obstructive action against repatriation taken by minority elements in the camps.

The escalation of armed conflict in Sri Lanka during 1997 prevented a continuation of the voluntary repatriation of over 65,000 Sri Lankan

refugees from India. Some 20,000 newly displaced persons were provided shelter and relief assistance in UNHCR-assisted Open Relief Centres in Mannar District. Over 428,000 persons also benefited from 224 micro-projects, which focused on water supply/sanitation, education and income-generating activities in six northern districts.

In India, efforts to promote self-reliance among some 18,000 urban refugees, mainly from Afghanistan, continued during 1997, and the number of refugees receiving monthly subsistence support was reduced from 10,000 to some 2,200 persons. India also provided shelter to some 65,000 Sri Lankans and 98,000 asylum-seekers from the Tibet region.

There were no significant developments regarding the situation of some 93,000 refugees from southern Bhutan accommodated in seven camps in eastern Nepal.

East Asia and the Pacific

Throughout 1997, UNHCR continued to support repatriation, resettlement and self-reliance measures aimed at achieving durable solutions for the relatively small residual caseload of Indo-Chinese refugees in the region. A total of 755,857 Vietnamese refugees had been resettled in third countries since 1975, some 109,198 Vietnamese had repatriated to their country of origin since the inception of the Comprehensive Plan of Action for Indo-Chinese Refugees in 1989 [YUN 1989, p. 707] and some 27,658 Laotian refugees had returned to their country of origin since 1981.

Under an agreement reached between Thailand and the Lao People's Democratic Republic in March 1997, an individual case status review of the Ban Napho population was in progress. Repatriation counselling was being continued in view of indications that many individuals would not meet internationally recognized refugee criteria and would be expected to return to their countries. In Viet Nam and the Lao People's Democratic Republic, returnee reintegration and monitoring assistance continued.

At the end of 1997, some 103,100 refugees from Myanmar were residing on the Thailand side of the border between Myanmar and Thailand, comprising 91,300 Karen and 11,800 Karenni. UNHCR supported ongoing initiatives by the Thai authorities to relocate and consolidate camps that were vulnerable to cross-border incursions or were difficult to access during the wet season.

Following political violence in July 1997 in Phnom Penh, and subsequent military conflict in north-western Cambodia, over 60,000 Cambodians sought refuge in Thailand. UNHCR, in conjunction with the Government of Thailand, pro-

vided emergency relief to the Cambodian refugees in three camps. In China, UNHCR assistance for Indo-Chinese refugees focused on sustainable local settlement through the creation of employment opportunities.

UNHCR sponsored the Expert Meeting on Regional Approaches to Refugees and Displaced Persons in Asia (Bangkok, Thailand, July). Convened in partnership with the International Organization for Migration (IOM), it considered the causes, nature and consequences of population movements and was aimed at facilitating communication, understanding and cooperation among States on refugee and displacement issues, at a time when the economic crisis in the region had created higher levels of legal and illegal migration in several countries.

Central Asia, South-West Asia, North Africa and the Middle East

As a result of the continuing civil war in Afghanistan, which had prolonged the human tragedy for more than 17 years, involuntary movements of displaced persons and new refugees and violations of basic human rights continued and were the main concerns of UNHCR in the country. In 1997, some 87,000 Afghan refugees repatriated voluntarily. UNHCR remained concerned by the continued presence of 2.6 million Afghan refugees in Pakistan and Iran, whose return depended on a peaceful solution to the conflict in Afghanistan, as well as the restoration of stability and reconstruction in areas of return. In Tajikistan, the signing of the General Peace Agreement in June 1997 (see PART ONE, Chapter IV) created a political framework for peace and national reconciliation. Subsequently, UNHCR was able to recommence the voluntary repatriation of Tajik refugees from northern Afghanistan in July. By mid-November, some 10,200 Tajiks had returned home safely and their repatriation from northern Afghanistan was completed. The number of Iraqi refugees returning from Iran increased significantly in 1997 and further returns were expected.

UNHCR planned to begin in 1998 a repatriation operation under the 1990 United Nations Settlement Plan for Western Sahara [YUN 1990, p. 919]. However, the voluntary repatriation operation could begin only when certain key activities of the Plan were completed and with the full co-operation of the parties concerned.

In northern Iraq, the Atroush camp was closed in early 1997 and Turkish refugees of Kurdish origin received alternative assistance in Ain Sufni (6,800 persons) and 19 other locations. During the year, some 1,000 persons repatriated from northern Iraq to Turkey.

UNHCR continued to implement its capacity-building and prevention objectives in all five Central Asian States, consistent with the Programme of Action of the CIS Conference (see below). Close coordination had been established with the new Governments and other agencies in such matters as resolving and mitigating refugee migration and forced population movements.

Europe

According to UNHCR figures [A/53/12], Western Europe witnessed a 10 per cent growth in the number of asylum-seekers in 1997, reaching 270,000, compared with 245,000 in 1996. The highest relative increases were in Ireland, Greece and Italy, where the number of applicants more than doubled. Other significant increases occurred in Sweden, the Netherlands, Finland and Switzerland. UNHCR hoped that the entry into force of the Amsterdam Treaty, signed on 2 October 1997, would facilitate the adoption of a comprehensive European asylum policy, based on common standards of protection that were consonant with internationally agreed standards.

Of the 3 million persons uprooted by the conflict in the former Yugoslavia, some 815,740 refugees from Bosnia and Herzegovina remained in asylum countries at the beginning of 1997. The Federal Republic of Yugoslavia hosted nearly a quarter of a million refugees from Bosnia and Herzegovina and also provided asylum to some 300,000 refugees from Croatia. The numbers of refugees and displaced persons who returned home to Bosnia and Herzegovina in 1997 totalled 120,000 and 53,810, respectively. By the end of 1997, only 1,125 refugees had returned to Croatia from the Federal Republic of Yugoslavia. Within Croatia, over 11,000 internally displaced persons had returned home. By the end of the year, the number of refugees from Bosnia and Herzegovina in need of durable solutions had decreased to 602,000. The main objective of UNHCR was to seek a breakthrough on the voluntary return of minorities to their homes. To that end, the concept of "Open Cities" was introduced in the first half of 1997, whereby municipalities that agreed to accept the return of minorities would be given assistance by the international community. In 1997, 4,443 persons were resettled in third countries.

Over 1.3 million persons (both internally displaced and refugees) were registered in the Russian Federation, most of whom were from the Commonwealth of Independent States (CIS). It was estimated that an additional 2.8 million unregistered persons resided in the Russian Federation. Since 1992, some 30,000 refugees and

asylum-seekers from outside CIS had been registered by UNHCR.

In the North Caucasus region, UNHCR delivered assistance to over 90,000 internally displaced persons from Chechnya (Russian Federation) residing in neighbouring republics and regions. Cross-border assistance was provided to some 150,000 internally displaced persons in Chechnya itself. Over 35,000 internally displaced persons from Prigrodny district of North Ossetia were still residing in Ingushetia and had benefited from legal and individual assistance. In addition, there were 29,300 registered Georgian refugees in North Ossetia. UNHCR organized a repatriation programme to move that caseload back to South Ossetia and Georgia. The UNHCR humanitarian assistance programme in Georgia catered for some 300,000 refugees and internally displaced persons.

The main migration issue facing Ukraine was the return to and reintegration in the Crimea of formerly deported persons, numbering 248,700. To prevent a statelessness situation among the formerly deported peoples, UNHCR launched a plan of action to assist the Crimean Tatars and others to acquire Ukrainian citizenship.

In support of the policy of integration of the Government of Armenia, UNHCR continued to provide assistance, addressing the needs of some 150,000 of the most vulnerable. The humanitarian programme of UNHCR in Azerbaijan moved towards a post-emergency phase, with a stronger emphasis on promotion of self-reliance and targeted assistance for 150,000 of the most vulnerable.

Conference on refugees of CIS countries and neighbouring States

In an August report [A/52/274 & Corr.1], the Secretary-General described follow-up to the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States [YUN 1996, p. 1117]. The report was submitted in response to General Assembly resolution 51/70 [YUN 1996, p. 1118], by which the Assembly also requested UNHCR, in cooperation with IOM and the Organization for Security and Cooperation in Europe (OSCE), to steer the activities in implementation of the Programme of Action adopted by the Conference. Under a joint operational strategy for 1996-2000, national implementation plans in each CIS country were drawn up. UNHCR and IOM made a joint appeal for funds in November 1996, thus providing a channel through which States or interested organiza-

tions could support implementation of the Programme of Action.

Most CIS countries had elaborated or revised legislation on migration and displacement, the Secretary-General reported, and many had promoted human rights. Some paid particular attention to minority rights and had made efforts to reduce statelessness. UNHCR strengthened its own regional policies and approaches, developing strategies and practical tools for capacity-building, enhancing or launching programmes to address such issues as statelessness, citizenship, involuntarily displaced persons and formerly deported peoples. IOM concentrated on migration management, integration assistance, migration assistance, and research and information activities. Other organizations active in the region included UNDP, which assisted internally displaced persons in Georgia and the reintegration of returnees in Crimea, Ukraine, focusing on improving the infrastructure and access to social services. Also in Crimea, UNICEF provided educational and medical supplies for community centres and polyclinics.

The Steering Group set up in October 1996 to monitor progress in implementing the Programme of Action met on 2 July 1997. Participants included 45 States, 21 international organizations, 73 NGOs and 4 other entities. A report compiled by UNHCR and IOM outlining progress made in each CIS country provided the basis for the review.

UNHCR and OSCE organized an expert meeting on freedom of movement (Kiev, Ukraine, December), with the participation of government representatives and independent experts from all the CIS countries and some others. Potential changes were considered in residence registration systems that impacted particularly negatively on asylum-seekers and refugees. UNHCR initiated a number of programmes in cooperation with other international organizations and NGOs to strengthen the capacities of local NGOs in implementing the Programme of Action.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/639], adopted **resolution 52/102** without vote [agenda item 107].

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995 and, in particular, 51/70 of 12 December 1996,

Having considered the report of the Secretary-General and that of the United Nations High Commissioner for Refugees,

Recognizing the acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States,

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in developing strategies and practical tools for more effective capacity-building and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Convinced of the necessity for the further strengthening of practical measures towards the implementation of the Programme of Action adopted by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support for the national efforts of the countries of the Commonwealth of Independent States aiming at the effective implementation of such responsibilities within the framework of the Programme of Action of the Conference,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful of the fact that effective implementation of the recommendations contained in the Programme of Action of the Conference should be facilitated and can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Noting and reaffirming the importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General and that of the United Nations High Commissioner for Refugees;

2. Notes the positive results achieved by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in the implementation of the Programme of Action adopted by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, and invites these organizations to continue to steer the ongoing and future activities relating to the follow-up to the Conference;

3. Welcomes the efforts of the Governments of those countries of the Commonwealth of Independent States that, in cooperation with the Office of the High Commissioner, the International Organization for Migration,

tion, the Organization for Security and Cooperation in Europe and the Council of Europe, have undertaken practical steps in the implementation of the Programme of Action;

4. Invites all countries that have not yet done so to accede to and implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees;

5. Appreciates the efforts made by the Office of the High Commissioner, the International Organization for Migration and the Organization for Security and Cooperation in Europe to support the implementation of the Programme of Action in the countries of the Commonwealth of Independent States, and underlines the necessity of an appropriate response by the international community to appeals for funds by the Office of the High Commissioner and the International Organization for Migration;

6. Calls upon States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for the practical implementation of the Programme of Action;

7. Invites international financial and other institutions to contribute to the financing of projects and programmes within the framework of the implementation of the Programme of Action;

8. Invites the countries of the Commonwealth of Independent States to intensify bilateral and subregional cooperation in maintaining the balance of commitments and interests in the process leading up to the implementation of the Programme of Action;

9. Calls upon the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular human rights and refugee protection principles, and to lend high-level political support to ensure progress in its implementation;

10. Emphasizes the necessity of fulfilling the recommendations of the Programme of Action relating to ensuring respect for human rights as an important factor

in the management of migration flows, the consolidation of democracy, the rule of law and stability;

11. Urges the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to take into account those elements of the Programme of Action that are relevant to her mandate;

12. Encourages the involvement of intergovernmental and non-governmental organizations in the follow-up to the Conference, and invites them to demonstrate stronger support for the process of the multinational constructive dialogue among a wide range of the countries concerned and further action with a view to the full implementation of the recommendations of the Conference;

13. Calls upon the Governments of the countries of the Commonwealth of Independent States as well as international organizations to strengthen further their cooperation with non-governmental organizations and to increase their involvement in the implementation of the outcome and the follow-up to the Conference;

14. Requests the Office of the United Nations High Commissioner for Refugees to enhance its relationship with other key international actors, such as the Council of Europe, the European Commission and other human rights, development and financial institutions, in order to better address the wide-ranging and complex issues in the Programme of Action;

15. Recognizes the importance of undertaking measures, on the basis of strict adherence to all of the principles of international law, including humanitarian law and international human rights standards, to prevent situations leading to new flows of refugees and displaced persons and other forms of involuntary displacement;

16. Requests the Secretary-General to report to the General Assembly at its fifty-third session on progress achieved in the implementation of the Programme of Action;

17. Decides to continue examination of this question at its fifty-third session.

Chapter XIII

Health, food and nutrition

In 1997, the United Nations continued to take action to promote human health, coordinate food aid and food security, and support research in nutrition.

Efforts to combat the AIDS epidemic remained a major concern for the United Nations. Those efforts were coordinated by the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, which focused on strengthening United Nations capacity to assist Governments and civil society to respond to HIV/AIDS. According to statistics made available in 1997, the epidemic continued to expand despite some advances in medical treatment. Another major health concern for the United Nations was the effects of tobacco on health. In that regard, the UN focal point on tobacco or health intensified dialogue with organizations of the UN system and Member States in order to strengthen tobacco control policies.

The World Food Programme (WFP)—a joint undertaking of the United Nations and the Food and Agriculture Organization of the United Nations—provided food aid to 52.9 million people in 1997. WFP expenditure totalled \$1,199 million during the year, of which 69 per cent was spent for relief activities and 31 per cent for development activities. The total amount of food delivered was 2.7 million tons.

Follow-up to the 1996 World Food Summit included action at the country level and at headquarters level to promote food security.

Health

AIDS prevention and control

The Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS), which became fully operational in 1996 [YUN 1996, p. 1121], continued to coordinate UN activities for the prevention and control of AIDS. The Programme, which served as the main advocate for global action on HIV/AIDS, was developed by six co-sponsors: the United Nations Development Programme (UNDP), the United

Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the World Bank and the World Health Organization (WHO). Its focus was to: strengthen UN capacity to assist Governments and civil society to respond to HIV/AIDS; build worldwide political commitment to respond to the epidemic; and improve the content, access and use of the body of knowledge needed to accelerate the global response.

In response to Economic and Social Council resolution 1996/47 [YUN 1996, p. 1122], the Secretary-General, by a note of 21 May [E/1997/63], transmitted a report of the UNAIDS Executive Director describing the status of the epidemic, the UN response to it and challenges facing the Organization.

According to the report, the HIV/AIDS epidemic continued to expand in 1996 with an estimated 3.1 million new infections—approximately 8,500 a day. Nearly half of the new infections occurred in women, and the majority of newly infected adults were under 25 years old. Of the estimated worldwide total of 22.6 million people living with HIV/AIDS, 21.8 million were adults and 830,000 were children. HIV/AIDS-associated illnesses caused the deaths of an estimated 1.5 million people during 1996, including 350,000 children. That represented about 25 per cent of all HIV-related mortality since the beginning of the epidemic. Although the introduction of anti-retroviral combination therapy was a major breakthrough in terms of treatment and had led to reduced mortality in several industrialized countries, the cost made it unaffordable to 90 per cent of the people living with HIV/AIDS. While the epidemic continued to worsen in many parts of the world, in an increasing number of developing countries prevention efforts appeared to have reduced HIV transmission. Much more could be done to provide access to effective, inexpensive drugs, care and counselling. In the area of vaccine development, which was still underfunded both in academia and in industry, there was little real progress.

In addition to specific HIV/AIDS activities, the UNAIDS co-sponsors were integrating or mainstreaming HIV/AIDS activities into programmes and programme areas. Other agencies, including

the United Nations International Drug Control Programme, were also addressing HIV/AIDS. A key element in the global strategy of the Office of the United Nations High Commissioner for Refugees (UNHCR) was to ensure that HIV/AIDS services were an integral part of the basic health services provided to refugees and displaced populations. HIV/AIDS was addressed in the personnel policies of all the organizations in the UN system, and workshops and training courses were provided to increase staff awareness of HIV/AIDS. Special HIV/AIDS-related training was also provided to UN peacekeepers.

The UNAIDS secretariat and co-sponsors worked together at the global, regional, inter-country and country levels, interacting and co-operating with Governments, bilateral agencies, non-governmental organizations (NGOs), the private sector and the media. At the global level, mechanisms for joint planning included inter-agency working groups on several issues, including global surveillance of HIV/AIDS and sexually transmitted diseases (STDs), communication, gender, children and HIV/AIDS, integrating HIV/STD prevention in schools, and especially vulnerable young people. At the country level, assistance was provided to strengthen national capacities to develop a more effective response to the epidemic, mainly through theme groups supported by country programme advisers, drawn from UNDP and other co-sponsors.

The estimated financial support provided by the Programme secretariat and co-sponsors for HIV/AIDS activities in 1996 totalled \$208 million, excluding staff costs, the report stated. That figure included some \$85 million in loans provided by the World Bank in 1995-1996. The biggest recipients were Kenya (\$40 million) and Indonesia (\$24.8 million). In addition to the headquarters staff, the Programme had 12 intercountry technical advisers and 37 country programme advisers working at the regional and country levels.

The report described selected UNAIDS activities in research and surveillance, information exchange, education and training, advocacy and public information, guidelines and publications on HIV/AIDS, and capacity-building and policy advice.

The continuing denial of the epidemic in some countries, as well as the new complacency that was eroding the urgency of the response as successful treatments were made known, created challenges to the mobilization of a global response to the epidemic. Another challenge was the failure in many places to accept the evidence that HIV prevention worked and that the tools required were available and cost-effective. The de-

velopment of a vaccine against HIV infection should remain a global priority of the first order, the report stated. Research and development efforts should be intensified so as to develop a vaccine and other technological tools required to control the epidemic. UNAIDS would need to continue to promote the goal of equity in the development of an international research agenda and in the testing of, and timely access to, its products.

At its fourth meeting (Geneva, 7-9 April 1997), the Programme Coordinating Board endorsed the proposed programme budget and work plan for the 1998-1999 biennium. The success of the Programme would be dependent on substantially increased resources to support HIV/AIDS activities in those countries most affected or threatened by the epidemic.

The Secretary-General, in the note transmitting the report, stated that he intended to monitor the progress of the Programme through the Administrative Committee on Coordination. The UN Secretariat had held consultations with UNAIDS representatives and had established an interdepartmental working group to coordinate the support to be provided by the Secretariat, particularly in the area of greater advocacy, and to study the socio-economic dimensions of the epidemic. That would entail coordination of units from the areas of policy coordination, economic and social information and policy analysis, peacekeeping, human rights, communications and media services, and personnel and medical services. The Secretary-General suggested the establishment of a UN focal point within the Department for Policy Coordination and Sustainable Development to provide for closer interaction between the Secretariat and the Programme.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 39], the Economic and Social Council adopted **resolution 1997/52** [draft. E/1997/L.46] without vote [agenda item 6 (e)].

Human immunodeficiency virus/ acquired immunodeficiency syndrome

The Economic and Social Council,

Recalling its resolutions 1994/24 of 26 July 1994, 1995/2 of 3 July 1995 and 1996/47 of 26 July 1996,

Noting with concern the continuing spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), in particular HIV/AIDS-associated deaths in 1996, which represent approximately 25 per cent of all HIV-related mortality since the beginning of the epidemic, the severe impact on development prospects and the worsening impact on individuals, households and society,

Recognizing that women and men are affected differently by HIV/AIDS and that in 1996 nearly half of the new infections occurred in women,

Recognizing also that special efforts are needed to help developing countries to combat AIDS,

Noting with concern the increasingly dramatic situation of millions of children worldwide who are living under the threat of the HIV/AIDS epidemic, and welcoming the theme of the 1997 World AIDS Campaign on Children Living in a World with AIDS,

Noting with appreciation the progress achieved in the implementation of the activities of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome by its co-sponsoring organizations during its first full year of operation, and acknowledging the continued efforts made by Governments in response to HIV/AIDS at the national level as well as the financial support provided by countries for these efforts,

Noting that the Programme, which was established to provide a coordinated United Nations response to the epidemic, constitutes an important example of effective system-wide coordination in the context of United Nations reform efforts,

Taking note of the note by the Secretary-General transmitting the report of the Executive Director of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, which discusses the HIV/AIDS activities of the organizations of the United Nations system, and welcoming the increased involvement of the Secretary-General in the response to HIV/AIDS and his support to the Programme,

1. Urges the co-sponsors of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and other relevant organizations of the United Nations system to strengthen their commitment to the response to the epidemic by integrating HIV/AIDS components throughout their operational activities at the global, regional and country levels and in their follow-up activities to global conferences;

2. Requests co-sponsoring organizations and the Programme to disseminate clear guidance to country-level staff on the role and functions of the United Nations theme groups on HIV/AIDS and their respective roles in providing technical assistance and to report back to their respective governing bodies and to the Programme Coordinating Board on measures undertaken in this respect;

3. Requests the United Nations funds and programmes, and invites the specialized agencies, in consultation with the host countries, to ensure effective co-ordination of HIV/AIDS-related activities in the context of the resident coordinator system;

4. Urges the co-sponsoring organizations to share costs related to administrative support for the effective functioning of theme groups within the framework of the United Nations resident coordinator system;

5. Appeals to Governments and the co-sponsors, and encourages other interested actors, to broaden their programme activities in the area of HIV/AIDS in order to cover all aspects of the epidemic, in particular addressing its social and economic dimensions, especially in developing countries, and emphasizing, in this context, a gender-based approach;

6. Urges all donors to continue their support and those not contributing substantially to increase their

support to the Programme, giving priority to funding the core budget in order to ensure sustainable financing of the Programme;

7. Welcomes the support of other countries, and urges all those in a position to do so to contribute to the Programme;

8. Requests the Secretary-General to transmit to the Council, at its substantive session of 1999, a comprehensive report prepared by the Executive Director of the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome in collaboration with other relevant organizations of the United Nations system, drawing upon the biennial report on HIV/AIDS to be issued in 1998, on the progress made in the response to HIV/AIDS and its impact on the countries affected.

Tobacco or health

Pursuant to Economic and Social Council resolution 1995/62 [YUN 1995, p. 1259], the Secretary-General reported in May [E/1997/62] on progress made by the UN focal point in the implementation of multisectoral collaboration on tobacco or health. The report summarized information gathered by the UN focal point on tobacco or health, designated in accordance with Council resolution 1993/79 [YUN 1993, p. 988], within the United Nations Conference on Trade and Development (UNCTAD), based on contacts with Governments, intergovernmental organizations and NGOs, as well as over 30 UN entities.

The report concluded that, over the two-year period under review, there had been a growing awareness of the public health risks associated with tobacco consumption. An international struggle to control the operations of major tobacco multinationals reached a turning point when a number of them met with anti-smoking groups and officials of the United States to discuss the terms of a settlement on a large number of liabilities. Another major change in the past two years was the impact of the development of the Internet, which provided generally reliable global information on tobacco. Concerning the future of the tobacco or health programme, a commitment to providing a minimal level of resources for such activities would be essential if the UN system was to respond to all the new requests for action on tobacco-related issues. One option would be to establish a voluntary trust fund to finance the main activities of the UN focal point. A small amount of resources allocated to mobilize a coordinated international response to developing tobacco control policies could make a significant impact due to the networking arrangements and links established with governmental, intergovernmental, non-governmental and civil society organizations.

The Economic and Social Council, by **decision 1997/303** of 25 July, took note of the Secretary-General's report.

Inter-agency coordination in health policy

In 1997, the UNDP/UNFPA Executive Board considered a note by its President [DP/FPA/1997/5] on the follow-up to a 1996 Board decision [YUN 1996, p. 11261 requesting the President to ascertain the views of the Executive Boards of WHO and UNICEF on the possible membership of the UNDP/UNFPA Board in the UNICEF/WHO Joint Committee on Health Policy (JCHP) and to take action to enable the UNFPA secretariat to participate as an observer in the JCHP meeting in January 1997. The meeting was later rescheduled for May 1997. In response to a request for their views and assistance, the UNICEF Executive Director and the WHO Director-General issued a joint response stating that they planned to submit to their respective Executive Boards the following proposed arrangements: the UNICEF/WHO JCHP would be known as the UNICEF/WHO/UNFPA Coordinating Committee on Health and its terms of reference would be amended accordingly, and the meeting of the Committee would be organized in such a way that matters of direct reference to UNFPA were clustered together so that UNFPA could organize the attendance of its Board members and staff most economically and effectively.

By a 16 January decision [E/1997/33 (dec. 97/1)], the UNDP/UNFPA Executive Board endorsed the proposed arrangements and recommended that it become a member of the UNICEF/WHO/UNFPA Coordinating Committee on Health. It requested its President to bring the decision to the attention of the UNICEF and WHO Executive Boards. Its secretariat was asked to circulate, when available, the amended terms of reference of the Committee.

At its thirty-first session (Geneva, 19-20 May) [E/ICEF/1997/19], the UNICEF/WHO JCHP welcomed the expansion of its membership to include UNDP/UNFPA Executive Board members. JCHP noted that the UNICEF Executive Board was to consider the draft terms of reference of the new Committee, as approved by the WHO Executive Board. It was understood that the new Committee would continue to review the common concerns of WHO and UNICEF in addition to the newly added areas of concern to UNFPA. The new Committee would be called the WHO/UNICEF/UNFPA Coordinating Committee on Health (CCH).

In addition to expanding its membership, JCHP discussed district health system development and the implementation of a joint strategy for water supply and sanitation (see PART THREE,

Chapter VI). Regarding district health system development, JCHP considered a document [JCHP31/97.2] that analysed trends in the functioning of those systems in developing countries, reviewed country-level progress in the context of a changing world environment, and presented a two-year joint WHO-UNICEF work plan for strengthening district health systems. JCHP recommended that work should continue according to the proposed two-year work plan, bearing in mind the need to focus on practical activities that produced verifiable outcomes. Activities would include more detailed analysis of the current situation in countries, as well as further joint work by WHO and UNICEF to support selected districts in implementing innovative activities in such areas as malaria control and safe motherhood.

The UNDP/UNFPA Executive Board, by a decision of 19 September [E/1997/33 (dec. 97/28)], took note of the proposed draft terms of reference of CCH [DP/FPA/1997/17] and recommended that the Committee meet as soon as possible to discuss its functioning, including proposed amendments to its terms of reference, taking into account UNFPA core programme areas, as well as substantive issues common to the mandates of WHO, UNICEF and UNFPA. The Board called on the secretariats of the three organizations to facilitate the convening of such a meeting. It recommended that any agreed amendments to the proposed draft terms of reference be submitted for the Board's consideration. The Board's President was requested to convey the decision to the UNICEF and WHO Boards.

Protecting and promoting health

In January, the Secretary-General submitted to the Commission on Sustainable Development (see PART THREE, Chapter I) a report [E/CN.17/1997/2/Add.5] prepared by WHO as task manager for chapter 6 (protecting and promoting health) of Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development (UNCED) [YUN 1992, p. 672].

Of the 74 countries that reported on progress in implementing chapter 6, just over one third had incorporated health into their reports. In some countries, health and environment-related plans had been prepared for inclusion in the national plans for sustainable development. In others, sectoral plans had been reviewed and modified to include health and environment-related concerns.

A result of UNCED was the large number of local Agenda 21 initiatives, especially in cities but also in villages and even islands, many of which featured health and health-related objectives.

The WHO Regional Office for the Americas was promoting methodologies for primary environmental health care, aiming at greater and more systematic community attention to environmental health risks. A parallel initiative was the Healthy Cities movement, which promoted health in cities by building on local resources and capacities, and linking such actions to the local Agenda 21.

In the area of health implications of climate change and depletion of the ozone layer, WMO, the World Meteorological Organization, the United Nations Environment Programme (UNEP) and the International Commission on Non-Ionizing Radiation Protection issued a joint recommendation on the potential harm of exposure to sun and the need to adopt protective measures. They initiated an international research project to measure the harmful effects of excessive solar ultraviolet radiation on the eyes and skin.

In the area of protecting the food supply from environmental hazards, the FAO/WHO Codex Alimentarius Commission had developed, since 1962, food standards, guidelines and other recommendations, which included maximum limits on pesticides, contaminants and other environmental hazards.

Promising changes were seen in further commitments by ministers of health and the environment to attaining long-term environment and health policy objectives. The WHO Information for Decision-making in Environment and Health initiative focused on capacity-building, methodology development and improved information access. The incorporation of health concerns within the context of development projects was promoted by WHO, the Food and Agriculture Organization of the United Nations (FAO), UNEP and the United Nations Centre for Human Settlements (Habitat) Panel of Experts on Environmental Management of Vector Control. Guidelines were prepared outlining how development project planners should incorporate health in their impact assessments. In response to the need expressed in chapter 19 of Agenda 21 to produce guidelines for acceptable exposure to a greater number of chemicals, the Joint FAO/WHO Expert Committee on Food Additives and the FAO/WHO Joint Meeting on Pesticide Residues continued to develop guidelines for tolerable intake levels for contaminants and acceptable intake levels for pesticides, respectively. WHO updated guidelines on drinking-water quality and air quality in Europe. Environmental determinants of emerging diseases was another area where work had been done. Recognizing that environmental factors such as land use and water

management often played an important role in disease epidemiology and risk, the UNDP/World Bank/WHO Special Programme for Research and Training in Tropical Diseases had funded research on means for reducing the impact of development projects on the risk for tropical diseases, in particular malaria, Schistosomiasis, leishmaniasis and onchocerciasis.

In evaluating the progress achieved in health since UNCED, the report found a number of emerging priorities. It stated that the overriding goal for the future had to remain the incorporation of health in national sustainable development plans. At the present stage in the implementation of Agenda 21, it said, the Commission on Sustainable Development should reaffirm its commitment to incorporating health in national sustainable development plans, while giving priority to areas where it had the greatest influence. Three priorities were proposed: improving the understanding of the relationship between health and social, economic and environmental driving forces; incorporating health in environmental impact assessments; and strengthening the role of local government.

Food and agriculture

Food aid

World Food Programme

The Executive Board of the World Food Programme (WFP) reported to the Economic and Social Council in June [E/1997/34] on WFP activities. The report was divided into three parts: the annual report of the Board on its 1996 activities; a report on financial matters; and reform and revitalization measures in WFP. A July addendum [E/1997/34/Add.1] contained the Board's 1997 decisions and recommendations.

The Executive Director recommended for the Board's approval a pledging target for WFP's development activities for 1999-2000, covering both food and cash, of \$1 billion. That was a reduction from the \$1.3 billion target set for 1997-1998 due to the decreasing level of resources made available for development, particularly by major donors. The target amount was approved by the Board in May. The Executive Director stated that there were approximately 800 million chronically malnourished people in the world and that that level was likely to persist in the coming years unless action was taken. During the previous biennium (1995-1996), over 20 million people were reached through WFP development activities an-

nually. A similar level was expected for the 1997-1998 biennium.

In the area of organizational reform, WFP had taken steps to place more senior and specialized staff in the field, delegate more authority to the field, expand training and improve communication within the organization.

The WFP Executive Board, at its first (Rome, 21-23 January) and second (Rome, 24-26 March) regular sessions and resumed second regular session (Rome, 26 and 29 May) of 1997, decided on organizational and programme issues and approved a number of projects. In January, it recommended to the Secretary-General and the FAO Director-General that Catherine Bertini be reappointed to serve a second term as WFP Executive Director. It agreed with measures to support national food assistance programmes and took note of several evaluation reports and country strategy outlines. In a May decision, the Board endorsed the general orientation of the Strategic and Financial Plan, 1998-2001, and approved the preparation of a consolidated budget of \$2.6 billion, including programme support and administrative costs for 1998-1999. Calling for certain improvements in the budgetary performance report, the Board requested the Executive Director to present a paper on the use of interest income. By another decision, the Board set out its policy in regard to monetization.

WFP activities

During 1997 [WFP/EB.A/98/3-A], 52.9 million people received food assistance from WFP. In addition, WFP provided relief assistance to 29.1 million people. Of those, 21.4 million were reached through emergency operations and 7.7 million through protracted relief operations; 19.1 million were victims of man-made disasters (4.2 million refugees/returnees and 14.9 internally displaced persons) and 10 million were affected by natural disasters such as drought, floods and crop failure. WFP development assistance reached an additional 23.8 million people: 9.8 million through human resource development projects and 14 million through infrastructure, agricultural or rural development projects. Some 39 per cent of the beneficiaries were in Africa, 37 per cent in Asia and the Pacific, 15 per cent in the Mediterranean, Middle East and Commonwealth of Independent States (CIS) region and 9 per cent in Latin America and the Caribbean.

There were 17 per cent more beneficiaries in 1997 than in 1996. The increase in beneficiaries was mainly in the Democratic People's Republic of Korea (DPRK), with an additional 3 million beneficiaries, and in Africa and Latin America as a consequence of the El Niño climatic phenome-

non (see PART THREE, Chapter III). The increase in food deliveries to development projects also enabled the Programme to reach more people with development assistance.

In 1997, resources made available to WFP totalled \$1,311 million; 44.4 per cent of those funds were contributed to emergencies, 26.4 per cent to development, 24.3 per cent to protracted relief operations, and 4.9 per cent to other activities. Expenditure amounted to \$1,199 million, of which 69 per cent was spent for relief activities and 31 per cent for development activities. Operational expenditures in least developed countries represented 60 per cent of expenditures.

Total quantities of food shipped or purchased locally amounted to 2.7 million tons, an increase of almost 28 per cent as compared to 1996. The increase was due mainly to exceptionally large carry-overs from 1996: large food contributions confirmed late in 1996 were delivered in early 1997.

By the end of 1997, WFP had operational activities in 76 countries, 8 fewer than in 1996.

Sub-Saharan Africa. Sub-Saharan Africa continued to receive the major share of WFP assistance. Some 47 per cent of WFP's operational expenditures were spent in 35 countries of the region and reached 20.5 million beneficiaries. In countries where prospects for peace improved (Angola, Liberia and Rwanda), WFP embarked on an effort to consolidate recovery. Assistance was targeted to the resettlement of displaced people, and food-for-work microprojects aimed at the rehabilitation of infrastructure, environmental protection and income-generating activities.

The regional approach to the Great Lakes crisis (see PART ONE, Chapter II) had allowed WFP to meet in a flexible manner the rapidly changing food requirements of beneficiaries in the six countries covered by the operation: Burundi, the Congo, the Democratic Republic of the Congo, Rwanda, Uganda and the United Republic of Tanzania. In addition to the 1.6 million beneficiaries assisted under the regional operation, WFP assisted 1.4 million drought victims in the United Republic of Tanzania, 200,000 drought victims in Uganda, 165,000 Sudanese refugees in Uganda and 257,000 people displaced by conflict in northern Uganda.

While the improved security conditions allowed rehabilitation activities to start in Liberia, the situation in Sierra Leone worsened during 1997 (see PART ONE, Chapter II), obliging WFP to revert to a strategy of emergency assistance. All WFP international staff were evacuated and food stores were looted. In the Sudan, where poor food harvests prevailed in 1996/97, WFP improved access to more reliable sources of drink-

ing water for households and livestock through the construction and rehabilitation of rural water schemes, satisfied the immediate food needs of the most vulnerable people, contributed to the empowerment of women by providing skills training for income-generating activities, and improved the educational infrastructure of targeted villages.

Asia and the Pacific. The largest proportion of WFP contributions for food aid for development went to Asia and the Pacific; 28 per cent of WFP operational expenditures in 1997 were spent in the region, reaching 19.4 million people. As in the past, WFP supported major food-for-work programmes, enabling poor rural people to improve their household food security. The assistance included: support of disaster mitigation programmes and credit schemes for poor women (Bangladesh); strengthening of rural communities in local infrastructure (China, India and Nepal); rehabilitation programmes for war-affected people (Cambodia and Tajikistan); nutrition and health support to targeted vulnerable groups (India, Pakistan and Viet Nam); support to education (Bhutan, Nepal and Pakistan); and emphasis on women's activities (Afghanistan).

Natural disasters that occurred in the DPRK in 1995, 1996 and 1997 severely set back agriculture, compounding underlying structural problems in food production. In March 1997, the WFP Executive Director visited the DPRK to assess the situation. Conditions were critical; in particular, the health and nutritional status of children had become of grave concern. As a consequence, WFP increased its commitment to provide 100 grams of cereal per day as emergency rations to 2.6 million children aged seven and under, and supplementary food aid to 2.1 million others.

WFP also provided relief assistance to farmers who were victims of typhoons and floods in the Lao People's Democratic Republic during the planting and harvest period, and to 1.2 million Afghans affected by the escalating conflict in that country. Although on a smaller scale than in the past, assistance continued to be provided to refugees (Bhutanese refugees in Nepal, Afghan refugees in Pakistan, and refugees from Myanmar in Bangladesh) and to displaced persons in Sri Lanka.

Mediterranean, Middle East and CIS. With 8.3 million beneficiaries, the Mediterranean, Middle East and CIS region accounted for 20 per cent of WFP's operational expenditures. Development activities were focused on those with the greatest food aid need: West Bank and Gaza Strip and Yemen. In countries with higher levels of development (Egypt, Jordan, Morocco and the Syrian Arab Republic), WFP focused on strengthen-

ing local and national capacities. In the territory of the former Yugoslavia and CIS countries, WFP increased rehabilitation activities for vulnerable groups. As of 1 January, WFP took over the remaining distribution activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) for food aid in Bosnia and Herzegovina. In Iraq, as food distribution approached planned levels under Security Council resolution 986(1995) [YUN 1995, p. 475] (see PART ONE, Chapter IV), WFP gradually reduced its emergency assistance programme from 2,150,000 beneficiaries to just over 1 million people, distributing 79,000 tons of emergency food to malnourished children and other vulnerable people.

Latin America and the Caribbean. WFP development and relief activities in Latin American and the Caribbean reached 4.7 million people and represented 5 per cent of WFP operational expenditures in 1997. During the year, WFP supported government and local communities' efforts to increase income-generating activities for the poor. In economically more advanced countries, WFP assisted Governments to create new structures for food security. Human development activities focused on pre-school children, and expectant and nursing mothers. In 8 of the 12 countries of the region, WFP added micronutrient components to enhance the nutritional value of its programme. In Haiti, children received an enhanced nutritional product known as Akamil. A project in Bolivia was aimed at adding iron supplements to all wheat flour milled in the country. Further to a study on WFP projects in the region, the Executive Board agreed that WFP should continue focusing on indigenous people who lived in extreme poverty. Other development projects focused on watershed management.

Relief assistance helped the victims of hurricane Lili in Cuba, drought-affected persons in Haiti, and returnees and displaced persons in Guatemala. The opening of the Central America Cluster in Managua, Nicaragua, enabled WFP to launch a regional El Niño emergency rehabilitation project in El Salvador, Guatemala, Honduras, Nicaragua and Panama to assist farmers suffering from crop shortfalls. Following floods that caused mud slides, erosion and crop destruction, WFP launched an emergency operation in Ecuador and sent missions to assess the problems in Bolivia, Paraguay and Peru.

Administrative and financial matters

Resources and financing

The authorized level of WFP's consolidated budget for 1996-1997 was \$3.1 billion. From that amount, \$2,861 million was projected for com-

modifies, transport, delivery and other direct support costs, and \$228.9 million for the corresponding Programme Support and Administration component of the budget. That component was later reduced to \$226.4 million to align it with operational levels.

During 1997, WFP's overall expenditure amounted to \$1,199 million, which covered the costs of: commodities; ocean transport; landside transport, storage and handling; and direct and indirect support costs. Most of the expenditure (\$700 million) was for food. By programme category, emergency operations accounted for \$468 million, followed by development (\$340 million), protracted relief operations (\$235 million) and programme support (\$119 million).

Total food commodities purchased by WFP for 1997 amounted to 1,366,000 tons—an increase of 40 per cent over 1996. Following very high prices for cereals in 1995/96, 1997 saw more normal prices. The cost of the food commodities purchased in 1997 amounted to \$323 million, compared with \$269 million in 1996.

Contributions in 1997 totalled \$1,311 million, 44.4 per cent of which was given for emergency aid, 26.1 per cent for development activities and 24.3 per cent for protracted relief operations. In 1997, donors made fewer non-directed multilateral donations to development projects. Only 65 per cent of resources for development projects were multilateral in 1997, down from 75 per cent in 1996. WFP was concerned about the trend to direct multilateral funds to specific countries and/or projects, which made it difficult to target resources to the neediest projects.

Forty new emergency operations were approved in 1997 with a total requirement of 1.97 million tons of food, valued at \$1,031 million, representing significant increases over 1996.

Revision of General Regulations

By an April note [E/1997/49], the Secretary-General transmitted a report of the WFP Executive Board containing proposals on the revision of WFP General Regulations. The proposals were the result of the Open-ended Working Group formed by the Board in 1996 and were aimed at: bringing the General Regulations into line with the recent relevant UN and FAO decisions on the restructuring and revitalization of the United Nations in economic, social and related fields; removing outdated or superseded provisions from the General Regulations; and updating them to reflect the decisions of the Board and the functions that WFP was called on to discharge. The Working Group held five sessions between November 1996 and March 1997.

While recognizing that the United Nations and FAO should have the final responsibility in all matters relating to the basic "constitution" of WFP and its role in the UN system, the Working Group stated that it should be possible to distinguish those matters in the General Regulations from points of detail and operational issues. The basic constitution and the WFP role could be set forth in the General Regulations and be amended following current procedures. Other matters, such as operational issues, modalities of cooperation within the UN system, financial planning, staffing and country programme planning, could be contained in rules that would be promulgated under and consistent with the General Regulations, with the Executive Board having the authority to adopt and amend those rules. The Board requested the Economic and Social Council and the FAO Council to endorse the Working Group's proposals and recommend their adoption to the General Assembly and the FAO Conference.

The Economic and Social Council, by **decision 1997/217** of 8 July, took note of the Secretary-General's note, endorsed the revisions and decided to transmit them to the General Assembly.

On 18 December, the Assembly, by **decision 52/449**, endorsed the revisions.

Food security

Follow-up to 1996 World Food Summit

Pursuant to General Assembly resolution 51/171 [YUN 1996, p. 1131], the Secretary-General transmitted a report [A/52/132-E/1997/57] of the FAO Director-General on the outcome of the 1996 World Food Summit [YUN 1996, p. 1129]. The Summit adopted the Rome Declaration on World Food Security, which set forth seven commitments for achieving sustainable food security for all, and the Plan of Action, which spelt out the objectives and actions relevant for the implementation of those commitments.

After the Summit, a proposal for inter-agency coordination was made to the Administrative Committee on Coordination (ACC) by FAO and the International Fund for Agricultural Development (IFAD) with a view to ensuring maximum cost-effectiveness, country-level focus, flexibility and efficiency, avoiding institutional additionality at a time of shrinking budgets within and outside the UN system, respecting the FAO Conference and Assembly resolutions noting that the Summit should not call for new funding mechanisms or new institutions, and adhering to the principle that had guided the ACC subsidiary machinery. Consultations would be carried out

through the establishment, within the resident coordinator system, of thematic groups with participation of national Governments and the partners, including NGOs, to support national action. The sharing of country-level experiences and the provision of headquarters support to the field-level groups would derive from networking arrangements among relevant organizations, with FAO assuming responsibility for operation of the network. Extensive use of electronic communication, with periodic on-line posting of progress reports, was expected to reduce the need for formal meetings and would permit involvement of non-UN partners.

At its first 1997 regular session (Geneva, 10-11 April) [E/1997/73], ACC endorsed the arrangements proposed for inter-agency follow-up to the World Food Summit. Under those arrangements, the resident coordinator system would constitute, at the country level, thematic groups covering food security and related issues and, at headquarters level, FAO and IFAD would assume responsibility for overall operation of a network of interested organizations to support those country-level groups and promote common approaches.

The Plan of Action called on Governments, in cooperation with others, to establish, through the Committee on World Food Security (CFS) set up by FAO, a timetable, procedures and standardized reporting formats for reporting on national, sub-regional and regional implementation of the Plan of Action. At its twenty-third session (Rome, 14-18 April), CFS considered institutional arrangements for such reporting, and was informed of action already taken by FAO and its partners. Those arrangements included, in addition to the ACC decision, a report on the outcome of a technical consultation convened by FAO on the Food Insecurity and Vulnerability Information and Mapping System (FIVIMS) with the participation of nine UN organizations, five national institutions and 15 experts from 11 countries. The Committee agreed on a provisional reporting procedure to be used in 1997, based on three sources: reports from national Governments, reports on UN agency follow-up and inter-agency coordination, and reports from other relevant international institutions. The reporting would follow the structure of the commitments and objectives of the Plan of Action, and would cover actions, the actors and, where available, results under each of the objectives. The reports, covering the period up to the end of 1997, were expected to reach the Secretariat by the end of January 1998. In 1998, CFS would consider a standard reporting format for successive periods.

The General Assembly, by **decision** 52/447 of 18 December, adopted on the recommendation of the Second (Economic and Financial) Committee [A/52/627], took note of the Secretary-General's note transmitting the report of the FAO Director-General.

Nutrition

ACC activities

The Administrative Committee on Coordination (ACC) Subcommittee on Nutrition held its twenty-fourth session from 17 to 21 March [ACC/1997/9] in Kathmandu, Nepal. It kept under review nine working groups on such questions as micronutrients, breastfeeding, nutrition of refugees and displaced people, and household food security. The Subcommittee discussed its programme and budget for 1998-1999, which comprised two components: the Subcommittee's core activities; and the programme activities to be carried out subject to funds being raised. The budget for the biennium totalled \$976,000 compared with \$900,000 in 1994-1995.

The Subcommittee's work in progress included the third Report on the World Nutrition Situation, which contained an update of the current nutrition situation and trends, micronutrients, and nutrition in refugees and displaced people. The Subcommittee considered revisions to *The Nutrition Challenge in the Twenty-First Century: What Role for the United Nations?* and agreed that it would retain a strong focus on problems of undernutrition. It decided to continue publication of its quarterly Report on the Nutrition Situation of Refugees and Internally Displaced People, which provided comparisons between different emergency situations and highlighted trends over time.

UNU activities

The United Nations University (UNU) continued its food and nutrition programme in 1997, as described in the report of the UNU Council to the General Assembly [A/53/31]. The UNU programme, undertaken in collaboration with WHO, UNICEF and FAO, addressed major nutrition concerns in developing countries. During 1997, the programme maintained four major global projects and numerous smaller ones. It provided 15 fellowships for advanced training and published quarterly issues of two journals, *Food and Nutrition Bulletin* and *The Journal of Food Composition and Analysis*. The programme's mission statement and goals were reassessed during the year

as part of a planned transition from a UNU Centre programme coordinated out of Boston, United States, to a permanent Research and Training Coordinating Centre at Cornell University, Ithaca, United States. The programme would be designated the Centre for International Nutrition Action and Knowledge.

The project on an International Network of Food Data Systems (INFOODS) almost attained its goal of involving every country in its network of regional food composition databases, through which data on food composition could be exchanged electronically around the world.

Under the UNU Overcoming Critical Micronutrient Deficiencies project, 10 studies on iron supplementation in test groups made up of women and children in Bolivia, China, Guatemala, Indonesia, Malaysia and the United States were completed. The results indicated that haemoglobin levels were the same after two or three months with either daily or weekly supplementation unless there were complicating factors, such as ma-

laria. That meant that the more cost-effective weekly supplementation should be used.

In March, in cooperation with a research institute and a government ministry of India, UNU organized the International Conference on Traditional Foods, with participants from Africa, Asia and Europe, the purpose of which was to promote scientific investigation into traditional foods that were consumed by the majority of people in developing countries.

The International Dietary Energy Consultative Group (IDECG) was sponsored by UNU in collaboration with the International Union of Nutritional Sciences. The report of a seminal 1996 workshop on the causes and consequences of intrauterine growth retardation, originally published as a supplement to *The European Journal of Clinical Nutrition*, would be reprinted as an IDECG monograph. The 1997 IDECG workshop on the lower and upper limits of adaptation to energy intake and its principal substrates, carbohydrates and lipids, was held in Rome in December.

Chapter XIV

International drug control

During 1997, the United Nations, through the Commission on Narcotic Drugs, the International Narcotics Control Board (INCB) and the United Nations International Drug Control Programme (UNDCP) of the Secretariat, continued to further strengthen international cooperation and increase efforts regarding the cultivation for illegal purposes, illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances, including synthetic drugs. It also pursued ways to control and prevent the diversion of precursors and essential chemicals used in the illicit manufacture of narcotic and psychotropic substances, in accordance with obligations of States under the UN drug control conventions.

UNDCP continued to focus on regional, sub-regional and national strategies for drug abuse control, and provided Member States with legal assistance, as well as assistance in training personnel and in establishing or strengthening national drug detection laboratories. It reported on illicit traffic in narcotic drugs and psychotropic substances, assessing worldwide trends in illicit traffic and transit, including changes in methods and routes used, and recommended ways to improve the capacity of States to deal with all aspects of the drug problem. The Programme's responsibilities also included monitoring the implementation of the 1990 Global Programme of Action by States and UN entities and carrying out activities under the United Nations System-wide Action Plan on Drug Abuse Control, which was also established in 1990.

INCB continued to oversee the implementation of the three major international drug control conventions, analysed the drug situation worldwide, drew attention to gaps and weaknesses in national control and treaty compliance, and made suggestions and recommendations for improvements at the national and international levels. The Board stressed the importance of demand reduction measures in addition to supply reduction, and drew Governments' attention to their responsibilities to start effective and comprehensive prevention programmes, encouraging them to seek the cooperation of the media, which had always been an influential force in public education. For the first time, it established assessments of annual licit domestic require-

ments for psychotropic substances for countries that had not submitted them.

The Commission on Narcotic Drugs—the main UN policy-making body on drug control matters—acted as the preparatory body for the special session of the General Assembly on drug control, to be convened in 1998, and devoted several days of its annual session to that task. It also addressed a number of substantive issues, primarily the reduction of both the demand for and the supply of narcotic drugs and illicit drug trafficking issues. The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East adopted the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors. In July, the Economic and Social Council urged Member States to implement the Accord and to promote public campaigns to enhance public awareness of drug abuse and drug prevention programmes.

International and regional cooperation

Conventions

International efforts to control narcotic drugs in 1997 were governed by three global conventions: the 1961 Single Convention on Narcotic Drugs [YUN 1961, p. 382], which, with some exceptions of detail, replaced earlier narcotics treaties and was amended in 1972 by a Protocol [YUN 1972, p. 397] intended to strengthen the role of the International Narcotics Control Board (INCB); the 1971 Convention on Psychotropic Substances [YUN 1971, p. 380]; and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690], which entered into force in 1990.

As at 31 December 1997, 147 States were parties to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol. During the year, five States—Kazakhstan, Lebanon, Saudi Arabia, Tajikistan and Viet Nam—became parties.

The Convention, as amended, established a dual drug control obligation for Governments: to ensure adequate availability of narcotic drugs, including opiates, for medical and scientific purposes, while at the same time preventing the illicit production of, trafficking in and the use of such drugs. To implement those responsibilities, Governments enacted laws and took administrative and enforcement measures. Each Government estimated annually the amount of narcotic drugs needed to satisfy all medical and scientific requirements in the country for the coming year. INCB evaluated, confirmed and published the amount of narcotic drugs for each Government. Each Government could then manufacture or import narcotic drugs within that amount and distribute them to medical facilities for the treatment of patients. In case of unforeseen increases in medical demand, Governments could submit supplementary estimates to the Board at any time; requests for supplementary estimates were acted on expeditiously.

To prevent and detect diversions of narcotic drugs from licit to illicit channels, INCB monitored the cultivation, manufacture, import, export and consumption of such drugs throughout the world. If the treaty requirements for drug control were to be implemented consistently, the potential for diverting narcotic drugs to illicit channels would be reduced to a minimum without interfering with their availability for treatment of patients who needed them. Given the large number of national and international transactions, the number of incidents involving diversion of narcotic drugs was considered small.

The number of parties to the 1971 Convention on Psychotropic Substances stood at 153 as at 31 December 1997. Six States became parties during the year: Austria, Kazakhstan, the Lao People's Democratic Republic, Oman, Tajikistan and Viet Nam.

As at 31 December 1997, 144 States and the European Union (EU) were parties to the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Six States—Austria, Benin, Iceland, Kazakhstan, Singapore and Viet Nam—became parties during the year.

By a March resolution [E/1997/28/Rev.1 (res. 2(XL))], the Commission on Narcotic Drugs encouraged Governments to adopt and implement comprehensive and effective legislation and adequate procedures for criminal investigation and prosecution, and to target participants in organized drug-trafficking groups, with a view to: bringing to justice the heads and the members of criminal organizations involved in illicit drug-

related criminal activities; permitting the seizure and confiscation of criminal instrumentalities and proceeds; providing for adequate penalties to ensure that major producers and traffickers of illicit drugs received punishment commensurate with their criminal activities; promoting effective international cooperation in information exchange, extradition and mutual legal assistance; and enhancing the capabilities of law enforcement and judicial authorities with regard to the investigation and prosecution of drug-trafficking and money-laundering organizations. The Commission also requested the United Nations International Drug Control Programme (UNDCP) to continue to assist Member States to develop and implement domestic legislation that would achieve the above objectives, in accordance with article 2 of the 1988 Convention. The Executive Director of UNDCP was asked to report to the Commission in 1998 on progress achieved by the meetings of international expert groups on model legislation organized by the Programme, including any recommendations designed to ensure compliance with the international drug control treaties. The Commission requested the General Assembly, at its special session on drug control to be held in 1998, to consider ways to promote the adoption of legislation designed to enhance judicial and law enforcement cooperation in conformity with the 1988 Convention. It further requested the Secretary-General to transmit the resolution to all Governments for consideration and implementation.

In its report covering 1997 [E/INCB/1997/1], INCB welcomed the fact that a growing number of Governments had taken steps to establish mechanisms to implement the provisions of the 1988 Convention and to accede to it. It noted, however, that among the States that had not become parties were some major manufacturing, exporting and importing countries. The Board requested all States that had not done so to accede to the Convention as soon as possible. It also expressed the hope that countries that had not done so would soon accede to the 1961 Single Convention on Narcotic Drugs as amended and the 1971 Convention on Psychotropic Substances.

To encourage adherence to and implementation of the international drug control treaties, UNDCP continued to provide States with legal assistance during 1997.

International Narcotics Control Board

The International Narcotics Control Board met twice in 1997, for its sixty-second (5-16 May) and sixty-third (3-20 November) sessions. Its ac-

tivities, observations and recommendations were reflected in its report for 1997 [E/INCB/1997/1].

In carrying out its responsibilities under the international conventions, the 13-member Board maintained a continuous dialogue with Governments. The information provided by Governments enabled the Board to study the licit movement of narcotic drugs, thereby ensuring that the provisions of the drug conventions were strictly observed. That information, published annually by the Board, was used by Governments to verify whether or not they were adequately applying the conventions' provisions. In its annual report, the Board drew attention to gaps and weaknesses in national control and treaty compliance, and made suggestions and recommendations for improvements at both the national and international levels.

The Board also collaborated with UNDCP, of which its secretariat formed a part, and with other international bodies concerned with drug control, including the Commission on Narcotic Drugs and UN specialized agencies, particularly the World Health Organization (WHO). It also cooperated with bodies outside the UN system, such as the International Criminal Police Organization and the World Customs Organization.

In 1997, the Board encouraged Governments to seek the cooperation of the media and work with them as partners in fighting drug abuse and illicit trafficking; Governments were also called on to use new forms of communication, particularly the Internet, to disseminate objective information about drug abuse. Noting the importance of demand reduction measures, the Board stressed that prevention programmes, to be effective, had to start early, be comprehensive and tailor their messages to the market; they should also be sustained and maintain their credibility by not exaggerating or understating the consequences of drug abuse. The Board drew Governments' attention to their responsibility to counteract and limit the promotion of messages favouring the use of licit as well as illicit drugs, because the promotion of licit drug consumption also had ramifications concerning people's attitudes towards illicit consumption.

In response to Economic and Social Council resolution 1996/30 [YUN 1996, p. 1159], the Board, for the first time, established assessments of annual licit domestic requirements for psychotropic substances for countries that had not submitted them. All Governments concerned were invited to review the assessments established for their countries, to provide the Board with any comments on the appropriateness of the assessments and to establish their own assessments as soon as possible.

With regard to preventing the diversion of drugs and chemicals into illicit channels, the Board noted that no attempts to divert narcotic drugs from manufacture and international trade had come to its attention in 1997, although diversion from some inadequately functioning domestic distribution channels continued to occur. During the year, the Board, together with the authorities of several exporting countries, carried out inquiries into the legitimacy of more than 80 commercial orders for psychotropic substances, thereby preventing their diversion. The Board requested all Governments to investigate the activities of companies involved in attempted diversion in order to identify and prosecute the individuals who planned and facilitated such attempts. As a result of closer and increasing cooperation among Governments and with the Board, it was noted that large quantities of precursors were prevented from being diverted from licit manufacture and trade to clandestine drug manufacture.

In July, the Board convened a meeting in Vienna on information exchange systems for precursor control, in order to enhance government action required under the 1988 Convention to prevent the diversion of precursors. Among the results of the meeting was an agreed set of procedures for sharing information, based on previous recommendations of the Board, that might be applied voluntarily by Governments. The approach of institutionalizing standard procedures to facilitate the exchange of information was endorsed by Governments at the first informal open-ended inter-sessional meeting, held in Vienna in July by the Commission on Narcotic Drugs acting as the preparatory body for the special session of the General Assembly to be held in 1998.

The Board again stated that the scheduling procedure under the 1971 Convention was too lengthy and that Governments had been hesitant to include new substances in the schedules. Unscrupulous drug producers and traffickers had often exploited the situation by offering drugs similar to those under international control, thereby escaping prosecution. To deal with the problem, some Governments had established national scheduling mechanisms for analogues of substances under international control and for other new synthetic drugs. Concerned that that development could lead to the establishment of a variety of different national control systems, a situation exploitable by drug traffickers, the Board welcomed section I of Economic and Social Council **resolution 1997/41** (see below), in which the Council invited Governments to co-

operate in ensuring the compatibility of such national scheduling mechanisms.

On 21 July, the Council, by decision 1997/236, took note of the report of INCB for 1996 [Sales No. E.97.XI.3].

United Nations activities

Preparation for special session of General Assembly on drug control (1998)

In accordance with decision 1997/208 of 7 February, in which the Economic and Social Council decided that the Commission on Narcotic Drugs, acting as the preparatory body for the special session of the General Assembly, to be held in 1998, should devote two days of its fortieth session to preparing for the special session, the Commission held its first meetings for that purpose in Vienna on 26 and 27 March [E/1997/48]. The General Assembly, in resolution 51/64 [YUN 1996, p. 1139], had decided to convene a special session to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and propose new strategies, methods, practical activities and specific measures to strengthen international cooperation in addressing the problem of illicit drugs.

At its two-day meeting, the Commission considered a number of procedural matters on the basis of a report of the UNDCP Executive Director [E/CN.7/1997/PC.2]. It recommended to the Economic and Social Council for adoption two draft decisions: one on the proposed dates of the special session and the other on the provisional agenda for the Commission's second session as preparatory body (see below). The Commission decided to hold informal open-ended inter-session meetings from 7 to 9 July, from 7 to 9 October and on 5 December 1997.

The Commission also considered a report of the Executive Director on substantive issues to be considered at the special session [E/CN.7/1997/PC.3]. Those issues were: a review of progress in implementing the Global Programme of Action adopted at the Assembly's seventeenth special session in 1990 [YUN 1990, p. 855]; adherence to and implementation of international drug control treaties; reduction of illicit demand; eradication of illicit crops and alternative development; and strengthened international cooperation.

As decided in March (see above), the Commission, acting as the preparatory body, held three informal open-ended inter-session meetings in 1997. The first meeting (Vienna, 7-9 July) [E/CN.7/1997/PC.5] discussed measures to counter illicit manufacture of, trafficking in and abuse of

stimulants and measures to enhance the control and monitoring of precursors frequently used in the manufacture of illicit drugs. The second (Vienna, 7-9 October) [E/CN.7/1997/PC.7] discussed the promotion of judicial cooperation and countering money-laundering, and the third (Vienna, 3-5 December) [E/CN.7/1997/PC.9] considered the eradication of illicit narcotic crops and promotion of alternative development programmes and other matters.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July, the Economic and Social Council, by decision 1997/238, recommended to the General Assembly that the special session be held from 8 to 10 June 1998. By decision 1997/239 of 21 July, the Council took note of the report of the Commission on Narcotic Drugs acting as the preparatory body on its first session [E/1997/48] and approved the provisional agenda for the second session. Also on 21 July, by decision 1997/234, the Council decided that at its forty-first (1998) session the Commission should devote at least five days to the preparations for the special session.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/636], adopted **resolution 52/92** without vote [agenda item 104].

International action to combat drug abuse and illicit production and trafficking

The General Assembly,

Recalling its resolutions 50/148 of 21 December 1995 and 51/64 of 12 December 1996,

Gravely concerned that, despite continued increased efforts by States and relevant international organizations, there is a global expansion of illicit demand for, production of and trafficking in narcotic drugs and psychotropic substances, including synthetic and designer drugs, which threatens the health, safety and well-being of millions of persons, in particular young people, in all countries, as well as the political and socio-economic systems and the stability, national security and sovereignty of an increasing number of States,

Deeply alarmed by the growing and spreading violence and economic power of criminal organizations and terrorist groups engaged in drug trafficking activities and other criminal activities, such as money laundering and illicit traffic of arms and precursors and essential chemicals, and by the increasing transnational links between them, and recognizing that enhanced international cooperation and effective strategies are essential to achieve results against all forms of transnational criminal activities,

Convinced of the growing need for closer coordination and cooperation among States in combating drug-related crimes, such as terrorism, illicit arms trade and money laundering, and bearing in mind the

role that could be played by both the United Nations and regional organizations in this respect,

Fully aware that States, the relevant organizations of the United Nations system and multilateral development banks need to accord a higher priority and political determination to dealing with this scourge, which undermines development, economic and political stability and democratic institutions, and the combat against which entails increasing economic costs for Governments and the irreparable loss of human lives,

Reaffirming and stressing the need for increased efforts to implement the comprehensive framework for international cooperation in drug control provided by the existing drug control conventions, the Declaration of the International Conference on Drug Abuse and Illicit Trafficking and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session, which was devoted to the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic and psychotropic substances, the declaration adopted by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, the United Nations System-wide Action Plan on Drug Abuse Control, the Naples Political Declaration and Global Action Plan against Organized Transnational Crime adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and other relevant international standards,

Underlining the importance of a balanced approach in efforts undertaken by Member States in the fight against illicit demand, production and trafficking in narcotic drugs and psychotropic substances,

Recognizing the efforts of countries that produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the diversion of such substances to illicit markets and to maintain production at a level consistent with licit demand in line with the Single Convention on Narcotic Drugs of 1961,

Convinced that civil society, including non-governmental organizations, can make an effective contribution to addressing the illicit drug problem,

Recognizing that the use of the Internet poses new opportunities and challenges to international cooperation in combating drug abuse and illicit production and trafficking,

Acknowledging that there are links, under certain circumstances, between poverty and the increase in the illicit production of and trafficking in narcotic drugs and psychotropic substances and that the promotion of the economic development of countries affected by the illicit drug trade requires appropriate measures, including strengthened international cooperation in support of alternative and sustainable development activities in the affected areas of those countries, which have as their objectives the reduction and elimination of illicit drug production,

Stressing that respect for human rights is and must be an essential component of measures taken to address the drug problem,

Emphasizing the need for a continued analysis of transit routes used by drug traffickers, which are constantly changing and expanding to include a growing

number of countries and regions in all parts of the world,

Underlining the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug control issues, the leadership role and commendable work of the United Nations International Drug Control Programme as the main focus for concerted international action and the important role of the International Narcotics Control Board as an independent monitoring authority, as set out in the international drug control treaties,

Recalling the important and central role of relevant United Nations bodies in evaluating the implementation by States parties of their obligations under the United Nations drug control treaties, as set out in those treaties,

Also recalling that in resolution 51/64, section IV, it decided to convene, for three days in June 1998, a special session of the General Assembly to consider the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities and to propose strategies, methods, practical activities and specific measures to strengthen international cooperation in addressing the problem of illicit drugs, and convinced that the special session will make a significant contribution to the effectiveness of the United Nations and its Member States in the fight against this global problem,

I

Respect for the principles enshrined in the

Charter of the United Nations and

international law in the fight against

drug abuse and illicit production and trafficking

1. Reaffirms that the fight against drug abuse and illicit trafficking must be carried out in full conformity with the purposes and principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States and the non-use of force or the threat of force in international relations;

2. Calls upon all States to intensify their actions to promote effective cooperation in the efforts to combat drug abuse and illicit trafficking so as to contribute to a climate conducive to achieving that end, on the basis of the principles of equal rights and mutual respect;

II

International action to combat drug abuse and

illicit production and trafficking

1. Renews its commitment to further strengthening international cooperation and substantially increasing efforts against the cultivation for illegal purposes, illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances, including synthetic drugs, and to controlling and preventing the diversion of precursors and essential chemicals used in the illicit manufacture of narcotic and psychotropic substances, in accordance with obligations of States under the United Nations drug control conventions, based on the principle of shared responsibility and taking into account experience gained;

2. Urges all States to ratify or accede to and implement all the provisions of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traf-

fic in Narcotic Drugs and Psychotropic Substances of 1988;

3. Calls upon all States to adopt adequate national laws and regulations, to strengthen national judicial systems and to carry out effective drug control activities in cooperation with other States in accordance with those international instruments;

4. Requests the United Nations International Drug Control Programme:

(a) To continue to support the focus on regional, subregional and national strategies for drug abuse control, in particular the master-plan approach, and to complement those strategies with effective interregional strategies;

(b) To undertake additional measures to strengthen the dialogue and cooperation with multilateral development banks so that they may undertake lending and programming activities related to drug control in interested and affected countries and to keep the Commission on Narcotic Drugs informed on further progress made in this area;

(c) To continue to provide legal assistance to Member States that request it in adjusting their national laws, policies and infrastructures to implement the international drug control conventions, as well as assistance in training personnel responsible for applying the new laws;

(d) To continue providing assistance to Member States requesting support in establishing or strengthening national drug detection laboratories;

(e) To continue to include in its report on illicit traffic in drugs an assessment of worldwide trends in illicit traffic and transit in narcotic drugs and psychotropic substances, including methods and routes used, and to recommend ways and means for improving the capacity of States along those routes to deal with all aspects of the drug problem;

5. Reaffirms the danger and threat posed to civil society by illicit drug trafficking and its links to terrorism, transnational crime, money laundering and the illicit arms trade, and encourages Governments to deal with this threat and to cooperate to prevent the channelling of funds to and between those engaged in such activities;

6. Calls upon States to adopt effective measures to stem the illicit trade in small arms, which, as a result of its close link to the illicit drug trade, is generating extremely high levels of crime and violence within the societies of some States, threatening the national security and economies of those States;

7. Acknowledges that there are links between the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances and the economic and social conditions in the affected countries and that there are differences and diversity in the problems of each country;

8. Calls upon the international community to provide increased economic and technical support to Governments that request it for programmes of alternative and sustainable development, which have as their objectives the reduction and elimination of illicit drug production and which take fully into account the cultural traditions of peoples;

9. Recalls the World Programme of Action for Youth to the Year 2000 and Beyond adopted by the General Assembly on 14 December 1995, and stresses

the importance of participation of youth organizations and youth in decision-making processes, in particular in relation to demand reduction programmes for illicit drugs;

10. Stresses the need for effective government action to prevent the diversion to illicit markets of precursors and essential chemicals, materials and equipment used in the illicit manufacture of narcotic drugs and psychotropic substances;

11. Commends the valuable work, the reports and recommendations of the International Narcotics Control Board in monitoring the production and distribution of narcotic drugs and psychotropic substances so as to limit their use to medical and scientific purposes, and urges increased efforts to implement its mandate under article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 concerning the monitoring of the movement of precursors and essential chemicals;

12. Notes that the International Narcotics Control Board needs sufficient resources to carry out its mandate, including under article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and therefore urges Member States to commit themselves in a common effort to assign adequate and sufficient budgetary resources to the Board, in accordance with Economic and Social Council resolution 1996/20 of 23 July 1996;

13. Calls upon States to increase efforts, with international cooperation, to reduce and eliminate illegal crops from which narcotics are obtained, as well as to prevent and reduce the demand for and the consumption of illicit drugs, in accordance with their obligations under the Single Convention on Narcotic Drugs of 1961 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

14. Underlines the need for Governments, with international cooperation, to increase and implement alternative development programmes with the objective of reducing and eliminating the production of illicit drugs, taking into account the economic, social, cultural, political and environmental aspects of the area concerned;

15. Emphasizes the need to maintain the capacity of the International Narcotics Control Board, including through the provision of appropriate means by the Secretary-General and adequate technical support by the United Nations International Drug Control Programme;

16. Reaffirms the importance of achieving the objectives of the United Nations Decade against Drug Abuse, 1991-2000, under the theme "A global response to a global challenge", by Member States, the United Nations International Drug Control Programme and the United Nations system;

17. Urges the Commission on Narcotic Drugs to complete its work on the draft declaration on the guiding principles of demand reduction being developed by the Executive Director of the United Nations International Drug Control Programme, in consultation with Member States, and to submit it for adoption by the General Assembly at its special session in 1998, and calls upon Member States to continue to cooperate with the Programme by providing relevant information and their views on the draft declaration with due regard to

the linkages between demand and supply reduction activities;

18. Also urges the Commission on Narcotic Drugs, acting as the preparatory body for the special session of the General Assembly, to complete its work concerning money laundering, judicial cooperation, precursors, stimulants, alternative development and on a political commitment, in preparation for the special session;

19. Welcomes Economic and Social Council resolution 1997/41 of 21 July 1997 on the implementation of comprehensive measures to counter the illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors, and calls upon Member States to strengthen their efforts to control precursors and their substitutes in cooperation with the International Narcotics Control Board and to implement as a high priority the measures contained in that resolution;

20. Takes note of the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and their Precursors, and welcomes the contribution of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East on international action to combat drug abuse and illicit production and trafficking;

III

Global Programme of Action

1. Reaffirms the importance of the Global Programme of Action as a comprehensive framework for national, regional and international action to combat illicit production of, demand for and trafficking in narcotic drugs and psychotropic substances;

2. Calls upon States to implement the mandates and recommendations of the Global Programme of Action, with a view to translating it into practical action for drug abuse control at the national, regional and international levels;

3. Urges all Governments and competent regional organizations to develop a balanced approach within the framework of comprehensive demand reduction activities, giving adequate priority to prevention, treatment, research, social reintegration and training, in the context of national strategic plans to combat drug abuse, which should include raising public awareness concerning the detrimental effects of drug abuse;

4. Calls upon the relevant United Nations bodies, the specialized agencies, the international financial institutions and other concerned intergovernmental organizations and all actors of civil society, notably non-governmental organizations, community-based organizations, sports associations, the media and the private sector, to cooperate more closely with and to assist States in their efforts to promote and implement the Global Programme of Action;

5. Welcomes the efforts made by the Commission on Narcotic Drugs and the United Nations International Drug Control Programme to facilitate reporting by Governments on the implementation of the Global Programme of Action, and encourages them to pursue those efforts so as to increase the number of Governments that report on a regular basis;

6. Notes the efforts being made by the United Nations International Drug Control Programme and other United Nations bodies to obtain reliable data on

drug abuse and illicit trafficking, including the development of the International Drug Abuse Assessment System, encourages the Programme, in cooperation with other United Nations bodies, to take further steps to facilitate the efficient collection of data so as to avoid duplication of effort, and also encourages the increased and timely provision of updated information by Member States;

7. Reaffirms the importance of strengthening the role of the International Narcotics Control Board and development of a unified information system for the collection and analysis of data concerning the nature, patterns and trends of the global problem of drug abuse, as called for by the Economic and Social Council in its resolution 1996/20 of 23 July 1996;

8. Invites the United Nations International Drug Control Programme to continue providing assistance to Member States that request it in their efforts to establish appropriate mechanisms to collect and analyse data and to seek voluntary resources for this purpose;

9. Underlines the importance of precise and reliable information on the impact of the drug problem on the world economy;

10. Calls upon Member States to continue to make efforts to provide systematic, precise and updated information to the United Nations International Drug Control Programme on the various ways in which the drug problem affects their economies;

IV

Special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities

1. Takes note with appreciation of the report of the Commission on Narcotic Drugs acting as the preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities;

2. Decides that the special session will be held, as recommended by the Economic and Social Council in its decision 1997/238 of 21 July 1997, from 8 to 10 June 1998, and calls upon Member States to participate at a high political level;

3. Stresses that the special session should be devoted to assessing the existing situation within the framework of a comprehensive and balanced approach that includes all aspects of the problem, with a view to strengthening international cooperation to address the problem of illicit drugs within the framework of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and other relevant conventions and international instruments;

4. Reaffirms that, at its special session, it will address the issues on the basis of the principle of shared responsibility and with full respect for the principles enshrined in the Charter of the United Nations and international law, in particular respect for the sovereignty and territorial integrity of States;

5. Invites the Commission on Narcotic Drugs to continue to take all necessary measures to ensure adequate preparation of the special session;

6. Takes note of Economic and Social Council decision 1997/234, of 21 July 1997, in which the Council de-

cided that the Commission on Narcotic Drugs should devote at least five days at its forty-first session to the preparation of the special session;

7. Notes with appreciation the initiatives of Member States aimed at providing inputs to the Commission on Narcotic Drugs in its capacity as the preparatory body for the special session, including the convening of groups of high-level governmental experts;

8. Recognizes the important role played by non-governmental organizations in the implementation of the Global Programme of Action contained in the annex to its resolution S-17/2 of 23 February 1990, and recognizes the need for their active involvement in preparations for the special session, as well as the need to ensure appropriate arrangements for their substantive contribution and active involvement during the special session, and, in that context, invites the President of the General Assembly to propose to Member States, in consultation with them, appropriate modalities for the effective involvement of non-governmental organizations in the special session;

9. Decides to invite States members of the specialized agencies of the United Nations that are not members of the United Nations to participate in the work of the special session in the capacity of observers;

10. Reaffirms the objectives of the special session contained in section IV, paragraphs 11 and 12, of resolution 51/64, which provide the basis for the draft agenda of the special session;

11. Welcomes Economic and Social Council decision 1997/239 of 21 July 1997 on the preparations for the special session;

12. Invites the Commission on Narcotic Drugs, in its capacity as the preparatory body, to report to the General Assembly at its special session on the preparations for the special session;

13. Stresses the importance of taking into account a gender perspective in preparing the reports of the special session;

14. Urges organs, organizations and the specialized agencies of the United Nations system, including multilateral development banks, to contribute fully to the preparations for the special session, in particular by submitting, as soon as possible, to the Commission on Narcotic Drugs, acting as the preparatory body for the special session, through the Executive Director of the United Nations International Drug Control Programme, concrete recommendations on the issues to be addressed by the special session;

15. Requests the Secretary-General to provide the necessary support to ensure the success of the special session and to give particular attention to the need for raising global awareness of the holding of the special session and of its importance;

V

Implementation of the United Nations System-wide Action Plan on Drug Abuse Control: action by organizations of the United Nations system

1. Supports the United Nations System-wide Action Plan on Drug Abuse Control as a vital tool for the coordination and enhancement of drug abuse control activities within the United Nations system;

2. Reaffirms the role of the Executive Director of the United Nations International Drug Control Programme in coordinating and providing effective lead-

ership for all United Nations drug control activities so as to increase cost-effectiveness and ensure coherence of action within the Programme as well as coordination, complementarity and non-duplication of such activities throughout the United Nations system;

3. Urges the United Nations organizations associated with the System-wide Action Plan to collaborate further with the United Nations International Drug Control Programme to integrate the drug control dimension and assistance into their programming and planning processes in order to ensure that the drug problem is being addressed in all its aspects in relevant programmes;

4. Takes note of the recent action taken by the Administrative Committee on Coordination to ensure the increased commitment by the specialized agencies, programmes and funds, as well as international financial institutions, to include the drug control dimension in their programmes of work;

5. Invites Member States to engage United Nations agencies and multilateral development banks in addressing the drug problem in all its aspects and to promote due consideration by governing bodies of requests for assistance for drug control programmes at the national level;

VI

United Nations International Drug Control Programme

1. Welcomes the efforts of the United Nations International Drug Control Programme to implement its mandate within the framework of the international drug control treaties, the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and relevant consensus documents;

2. Also welcomes the publication of the World Drug Report prepared by the United Nations International Drug Control Programme;

3. Notes with concern the decline of available resources for the Fund of the United Nations International Drug Control Programme;

4. Welcomes Commission on Narcotic Drugs resolution 6(XL) of 25 March 1997 concerning the revised budget for the biennium 1996-1997 and outline for the biennium 1998-1999 for the Fund of the United Nations International Drug Control Programme and the programme support cost, and urges all Governments to provide the fullest possible financial and political support to the Programme by widening its donor base and increasing voluntary contributions, in particular general-purpose contributions, to enable it to continue, expand and strengthen its operational and technical cooperation activities;

5. Invites Governments and the United Nations International Drug Control Programme to consider ways and means of improving the coordination of United Nations activities related to drug control;

6. Notes with appreciation the efforts made by the Executive Director of the United Nations International Drug Control Programme to comply with the approved format and methodology of the programme budget of the Fund and to improve the budget presentation for the biennium 1996-1997 and the proposed outline for the biennium for 1998-1999, in accordance with relevant resolutions of the Commission on Narcotic Drugs

and the General Assembly and the recommendations of the Advisory Committee on Administrative and Budgetary Questions, and encourages the Executive Director to continue his efforts to improve the presentation of the budget;

7. Stresses the importance of the meetings of heads of national drug law enforcement agencies, and encourages them to consider ways to improve their functioning and to strengthen their impact so as to enhance cooperation in the fight against drugs at the regional level;

8. Also stresses the need to strengthen United Nations activities in the field of narcotic drugs, and takes note of Economic and Social Council resolution 1997/37 of 21 July 1997 entitled "Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations";

VII

1. Takes note of the report of the Secretary-General;

2. Requests the Secretary-General, taking into account the promotion of integrated reporting:

(a) To include in his annual report on the implementation of the Global Programme of Action recommendations on ways and means to improve implementation and provision of information by Member States;

(b) To submit to the General Assembly at its fifty-third session an updated report on the status of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

World drug situation

In its 1997 report [E/INCB/1997/1], the International Narcotics Control Board (INCB) presented a regional analysis of world drug abuse trends and current control efforts, so that Governments would be kept aware of existing and potential situations that might endanger the objectives of international drug control treaties.

Africa

Drug abuse was on the increase in Africa, particularly in big cities, and cannabis, which continued to be the main drug of abuse, grew wild and was illicitly cultivated, said INCB. Despite eradication efforts and significant seizures in some countries, widespread cannabis abuse was reported in every subregion in Africa, which remained a major supplier of cannabis and cannabis resin to domestic illicit markets, to Europe and, more recently, to North America. African seaports and airports were frequently used by illicit traffickers for the trans-shipment of cannabis resin from Asia to Europe or North America,

and African countries had also become major transit centres for cocaine from South America destined for Europe, and for heroin from Asia to Europe and North America.

South Africa was a large producer of cannabis and Egypt reported the eradication of more than 230 million plants in 1996. Large amounts of cannabis were produced in western Africa for illicit trafficking; in Senegal, it was suspected that new hybrid cannabis varieties had been introduced that had a higher tetrahydrocannabinol (THC) content than the local varieties. Morocco remained one of the world's largest producers of cannabis resin; in 1996, 38.5 tonnes of cannabis and 65 tonnes of cannabis resin, destined for black markets in Europe, were seized.

Cocaine abuse was on the increase mainly in some big cities in western Africa having direct flight connections with cities in Brazil. The manufacture of "crack" (cocaine base) from South American cocaine in clandestine laboratories was reported in Senegal and South Africa. "Crack" was reportedly becoming available in an increasing number of western African countries.

As to psychotropic substances, there were reports of the illicit traffic in and abuse of stimulants (ephedrine, pemoline, amphetamine and amphetamine derivatives) from several countries in the region, mainly in western Africa. The import of large amounts of ephedrine into some African States continued; in 1996, over 4 tonnes were imported into Sierra Leone from one Asian country alone and in 1997 orders of ephedrine totalling over 5.6 tonnes were placed from Sierra Leone, with the consent of the national authorities. The Board urged African Governments to evaluate their real medical needs for ephedrine and invited the World Health Organization (WHO) to assist in fulfilling that task. Significant seizure of benzodiazepines, mainly diazepam, seemed to indicate the abuse of sedatives in Africa. The Board again appealed to Governments to study and assess the drug abuse situation in their countries, with the assistance of international organizations.

INCB carried out missions to three African countries in 1997—Angola, Mozambique and Nigeria. Angola was a major centre for the trans-shipment of cocaine, with flights connecting Luanda with Rio de Janeiro, Brazil, and Lisbon, Portugal, frequently being used to transport illicit drugs. African drug trafficking organizations had taken advantage of the civil war to expand their operations in Angola. The Board encouraged the Government to strengthen customs controls at its airports and seaports, as well as the control of its border with the former Zaire. The abuse of cocaine was on the rise in Angola as

a consequence of the illicit transit traffic in that drug. The Board encouraged the Government to assess the drug abuse situation and develop prevention programmes.

The Board reported that Mozambique had adopted a new law on the control of narcotic drugs and psychotropic substances in 1997. It invited the Government to accede to the three international drug control treaties, which had been approved by the Mozambican parliament. Noting the lack of controls along the long coast of Mozambique, the Board stated that the main seaports were used by illicit traffickers as transit points for transporting drugs, mainly destined for South Africa. It welcomed the Government's decision to establish a system for the control of all seaports and the railway network, which constituted an important link to neighbouring landlocked countries.

The Board appreciated the strengthening of the import authorization system for psychotropic substances in Nigeria and the increased cooperation with authorities of exporting countries and with INCB. Those developments had contributed to preventing the diversion of significant amounts of psychotropic substances into illicit channels. However, because of the tightened controls, traffickers were using neighbouring countries as transit points to smuggle such substances into Nigeria. During the first eight months of 1997, significant amounts of diverted psychotropic substances were seized by the Nigerian authorities. The Board recommended that the Government further strengthen the capacity and capabilities of its law enforcement services and continue its cooperation with the Governments of neighbouring countries. The Board noted the continuation of Nigeria's cannabis eradication campaign; between January 1994 and August 1997, over 60 tonnes of cannabis had been destroyed.

Americas

Central America and the Caribbean

With the major drug trafficking routes from South America to North America and Europe passing through the Caribbean, the abuse of cocaine (in some countries in the form of "crack") was spreading quickly in Central America and the Caribbean.

Cannabis, the most widely abused drug, continued to be cultivated domestically, although eradication campaigns were regularly carried out in most countries in the Caribbean. Most of the cannabis smuggled out of the Caribbean originated in Jamaica and Saint Vincent and the

Grenadines. Illicit cannabis cultivation in Nicaragua was concentrated in the northern part of the country; it supplied the illicit demand within the country and, to some extent, in other Central American countries. The only areas in Central America from which cannabis was smuggled out of the region were in the Peten rain forest, shared by Belize and Guatemala.

Although large-scale trafficking in cocaine continued, the determination of Central American countries, together with Mexico, to cooperate was translated into practice, and coordinated action led to major seizures. Illicit coca bush cultivation was reported only in Panama, where 200 hectares were eradicated. As a consequence of the illicit transit traffic, the abuse of "crack" increased in Central America; its easy availability and low prices contributed to the spread of its abuse in the region.

Illicit poppy cultivation seemed to have been significantly reduced in Guatemala, due to regular eradication efforts. Only small amounts of heroin were seized, but seizures continued to rise and the Board was concerned that the increasing transit traffic in heroin could lead to the spread of heroin abuse, as was the case with cocaine.

Inadequate prescribing practices and insufficient controls were contributing to the spread of the abuse of pharmaceutical preparations containing psychotropic substances; in large urban centres in Central America, such as Panama City, methamphetamine abuse was on the increase. The Board reiterated its appeal to Governments in the region to strengthen supervision and control over the prescribing, distribution and dispensing of psychotropic substances.

Some States in the region had introduced measures against money-laundering: in Panama such measures had led to the first trials and sentences; in El Salvador, progress was made towards developing legislation against money-laundering; and in Antigua and Barbuda, a country heavily affected by money-laundering operations, a bill to prevent it was adopted in December 1996. Although legislative measures against money-laundering were introduced in several Caribbean countries, non-bank financial institutions were increasingly being used for money-laundering purposes.

With regard to regional cooperation, the Board noted that a declaration was signed in San Jose, Costa Rica, in May by the Presidents of the seven Central American States, together with the Dominican Republic and the United States, committing those States to developing an action plan to combat common drug- and crime-related problems. Also in May, 12 Caribbean States, together with Belize, Guyana, Suriname and the

United States, signed the Bridgetown (Barbados) declaration of principles, which included provisions for the promotion of demand reduction programmes, for action against corruption and money-laundering and for the improvement of criminal justice systems.

North America

In North America, comprehensive national drug control programmes covering many areas related to drug control were being systematically carried out, with many law enforcement actions conducted jointly among the three States of the region (Canada, Mexico, United States). The number of demand reduction programmes was increasing, the funding of youth-oriented drug prevention programmes was becoming a priority issue, and efforts were being made in all three countries to improve data collection. Cooperation was particularly strong between law enforcement services. According to INCB, the level of drug abuse was different in each of the three countries: the prevalence of illicit drug abuse was highest in the United States (6 per cent) and lowest in Mexico (0.45 per cent). The abuse of cannabis, cocaine, heroin and lysergic acid diethylamide (LSD) among youth appeared to be increasing slightly in Canada and the United States.

Cannabis remained the most widely abused drug in North America. In the United States, a significant proportion of the illicit cannabis supply was produced locally, cultivated mainly indoors using hydroponics. Large amounts of cannabis were smuggled into the United States, mostly out of Mexico, where 22,760 hectares were destroyed and more than 1,000 tonnes were seized in 1996.

Despite Mexico's introduction of a comprehensive strategy to combat illicit drug trafficking and related criminal activities, and notwithstanding the many significant seizures and the arrest of more than 11,000 persons from September 1996 to August 1997, cocaine and heroin continued to be smuggled on a large scale through the territory of Mexico. Nearly 24 tonnes of cocaine were seized by the Mexican authorities in 1996. Mexico was on one of the main routes used to smuggle cocaine out of South America and into the United States, where 123 tonnes of that drug were seized in 1996, compared with 109 tonnes in 1995. In the United States, there were no major changes in the level of cocaine abuse in 1996; however, among teenagers the perception of cocaine as risky was diminishing, with the consequent danger of a future increase in cocaine abuse among youth.

Mexico continued its campaign to eradicate a significant portion of the illicit opium poppy cul-

tivation sites on its territory, destroying about 14,600 hectares in 1996. In the same year, Mexican law enforcement services seized 363 kilograms of heroin, an increase of almost 90 per cent over 1995. The share of South-East Asian heroin on the black market in the United States, which dominated that market in the late 1980s and early 1990s, was declining, and most of the heroin seized in the United States seemed to be of Colombian origin. The average purity of the heroin sold on the street significantly increased in the United States, from 7 per cent 10 years earlier to 36 per cent in 1996. The share of heroin of high purity, which could be snorted, sniffed or smoked more easily than adulterated heroin, was increasing. The easy availability of such heroin seemed to have contributed to the significant increase in the number of new heroin abusers in the United States, mainly teenagers and young adults.

Methamphetamine continued to be illicitly manufactured in Mexico and the United States and abused in Canada and the United States, where the abuse of it seemed to be growing despite the introduction of a comprehensive law enforcement, treatment and prevention strategy. In the United States, significant amounts of methamphetamine were seized in 1996 along the border with Mexico and elsewhere. The Board reiterated its concern in respect of the dangers of the overprescribing and widespread use of methylphenidate (used for the treatment of attention deficit disorder) in the United States; the abuse of that substance appeared to be on the rise. The Board noted that stimulants were widely used as appetite suppressants (anorectics) in the United States and welcomed the withdrawal from that market of fenfluramine and dexfenfluramine, anorectics not under international control, and it hoped that that action would be followed by the revision of the large-scale prescribing of stimulants for weight control. Some increase in the abuse of hallucinogens, mainly LSD, was reported in Canada and the United States. Several LSD laboratories were dismantled and the equivalent of about 370,000 doses of LSD was seized in the United States in 1996. The abuse of sedatives continued in Canada and the United States; the abuse of flunitrazepam, which was not marketed domestically but smuggled into the United States from other countries in the Americas, was of great concern to the Government.

South America

Joint transborder operations led to the seizure of substantial amounts of drugs and to the dismantling of trafficking organizations in South America, where several States concluded a

number of bilateral and multilateral mutual assistance agreements. Despite the geographical obstacles in the region, INCB observed that a more comprehensive mechanism for the exchange of information and better coordination of law enforcement activities could enhance efforts to combat illicit drug trafficking, particularly in the Amazon and Parana basins. Illicit coca bush cultivation, coca leaf production and manufacture of and trafficking in coca derivatives continued, and the abuse of coca base, coca paste, cocaine hydrochloride and "crack" was spreading in the region.

During the preceding two years, legislation against money-laundering was enacted in several countries; however, more concrete regulations and improved organizational systems were needed to achieve more practical results. Noting that proliferation of casinos had been reported in the region, the Board drew the attention of Governments to the risk of their use as money-laundering "front" companies. It regretted that in Brazil money-laundering was still not considered a crime. However, it noted the prosecution of cases involving money-laundering in Bolivia.

Increasing transborder operations carried out in Argentina, Brazil, Chile, Paraguay and Uruguay led to the seizure in 1996 of cannabis and cocaine in much larger amounts than in any previous year. Cannabis, the principal drug of abuse in South America, continued to be cultivated for international trafficking in Brazil, Colombia, Guyana, Paraguay and Suriname. In 1996, about 3.7 million cannabis plants were eradicated in Brazil, about 30 per cent more than in 1995.

Large-scale illicit coca bush cultivation continued in Bolivia, Colombia and Peru. Peru remained the largest producer of coca leaves, followed by Colombia, which continued its large-scale illicit crop eradication programme throughout 1997. Colombia reported a significant increase in cocaine seizures in the first half of 1997—the amount was almost the same as that seized during the whole of 1996. Illicit cultivation of the *epadú* variety of coca bush seemed to be increasing in Brazil, mainly in areas close to its borders with Colombia and Peru.

Clandestine laboratories in Colombia appeared to be using mostly locally produced coca base or coca paste for the manufacture of cocaine hydrochloride. That had led to a significant reduction in the import of raw materials from Bolivia and Peru, resulting in a drop in the price of coca leaves and an expansion in the manufacturing capacity of clandestine cocaine laboratories. Mainly because of the migration and changing lifestyle of the traditional coca-leaf-chewing population in Bolivia and Peru, that practice ap-

peared to be on the decrease. However, the abuse of coca base and cocaine hydrochloride increased in several countries, such as Bolivia, where the annual prevalence of cocaine abuse increased from 0.2 to 1.2 per cent between 1992 and 1996. In Chile, however, the annual prevalence of illicit drug abuse remained stable (at 4.3 per cent). In many countries, a significant increase in cases involving "crack" abuse was reported; easy availability and low prices contributed to its popularity and that of coca paste.

Large-scale illicit poppy cultivation continued in Colombia and had spread to the Venezuelan part of the Perija mountain range. In Colombia, 81 kilograms of heroin were seized in 1996 and 87.5 kilograms during the first half of 1997 alone. Most of the heroin manufactured in clandestine laboratories in Colombia was smuggled into the United States; however, heroin abuse, previously unknown in Colombia, had started to occur in its ports and had been reported in several cities in Brazil.

Non-compliance with national regulations concerning the manufacture, prescribing and sale of psychotropic substances continued in several countries in South America. In Brazil, several cases involving the diversion of psychotropic substances from licit to illicit channels were discovered, more than 300 unauthorized pharmaceutical laboratories were detected and, despite the adoption of new regulations to control anorectics, the dispensing of such amphetamine-type stimulants continued. The Board again urged Governments of the region to ensure the enforcement of regulatory controls.

INCB carried out missions to Ecuador and Peru in 1997. It noted that the extent of illicit drug production and trafficking in Ecuador was much lower than in some other South American countries and expressed satisfaction that the Government continually updated its legal framework by introducing regulations on seizure, confiscation and use of assets, money-laundering, judicial co-operation and precursor control.

The Board was of the opinion that the establishment of a national drug control commission in Peru had greatly improved coordination and exchange of information between relevant government agencies. It appreciated the Government's efforts to update the national legal framework, but noted with concern that national policy and legislation regarding coca bush cultivation and coca leaf production and distribution were not in line with the 1961 Convention. The Board repeated its recommendation that Peru should strengthen the authorities in charge of controlling licit activities connected with narcotic drugs and psychotropic substances.

Asia

East and South-East Asia

Illicit opium poppy cultivation, opium production, heroin manufacture and opiate trafficking remained major drug problems in South-East Asia, particularly in Myanmar. Heroin injecting was spreading in the region, especially in some southern provinces of China. The illicit manufacture of and traffic in amphetamines were on the rise and the spread of methamphetamine abuse posed a major challenge to some Governments. The prevalence of the abuse of methamphetamine and other amphetamine derivatives seemed to be significantly lower in Japan and the Republic of Korea than in most European countries, and the level of heroin and cocaine abuse also remained very low despite the high purchasing power of the population. Illicit traffic in acetic anhydride (used for the manufacture of heroin) and in ephedrine and pseudoephedrine (used for the production of methamphetamine) continued in the region.

Cannabis grew wild in several countries and was also cultivated in many South-East Asian countries, with large-scale cannabis cultivation being reported in the Philippines. Substantial amounts of cannabis originating in Cambodia were seized in the region, as well as in Australia and several countries in Africa and Europe. Cannabis was also widely abused within the region.

Although there were no reliable estimates of opium production in Myanmar, opium poppy was grown illicitly as a major cash crop by farmers in the hilly border areas of that country, which remained one of the largest opium producers in the world. The levels of poppy cultivation and opium production in other South-East Asian countries were not comparable to those in Myanmar; they remained low in the Lao People's Democratic Republic, Thailand and Viet Nam. Although heroin was manufactured on a large scale in South-East Asia, mainly in Myanmar, worldwide seizures of heroin originating in the region had declined and many of the consignments of acetic anhydride that were seized in Myanmar were reported to have been smuggled into that country out of China. The territories of Cambodia, the Lao People's Democratic Republic, the Philippines, Thailand and Viet Nam, as well as some southern provinces of China, were used as transit points and storage places for heroin destined for Europe and North America. Although the number of opium abusers was falling in South-East Asia, the abuse of heroin was on the rise. The practice of injecting heroin increased in certain parts of China, and the spread of HIV infection among drug abusers was of par-

ticular concern in Viet Nam and in some parts of Myanmar.

The increasing illicit manufacture of, traffic in and abuse of amphetamines were major problems in the region. Seizure data indicated that illicit manufacture of methamphetamine was taking place mainly in China, but several clandestine laboratories had been detected in the Lao People's Democratic Republic, Myanmar and other countries. China was efficiently controlling licit exports of ephedrine, had prevented the diversion of several large consignments and was increasing efforts to curb the diversion of that precursor into illicit domestic channels. Reacting to the increasing spread of methamphetamine abuse, Thailand had tightened controls over the licit trade in ephedrine. In Japan and the Republic of Korea, the abuse of methamphetamine remained a concern despite the fact that both countries had clamped down on all illicit manufacturing capacities. Seizures of MDMA ("ecstasy") of European origin were reported in several countries.

INCB carried out three missions to East and South-East Asia in 1997, to Cambodia, Indonesia and Viet Nam. The Board noted with concern that drug trafficking activities originating in Cambodia, in addition to transit activity, were increasing and there were indications that money-laundering was also increasing. Strong measures against drug abuse and trafficking in neighbouring countries had led traffickers to move their operations to Cambodia, taking advantage of its weak legislative, enforcement and administrative structures. The Board noted with appreciation the coming into force of a comprehensive drug control law in Cambodia at the beginning of 1997, meaning that Cambodia could become a party to the international drug control treaties. However, efficient application of the new law would require strengthening of the national judiciary and of law enforcement, cooperation with neighbouring countries and bilateral and multilateral assistance.

The Board appreciated the efforts of the Indonesian Government to bring national legislation on drug control in line with international drug control treaties. Although drug abuse in the country did not appear to be significant, the Board noted with concern that the abuse of psychotropic substances, particularly "ecstasy", had spread among the younger segments of the population.

The Board was pleased to note that the Government of Viet Nam was in the process of acceding to the international drug control treaties and that new drug control legislation was due to be adopted in 1997. The Board appreciated the Gov-

ernment's commitment to addressing drug problems and its achievements in eradicating illicit opium poppy cultivation. However, it noted that drug trafficking and abuse were no longer limited to ethnic minorities but had developed into nationwide problems.

South Asia

Strict control measures and law enforcement action in India had curtailed the large-scale smuggling of methaqualone out of that country into Africa, said INCB. Cooperation between national law enforcement authorities aimed at preventing the cross-border smuggling of drugs, including cooperation between India and Pakistan, significantly increased in response to a recent sharp increase in the illicit traffic in heroin and cannabis across the border. The abuse of and traffic in codeine-based cough syrups and buprenorphine, diverted from licit channels, as well as cannabis and heroin, continued in the region. International trade in psychotropic substances was under strict control in India, but in the other South Asian countries domestic trade, distribution and dispensing of those substances were not regulated or the regulations were not adequately implemented. India was also the only country in South Asia where the manufacture, export and import of precursors were regulated; their relatively free availability in the rest of the region resulted in illicit manufacturers exploiting the situation.

Cannabis grew wild and was also illicitly cultivated in South Asia. In Sri Lanka, significant quantities of cannabis were used in traditional ayurvedic medicine and Sri Lankan authorities regularly conducted campaigns to eradicate illicit cannabis cultivation in remote jungle areas. Cannabis resin produced in Nepal was smuggled mainly into India. In Nepal, the number of seizures of cannabis and cannabis resin and the number of persons arrested for drug offences had increased since the beginning of the 1990s; however, Nepal's border with India was virtually open, making the fight against illicit traffic in cannabis resin and other drugs more difficult.

Licit opium poppy cultivation and opium production took place under governmental control in India, where the production of opiate raw materials exceeded 100 tonnes in morphine equivalent in 1997. There were no reports of seizure of Indian opium outside the country, and continued efforts by the Government kept to a minimum the diversion of opium from licit cultivation and limited illicit cultivation mainly to some northern areas of the country. Some of the morphine base illicitly manufactured in Pakistan was smuggled into India, where it was converted into heroin in

clandestine laboratories (such as the ones dismantled in Gujarat and Maharashtra) or was smuggled into other countries. Heroin was also smuggled into India out of Pakistan and, to a lesser extent, out of Myanmar. Buprenorphine and cough syrups containing codeine were smuggled out of India, the manufacturing country, into Bangladesh and Nepal, where the abuse of those products continued, as it did in India.

An import/export authorization system covering all psychotropic substances, ephedrine and pseudoephedrine in India, and the close collaboration of the Government with the Board, prevented the diversion of very large amounts of those substances into illicit markets. Efforts also continued to strengthen controls over other precursors, such as those used in the illicit manufacture of amphetamine and amphetamine-type stimulants. There was a sharp decrease in methaqualone seizures in India, and seizures in African countries of methaqualone of Indian origin had become rare. In Nepal, persons who formerly abused heroin had shifted to nitrazepam and other hypnotics as they were less expensive, easier to obtain and perceived as less harmful than heroin.

INCB carried out a mission to Sri Lanka in 1997. It noted that no illicit manufacture of drugs and no reports of any major abuse of psychotropic substances had appeared there, but the unregulated availability of those substances indicated a risk of such abuse developing. The Board called for the introduction of the controls required under the 1971 Convention and requested Sri Lanka to comply with the provisions of the 1961 Convention with regard to cannabis use.

West Asia

Adherence to the three main international drug control treaties by the majority of countries in West Asia was a promising development, said INCB. Their determination to cooperate with each other was being translated into a number of cross-border operations and into bilateral and multilateral agreements, such as the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors, which the Economic and Social Council took note of and annexed to **resolution** 1997/39 (see below). However, the lack of systems to detect money-laundering continued to be a major problem in several countries. The Board noted that Turkey had adopted legislation against money-laundering and that it had become an offence in Pakistan.

The illicit cultivation and abuse of cannabis were widespread in the region, where it grew wild in vast areas. One of the largest producers of cannabis resin in the world was Afghanistan, where, due to civil war, political turmoil and lack of administrative structures, large-scale illicit opium poppy cultivation, opium production and heroin manufacture also continued. Opium production in South-West Asia exceeded that in South-East Asia.

Although illicit cannabis cultivation took place mostly in Afghanistan, it was also reported in Pakistan and in several central Asian countries; in 1996, more than 100 tonnes of locally grown cannabis plants were destroyed in Armenia and more than 900 tonnes in Georgia. Many countries were used to trans-ship large amounts of cannabis resin, originating mostly in Afghanistan, to different regions, mainly Europe.

Illicit opium poppy cultivation and opium production took place mainly in Afghanistan, but opium poppy was also illicitly cultivated in some member States of the Commonwealth of Independent States (CIS), in central Asia and in Armenia, Azerbaijan and Pakistan. In 1997, Afghanistan issued a ban on poppy cultivation, opium production and heroin manufacture. However, the extent to which the illicit traffic could be reduced depended mainly on the law enforcement services of its neighbouring countries and their ability to stop or at least hinder the flow of illicit opium and morphine from there into or through their territories. The Board noted that Pakistan had prohibited the export of opium poppy seeds in September 1997, but regretted that illicit opium poppy cultivation was not eliminated in Pakistan's Dir district. In Tajikistan, some illicit cultivation sites were destroyed in 1996, and in Armenia and Azerbaijan significant eradication campaigns were conducted in the same year.

Illicit heroin manufacture and trafficking continued unabated in West Asia. The existence of clandestine heroin laboratories in some countries in central Asia was suspected by local authorities, and such laboratories were detected in Afghanistan, Pakistan and Turkey. Large quantities of heroin were smuggled into Europe, mainly out of and through Pakistan and Turkey and through Iran, Tajikistan, Turkmenistan and Uzbekistan. In addition to existing trafficking routes, illicit traffickers had started to use areas in the Caucasus (Armenia, Azerbaijan and Georgia) for the transportation of illicit drugs from South-West and central Asia to Europe. The widespread abuse of heroin continued in Pakistan, where smoking and inhalation were still the most common methods used to administer the drug. However, heroin abuse by injection was

emerging among youth. Increasing heroin abuse was reported in Israel, Turkey and the countries in the Persian Gulf area. Injection of poppy straw extracts remained the usual form of opiate abuse in central Asia, but the abuse of synthetic opioids was reported in Armenia and Azerbaijan. Although the abuse of cocaine remained negligible in most countries in the region, increasing abuse was reported in Israel, Lebanon, Saudi Arabia, Turkey and the United Arab Emirates.

With regard to psychotropic substances, an organization engaged in the illicit manufacture of methaqualone on a large scale was dismantled in the United Arab Emirates, leading to the seizure of 5 tonnes of that substance destined for Africa. Seizures in Saudi Arabia, the Syrian Arab Republic and Turkey indicated that the smuggling of fenetylline out of Europe into countries in the Persian Gulf area continued. Increasing abuse of stimulants and LSD and a high prevalence of the abuse of "ecstasy" were reported in Israel. Increasing illicit manufacture and abuse of methcathinone (ephedrone) were reported in central Asia. In 1996, 40 clandestine laboratories engaged in the manufacture of methcathinone from wild-growing Ephedra plants were dismantled in Kyrgyzstan. During the first three months of 1997, 10 tonnes of Ephedra plants were seized in Kazakhstan.

INCB missions visited four countries in the West Asia region during 1997. Following a May mission to Armenia, the Board noted the significant progress achieved by that country in the control of licit narcotic drugs and psychotropic substances and recommended strengthening its administrative structures for the control of precursors. The Board invited the Government to adopt a national drug control programme and trusted that the adoption of adequate drug control legislation, including provisions against money-laundering, would be expedited. The Government was encouraged to establish a system to collect information on the rapidly deteriorating drug abuse situation and to provide resources for treating drug addicts.

The Board appreciated the recent strengthening of the drug control coordination mechanism at the interministerial level in Azerbaijan and encouraged the Government to adopt adequate drug control legislation, including provisions against money-laundering. There was an urgent need for effective control over precursors listed in the 1988 Convention, since Azerbaijan had a large chemical industry. The Board recommended that Azerbaijan develop services for the treatment of drug addicts and adapt the administrative structures for the control of licit narcotic

drugs and psychotropic substances to the conditions of a market economy.

The Board appreciated the achievements of the Government of Kyrgyzstan, such as developing a control system for licit narcotic drugs, psychotropic substances and precursors, creating an effective coordinating body and drafting new comprehensive drug control legislation that had been presented to its parliament. It recommended the adoption of legislation to prevent money-laundering and the introduction of provisions for the immediate, pre-trial destruction of seized drugs to prevent such drugs from accumulating.

Noting that before Turkmenistan's accession to the international drug control treaties all of its activities related to the control of the licit movement of narcotic drugs, psychotropic substances and precursors were carried out on its behalf by the Russian Federation, the Board encouraged Turkmenistan to create its own national control structures and to speed up the drafting and adoption of national drug control legislation and the development of a national drug control policy. The Board appreciated Turkmenistan's efforts to fight illicit drug trafficking. The country's geographical location, which made it attractive to drug traffickers and the large-scale smuggling of cannabis resin, opium and heroin out of Afghanistan, through Turkmenistan and into the Russian Federation, posed a major challenge. More than 1 tonne of opium, 68 kilograms of heroin and more than 24 tonnes of cannabis resin were seized in Turkmenistan in 1996 and Turkmen law enforcement officers were frequently confronted with well-equipped and heavily armed groups of traffickers. The absence of national drug control legislation hindered action against the smuggling of chemicals from the Russian Federation into Afghanistan and other West Asian countries where heroin laboratories were located. The Board urged Turkmenistan to introduce legal provisions for precursor control as soon as possible.

Europe

INCB noted that there were signs of some important changes in drug abuse trends in Europe. In some western European countries, the number of occasional abusers of stimulants and hallucinogens was increasing, while the number of regular heroin abusers was decreasing. The number of hard-core drug addicts seemed to be stable and in some countries smoking, instead of injecting, had become the prevalent route of administration of heroin among young abusers. Despite changing trends and successful law enforcement interventions, Europe remained a ma-

jor illicit market for drugs. Indoor and outdoor cultivation of highly potent cannabis was spreading and amphetamine and "ecstasy"-type amphetamine derivatives were being produced in a number of clandestine laboratories for trafficking within Europe and elsewhere. Central and eastern European countries were making progress in adapting their legal systems and administrative structures for the control of licit narcotic drugs and psychotropic substances to the market-economy situation, but they had great difficulties preventing the abuse of illicit drugs. In the Russian Federation, the activities of drug-trafficking and other criminal organizations were among the biggest threats to the security of the country and had become a major challenge for the international community. Among member States of the European Union (EU), differences between national drug control policies as well as the promotion of the liberalization or legalization of the non-medical use of drugs threatened the consensus needed for meaningful measures against drug abuse and trafficking, especially in the area of demand reduction.

Cannabis, the principal drug of abuse in Europe, was illicitly cultivated in many countries, above all in the Netherlands, where 180 indoor cultivation sites were detected and 500,000 plants seized in 1996. The Netherlands was used as the main point of entry for cannabis smuggled into Europe, and Belgian ports were also frequently used for that purpose. About 75 per cent of the cannabis seizures reported in 1996 were made in those two countries. Albania had become a major supplier of cannabis to Greece and Italy. In addition, the seizure of 35 tonnes of cannabis in Colombia on a ship destined for Poland was a possible sign of the opening of new trafficking routes. A total of 410 tonnes of cannabis resin were seized in 1996, 243 tonnes of which, mostly of Moroccan origin, were seized in Spain. Significant quantities of cannabis resin were also smuggled into Europe out of Pakistan.

Since 1996, cannabis had been increasingly used in food and beverages, and some products containing it were advertised mostly by underlining its virtues. The Board called on Governments and the industries concerned to counteract such practices, which appeared to be aimed at legalizing the non-medical use of cannabis. In the opinion of the Board, the continuous debate about the liberalization and depenalization of cannabis abuse and the aggressive publicity in favour of legalization were major factors contributing to the attitude of many young people towards cannabis abuse.

Illicit opium poppy cultivation was reported mainly in CIS countries. In 1996, 4,500 hectares of

opium poppy were eradicated in Ukraine and 3,500 hectares in the Russian Federation, where the number of persons abusing drugs regularly was estimated at about 2 million. In the Republic of Moldova, about 4 tonnes of poppy straw were seized. The abuse of poppy straw extracts continued in Belarus, Estonia, Latvia, Lithuania, Poland, the Russian Federation and Ukraine; in the Russian Federation, more than 500 clandestine laboratories engaged in the extraction of poppy straw were dismantled in 1996. The extracts were usually injected, contributing to the growing number of cases of HIV infection. Although the Balkan route remained the most frequently used by heroin traffickers, as illustrated by the significant heroin seizures made in 1996 in Bulgaria, Greece, Hungary, Romania and Yugoslavia, the largest amounts were seized in Italy.

A significant increase in the number of methadone abusers was reported in some western European countries, mainly as a consequence of the indiscriminate prescribing of methadone and the uncontrolled use of it for maintenance purposes.

In 1996, 31.1 tonnes of cocaine were seized in Europe, mainly in Spain and the Netherlands. Increasing cocaine abuse was reported in Denmark, France and Germany, and cocaine also appeared on the black markets in Belarus, Latvia and the Russian Federation.

Clandestine laboratories engaged in the illicit manufacture of amphetamine and/or MDMA or other "ecstasy-type" hallucinogenic amphetamine derivatives were dismantled in several countries. The Netherlands was the principal source of the MDMA supply in the region. Increasing abuse of amphetamine, "ecstasy" and LSD, mainly by young people attending "rave" parties, was reported. In some countries, the prevalence of the abuse of amphetamine was second only to that of cannabis, and a significant increase in the number of hepatitis C infections was recorded among intravenous amphetamine abusers. The illicit manufacture and abuse of methcathinone (ephedrone) continued in Belarus, Estonia, Latvia, Lithuania, the Republic of Moldova and the Russian Federation, where ephedrine was used as a starting material for the illicit manufacture of methcathinone. The abuse of ephedrine itself was also reported in those countries. Except for the United Kingdom, there were very few reports on the abuse of sedatives in Europe; however, in the opinion of the Board, the extent of such abuse was underestimated in many European countries.

With regard to national legislation and policy, the Board expressed doubts about a new Swiss

policy of distributing heroin to addicts and recommended that the results of that experiment be evaluated by WHO. In July 1997, the Swiss Government made public its own evaluation of the project, claiming that for a limited number of addicts medical distribution had led to some positive results. The Board regretted that, before the WHO evaluation of the project, pressure groups and some politicians were already promoting the expansion of such programmes in Switzerland and their proliferation in other countries.

The Board noted that the Netherlands had increased efforts to curb cannabis demand and that the authorities in that country were investigating a company that had started to use the Internet for the sale of cannabis products and seeds.

In July 1997, a Board mission visited Romania, which had become an important transit route for illicit drug trafficking and a storage area for illicit drugs in transit as a consequence of the turmoil in the former republics of Yugoslavia. The Board noted that, although the administrative structures for drug control matters were still in the development phase, international trade in narcotic drugs, psychotropic substances and precursors was under control. Several attempts to divert precursors had recently been detected by the authorities. During the preceding few years, drug abuse had emerged in Romania; cannabis and cannabis resin were the most abused drugs, but cases involving heroin and benzodiazepines had also been reported.

Oceania

Cooperation in drug control was increasing in Oceania, with Australia and New Zealand assisting other countries in the region. Most of the drug problems in the region were reported in Australia and New Zealand. The Board welcomed initiatives for the strengthening of measures against money-laundering, as the situation in several Pacific island countries offered many opportunities for such activities by drug traffickers. It also welcomed the drafting of a new criminal code in Micronesia that included provisions for preventing money-laundering and the forfeiture of assets, and the adoption of a new law on controlled delivery in Australia.

Cannabis grew wild in several countries in Oceania and was illicitly cultivated in Fiji, Papua New Guinea, Samoa and Vanuatu. Indoor cultivation of potent cannabis took place mainly in Australia and New Zealand. Cannabis remained the most widely abused drug in all the countries of the region, and the prevalence of its abuse in Australia and Papua New Guinea, among the highest in the world, was aggravated by the abuse of cannabis hybrids cultivated indoors and of

cannabis oil. Those substances had an even higher THC content than seized cannabis that already tested higher than the average reported in any other country in the world. In the light of that situation, the Board noted with concern the discussion on the legalization of cannabis consumption in Australia, where already, in some states, its possession for personal use was not prosecuted. Cannabis oil was produced in Oceania, mainly in Australia and New Zealand, or was smuggled into the region from Asia.

In Australia, opium poppy was grown under governmental control for the licit manufacture of alkaloids from poppy straw. There were only a few reports of small-scale illicit poppy cultivation and heroin manufacture in Australia, as was the case in New Zealand. Heroin was smuggled into the region mainly out of South-East Asia. Most was destined for Australia, where its abuse remained a major problem, together with the widespread abuse of other opioids, rated second behind that of cannabis. The overprescribing and diversion of opioids from the licit trade into illicit channels had led the Government of Australia to review the methods of control over them.

In 1995 and 1996, more than 60 laboratories engaged in the clandestine manufacture of amphetamine or its derivatives were detected in Australia. Precursors for the illicit manufacture of amphetamines were obtained by diversion of those chemicals from licit domestic sources. The abuse of methamphetamine, "ecstasy" and other amphetamine derivatives was spreading fast among young people, mainly in Australia and also in New Zealand. Substantial amounts of "ecstasy"-type amphetamines and other hallucinogens were smuggled into those two countries, mainly from Europe.

UN programmes to combat drug abuse

UN International Drug Control Programme

During 1997, the United Nations International Drug Control Programme (UNDCP), established in 1991 [YUN 1991, p. 721] as a centre of competence and the international reference point for drug control, played a catalytical role in stimulating action at the national, regional and international levels. Through a portfolio of technical cooperation programmes undertaken by a network of field offices located in key regions and countries, it promoted subregional cooperation and fos-

tered bilateral cooperation and direct consultations between Governments. It also served as both an instrument of and support for the international community in pursuing its drug control objectives within the framework of the international drug control treaties (see above). UNDCP applied a balanced strategy, with demand reduction and supply reduction as mutually reinforcing elements, and pursued it in close cooperation with Governments, civil society, specialized agencies and other UN entities, international financial institutions, non-governmental organizations (NGOs) working at the grass-roots level and local communities and institutions.

UNDCP activities

Under UNDCP's participatory approach, which aimed at involving Governments and local communities in the process of defining and developing programmes, local ownership of programmes and activities remained an important element in UNDCP technical cooperation efforts, ensuring their sustainability. At the national level, UNDCP supported institution-building, particularly the preparation, adoption and application of national drug control master plans, the establishment of coordinating and planning capacities and the strengthening of national capacities in demand reduction and law enforcement.

The Programme continued to give priority to assisting Member States in applying international drug control treaties, including training for law enforcement personnel and national administrators, as well as for judges, magistrates and prosecutors. An important challenge was to ensure that the global programme against money-laundering fulfilled its critical role of assisting Member States in countering money-laundering and in overcoming obstacles to law enforcement cooperation in that area.

Demand reduction remained another fundamental element in the UNDCP global strategy to counter illicit drugs. In 1997, UNDCP had 80 country-level projects in demand reduction, compared with 31 for supply reduction and 72 for the suppression of illicit drug trafficking. To complement the national projects, UNDCP undertook demand reduction activities through global programmes in cooperation with other UN entities, particularly the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and WHO. The joint UNDCP/WHO project to mobilize local communities in

preventing drug abuse among young people was valued at \$5 million.

With regard to the elimination of narcotic crops, UNDCP successfully acted as both catalyst and expert in efforts to eliminate the illicit cultivation of the opium poppy, as evidenced by the achievements of countries such as Iran, the Lao People's Democratic Republic, Lebanon, Pakistan, Thailand, Turkey and Viet Nam. It launched a special initiative to eliminate the illicit cultivation of the opium poppy and the cocoa bush worldwide over the next 10 years. The illicit cultivation of cannabis would be dealt with in a different framework.

The Programme resumed its operations in Afghanistan in 1997, where it involved local authorities in programmes covering demand reduction, alternative development, institution-building and combating drug trafficking. In resolution 52/211 B on the situation in Afghanistan and its implications for international peace and security (see PART ONE, Chapter IV), the General Assembly commended UNDCP's efforts and called for full compliance by Afghanistan with its commitments regarding the banning of the cultivation, use of and trade in opium.

Promoting regional cooperation as a vehicle for strengthening political commitment to counter the drug problem remained an important cornerstone of UNDCP's strategy. The challenge was to ensure that the global network of memoranda of understanding, which UNDCP promoted, became in practice an effective framework of cooperation between Governments.

UNDCP would continue to promote bilateral cooperation and understanding in drug control by playing the role of "honest broker", sponsoring direct consultations between the parties concerned. In order to reach out to Member States, and to involve the widest possible representation of society in its undertakings, the Programme had developed a strategy to better communicate its mission and achievements. It had mapped out a series of public information activities to raise the awareness of individuals and societies to the drug problem, and, to make its achievements known to the public, a publication entitled UNDCP: Facing the Challenge was issued.

UNDCP strengthened its ties with NGOs, particularly those directly involved in demand reduction activities at the grass-roots level. To ensure broad-based support for drug control, it promoted partnerships with the business community, particularly in support of programmes in the workplace.

The UNDCP Executive Director, in a report [E/CN.7/1998/2] to the Commission on Narcotic

Drugs, outlined UNDCP activities in 1997 on a regional basis, summaries of which follow.

Africa

In 1997, increased collaboration between Governments in drug control was promoted by using regional organizations as vehicles for fostering cooperation. UNDCP provided assistance to the Organization of African Unity secretariat in order to facilitate the application of the Plan of Action on Drug Abuse Control and Illicit Drug Trafficking in Africa, adopted in 1996 [YUN 1996, p. 115]. It also supported the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) in increasing cooperation between their member States in applying their joint drug control strategies. UNDCP began to elaborate a strategy to provide and coordinate assistance to sub-Saharan Africa for the period 1998-2001 and to strengthen the empirical basis for drug policy development in Africa. To support that initiative, the Programme launched a study of social, economic and political issues and their impact on trends in illicit trafficking and drug abuse in sub-Saharan Africa.

At the country level, UNDCP provided legal assistance to 44 countries between 1990 and 1997, helping in the drafting of drug control laws and regulations and in providing training for their application. It also assisted Governments in establishing national drug control coordinating bodies; that had been accomplished in 16 ECOWAS member States and in 10 of the 12 SADC countries. Assistance was also provided to the Governments of Cape Verde, Kenya and Zambia in the preparation of comprehensive drug control master plans. UNDCP continued to promote the development of effective drug demand reduction strategies by Governments in Africa and the formulation of culturally appropriate programmes targeting high-risk groups. With UNDCP assistance, the Governments of Cameroon, Egypt, Ethiopia and Kenya completed rapid drug abuse assessment surveys; assistance in that regard was being provided to Angola, Chad and the Congo.

To address the problem of drug trafficking, UNDCP supplied training, equipment and advisory services to the customs and law enforcement agencies of several countries, in collaboration with other organizations, such as the World Customs Organization and the International Criminal Police Organization. As part of its efforts to integrate the issue of drug control in national socio-economic frameworks, UNDCP collaborated in the convening in Nigeria in March of a national workshop with the theme "Women: com-

bating drug problems in Nigeria". In order to increase public awareness and involve civil society in countering the drug problem, it provided grants to 10 NGOs, management training to the staff of 25 NGOs and advisory services and information to 149 NGOs in 14 countries in eastern and southern Africa. As part of its capacity-building initiatives, UNDCP funded the training of trainers and supported workshops and expert group meetings for professionals from various countries. In July, a training seminar on drug law enforcement intelligence for law enforcement officers from western Africa was organized in Abidjan, Cote d'Ivoire. In eastern and southern Africa, some 100 law enforcement and customs officers were trained in intelligence gathering, investigative techniques and legislation and court proceedings. Since 1994, 23 training sessions had been held for senior staff from governmental and non-governmental organizations in ECOWAS member States. To counter the smuggling of large consignments of cannabis and increasing amounts of cocaine out of northern Africa into Europe, the Programme helped Algeria and Tunisia by providing equipment and training to handlers of drug-scenting dogs.

Central and South-West Asia

As the production and manufacture of and trafficking in illicit drugs from Afghanistan posed a regional security threat, UNDCP initiated a programme to enhance law enforcement cooperation between States situated along the Afghan border: Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. It also continued to support initiatives to strengthen drug law enforcement cooperation between Iran and Pakistan, particularly along their common border. Following the conclusion in 1996 of a memorandum of understanding [YUN 1996, p. 1151], UNDCP launched, on 7 May 1997, a subregional law enforcement project involving Kyrgyzstan, Tajikistan and Uzbekistan, which aimed to strengthen law enforcement capacity and enhance cooperation among the agencies in charge of countering illicit drug trafficking. In order to obtain reliable information on the extent of the illicit cultivation of the opium poppy and to assist Governments in elaborating countermeasures, a two-year project to map the area under illicit cultivation was initiated in the subregion in July.

At the country level, in central Asia, UNDCP supported the efforts of Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan in institution-building, strengthening national interdiction capacities and establishing national drug control structures. In Uzbekistan, it supported research undertaken at the Institute of Genetics and

Plants and Experimental Biology of the Academy of Sciences on the development of an environmentally safe and reliable biological control agent to be used to eradicate illicit opium poppy cultivation.

The 1997 UNDCP opium poppy survey in Afghanistan—the world's largest producer of illicit opium and heroin—showed that opium production had increased by 25 per cent, although the area under cultivation had increased only marginally. In March, UNDCP launched a four-year programme, valued at \$16.3 million, aimed at reducing illicit opium poppy cultivation in four key provinces, reducing drug abuse in the whole country, institution-building, countering illicit drug trafficking and establishing a monitoring capacity. It also re-established its presence in Afghanistan and was encouraging bilateral and multilateral agencies to coordinate the channeling of their assistance to opium-growing areas and to incorporate drug control elements into their own programmes. In October, UNDCP reached agreement with the Taliban on the priorities and targets to be achieved in 1998, as part of its conditionality policy by which the enforcement of the ban on illicit cultivation of the opium poppy would be conditional on the provision of support to the affected local communities. UNDCP committed itself to reinstating a substation for electric power and refurbishing the wool factory in Kandahar; it had succeeded in integrating the gender issue into that initiative, which would provide 200 women with employment outside their homes.

In Pakistan, a government survey showed a decrease in illicit poppy cultivation; since approximately 40 per cent of the area under cultivation was located in the Dir district, where UNDCP was undertaking alternative development activities, an independent evaluation team concluded that the UNDCP programme had contributed significantly to the reduction of opium poppy cultivation.

During the year, UNDCP also assisted Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in preparing or completing their national drug control master plans.

South-East Asia and the Pacific

Following the adoption in 1995 of a subregional plan of action for drug control cooperation in South-East Asia [YUN 1995, p. 1280] by Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam, UNDCP in 1997 continued to support the formulation and application of the projects outlined in the plan. In order to further the application of the plan, it convened a ministerial meeting for

the six countries (Bangkok, Thailand, July), which addressed the rise in drug abuse and trafficking in heroin and stimulants in the subregion, particularly amphetamine-type stimulants. Work continued on other subregional projects, begun in 1992, to strengthen the drug control agencies of China, Myanmar and Thailand by providing transportation and telecommunications equipment and related training. Improved cross-border cooperation resulted in a significant increase in seizures of opium, heroin and precursors.

A project, begun in 1996 to reduce drug abuse in the highlands of East Asia [YUN 1996, p. 1152], led to the implementation of community-based demand reduction and social development activities. In 1997, country-specific pilot activities were initiated under the project. At the subregional level, a project to develop institutional capacity in demand reduction among high-risk groups was executed under a cost-sharing arrangement with the United Nations Development Programme. UNDCP provided technical assistance to the nine States of the South Pacific Forum in drafting legislation against money-laundering and related activities; it also arranged training in drug law enforcement for senior customs and police officers.

At the country level, alternative development activities in the Xieng Khouang province of the Lao People's Democratic Republic, close to the border with Viet Nam, contributed to a decrease of 23 per cent in opium production compared with 1992, when the UNDCP activities started. To enable the management of national drug control efforts supported by bilateral and multilateral assistance, UNDCP supported the Government of the Lao People's Democratic Republic in strengthening national drug control agencies; it convened a national training seminar for prosecutors and customs and police officers from 18 provinces on the application of new drug control legislation, following the adherence of the Government to the international drug control treaties. Based on the findings of a 1996 rapid assessment of drug abuse that showed high addiction rates among returning refugees, UNDCP also assisted the Government and the Office of the United Nations High Commissioner for Refugees in setting up a demand reduction programme for that population group. A national treatment and rehabilitation training centre was established in 1997.

UNDCP supported four demand reduction initiatives in Viet Nam, giving special attention to strengthening the Government's capacity to coordinate inter-agency efforts. A national drug control committee was established and UNDCP

was providing training in the planning and coordination of drug control activities. A project to improve the mobility and communications capacities of the Vietnamese police and customs services and to enhance cooperation between the two services in drug investigations began.

In Myanmar, to discourage the practice of heroin injection and other related high-risk behaviour, UNDCP supported a programme in Kachin State to educate people and raise their awareness of drug abuse prevention. In July, China and Myanmar, together with UNDCP, agreed to a five-year alternative development project to counter heroin traffickers operating along the border between the two countries and to eliminate the illicit cultivation of the opium poppy in north-eastern Myanmar, a major opium-producing area. In eastern Shan State, some 150 hectares of poppy were eradicated between 1993 and 1997, and UNDCP assisted farmers in developing alternative sources of income.

A community-based project aimed at reducing drug abuse in 85 hill-tribe villages was completed in northern Thailand. UNDCP supported Cambodia in improving its institutional and human resources capacity in drug control by providing legislative assistance and training for drug control officials.

UNDCP assisted Indonesia in developing a national drug control plan; and in the Pacific, Fiji, Micronesia, Papua New Guinea and Samoa initiated the preparation of a master plan to be completed in 1998.

Europe and the Middle East

As follow-up to a memorandum of understanding signed in 1995 [YUN 1995, p. 1281], UNDCP provided support to the Czech Republic, Hungary, Poland, Slovakia and Slovenia through a framework provided by the Subregional Drug Control Cooperation Programme. A project to strengthen cross-border cooperation among drug law enforcement agencies in central Europe was initiated and, in cooperation with the Council of Europe, UNDCP assisted countries of the subregion in conducting drug abuse surveys, designing demand reduction strategies and training health-care professionals. UNDCP also cooperated closely with the European Commission in its drug control initiatives, such as the Commission's high-level missions to Belarus, the Republic of Moldova and countries in central Asia. In the Baltic States, UNDCP promoted cross-border cooperation through training workshops organized to enhance the impact of country-level projects in drug control. All three Baltic States also benefited from a UNDCP-organized workshop at which outlines of national drug control master plans were prepared.

At the country level, expert advice and training were provided to Bosnia and Herzegovina, Bulgaria and Croatia to strengthen their drug law enforcement capacity, creating in each country a corps of trained drug law enforcement professionals.

UNDCP supported Turkey in developing a balanced drug control programme; guidelines were prepared for a new customs control concept and support was given to develop capacity in training drug-scenting dogs. To prevent an escalation of illicit drug trafficking to the west through the transcaucasian subregion, UNDCP undertook a multisectoral programme of activities in Azerbaijan, focusing on enhancing law enforcement capacities and addressing demand reduction and institution-building.

In response to increased drug trafficking through the Russian Federation, UNDCP organized, jointly with the Government, the International Conference on Drug Control Cooperation with the Russian Federation (Moscow, April), which highlighted the magnitude of the drug problem facing that country, the firm commitment of the Government and the support of the international community in assisting in the application of the federal drug control programme.

A two-year multisectoral programme of assistance to the Palestinian Authority aimed to increase the interdiction capacities of law enforcement services, promote drug abuse awareness and enhance existing rehabilitation and treatment services. UNDCP trained two Palestinian police chemists in drug analysis and identification.

Implementation of the second phase of the Baalbek-Hermel integrated area development programme in Lebanon began in 1997, focusing on the consolidation of activities in the social and health sectors and the promotion of drug abuse awareness and prevention. During the first phase, illicit opium poppy cultivation, which peaked at 2,000 to 3,500 hectares in the early 1990s, was totally eliminated.

Latin America and the Caribbean

The signatories of a 1996 memorandum of understanding on subregional drug control cooperation between Argentina, Bolivia, Chile, Peru, Uruguay and UNDCP initiated joint subregional programmes of cooperation to counter illicit drug trafficking and drug abuse. They launched joint programmes for training in drug abuse prevention and treatment, the rehabilitation of drug abusers, precursor control and investigation techniques, including techniques for investigating money-laundering. A training seminar on drug abuse prevention and community mobilization (La Paz, Bolivia) received UNDCP support. As

follow-up to the Plan of Action for Drug Control Coordination and Cooperation in the Caribbean, adopted in May 1996 [YUN 1996, p. 1152], a technical assistance programme in drug control, valued at \$15 million, was launched. UNDCP assumed the coordinating functions under the Caribbean Drug Control Coordination Mechanism, which began operating in February 1997, and convened a meeting of the Coordination Mechanism in Bridgetown, Barbados, in October.

At the country level, UNDCP continued to provide to Colombia technical support in drug abuse prevention. Its intervention strategy, which also aimed at establishing operational links and coordination between local and national initiatives, led to the institutionalization by local and national authorities of past and current UNDCP-supported initiatives. UNDCP also supported the Colombian Government in strengthening the capacity of the public prosecutor to analyse seized drugs and precursors through the establishment of seven forensic laboratories and the training of personnel. Early in 1997, UNDCP completed 12 years of alternative development activities in Colombia, which had provided support to 10,000 small farmers and their families, substituting crops in an area in which an estimated 5,400 hectares of coca bush had been illicitly cultivated.

In Brazil, demand reduction activities focused on two main strategies: drug abuse prevention for intravenous drug users, with emphasis on AIDS prevention, and drug abuse prevention in the workplace. In cooperation with the Government, UNDCP organized an international seminar on drug abuse prevention in October, which was attended by 500 experts in different fields of drug control, including experts from neighbouring countries.

In the Caribbean, UNDCP support to education programmes resulted in the inclusion of drug prevention in school curricula and the promotion of awareness-raising activities for young people out of school. Demand reduction programmes included significant community and private-sector contributions.

In Ecuador, often used as a transit State by traffickers of illicit drugs and precursors, UNDCP supported the convening of a national precursor control workshop as part of a series of training events planned for law enforcement officials. The Programme also organized a series of cross-border cooperation meetings between the law enforcement agencies of Colombia and Ecuador.

The elimination of illicit cultivation of the coca bush through alternative development remained a cornerstone of UNDCP programmes in Peru, where UNDCP estimated that 200,000 small farmers' families were involved in illicit cultivation.

UNDCP directly supported local communities and assisted farmers' organizations and local farmers in consolidating alternative agro-industries, leading to the introduction of integrated farming systems in areas where coca leaves used to be the only crop. UNDCP gave priority to strengthening the institutional capacity of the national drug control commission of Peru, providing support to the elaboration of the national plan for alternative development, drug abuse prevention and the rehabilitation of drug abusers.

In Bolivia, an estimated 50,000 farmers' families depended on cultivation of the coca bush for their livelihood. UNDCP was continuously adjusting its alternative development activities, and for the first time it included forestry among the economically sustainable income-generating activities aimed at substituting for illicit coca cultivation.

UNDCP assisted Belize, Bolivia, Dominica, El Salvador, Grenada, Nicaragua, Panama and Saint Kitts and Nevis in updating or completing their national drug control plans in 1997.

Administrative and budgetary matters

Programme and support budgets

The Commission on Narcotic Drugs, at its March 1997 session (see below), had before it a report of the UNDCP Executive Director on the proposed revised budget for the biennium 1996-1997 and the proposed outline for the biennium 1998-1999 for extrabudgetary resources of the Fund of UNDCP [E/CN.7/1997/9].

The Executive Director stated that the initial budget for 1996-1997 had been revised from \$152,448,500 to \$141,235,100, reflecting an increase of \$2,664,000 for recosting and a decrease for volume adjustments of \$13,877,400. Headquarters and field operation budgets were maintained at the initial estimated levels, except for some increases resulting from recosting. Additional priority requirements had been fully offset by corresponding savings, including the strengthening of audit planning, preparation and follow-up at headquarters and the establishment of a regional office in Cairo, Egypt.

The proposed outline for 1998-1999 of \$162,298,000 reflected a resource growth of \$10,000,000 or 7 per cent and an increase of \$11,062,900 for recosting. Assisting Governments in fighting drug abuse, production and trafficking would continue to be the main priority. That would require placing renewed emphasis on strengthening UNDCP's competence in international drug control, supporting accession to and implementation of drug control conventions and promoting subregional cooperation within

the context of a balanced approach to international drug control. A programme approach, rather than project support, would be introduced for technical cooperation, and operational concerns would be decentralized from headquarters to the field office network.

Although the financial situation in the six-year period 1994-1999 could be characterized by stagnation in income and programme support charges, said the Executive Director, a number of improvements could be noted: new fund-raising initiatives had yielded promising results and were expected to contribute to an improved funding base; the donor base had widened somewhat and that was expected to continue; and cost-sharing contributions had increased considerably. However, the funding base remained volatile and small, and having a large share of earmarked contributions limited the Executive Director's flexibility in responding to priority requirements. Moreover, activities up to 1999 were partly funded through the adjustment of the fund balance; to maintain or even increase the level of activities beyond that year would require additional income, particularly general-purpose funds, in excess of currently anticipated funding.

Also before the Commission was the report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [E/CN.7/1997/10] on the Executive Director's proposals.

By a 25 March resolution [E/1997/28/Rev.1 des. 6(XL)], the Commission approved the revised budget estimates for 1996-1997, totalling \$27,918,200 for the Fund of UNDCP and \$4,204,500 for the programme support cost; it took note with approval of the revised budget estimates for project activities for 1996-1997, totalling \$109,112,400. It also took note of the proposed outline for the 1998-1999 biennium, totalling \$162,298,000 for the Fund and the programme support cost.

On 21 July, the Economic and Social Council, on the recommendation of the Commission, adopted **decision 1997/235**, by which it decided that a reconvened session of the Commission should be held in December 1997 to approve the initial programme budget for the 1998-1999 biennium and the second and final revision of the programme budget for the 1996-1997 biennium for the Fund of UNDCP. Similar reconvened sessions should in future be held in December of odd years to approve the initial programme budget for the following biennium and the final version of the programme budget for the biennium that was drawing to a close, and to deal with any related administrative or budgetary matters.

At its reconvened fortieth session, in December, the Commission considered reports by the UNDCP Executive Director on the UNDCP Fund's

support and programme budgets for 1996-1997 and 1998-1999.

In his report containing the proposed final biennial support budget for 1996-1997 and proposed initial biennial support budget for 1998-1999 for the Fund [E/CN.7/1997/14], the Executive Director stated that the initial biennial support budget for 1998-1999 amounted to \$34,292,200, compared with \$32,272,400 (final biennial support budget) and \$32,122,700 (approved revised budget) for 1996-1997. The initial 1998-1999 support budget reflected an increase of \$2,019,800, including volume increases of \$1,052,400 (3.2 per cent) and cost increases of \$967,400 (2.9 per cent). The volume increases resulted from organizational and technical adjustments. In a November report [E/CN.7/1997/16], ACABQ commented on the support budgets for the two bienniums.

By a 4 December resolution [E/1997/28/Rev.1 (res. 7(XL))], the Commission approved an amount of \$32,272,400 for the final 1996-1997 support budget from the UNDCP Fund, and \$34,292,200 for the initial 1998-1999 support budget under the Fund.

In his report containing the programme budgets for the two bienniums [E/CN.7/1997/15], the Executive Director proposed a final programme budget for 1996-1997 amounting to \$74,542,900 and an initial programme budget for 1998-1999 of \$110,502,000, to be funded from the UNDCP Fund.

By a 4 December resolution [res. 8(XL)], the Commission endorsed the final resource allocation for programme activities in the amount of \$74,542,900 for 1996-1997 and noted with approval the initial resource allocation for programme activities in the amount of \$110,502,000 for 1998-1999 under the Fund. It urged Governments to provide the fullest possible financial and political support to UNDCP by widening the donor base and increasing voluntary contributions, particularly general-purpose contributions. The Executive Director was urged to move forward with the resource mobilization strategy as soon as possible in order to widen the donor base and increase voluntary contributions. The Commission acknowledged that the implementation of Economic and Social Council resolution 1997/37 (see below) might have implications for the Fund's budget process.

Review of UNDCP

During the general debate at the fortieth session of the Commission on Narcotic Drugs in March [E/1997/28/Rev.1], several representatives indicated that the special session of the General As-

sembly on international drug control, to be convened in 1998 (see above), would provide the international community with an opportunity to reaffirm its determination to ensure the implementation of the international drug control treaties. With regard to UNDCP, the special session should consider ways in which it could be provided with sufficient funding and how its catalytic and leadership role within the UN system could be further expanded.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1997/28/Rev.1], adopted resolution 1997/37 without vote [agenda item 7 (c)].

Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations

The Economic and Social Council,

Recalling the special session of the General Assembly devoted to the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances and the adoption by the Assembly, on 23 February 1990, during that special session, of the Political Declaration and the Global Programme of Action, including the proclamation of the period from 1991 to 2000 as the United Nations Decade against Drug Abuse,

Taking note of the existing international drug control treaties, the Global Programme of Action and the United Nations System-wide Action Plan on Drug Abuse Control, which contain a sound and comprehensive framework for drug control activities by States and all the relevant international organizations, and stressing the need for consistency in efforts to implement those activities,

Recalling General Assembly resolution 45/179 of 21 December 1990, by which the Assembly established the United Nations International Drug Control Programme as the single body with the exclusive responsibility for coordinating all drug control activities within the United Nations system and for providing effective leadership in promoting international cooperation in drug control, thereby producing a catalytic impact on other international and national bodies,

Recognizing with appreciation the valuable work done by the International Narcotics Control Board in encouraging Member States to adhere to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and to ensure the comprehensive implementation of the provisions of that Convention,

Recognizing that Governments have the main responsibility for implementing the international drug control treaties, and emphasizing that the United Nations system has an important role in strengthening the national capacity to do so,

Deeply alarmed by the magnitude of the increasingly rising trend in the illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, which are a grave and persistent threat to the health and well-being of millions of people, in particular youth, in all countries of the world,

Noting that contributions to the United Nations International Drug Control Programme have hitherto been made by a limited number of States and that the future of the Programme depends on the retention of existing donors and an enhanced donor base,

Expressing appreciation to donors for their contributions, which have been essential to the growth of the Programme as a centre of excellence,

Recognizing that to maintain and enhance its activities, the Programme depends on general-purpose funds as well as earmarked funds,

Recognizing also that the provision of appropriate and sufficient policy guidance is essential to the success of the Programme, and recalling its resolution 1991/38 of 21 June 1991, in which it called upon the Commission on Narcotic Drugs to give policy guidance to the Programme and to monitor its activities,

Noting the progress of the ad hoc open-ended informal inter-sessional working group established by the Commission at its thirty-ninth session for the purpose of considering options for improving the work of the Commission and its subsidiary bodies, in particular its agenda and organization, and of examining the role of the Commission as the governing body of the Programme, as well as possible options designed to enhance active participation by more Member States,

Recalling General Assembly resolution 51/64 of 12 December 1996, in which the Assembly decided to convene a special session in June 1998 to consider, *inter alia*, special measures to strengthen international co-operation in addressing the problem of illicit drugs,

1. Recognizes that the extraordinary and unrelentingly high levels of illicit use, cultivation, production and distribution of narcotic drugs and psychotropic substances and of illicit drug trafficking necessitate a comprehensive review of the international drug control machinery in place, including institutional arrangements and approaches in the light of the work of the task force on reform of the United Nations established by the Secretary-General, giving due consideration to questions of governance and improved policy guidance from Member States, in particular with reference to the threat to the security of States arising from the use, consumption and production of and trafficking in illicit drugs;

2. Concludes that the general decline in resources allocated to the United Nations International Drug Control Programme from both regular and extrabudgetary sources seriously impairs the efforts of the international community against illicit trafficking in and abuse of narcotic drugs and psychotropic substances and requires innovative solutions for funding;

3. Reaffirms the leadership role of the Programme as the main focus for concerted international action for drug abuse control and as the international coordinator of drug control activities, in particular within the United Nations system;

4. Requests the Secretary-General:

- (a) To convene a small group of experts, selected after appropriate consultations, *inter alia*, with Govern-

ments, and with due regard to equitable geographical distribution and relevant sectoral expertise, to undertake a comprehensive review of how the efforts against illicit drugs have evolved within the United Nations system since the creation of the United Nations International Drug Control Programme pursuant to General Assembly resolution 45/179, with the aim of identifying measures to strengthen future international cooperation against illicit drugs;

- (b) To instruct the expert group, *inter alia*, to identify any measures necessary to strengthen the core activities of the Programme, taking into account the work of the task force on reform of the United Nations established by the Secretary-General and the ability of the United Nations system to perform its increasing tasks in the light of existing mandates;

- (c) To prepare a progress report on the issues identified by the expert group, to be submitted to the General Assembly at its special session devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998;

- (d) To prepare a final report based on the work of the expert group, taking into account the views expressed during the special session of the General Assembly, on how to strengthen the United Nations machinery for international drug control, to be submitted to the Commission on Narcotic Drugs at its forty-second session;

5. Decides that the work of the expert group should be financed entirely through voluntary funds, and urges Member States to provide financial and other support.

GENERAL ASSEMBLY ACTION

In resolution 52/92, the General Assembly stressed the need to strengthen UN activities in the field of narcotic drugs and took note of Economic and Social Council resolution 1997/37.

UNDCP cooperation with other bodies

Zone of Peace and Cooperation of the South Atlantic

The Commission on Narcotic Drugs, in a 24 March resolution [E/1997/28/Rev.1 (res.1(XL))], commended the Governments of the States members of the Zone of Peace and Cooperation of the South Atlantic for deciding to develop and implement an anti-drug initiative, within the context of the Zone, and expressed support for it. It requested UNDCP, within existing resources and taking into account the worldwide threat, to examine forms of assistance that could be extended to States members of the Zone within the framework of the proposed anti-drug initiative. The Programme's Executive Director was asked to report to the Commission at its forty-second (1999) session on progress in implementing the resolution.

System-wide Action Plan

The Subcommittee on Drug Control of the Administrative Committee on Coordination (ACC), at its fifth session (Vienna, 29 September-1 October) [ACC/1997/17], reviewed progress on the United Nations System-wide Action Plan on Drug Abuse Control (SWAP). SWAP, which was established in 1990 [YUN 1990, p. 870, E/1990/39 & Corr.1,2 & Add.1], consisted of two main parts: the first dealt with operational activities, in particular those of the United Nations Fund for Drug Abuse Control; the second outlined the role of the substantive drug control units of the UN Secretariat and of other UN entities and the specialized agencies. It focused on five areas: strengthening the licit drug control system; prevention and reduction of illicit demand for drugs; treatment and rehabilitation; elimination of the supply of drugs from illicit sources; and suppression of illicit drug traffic.

The Subcommittee was informed that nine subsectoral plans of action were in place and that it was time, after two years of the new SWAP, prepared with revised methodology in 1995 [YUN 1995, p. 1283], to evaluate the situation, especially in the light of UN reforms and the introduction of the United Nations Development Assistance Framework exercise. In that context, UNDCP had offered to have the SWAP process evaluated in 1998.

The Subcommittee adopted the following strategy for strengthening SWAP: the SWAP process would be evaluated, with prior consultation with Subcommittee members on the terms of reference, and the results would be made available to the Subcommittee at its sixth (1998) session; the applicability of existing plans of action would be checked by UNDCP with selected field duty stations; the monitoring questionnaire would be revised by the secretariat and sent to task forces for completion by the end of November; and the secretariat would report to the Committee on Narcotic Drugs in 1998 on the inclusion of the three new plans of action.

The General Assembly, in **resolution** 52/92, urged UN organizations associated with SWAP to collaborate further with UNDCP to integrate the drug control dimension and assistance into their programming and planning processes. It took note of the action by ACC to ensure the increased commitment by the specialized agencies, programmes and funds, as well as international financial institutions, to include the drug control dimension in their programmes of work and invited Member States to engage UN agencies and multilateral development banks in addressing the drug problem in all its aspects and to promote due consideration by governing bodies of re-

quests for assistance for drug control programmes at the national level.

Global Programme of Action

An August report of the Secretary-General [A/52/296] described action taken by States individually or at the bilateral, regional and international levels to implement the Global Programme of Action, adopted by the General Assembly in resolution S-17/2 [YUN 1990, p. 857]. The report, structured thematically along the lines of the Programme of Action and based on information received from Governments in response to a questionnaire, contained recommendations on ways to improve implementation and an evaluation of progress made with regard to: prevention and reduction of drug abuse with a view to the elimination of the illicit demand for narcotic drugs and psychotropic substances; treatment, rehabilitation and social reintegration of drug addicts; control of supply of narcotic drugs and psychotropic substances; suppression of illicit trafficking in narcotic drugs and psychotropic substances; measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system; strengthening of judicial and legal systems, including law enforcement; measures to be taken against the diversion of arms and explosives and illicit drug trafficking by vessels, aircraft and vehicles; the United Nations Decade against Drug Abuse (1991-2000); and UN resources and structure.

The report stated that in the preceding year an increasing number of Governments had made improvements in the quality of their demand reduction programmes, focusing on practical measures such as the development of master plans, as well as national policies and programmes of action, including demand reduction. It was recommended that Member States devote more resources to support various aspects of demand reduction and seek bilateral and international assistance to complement their national efforts in that endeavour. High priority should be given to early prevention measures and Governments should design comprehensive programmes and sustainable national demand reduction strategies that encompassed prevention, education, treatment and rehabilitation programmes, allocating sufficient resources for their implementation. Those programmes should promote a multisectoral and intersectoral approach as an integral part of national development planning, with particular emphasis on the protection of the young.

Although many Governments provided treatment for drug abusers, few provided training for personnel employed in treatment, rehabilitation and social reintegration. More efforts needed to be made in treatment beyond detoxification. Improved linkage between Government and the private sector was also necessary to strengthen programmes of rehabilitation and social reintegration. The need for guidelines on treatment, training and the development of programmes of rehabilitation and social reintegration had been identified by a number of Governments. Governments should also provide alternatives to treatment and avenues for drug offenders other than imprisonment, said the report.

International criminal activities associated with illicit drug trafficking, such as the arms trade, trafficking in persons and terrorist acts, not only threatened populations but also destabilized institutions and undermined law and order. The report suggested that Governments might wish to emphasize in future reports on the implementation of the Programme of Action their efforts to identify new modalities for securing close cooperation, mutual legal assistance and joint operations. They could also improve the interaction of various types of law enforcement agencies involved in the suppression of illicit traffic.

Despite the efforts of drug law enforcement agencies, substantial amounts of smuggled drugs continued to escape detection. Although unprecedented numbers and quantities of seizures had recently been made, they represented only a fraction of the total amount of drugs being trafficked. Those seizures could have been indicative of either more rigorous and vigilant enforcement or increased trafficking. The exchange of information both within and between regions was vital to ensure broader cooperation in suppressing illicit drug trafficking; regular contact between operational counterparts, as well as advanced communication and information systems and networks, needed to be vigorously promoted and sustained.

The report stated that, in their national reports on activities undertaken to implement the Global Programme of Action, Governments had provided insufficient detail on their efforts to develop and intensify cooperation in law enforcement and mutual legal assistance. The international community had to accord priority to ensure the flow of information for operational and intelligence purposes; that would enhance the capacity of communication and information systems to fortify border and internal controls against the flow of drug traffic. It was recom-

mended that modern information technology should be incorporated as a basic tool of day-to-day law enforcement operations.

The Secretary-General observed that since a simplified questionnaire for the submission of national reports had been introduced four years earlier, only 26 States and one Territory had reported to UNDCP on a regular basis. A further 36 States had reported sporadically and some major players on the international scene had failed to report. To enable the Commission on Narcotic Drugs and the General Assembly to monitor and analyse in depth government efforts to implement the Global Programme of Action, there was a need for more Governments to submit replies to the questionnaire conscientiously and promptly.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1997/28/Rev.1], adopted **resolution 1997/40** without vote [agenda item 7 (c)].

Contribution to the strengthening of the Global Programme of Action: anti-drug strategy in the Americas

The Economic and Social Council,

Conscious of the importance of the implementation of the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on 23 February 1990, and recognizing the necessity of strengthening the mechanisms and principles contained therein,

1. Welcomes the joint efforts of States of the Americas to achieve the approval and adoption of a strategy for dealing with the drug problem in the Americas, in strict conformity with the principles of international law and with due regard for the principles of shared responsibility, comprehensiveness and a balanced approach to action aimed at reducing both demand and supply, on a global and multidisciplinary basis;

2. Takes note with satisfaction of the document entitled "Anti-drug strategy in the hemisphere", approved by the Inter-American Drug Abuse Control Commission of the Organization of American States at its twentieth regular session, held at Buenos Aires in October 1996, and signed at Montevideo in December 1996;

3. Urges the international community to take due account of the anti-drug strategy in the hemisphere as a significant contribution to the strengthening of the Global Programme of Action adopted by the General Assembly at its seventeenth special session.

Commission on Narcotic Drugs

The Commission on Narcotic Drugs held its fortieth annual session in Vienna from 18 to 25 March. It adopted six resolutions on various drug control issues and recommended to the Eco-

conomic and Social Council for adoption six draft resolutions and five draft decisions.

The Council, by **decision 1997/237** of 21 July, took note of the Commission's report on its fortieth session [E/1997/28/Rev.1]. On the same date, by **decision 1997/233**, the Council approved the provisional agenda and documentation for the Commission's forty-first session in 1998. Also, by **decision 1997/235** of 21 July, the Council decided that a reconvened session should be held in December to approve the initial programme budget for 1998-1999 and the second and final revision of the programme budget for 1996-1997 for the Fund of the United Nations International Drug Control Programme (UNDCP). The reconvened session took place on 3 and 4 December (see above, under "Administrative and budgetary matters").

By **decision 1997/234** of 21 July, the Council decided that, in its capacity as the preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances, to be held in 1998 (see above), the Commission should meet for five days in a special segment.

Major issues in 1997

Demand reduction

At its fortieth session in March, the Commission on Narcotic Drugs had before it a report on the world situation with regard to drug abuse [E/CN.7/1997/3], which stated that, generally speaking, the abuse of amphetamines, cannabis and opiates seemed to be on the increase, while the abuse of cocaine and hallucinogens was stable but at high levels. Cannabis was the most frequently reported drug of abuse, with all regions of the world reporting its abuse; it seemed also to be the most prevalent drug among the general population. Oceania was the subregion with the highest reported annual prevalence of cannabis abuse, while East and South-East Asia had the lowest rates. Most of the countries reporting opiate abuse also reported a steadily increasing trend.

Opiate-type drugs were the second most frequently reported drugs of abuse, with 69 countries reporting 1.2 million abusers. However, since several major opiate consumption countries did not provide any figures, the reported number represented a considerable underestimation. High rates of opiate abuse were reported by all regions of the world except the Caribbean. High prevalence of heroin abuse was reported by Brazil, Portugal and the United States. Cocaine abuse was reported by 51 countries with an

estimated 10.9 million abusers; consumption seemed to be stabilizing. Many countries also reported a gradual stabilization of illicit consumption of sedatives. Abusers of amphetamine-type drugs were estimated at 6 million from among 37 reporting countries, with Europe being the leading region, followed by the Americas. There were some 2.9 million hallucinogen abusers reported from 26 countries, covering most regions except western Asia.

With few exceptions, countries reporting seizures of drugs usually also reported illicit consumption of the same types of drug, an exception being some types of sedatives, for which many countries in South America reported illicit consumption without corresponding reports of seizures. The reason, suggested the report, could be that some of those drugs were domestically manufactured, or it could also be the result of insufficient enforcement of prescription rules and regulations.

As a result of the increased awareness of the risk of contracting infections like HIV or hepatitis through the injection of drugs, there had been a slight increase in inhaling, smoking or sniffing as opposed to injecting; however, injecting drug use was reported by 121 countries and territories, and injecting drug users were the second largest group at risk for HIV infection in the Americas and Europe.

There had been an increase in drug abuse by young people in several countries, said the report, and the initiation into drug abuse was taking place at an earlier age than before. Globally, there was a greater availability of drugs as well as an increased variety, and drug abuse behaviour patterns were becoming more homogeneous around the world. School activities appeared to be the most widespread form of prevention across the world; approaches focused on factors that could lead to drug taking or could protect young people from drug use. However, although street children and school drop-outs were recognized as being at the highest risk for drug abuse, only a few activities were reported as targeting those groups.

Most countries had stated that they did not have an articulated treatment policy, and treatment for drug abuse was carried out in psychiatric hospitals, general hospitals and residential treatment centres. In addition to medicated detoxification, traditional medicine models and acupuncture treatment were available in some countries. Methadone was by far the most commonly prescribed drug for maintenance purposes. In general, social reintegration seemed to be the least addressed aspect of demand reduction, and demand reduction programmes and treatment support for prisoners with drug-related problems were not commonly available.

The Commission also had before it a Secretariat report on the effects on individuals, society and international drug control of the prescription of narcotic drugs to drug addicts [E/CN.7/1997/7]. The report contained the position of the International Narcotics Control Board (INCB) on the controlled distribution of heroin to drug addicts, prepared in response to a 1995 Commission request [YUN 1995, p. 1286]. WHO had also been asked to provide an opinion on the subject, but it was not yet officially available. The INCB President stated that the international drug control system had evolved with the common understanding that free and unrestricted availability of narcotic drugs to people for non-medical purposes led to widespread abuse with serious public health consequences, and he pointed out that the expansion of clinical trials or treatment schemes involving heroin presented a danger to that system.

The report also contained an overview of current practices in the prescription of narcotic drugs to drug addicts in different countries, noting that such drugs were prescribed to address the long-term problem of chronic drug addiction and to respond to a sharp increase in injecting drug use. Methadone was the most commonly prescribed drug; although some States found methadone prescription to be effective in changing the behaviour of drug addicts, others doubted its effectiveness or instead concentrated on policies designed to influence the behaviour of people so that they did not take part in any drug abuse. In only a few States was heroin prescribed to drug addicts.

In a 25 March resolution [res. 5(XL)] on regional and global demand reduction strategies, the Commission encouraged UNDCP to continue providing information and statistics on the worldwide situation with regard to demand reduction. The UNDCP Executive Director was asked, in collaboration with WHO and international non-governmental organizations, and drawing on extrabudgetary resources, to continue to gather data about and to assess the existing modalities and techniques of treatment of drug abuse, as well as their application at the regional level, including an assessment of results and efficacy. Such an analysis should be widely disseminated, in particular to States that lacked relevant experience.

Supply reduction

Availability of opiates for licit needs

In 1997, INCB examined the issues affecting the supply of opiate raw materials and the demand for opiates for licit requirements and the means

of maintaining a lasting balance between the two. In its report for 1997 [E/INCB/1997/1], the Board stated that, judging from the trends of recent years, the annual aggregate consumption of opiates was likely to rise gradually in the next few years, with some fluctuations. In 1997, it was estimated that global production of opiate raw materials could reach a new record level of 298.2 tonnes in morphine equivalent. In response to the need to build up sufficient stocks of opiate raw materials to ensure adequate supply in years of poor harvest, three of the five main producing countries (Australia, France and Turkey) further increased their estimates for the areas to be under opium poppy cultivation in 1998; for 1997, a surplus of 58 tonnes in morphine equivalent was expected, whereas for 1998, the projected surplus would be about 130 tonnes. In contrast, India had reduced its estimate for 1998 in view of the fact that its opium stocks had built up again. In Spain, the estimate for 1998 was at the same level as that of 1997.

The Board noted that information, including advance statistical data furnished on the licit cultivation of opium poppy and on the production and stocks of opium and poppy straw for the manufacture of narcotic drugs, was not always complete or provided in a timely manner. As such information was a basic and important element for the projection of the global production of opiate raw materials, the Board urged the Governments of producer countries to ensure that the required information was as accurate as possible and submitted in a timely manner, with a view to enabling the Board to make more meaningful projections and provide Governments with more reliable data.

In accordance with Economic and Social Council resolution 1996/19 [YUN 1996, p. 1158], an informal consultation was organized during the Commission's March session. It was concluded that the increased areas for opium poppy cultivation in the major producing countries in 1997 had brought about a positive impact on the situation regarding stocks of opiate raw materials. However, the current stock level in respect of concentrate of poppy straw was still not sufficient to meet the world demand should there be a poor harvest.

In a 24 March resolution [res. 3(XL)], the Commission urged all Governments to consider, as a matter of priority, adopting the recommendations contained in the INCB special report entitled *Availability of Opiates for Medical Needs* [YUN 1996, p. 1158]. The Commission requested UNDCP to implement the report's recommendations, in particular when assisting Governments in the drafting of national drug control legislation, and

by including relevant provisions in national drug control master plans. INCB was commended for its efforts in promoting adherence to the provisions of the 1961 Single Convention on Narcotic Drugs [YUN 1961, p. 382], which required the adequate availability of opiates for legitimate medical needs. The Commission encouraged the Board to pursue implementation of the relevant measures specified in the special report. It also invited WHO to implement the recommendations of the special report, within the system of control established under the 1961 Convention. The Commission requested INCB to reassess the situation by the year 2000 and asked the Secretary-General to transmit its resolution to all Governments and relevant international organizations for consideration and implementation.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1997/28/Rev.1], adopted **resolution 1997/38** without vote [agenda item 7 (c)].

Demand for and supply of opiates for medical and scientific needs

The Economic and Social Council,

Recalling its resolutions 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981, 1982/12 of 30 April 1982, 1983/3 of 24 May 1983, 1984/21 of 24 May 1984, 1985/16 of 28 May 1985, 1986/9 of 21 May 1986, 1987/31 of 26 May 1987, 1988/10 of 25 May 1988, 1989/15 of 22 May 1989, 1990/31 of 24 May 1990, 1991/43 of 21 June 1991, 1992/30 of 30 July 1992, 1993/37 of 27 July 1993, 1994/5 of 20 July 1994, 1995/19 of 24 July 1995 and 1996/19 of 23 July 1996,

Emphasizing that the need to balance the global licit supply of opiates against the legitimate demand for opiates for medical and scientific purposes is central to the international strategy and policy of drug abuse control,

Noting the fundamental need for international co-operation and solidarity with the traditional supplier countries in drug abuse control in general and in the universal application of the provisions of the Single Convention on Narcotic Drugs of 1961 in particular,

Having considered the Report of the International Narcotics Control Board for 1996, in which it is stated that in 1995 global consumption of opiates exceeded the production of opiate raw materials, and noting that efforts were made by the two traditional supplier countries, India and Turkey, to maintain, together with other producing countries, the balance between supply and demand,

Noting the importance of opiates in pain relief therapy as advocated by the World Health Organization,

1. Urges all Governments to continue to contribute to the maintenance of a balance between the licit supply of and demand for opiates for medical and scientific needs, the achievement of which would be facilitated by maintaining, insofar as their constitutional and legal systems permit, support to the traditional supplier countries, and to cooperate in preventing the

proliferation of sources of production and manufacture for export;

2. Urges Governments of all producing countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1961 and to take effective measures to prevent illicit production or diversion of opiate raw materials to illicit channels;

3. Urges consumer countries to assess their needs for opiates realistically and to communicate those needs to the International Narcotics Control Board in order to ensure easy supply;

4. Commends the Board for its efforts in monitoring the implementation of the relevant Economic and Social Council resolutions and in particular:

(a) In urging the Governments concerned to adjust global production of opiate raw materials to a level corresponding to actual licit needs and to avoid unforeseen imbalances between the licit supply of and demand for opiates caused by the sales of products manufactured from seized and confiscated drugs;

(b) In arranging informal meetings during sessions of the Commission on Narcotic Drugs with the main States importing and producing opiate raw materials;

5. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

Amphetamine-type stimulants

The Commission on Narcotic Drugs had before it a report [E/CN.7/1997/6] of the Expert Meeting on Amphetamine-type Stimulants (ATS) (Shanghai, China, November 1996) [YUN 1996, p. 1161] which had reviewed national and international regulatory regimes pertaining to ATS and their precursors, recognized and drew attention to the grave threat posed by the abuse of ATS and recommended policies and countermeasures.

During the general debate at its March session [E/1997/28/Rev.1], the Commission expressed concern at the deteriorating trends in illicit traffic in and abuse of stimulants, particularly ATS, and strongly supported the recommendations adopted by the Expert Meeting in Shanghai. UNDCP was invited to support and coordinate, in collaboration with INCB, the implementation of Economic and Social Council resolution 1996/29 [YUN 1996, p. 1161], on action to strengthen international co-operation to control precursors and their substitutes used in the illicit manufacture of controlled substances, in particular ATS, and to prevent their diversion, and the recommendations of the Expert Meeting. The Commission also invited UNDCP to assist in the dissemination and exchange of information on specific cases of clandestine manufacture, including new methods of manufacturing, the precursors used and illicit trafficking routes.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commis-

sion on Narcotic Drugs [E/1997/28/Rev.1], adopted **resolution 1997/41** without vote [agenda item 7 (c)].

Implementation of comprehensive measures to counter the illicit manufacture, trafficking and abuse of amphetamine-type stimulants and their precursors

The Economic and Social Council,

Deeply concerned about the economic and social consequences of the rapid and widespread increase in the illicit manufacture, trafficking and abuse of amphetamine-type stimulants listed in the Convention on Psychotropic Substances of 1971 and their analogues,

Concerned about the continued availability to drug traffickers of chemicals listed in tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and about the emergence of substitute chemicals and different processes used in the illicit manufacture of amphetamine-type stimulants,

Aware of the progress made in the regulation and monitoring of shipments of controlled chemicals, resulting from cooperation between the competent national and regional authorities of a number of States and the assistance of the International Narcotics Control Board,

Recognizing the need for the establishment of a mechanism for the rapid exchange of information on shipments of concern of listed precursor chemicals and on suspicious shipments of those chemicals in particular,

Recognizing also the important role of the Board in monitoring and facilitating the implementation of measures designed to strengthen cooperation in preventing the diversion of chemicals into illicit manufacture of psychotropic substances and the diversion of psychotropic substances from licit manufacture and trade into illicit trafficking,

Welcoming the continuing efforts of the United Nations International Drug Control Programme and the Board to address, in a comprehensive way, problems of amphetamine-type stimulants, including activities related to the recommendations contained in the report of the Expert Meeting on Amphetamine-type Stimulants, held at Shanghai, China, from 25 to 29 November 1996,

Taking note with appreciation of the study entitled Amphetamine-type Stimulants: A Global Review, the report of the Expert Meeting, the Report of the International Narcotics Control Board for 1996 and the report entitled Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1996 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

Welcoming the multifaceted nature of the recommendations contained in the report of the Expert Meeting, which cover prevention, education, information, precursor control, legislation and regulation of amphetamine-type stimulants and their precursors,

Welcoming also the multilateral initiative jointly proposed by the United States of America and the European Union to prevent the diversion of precursor chemicals from international commerce,

Stressing the importance of the initiative of the European Union involving the launching of an early warning mechanism, and welcoming its willingness to share experiences with Member States and with the United Nations International Drug Control Programme,

Recalling its resolutions 1995/20 of 24 July 1995 and 1996/29 of 24 July 1996,

I

General measures

1. Takes note with appreciation of the recommendations of the Expert Meeting on Amphetamine-type Stimulants, held at Shanghai, China, from 25 to 29 November 1996, and encourages Governments to review the report of the Expert Meeting and all its recommendations thoroughly, with a view to the adoption of an appropriate decision on those recommendations by the Commission on Narcotic Drugs at its forty-first session;

2. Urges Governments to give serious consideration to implementing, to the extent possible, prior to their endorsement by the Commission, the recommendations of the Expert Meeting;

3. Requests the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources:

(a) To continue work in the field of amphetamine-type stimulants and to translate the recommendations of the Expert Meeting into a practical action plan for subregional, regional and international implementation, as appropriate;

(b) To develop the recommendations of the Expert Meeting into an appropriate format for consideration by the Commission at its forty-first session, with a view to making recommendations for endorsement by the General Assembly at its special session devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998;

4. Requests Governments and regional organizations, as they establish mechanisms for the collection of data on the licit and illicit manufacture, trafficking and use of amphetamine-type stimulants and their precursors, to cooperate and coordinate with the United Nations International Drug Control Programme and the International Narcotics Control Board;

5. Urges Governments to take the necessary measures for effective compliance with the provisions of the international drug control treaties relating to the advertisement of drugs, in particular those described in the report of the Expert Meeting;

6. Invites the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources, to consider the use of the Internet and other media tools to disseminate accurate and reliable information on amphetamine-type stimulants and their precursors;

7. Urges Governments to ensure rational use of medically prescribed amphetamine-type stimulants and, in particular, to monitor the safety and efficacy of their long-term administration.

II

Measures to counter the illicit manufacture, trafficking and abuse of amphetamine-type stimulants

1. Invites Governments and the United Nations International Drug Control Programme, drawing on extrabudgetary resources where necessary, in collaboration with interested non-governmental organizations, to initiate and evaluate regularly public awareness campaigns, targeted at all levels of society, on the adverse health, social and economic consequences of amphetamine-type stimulants and, in general, to strengthen demand reduction efforts at both the national and international levels;

2. Requests the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources, and the Director-General of the World Health Organization, with the assistance of Governments:

(a) To identify, document and disseminate information on evidence-based practices applied in primary and secondary intervention in cases involving the abuse of amphetamine-type stimulants;

(b) To continue to improve the level of understanding of, and to develop the scientific basis necessary for, adequate policy-making by undertaking, and coordinating as necessary, studies of an international nature on the health consequences, including treatment, and on the social, cultural and economic consequences of abuse of amphetamine-type stimulants;

3. Urges concerned Governments, in cooperation with relevant international organizations, such as the International Criminal Police Organization and the World Customs Organization, to establish regional and subregional initiatives for the exchange of information and technical cooperation, in order to promote coordinated international action in the fight against illicit demand for and supply of amphetamine-type stimulants and their precursors;

4. Requests the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources, to promote the further development of the drug profiling/signature analysis project in support of scientific approaches to law enforcement and to provide Member States with technical support for profiling programmes designed to identify the sources and routes of illicit manufacture and trafficking;

5. Requests Governments to provide available evidence and data to the International Narcotics Control Board on chemicals frequently used in the illicit manufacture of amphetamine-type stimulants, and requests the Board to assess that information for possible inclusion in a limited international special surveillance list to be established for use by the international community;

6. Urges Governments:

(a) To consider applying civil, criminal and administrative sanctions to those who knowingly supply non-controlled chemicals for the illicit manufacture of amphetamine-type stimulants;

(b) To establish mechanisms for international cooperation between law enforcement and other relevant agencies in order to support investigations where competent national authorities were able to determine that

non-controlled chemicals were being used for the illicit manufacture of amphetamine-type stimulants;

7. Urges Governments, in States where illicit manufacture of amphetamine-type stimulants exists:

(a) To improve, in particular by a system of licensing and inspection, the monitoring of the domestic manufacture and distribution of key precursors of amphetamine-type stimulants listed in table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) To support research by competent authorities in order to determine which non-controlled chemical substances are being used in the illicit manufacture of amphetamine-type stimulants;

8. Requests the United Nations International Drug Control Programme, drawing on extrabudgetary resources, in consultation with the International Narcotics Control Board, to assist Governments, as required, by providing technical advice on ways of establishing which non-controlled chemical substances are being used in the illicit manufacture of amphetamine-type stimulants;

9. Urges Governments to establish the necessary legal basis for the prevention of the clandestine manufacture of and trafficking in new amphetamine-type stimulants and for that purpose:

(a) To exchange information about the new non-controlled amphetamine-type stimulants with other concerned Governments;

(b) To consider developing flexible and anticipatory scheduling approaches for analogues of controlled substances and other substitutes, for example, by the emergency scheduling of structurally similar groups or by the establishment of controls based on similarities in structure or pharmacological effects;

(c) To cooperate in ensuring the compatibility of such legislation;

10. Urges the Executive Director of the United Nations International Drug Control Programme, drawing on extrabudgetary resources, to initiate a review of the various means, such as generic scheduling, used by Governments to control amphetamine-type stimulants and their by-products or analogues that can be obtained by chemical modification and that produce similar pharmacological effects, with the aim of facilitating discussion at all levels within the United Nations system, in order to curb the proliferation of those substances.

III

Verification of the legitimacy of transactions

1. Requests Governments to make every effort to verify the legitimacy of individual transactions involving the precursors of amphetamine-type stimulants listed in table I and, where possible, those listed in table II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, using the guidelines disseminated by the United Nations International Drug Control Programme for use by national authorities in preventing the diversion of precursors and essential chemicals, which were endorsed by the Economic and Social Council in its resolution 1993/40 of 27 July 1993;

2. Requests Governments of States exporting those precursors referred to in paragraph 1 above, prior to permitting shipments to proceed, to inquire with the

authorities of importing States about the legitimacy of transactions of concern and to inform the International Narcotics Control Board of the action taken, in particular when they do not receive any reply to their inquiries;

3. Also requests Governments of States exporting such precursors to inform the States concerned and the Board, as soon as possible, if export orders are cancelled pending a reply to inquiries made to importing States;

4. Requests Governments of both importing and exporting States, in cooperation with the Board, to take appropriate action to protect the legitimate interests of industries that cooperate in inquiries to verify the legitimacy of transactions involving the precursors specified in paragraph 1 above;

5. Also requests Governments of importing and exporting States to take steps to initiate a cooperative, rapid and effective exchange of information, with each other and with the Board, concerning stopped or cancelled shipments of such precursors, in order to alert Governments of other States that might be targeted as points of diversion;

6. Encourages Governments to consider making voluntary contributions to assist the Programme in the implementation of the present resolution;

7. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation as a matter of priority.

Illicit trafficking

The Commission on Narcotic Drugs had before it a Secretariat report on illicit drug trafficking [E/CN.7/1997/4 & Corr.1], which provided an overview of global trafficking trends and patterns and outlined new routes and modes of transportation used by traffickers, who increasingly took advantage of enhanced international trade and transportation networks to transport drugs to different parts of the world. It also explored law enforcement methods, such as controlled delivery and profiling operations, as possible means of counteracting the threat of drug trafficking.

Noting that its statistics related mainly to 1995, the report stated that the geographical spread of illicit drug trafficking had grown significantly over the preceding decade, with trafficking and abuse being reported in countries previously unaffected. The report noted that drug traffickers were taking advantage of trade and economic liberalization trends to increase the volumes of drug shipments using international trade and transportation. In 1995, the number of countries reporting cocaine seizures was 100 per cent higher than in the early 1980s, and 89 per cent more countries were affected by heroin seizures; for amphetamine-type stimulants, the increase in reporting countries was 60 per cent. Only for cannabis, cultivated in almost all regions, did the extent of globalization remain unchanged.

Key trafficking regions and new trafficking patterns for heroin and cocaine were developing in countries of Africa, the Caribbean, central and eastern Europe and the Commonwealth of Independent States. Africa and eastern Europe were also increasingly affected by traffic in psychotropic substances and their diversion to illicit purposes.

Among the areas identified in the report as being in need of attention was the use of commercial air, land and sea trade by drug traffickers. In particular, the use of containerized cargo shipments to conceal significant amounts of drugs was a growing problem worldwide.

The implementation of advanced law enforcement techniques and countermeasures against drug trafficking remained limited, according to the Secretariat. UNDCP records indicated that less than 25 per cent of all countries reporting significant heroin and cocaine trafficking problems actually implemented controlled delivery and a similar situation applied with regard to the use of risk assessment and profiling programmes.

The report stated that an accurate assessment of the extent of illicit drug trafficking remained limited by the quality and reliability of available data. Relevant time-series data, which were necessary for policy-relevant cross-national comparative analysis of trends and patterns of illicit drug trafficking, had not been provided to UNDCP.

Maritime cooperation

The Commission on Narcotic Drugs, in a 25 March resolution [E/1997/28/Rev.1 (res. 4(XL))], noting the grave danger posed by the illicit traffic by sea of narcotic drugs and psychotropic substances, expressed its appreciation to UNDCP for holding, through its pilot project on maritime drug law enforcement training and models for legislation, an expert group meeting to elaborate a training guide on maritime drug law enforcement. It encouraged Governments to avail themselves of the training guide, once it was finalized, to organize national and regional maritime training programmes. Governments able to support those programmes were encouraged to provide maritime law enforcement trainers, individually or on the basis of existing regional cooperation mechanisms, such as the European Union MAR-info. The Commission requested UNDCP to organize seminars, similar to the trial regional maritime training seminar for Asia and the Pacific planned for October in Japan, in other regions of the world. It looked forward to the convening of an expert group meeting, envisaged by the pilot project, to prepare appropriate models

for maritime drug law enforcement legislation for Governments to consider in their implementation of articles 2 and 17 of the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances [YUN 1988, p. 690]. The Commission noted the important contribution made to the successful preparation of the training guide by an expert group and the generosity of Governments in providing self-funded experts for that group. It commended the pilot project as an efficient and cost-effective example of multi-lateral cooperation to assist Governments in implementing the provisions of the international drug control treaties, and urged UNDCP to use it as a model for other projects.

Subsidiary bodies

The Commission on Narcotic Drugs had before it a note by the Secretariat [E/CN.7/1997/4/Add.1] containing a summary of recent action by Governments to improve regional and sub-regional cooperation in drug control activities, as reflected in meetings of subsidiary bodies held since the Commission's thirty-ninth (1996) session. Two regional meetings of heads of national drug law enforcement agencies (HONLEA) were convened in 1996: the Ninth Meeting of HONLEA, Africa (Cairo, Egypt, 16-20 June); and the Twenty-first Meeting of HONLEA, Asia and the Pacific (Manila, Philippines, 4-8 November).

The topics discussed in the working groups of the two meetings were illicit manufacture and distribution of stimulants, drug courier profiling, controlled delivery, coordination and improved liaison between law enforcement agencies, gathering of intelligence data at entry and exit control points, control of postal and courier parcels and prevention of corruption within drug law enforcement agencies. Those topics were of general interest and relevance to all the regions. However, illicit manufacture and distribution of stimulants were growing problems of special concern to the meeting of HONLEA, Asia and the Pacific, and were examined in one of its working groups.

Most of the recommendations of the meetings highlighted the need to collect, disseminate, share and exchange information and intelligence in a timely and organized manner at the national, bilateral, regional and international levels. A clear policy on transborder cooperation was deemed necessary to promote effective cooperation among law enforcement agencies and specialized intergovernmental organizations such as the Universal Postal Union and the World Customs Organization.

After the Ninth Meeting of HONLEA, Africa, two important cooperation instruments were

concluded in the region: the Plan of Action on Drug Abuse Control and Illicit Drug Trafficking in Africa, adopted by the Organization of African Unity at its Thirty-second Assembly of Heads of State and Government (Yaounde, Cameroon, July 1996) (see above, under "UN International Drug Control Programme"); and the Protocol on Combating Illicit Drug Trafficking in the Southern African Development Community (SADC) Region, adopted by the SADC States members (Maseru, Lesotho, August 1996).

Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East

The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East held its thirty-second session in Baku, Azerbaijan, from 17 to 21 February [E/CN.7/1997/4/Add.2]. It recommended to the Commission on Narcotic Drugs the approval of two draft resolutions for adoption by the Economic and Social Council, one concerning the Baku Accord and the other relating to the Subcommission's working languages (see below); it also accepted the withdrawal of Sweden as a member of the Subcommission, noting with appreciation Sweden's contribution to the early development of its work.

The issues addressed by the Subcommission's working groups were: illicit drug trafficking by sea and smuggling of drugs in containers; review of the establishment and functioning of cooperation mechanisms in the region; exchange of views and information on drug-trafficking organizations; illicit trafficking in precursors; and illicit cultivation, production and manufacture of drugs in the region. The central themes of the discussions were the promotion of cooperation in law enforcement and the exchange of information on drug traffickers; harmonization of various bilateral, multilateral and regional approaches to controlling substances used in the illicit manufacture of narcotic drugs and psychotropic substances; and the eradication of illicit crops and the development of programmes to advance crop substitution and alternative development projects.

A major outcome of the Subcommission's session was the adoption of the Baku Accord, the focus of which was regional and cross-regional collaboration on a range of technical matters concerning illicit cultivation, production, distribution, trafficking and consumption of narcotic drugs and psychotropic substances. It was envisaged that the Accord would provide the basis for stepping up concerted measures to suppress illicit drugs through a multidisciplinary, inter-agency approach designed to achieve more effective coordination of transborder activities.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 21 July [meeting 36], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1997/28/Rev.1], adopted **resolution 1997/39** without vote [agenda item 7 (c)].

Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors

The Economic and Social Council,

Convinced that the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors will contribute to the enhancement of the struggle against illicit trafficking in drugs,

1. Takes note of the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors, the text of which is annexed to the present resolution;

2. Urges Member States, in accordance with the provisions of the Baku Accord, to take all appropriate measures at the national and international levels to continue to combat the illicit traffic in narcotic drugs and psychotropic substances in all its forms;

3. Invites the Secretary-General to inform all Member States, relevant specialized agencies and entities of the United Nations system and other intergovernmental organizations of the adoption of the Baku Accord;

4. Urges Member States to take, as appropriate, all necessary measures to implement the Baku Accord in accordance with their national legislation;

5. Invites Member States to promote public campaigns, including the use of the mass media, to enhance public awareness of drug abuse and drug prevention programmes.

ANNEX

Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors

A. Nature and extent of the problem

1. The Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East opened its thirty-second session at Baku on 17 February 1997 with an expanded membership, better representing the diverse character of the region as a whole and of its subregions, and affording greater possibilities for more in-depth discussion of the illicit drug-trafficking situation and its impact on the region and of new cooperative modalities for effective counteraction. The new composition of the Subcommittee is indicative of global developments in illicit drug trafficking, which are reflected in conditions in some States in the Near and Middle East.

2. The expanding and complex system of global organized drug crime, involving cultivation, production, trafficking, distribution and consumption activities, which penetrate various sectors, has already left its mark on the region. Associated criminal activities, especially narcotics-related terrorism and the arms trade, have assumed alarming proportions in spite of law enforcement efforts.

3. The consequences of illicit drug trafficking in the Near and Middle East are a mirror image of developments at the global level, characterized by the erosion of the hard-won benefits of development, the diversion of some countries from their developmental path, the destabilization of the socio-economic order, the destruction of the moral and social fabric of society and the undermining of the quality of life of the peoples of the region.

4. As the illicit traffic in and abuse of narcotic drugs and psychotropic substances are serious and growing concerns in the region, the development of an accurate annual estimate of the situation and trends is essential to the successful development and implementation of regional strategies and subregional programmes. An accurate assessment of the magnitude and dimensions of the illicit drug problem in the region is the necessary starting point for both rational policy-making and the promotion of public awareness. In the absence of a reliable and comprehensive intelligence assessment, substantial misconceptions might arise and resources might be misallocated. Moreover, early detection and subsequent action aimed at controlling emerging problems might become extremely difficult.

B. Declaration

We, representatives of the States members of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East,

Having gathered at the thirty-second session of the Subcommittee, held at Baku from 17 to 21 February 1997, to consider the Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors,

Deeply concerned about the spread of drug abuse in the region and its effects on youth and on future generations,

Deeply concerned also about the rising illicit cultivation of narcotic crops and the illicit production of and trafficking in drugs, which pose the main threat to the political, economic, social and cultural structure and stability of the region,

Reaffirming our commitment to combat the multidimensional problems involving illicit drugs,

Convinced that concerted action and comprehensive, well-coordinated programmes are the only means by which to fight problems involving illicit drugs,

Have agreed on the following:

1. Nationally and regionally coordinated strategies should be developed for the implementation of the mandates and recommendations contained in the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on 23 February 1990, the Tehran Declaration adopted by the Ministerial-level Conference at the twenty-ninth session of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East, held at Tehran from 24 to 28 October 1992, and other relevant international drug control instruments;

2. Training in the field of drug law enforcement is a priority for many States of the region, and interested national authorities should seek the assistance of competent intergovernmental bodies in the development of inter-agency multidisciplinary training courses for law enforcement officials of the region, taking into ac-

count socio-economic differences, as well as evaluating on an ongoing basis the relevance and impact of all training material and programmes in their respective national circumstances;

3. Efforts should be made by the international community and intergovernmental bodies and organizations to establish cooperative relations with the authorities in Afghanistan in order to assist in the eradication of illicit cultivation, production and trafficking of narcotic drugs, especially in the drug-producing areas of the country, and to provide them with packages of aid and the means of economic reform, such as human development and capacity-building, mobilization of resources and industrial development, to enable them to resort to alternative sources of income, which would provide better economic possibilities for future generations;

4. Focal points should be established in the capital cities of States members of the Subcommission in order to improve cooperation and coordination at the national and regional levels, and their titles and addresses should be communicated to their counterparts in the region to enable them to undertake the following action:

(a) To discuss with one another, as frequently as necessary, operational drug control matters and other *modi operandi*;

(b) To develop drug intelligence networks to ensure the rapid and secure exchange of information on all illicit drug-trafficking operations;

(c) To share expertise and knowledge in drug law enforcement;

(d) To promote field visits for drug control officers in the region in order to build up mutual confidence and trust, which are conducive to smooth operations;

(e) To exchange information on drug-trafficking trends and trend indicators, as well as intelligence information on the movement of narcotic drugs, psychotropic substances, precursors and methods of concealing assets, bearing in mind the fact that criminal organizations employ a wide range of sophisticated financial mechanisms, including corporate entities and offshore financial havens, to conceal the origin of their funds;

(f) To exchange skills and techniques used in the detection, investigation and suppression of offences involving illicit drug trafficking and the collection of evidence;

(g) To cooperate and coordinate efforts towards the use of controlled delivery in cases relating to trafficking in narcotic drugs, psychotropic substances and precursors and to money laundering;

(h) To harmonize drug legislation, in particular with regard to the application of adequate penalties for drug offences;

(i) To facilitate mutual cooperation regarding the identification, seizure, forfeiture and sharing of proceeds proved to be derived from drug-related criminality;

5. All States should be urged to take effective action to control and prevent the diversion of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, as well as the materials and equipment used in their manufacture. In particular, States of the region should:

(a) Consider notifying the Secretary-General, under the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 12, paragraph 10 (a), that any country exporting to them a substance in table I of the Convention should supply them with advance notification of such export, and request that such notification be extended to cover substances in table II as well;

(b) Accede, if they are exporters of substances in table I or table II of the 1988 Convention, to the request of the International Narcotics Control Board to provide such pre-export notifications voluntarily to importing countries, even in the absence of a specific request for such notification;

6. States of the region should require import authorizations for all substances in schedules III and IV of the Convention on Psychotropic Substances of 1971;

7. All States in the region should be urged to adopt further legislative and administrative measures to prevent and sanction money laundering;

8. All States members of the Subcommission should be urged to make every effort to ensure that the present Accord becomes generally known and is observed and implemented in full in accordance with their domestic laws;

9. The international community should be requested to assist and cooperate in the development of illicit crop eradication programmes and to promote alternative development programmes;

10. As proposed in the international drug control treaties, the international community, including intergovernmental bodies, should assist transit countries in enhancing their capabilities to suppress illicit drug trafficking;

11. The international community, including intergovernmental bodies, should provide financial assistance to States of the region that lack technical equipment and in which the Government exercises control over licit drugs and combats illicit trafficking;

12. To stem the flow of illicit drugs, reducing illicit drug demand is as important as reducing illicit drug supply and trafficking. Significant progress in drug control cannot be made without that balanced approach. Prevention and demand reduction must be intensified and accorded the high priority that they deserve;

13. Comprehensive preventive programmes must be designed to emphasize a multisectoral and intersectoral approach as an integral part of national development planning. They should focus on protecting young people, who are at risk of becoming consumers and traffickers, and should safeguard their well-being and quality of life, thereby maintaining a drug-free society. Using all preventive, educational, medical and legal information available, such programmes should raise the awareness of youth of the negative consequences of drug abuse and should be tailored individually to target specific groups of potential young abusers;

14. In order to maintain the traditional privacy of the family recognized in most States in the region, States members of the Subcommission should consider ensuring anonymity to any abuser who undergoes medical examination, treatment and rehabilitation;

15. All States should be called upon to strengthen their national legal and judicial systems in conformity with the existing international drug control treaties, in order to improve and carry out effective drug control activities in cooperation with other States;

16. States in the region should consider facilitating the extradition of persons accused of drug-trafficking offences and refrain from granting political asylum or other forms of protection to such persons;

17. All States should recognize the negative impact on anti-trafficking activities by customs, border-control and law enforcement authorities created by the absence or loss of effective exercise of sovereignty in any part of a State because of internal strife, foreign occupation or other causes, which may give rise to illicit transit traffic in drugs, and should condemn any violation of national borders and territorial integrity;

18. The Subcommittee should continue to meet on an annual basis in a capital city of the region;

19. The Secretary-General is invited to consider, upon request by interested Governments, how the various elements contained in the present Accord might be carried out and to examine with them the most suitable modalities for following up appropriate activities at the national, regional and international levels;

20. The Secretary-General is also invited to transmit the text of the present Accord to all States Members of the United Nations to serve as a background document for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and

psychotropic substances and related activities, to be held in June 1998.

On 25 July [meeting 42], the Economic and Social Council, on the recommendation of the Commission on Narcotic Drugs [E/1997/28/Rev.1], adopted **resolution 1997/64** without vote [agenda item 7 (c)].

Working languages of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East

The Economic and Social Council,

Recalling its decisions 1993/246 of 27 July 1993 and 1996/248 of 23 July 1996, by which it authorized the enlargement of the membership of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East,

Noting that, of a total membership of twenty-four States, six of them, namely Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, use Russian as the working lingua franca of their drug law enforcement agencies,

1. Decides that the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East shall use Arabic, English and Russian as its working languages for future sessions;

2. Requests the Secretary-General to adopt the necessary measures and provide the financial resources required for the implementation of the present resolution.

Chapter XV

Statistics

In 1997, further work was undertaken by the United Nations in the area of statistics, with special attention paid to international cooperation. At its February session, the Statistical Commission, the 24-member body that guided UN statistical activities, adopted revised international recommendations for statistics in the fields of construction, international trade and international migration, as well as population and housing censuses. In regard to trade statistics, the Commission recommended that all countries using an international commodity description and coding system supply their international trade statistics to the United Nations Statistics Division. Preparations continued for the 2000 world population and housing census, and the Commission endorsed the provisional principles and recommendations for the national censuses which were to be carried out by national authorities with UN assistance for developing countries. As a follow-up to recent major UN conferences, the Commission adopted 15 indicators, known as the Minimum National Social Data Set, as a way of measuring progress in certain areas of social development.

Work of Statistical Commission

The Statistical Commission held its twenty-ninth session in New York from 11 to 14 February 1997 [E/1997/24]. The Commission, which normally meets biennially, adopted revised international recommendations for construction statistics, international trade statistics, international migration statistics and population and housing consensus. It also adopted a revised Central Product Classification, as well as the Minimum National Social Data Set. After consideration of a number of initiatives undertaken by groups of countries and international organizations on a range of issues in economic statistics, such as globalization and informal sector statistics, the Commission agreed on the need to conduct an evaluation of the International Comparison Programme and appointed a steering committee to supervise the evaluation process. The Commission agreed that the Task Forces on national ac-

counts, international trade statistics, environment statistics, service statistics and finance statistics should continue their work, but that the Task Force on Industrial and Construction Statistics, having largely accomplished its goals, should be discontinued. The Commission established a group of countries to explore new approaches to its own structure and activities, with the aim of strengthening the relationship between the regional commissions and the Commission and other international organizations. Taking into account the importance of wide and quick dissemination of statistical information, the Commission encouraged all international statistical agencies and bodies, task forces and other groups to use current communications technology, such as computer bulletin boards. The Commission endorsed the proposed work programme of the United Nations Statistics Division for the 1998-1999 biennium.

On 18 July, by **decision** 1997/219, the Economic and Social Council took note of the Commission's 1997 report and approved the provisional agenda and documentation for its thirtieth (1999) session.

An in-depth evaluation of the UN statistics programme was carried out by the Office of Internal Oversight Services, which issued its report in March (see PART FIVE, Chapter I).

Economic statistics

Critical problems in economic statistics

During its February session, the Statistical Commission considered a report of the Expert Group on Critical Problems in Economic Statistics [E/CN.3/1997/2], submitted by the Secretary-General in October 1996 [YUN 1996, p. 1167], and reports on selected critical problems in economic statistics [E/CN.3/1997/3], submitted by the Secretary-General in January 1997 in response to a 1995 request of the Commission [YUN 1995, p. 1292].

The Expert Group's report addressed the issues of user confidence in official economic statistics, fundamental principles of official statistics, and user confidence in the coverage, periodicity and timeliness and in the quality and relevance of official economic statistics.

The reports on selected critical problems contained information on the issues of globalization and economics of intangibles, which were prepared by the national statistical offices of Canada and the United Kingdom, respectively. Three informal consultation groups—the Voorburg Group, the London Group and the Ottawa Group—reported on their work on the quality of labour, resource accounting and the measurement of price change. The Australian Bureau of Statistics, the Department of Statistics of India and the Institut national de la statistique et des études économiques of France described their proposals for forming three such informal consultation groups in the areas of capital, informal sector statistics, and labour and compensation, respectively.

In an addendum [E/CN.3/1997/3/Add.1] to the reports on selected critical problems in economic statistics, the Secretary-General presented the terms of reference for a comprehensive review of the International Comparison Programme (ICP), which had been prepared by the UN Statistics Division in collaboration with the World Bank, the International Monetary Fund (IMF), the Organisation for Economic Cooperation and Development (OECD) and the Statistical Office of the European Community (Eurostat) after consultations with experts. The terms of reference were developed in response to a 1996 request of the Statistical Commission's Working Group on International Statistical Programmes and Coordination [YUN 1996, p. 1166].

The Commission agreed on the need to conduct an evaluation of the global ICP to address the reservations by certain Member States about ICP implementation and the uses of ICP results, and the need to seek ways to improve the credibility of ICP data. It noted that the timing of an evaluation was appropriate since the regional and global results of the current round were expected to be available by the end of 1997. A steering committee was appointed to supervise the review process; the Commission suggested that the committee review the terms of reference as prepared by the Statistics Division in order to take into account the special problems involved in making comparisons between highly developed and developing countries, such as how to ensure that the items chosen reflected common characteristics and were representative of all countries being compared.

The Commission took note of the IMF work on the elaboration of standards for the dissemination of economic and financial statistics, and the work of the International Labour Organization on the dissemination of standards for labour statistics.

International economic and social classifications

The Statistical Commission considered the Secretary-General's 1996 report [YUN 1996, p. 1170] on international economic and social classifications, which it had requested in 1995. Annexed to the report was the report of the second meeting of the Expert Group on International Classifications (New York, June 1996).

The Commission endorsed the development of a module on basic principles for use in the Common Code of Statistical Practice in the United Nations System. It also endorsed the recommendation that the name of the Expert Group be changed to Expert Group on International Economic and Social Classifications, reflecting the decision to consider international economic and social classifications as a family.

The Commission also considered a report of the Voorburg Group on Service Statistics on the revised Provisional Central Product Classification (CPC), submitted by the Secretary-General in December 1996 [E/CN.3/1997/5]. The Group stated that it had reviewed CPC in the light of its members' experience, comments received from UN Member States, results of consultations with international organizations, and developments in other international classifications. Even though not all parts of CPC and its structure had been fully reviewed and revised, the Group found that significant improvements had been made, mainly to the services part of the classification. The revision also resulted in improvements at the more detailed levels of the classification and some changes to the higher-level groupings. The explanatory notes had been expanded to cover all the classes of CPC and had been changed from descriptive notes to itemized lists of products. The Group recognized that the structure of the goods part of CPC should be reviewed and revised in the light of the need to create a classification based on the Harmonized Commodity Description and Coding System (HS) that could be better used to analyse domestic production and international trade statistics. Some of the goods part of CPC had already been updated.

The Commission recommended that the revised CPC be published as CPC Version 1.0, on the understanding that users would be alerted to plans for further improvement. It encouraged Member States to start implementing Version 1.0. It emphasized the importance of keeping the goods part of CPC in step with future revisions of HS, and recognized the need to continue to consult the Voorburg Group on Service Statistics in order to utilize its technical expertise for future revisions of CPC.

The third meeting of the Expert Group on International Economic and Social Classifications [ESA/STAT/AC.60/4] (New York, 1-3 December) considered the development plans and key problems of agencies responsible for international economic and social classifications and reviewed experiences in national implementation of international classifications, such as CPC and the International Standard Industrial Classification of All Economic Activities. The meeting focused on reviewing proposals for identifying a set of best practices in classifications and made recommendations on the basic principles to guide classification work.

Environment statistics

The Task Force on Environment Statistics submitted a 3 December 1996 report [E/CN.3/1997/6] to the 1997 session of the Statistical Commission. The Commission had recommended in 1995 [YUN 1995, p. 1296] that the Task Force—which had been unable to hold its second meeting in 1996 as planned due to the absence of a majority of its members [YUN 1996, p. 1169]—develop a framework for the various activities, indicating their relative priority and links to the policy agenda of national and international environmental agencies. The report included information supplied by the members of the Task Force (UN and other organizations) and invited non-governmental organizations in response to a Statistics Division questionnaire.

The report summarized the plans and priorities of the various organizations under a common format, listing for each three categories of activities: basic environment statistics, environmental indicators and environmental accounting. Environment statistics comprised statistical variables collected through monitoring and primary statistical surveys and records. Environmental indicators were a selection from primary statistics and were typically targeted on key environmental concerns or policy objectives. Environmental accounting presented environmental data in a national accounting system that facilitated aggregation and cross-sectoral comparison.

After consideration of the report at its February session, the Commission stressed that the future work of the Task Force should focus on improved coordination of its programmes and activities and that there was a need to develop a closer linkage between environmental indicators and environmental accounting. The Commission considered basic environmental statistics to be of the highest priority, followed by environmental indicators and accounting. It also endorsed the establishment of a computer bulletin

board system for sharing information on technical cooperation activities.

Service statistics

The Statistical Commission had before it in 1997 the progress report of the Inter-Agency Task Force on Service Statistics, which described the outcome of its fifth meeting in May 1996 [YUN 1996, p. 1169]. The Task Force had come to the conclusion that the preparation of a yearbook on trade-in-services statistics would be premature and decided to draft a manual on the same subject instead. The Commission stressed the importance of ensuring consistency between the fifth edition of the IMF Balance of Payments Manual, CPC Version 1.0, the 1993 System of National Accounts (SNA) and the manual on trade-in-services statistics proposed by the Task Force, and requested that the contents of the proposed manual be consistent with the findings of the OECD Industry Committee on industrial statistics on globalization.

The Task Force met in New York on 26 and 27 June to discuss the draft manual [E/CN.3/AC.1/1998/L.2]. It made a number of recommendations regarding revisions and additions to the main chapters already drafted as well as on the content of the two remaining chapters. The four international organizations which were jointly funding the preparation of the manual—IMF, the World Trade Organization, Eurostat and OECD—were aiming to have the complete manual ready for the approval of the Statistical Commission in 1999.

Members of the Task Force agreed to change its name to Task Force on Statistics of International Trade in Services in order to reflect more accurately its current mandate.

Industrial and construction statistics

At its February session, the Statistical Commission considered a November 1996 report [E/CN.3/1997/9] of the Secretary-General on the revised International Recommendations for Construction Statistics. It had been prepared in response to a 1995 request of the Commission [YUN 1995, p. 1294] that the Statistics Division proceed with the revision of the Recommendations, and contained a brief description of the differences between the original and the revised recommendations.

According to the report, the revised version was similar in nature and content to the original version but differed in a number of important respects. The differences reflected a greater awareness of the methodological problems in the statistical surveys of construction activities. In

particular, the revised version contained a more comprehensive discussion of statistical units, including the use of unregistered units, construction sites, and building projects and permits, as well as specific requirements for data on taxes on production and subsidies. The revised version took explicit account of own-account construction by households, considered important for developing countries, and recommended methodology for surveys of that component of construction activity. The special circumstances of developing countries were addressed in many instances throughout the revised version.

The Commission endorsed the work of the Task Force and agreed that it had largely accomplished its goals and should therefore be discontinued. It also recommended that the revised International Recommendations for Construction Statistics be published as part of the collection of UN recommendations.

The Administrative Committee on Coordination (ACC) Subcommittee on Statistical Activities, at its thirty-first session (Geneva, 16-18 September) [ACC/1997/16], took note of the Task Force's discontinuation; however, it stated that OECD was continuing to investigate definitions of statistical units used by its member countries and would report to the Commission's Working Group.

International trade statistics

During its discussion on international trade statistics at its February session, the Statistical Commission considered a 1996 report of the Task Force on International Trade Statistics and the Secretary-General's 1996 report on the revised concepts and definitions for international merchandise trade statistics [YUN 1996, p. 1168].

The Commission decided on the order of priority for carrying out methodological work: first, preparation of a compilers' manual; second, a revision of Customs Areas of the World [Sales No. E.89.XVII.12]; and third, collection of technical information on index numbers of international trade statistics. The Commission encouraged all countries to supply the commodity breakdown of their current and past international trade statistics to the Statistics Division so that the Division could complete its database based on HS. It adopted the draft revised concepts and definitions for international merchandise trade statistics [PROV/ST/ESA/SER.M/52/Rev.2], subject to the Secretariat's incorporating amendments that would clarify the draft text while maintaining its structural integrity, and requested the Secretariat to publish and distribute it. The Commission also requested the Secretariat to harmonize further the concepts and definitions with SNA and

the fifth edition of the IMF Balance of Payments Manual.

The ACC Subcommittee on Statistical Activities in September [ACC/1997/16] welcomed the report of the Task Force, noted its achievements and requested it to investigate the issue of inconsistency between the reported imports and reported exports of trading partners.

National accounts

Since the adoption of the System of National Accounts (SNA) in 1993 [YUN 1993, p. 1112], the Statistical Commission had been concerned with formulating a strategy to support SNA implementation at the international level. As requested by the Commission in 1995 [YUN 1995, p. 1293], the Task Force on National Accounts issued a report on progress in SNA implementation, which was transmitted to the Commission by the Secretary-General in November 1996 [E/CN.3/1997/12]. The report introduced the milestones for SNA implementation elaborated by the Inter-Secretariat Working Group on National Accounts (ISWGNA), and described how those milestones had been applied in a country-by-country assessment to determine the current state of national accounting. As a next step, the report proposed various options for the formulation of global implementation targets in the medium term (5-10 years). It was expected that, once the target had been identified, a plan of action would be developed to meet the objective. The report outlined the ISWGNA work programme and reviewed proposed priority areas for future work in the light of expressed country needs.

The main thrust of ISWGNA efforts had been to make the 1993 SNA known and understood. The SNA text had been disseminated in English, Arabic and Chinese. The French, Spanish and Russian translations had been completed. In addition to the printed version, the Statistics Division had produced a CD-ROM with features such as hyperlinks and search functions. The newsletter SNA News and Notes, issued biannually, was an important medium of information exchange. The Division had also set up a Web site and an e-mail address for easy communication. A series of regional and subregional workshops and training seminars were organized by ISWGNA members, in particular the regional commissions, aimed at enabling countries to formulate their own medium-term development strategies, taking into account the possible necessary reorientation of basic data collection.

The Statistical Commission, at its February 1997 session, commended the milestones defined by the Task Force as an appropriate tool for

monitoring progress in the implementation of the 1993 SNA and suggested that a similar milestone approach be used for the implementation of other international statistical standards. It endorsed the proposed support system for the Task Force, noting in particular the need to develop guidelines and data for the household sector, including the informal sector. It agreed with the proposal to present the updated milestone assessment of countries to its future sessions. The Commission also decided that the new UN data questionnaire for national accounts, based on the 1993 SNA, should be implemented in 1999.

In September [ACC/1997/16], the ACC Subcommittee on Statistical Activities recognized the concern of regional commissions that countries would have difficulty with the new national accounts data questionnaire. It noted that the Statistics Division would work with those commissions to help them to deal with that development.

Finance statistics

At its February session, the Statistical Commission considered a November 1996 report [E/CN.3/1997/13] of the Task Force on Finance Statistics. The Task Force described its work on statistical methodologies, in particular on the fifth edition of the Balance of Payments Manual, as well as on revised manuals on monetary and financial statistics and on government finance statistics. A major effort was being made to ensure as complete a harmonization with the 1993 SNA as possible. The Task Force also outlined modalities for its further work.

The Commission took note of efforts to harmonize concepts and definitions in the areas of balance of payments, monetary and financial statistics and government finance statistics as used in the manuals with the 1993 SNA. In addition, the Commission endorsed proposed amendments to the Task Force's terms of reference, in order to incorporate a request that work programmes of international organizations in the field of finance statistics be presented periodically as a means of providing updated information and as the basis of discussion on particular issues.

In September, the ACC Subcommittee on Statistical Activities [ACC/1997/16] endorsed the extension of the Task Force's terms of reference, as proposed by the Task Force. However, the Subcommittee agreed that that extension would be subject to review at a later stage if the reporting on work programmes were to be done through a different process, such as the planned integrated presentation of work programmes.

Demographic and social statistics

2000 World Population and Housing Census Programme

In a December 1996 report on demographic and social statistics [E/CN.3/1997/14], the Secretary-General informed the Statistical Commission about the Secretariat's preparation for the 2000 World Population and Housing Census Programme and described the contents of the draft revised Principles and Recommendations for Population and Housing Censuses.

Under the planned activities of the 2000 Census Programme, the Secretariat submitted a proposal for funding a project entitled "Training on the application of new technologies in population census operations" to be implemented from 1997 to 2000. It was aimed at organizing a series of training workshops for participants from developing countries on the use of microcomputers in various stages of population census operations. Another project, "Application of new technology in population data collection, processing, dissemination and presentation", would be carried out under the auspices of the Economic and Social Commission for Asia and the Pacific.

The Secretary-General also reported that the Economic Commission for Europe (ECE), with support from the United Nations Development Programme (UNDP), had begun a project which included training workshops and advisory services to improve the capacity of the countries in transition to conduct population and housing censuses.

The Secretariat continued its work in preparing the revised Principles and Recommendations for Population and Housing Censuses. An Expert Group meeting (New York, 9-13 September 1996) to review the draft revised principles and recommendations made a number of suggestions and recommended some refinements, clarifications and additions, which were incorporated in the version submitted to the Commission. The revised draft consisted of four parts on: operational aspects of censuses; topics for population censuses; topics for housing censuses; and census products and data utilization.

In February, the Commission endorsed the provisional principles and recommendations for censuses, adopted them for use in the 2000 round censuses and in future census decades, and requested the Secretariat to publish them in all official UN languages. It also requested the Statistics Division to prepare, in collaboration with the regional commissions, a report on the cost of conducting a decennial census.

In an October note [E/CN.3/AC.1/1998/L.4 & Add.1] to the Working Group on International Sta-

tistical Programmes and Coordination, the Secretary-General said that there had been little systematic cross-national study of the costs of collecting statistics, particularly through censuses. That was partly due to the fact that census activities extended beyond the routine operations of a single unit of government and involved the contribution of many organizations so that the full costs of a census could not be easily determined. ECE had prepared a study entitled *Costing Aspects of Population and Housing Censuses in Selected Countries in the UN/ECE Region* [Sales No. E.96.II.E.15] which attempted to compare the census costs of France, Hungary, Sweden and the United Kingdom. Emphasizing the difficulty of obtaining costs on a comparable basis, the Secretariat suggested that, rather than compare census costs among countries, a more useful approach would be to provide guidance to countries on ways to accurately estimate census costs in a systematic manner, and proposed that a report be prepared along those lines for the Commission at its 1999 session.

In September, the ACC Subcommittee on Statistical Activities [ACC/1997/16] noted that the revised principles and recommendations had been amended by the Statistics Division, as requested by the Commission, and had been submitted for editing, translation and printing.

Demographic, social and migration statistics

At its February session, the Statistical Commission considered a November 1996 report [E/CN.3/1997/15] of the Secretary-General on the activities of the UN Secretariat under the demographic and social statistics programme during 1995-1996. The report contained sections on civil registration and vital statistics; human settlements and city statistics; crime and criminal justice statistics; impairment, disability and handicap statistics; and gender statistics. In a later addendum [E/CN.3/1997/15/Add.1], the Secretary-General summarized the draft revised recommendations on statistics of international migration. The report presented a set of improved definitions for the purpose of gathering information on international migration flows. The three definitions adopted were on country of usual residence, long-term migrant and short-term migrant. Those definitions were intended to be more straightforward than earlier versions, and they relied on the concept of residence to distinguish international migrants from other international travellers. The implementation of the revised definitions by existing statistical systems was expected to occur gradually. The draft also included a compilation of information on asylum-seekers and addressed the issue of measuring

stocks related to the study of international migration.

By another addendum [YUN 1996, p. 1171], the Secretary-General transmitted to the Commission the results of the review of the draft recommendations on statistics of international migration by the 1996 ECE/Eurostat work session on migration statistics. The recommendations were viewed as a tool for improving migration statistics in some countries and as providing a basis for international comparability in that field.

The Commission at its February session adopted the draft revised recommendations on statistics of international migration and agreed on a set of revisions to be incorporated. The United Nations Population Division, which had collaborated with the Statistics Division in preparing those recommendations, was revising the recommendations, to be submitted for publication in 1998 (see also PART THREE, Chapter VIII).

UN conferences statistics

By a July 1996 note [E/CN.3/1997/16], the Secretary-General transmitted to the Statistical Commission a January 1996 report of the Expert Group on the Statistical Implications of Recent Major United Nations Conferences [YUN 1996, p. 1171]. The report was initially considered by the Working Group on International Statistical Programmes and Coordination in April 1996. The Working Group supported the report's emphasis on strengthening national capacities for collecting social statistics and using them for monitoring implementation of the social programmes of action adopted at recent major UN conferences.

The Statistical Commission, at its February 1997 session, endorsed the Minimum National Social Data Set (MNSDS), as recommended by the Working Group, with the substitution of the indicator "Contraceptive prevalence rate" in place of the indicator "Percentage of infants weighing less than 2,500 grams at birth, by sex". The Commission emphasized that the 15 indicators of MNSDS [YUN 1996, p. 1171] should be considered as a minimum and not a maximum list of indicators, and invited users to build on MNSDS to meet national needs and circumstances, as well as requirements in specific fields.

The Statistics Division undertook work in 1997 to implement MNSDS, as reported by the Secretary-General in an October note [E/CN.3/AC.1/1998/L.5]. Letters were sent to countries and to UN bodies and other international organizations, informing them of MNSDS and its use in responding to the needs highlighted by global conferences to collect and present more and better data describing progress for individual countries.

MNSDS was being prepared for dissemination on the Statistics Division home page maintained on the UN World Wide Web site. IMF was using MNSDS as a suggested framework for the sociodemographic portion of its proposed general data dissemination system. The Statistics Division had participated in a country analysis mission in Sri Lanka in 1997 to assess the quality, adequacy and timeliness of disseminated data related to MNSDS.

Technical cooperation

In January [E/CN.3/1997/18], the Secretary-General submitted a report on technical cooperation in statistics. In preparing the report, the Statistics Division had sent a questionnaire requesting information on technical cooperation to 25 donor countries, 25 international donor organizations and 158 recipient countries as well as four countries that had been grouped as both donors and recipients.

Responses were received from 33 donor countries and organizations and 41 developing countries and countries with economies in transition. However, only eight donor countries, four donor organizations and the European Communities, and 27 recipient countries were able to supply values of technical assistance provided and received. According to the Division, it was not feasible to classify technical cooperation funding information precisely in a uniform manner, given the varying methods and definitions adopted in the process of accounting for technical cooperation by different donors and recipients as well as the different accounting periods. Some countries and organizations provided only descriptive material of their technical assistance activities without value indicators. Therefore, while value figures of technical assistance were provided in the report, they were not considered to be complete and accurate. Furthermore, most recipient countries provided only sporadic value figures for certain statistical projects for some years, making it difficult to analyse the situation. For the donor countries listed, technical assistance increased from \$11 million to \$15 million from 1992 to 1994, then fell to under \$9 million in 1995. With regard to donor organizations, there was a 30 per cent decline in 1994, followed by a further 30 per cent drop in 1995 to \$6.6 million, with an additional \$33.5 million from the European Communities.

In an addendum [E/CN.3/1997/18/Add.1] to the report, the Secretary-General reported on crucial issues on technical cooperation in statistics. He stated that in deciding on a potential technical cooperation project, both the donor country

or agency and the recipient country should consider not only technical feasibility but also the usefulness of the project in the political and public decision-making arena. The recipient country was in the best position to coordinate its own requirements; however, donors needed to be informed of what was being proposed so that they could make good decisions. A coordinating mechanism would be useful, the report said. For effective capacity-building, there should be a substantial technology transfer between donor and recipient. Furthermore, the objectives of the project needed to be clear, measurable and of a substantially statistical nature.

The Statistical Commission also considered a January note [E/CN.3/1997/18/Add.2] by Statistics Canada entitled "Crucial issues on technical cooperation: a framework for the description and analysis of technical assistance".

The Commission, at its February session, decided that an informal group of representatives of 11 countries, as well as the UN Statistics Division, Eurostat and the regional commissions, should work on holding a seminar/symposium on good practices related to technical cooperation. Responding to the Commission's request, Statistics Netherlands convened in April and September in Voorburg two meetings of the Workshop on Improving Technical Cooperation in Statistics [E/CN.3/1999/19], aimed at adopting draft guiding principles for good practices in technical cooperation [E/CN.3/AC.1/1998/L.7].

Other statistical programmes

Coordination and integration of international statistical programmes

In January [E/CN.3/1997/23], the Secretary-General transmitted to the Statistical Commission a report on the implementation of the Review Group proposals on strengthening international statistical cooperation. The report concluded that the implementation of the Review Group recommendations had been uneven. While the ACC Subcommittee on Statistical Activities, a key coordinating body, was performing effectively, the task forces set up under its auspices—with the exception of the Task Force on International Trade Statistics—had not been very active. According to the report, much thinking needed to be done by Member States about the international coordination that was needed across the various subject fields, and, to date, very little progress had been made on that front. It remained the responsibility of the Statistical Commission to plan and implement action to further improve the organization of international statis-

tical coordination as envisaged in the Review Group report.

After consideration of the item at its February session, the Commission established a group, consisting of Brazil, Canada, France, Germany, India, the Netherlands, the United Kingdom and the United States, to explore new approaches to the structure and operation of the Commission, as well as to the relationship between the regional commissions and the Statistical Commission and other international organizations.

In November [E/CN.3/AC.1/1998/L.8], the ad hoc group submitted to the Working Group on International Statistical Programmes and Coordination a report containing its recommendations on new approaches to the Commission's structure and operation, as well as comments on the role of other important forums—the ACC Subcommittee on Statistical Activities, the regional commissions and the statistical divisions of UN bodies, including IMF and the World Bank. Among its recommendations, the group suggested that the Statistical Commission should develop an integrated programme of statistical (methodological) work and more precisely define the role of the various actors (United Nations, non-UN organizations, city groups, inter-secretariat groups and others) in implementing the programme, in particular in terms of the outputs expected from them, and time-frames. For the sake of enhancing continuity, the Working Group on International Statistical Programmes and Coordination should function as a continuation of the Commission between sessions. The Bureau of the Commission should meet following the biennial sessions to translate the Commission's decisions into a list of concrete actions. The group also proposed the establishment of an electronic information and discussion forum as a mechanism to involve more countries and to avoid undue travel costs, by creating the World Electronic Statistics Platform on the Internet, an "international cyber platform".

Strengthening regional commissions

In a January report [E/CN.3/1997/22] on strengthening the role of the regional commissions in statistics, the Secretary-General described their statistical activities in developing and implementing methodologies, technical assistance, data collection, data analysis and coordination of regional statistical development. Noting the lack of sufficient resources to carry out assigned tasks, he recommended that member countries take an active role in the commissions' work and that international organizations work more with and through the regional commissions. As the main UN funding agencies, UNDP

and the United Nations Population Fund (UNFPA) could provide extrabudgetary resources to the regional commissions by using them as executing agencies for some projects. In addition, UN regular budgets could be allocated more flexibly between staff and other costs.

The Statistical Commission in February emphasized that active country involvement was essential to the success of the regional commissions and encouraged countries to consider augmenting the resources of regional commissions by deploying personnel from national statistical offices on a temporary basis.

Coordination of statistical data collection

The Secretary-General, in a January report [E/CN.3/1997/25] on coordination of statistical data collection, informed the Statistical Commission of the results of the Statistics Division survey among members of the Working Group on International Statistical Programmes and Coordination as to the usefulness and effectiveness of the Inventory of Statistical Data-collection Activities, in particular in the field of coordination. Taking into consideration the fact that the Inventory had been used very little, the Secretary-General suggested that the Commission decide on its continuation.

The Commission in February expressed its satisfaction in regard to the usefulness of the Inventory, and encouraged the Statistics Division to continue its work in the area in order to make that coordination tool more useful and effective.

World statistics day

In accordance with a 1996 request of the Working Group on International Statistical Programmes and Coordination [YUN 1996, p. 1172], the Secretary-General, by a September 1996 note [E/CN.3/1997/26], submitted a summary of the views expressed by the Working Group in 1996 on the holding of a world statistics day.

The Statistical Commission considered the matter in February 1997 and found no consensus in favour of holding it. However, the Commission expressed support for the holding of national and regional statistical days in those countries and regions that had already held such days, and encouraged the holding of national statistical days in any countries that might wish to establish such days.

Programme questions

During its February session, the Statistical Commission reviewed a January report [E/CN.3/1997/27] of the Secretary-General on the plans of international organizations in statistics, as well as

the draft programme of work of the UN Statistics Division for the 1998-1999 biennium and related information, and the Division's medium-term plan for the period 1998-2001. The Commission endorsed the Division's proposed programme of work and priorities, while recognizing its resource limitations. It also endorsed the proposal of the Bureau of the ACC Subcommittee on Statistical Activities to develop a pilot integrated presentation of work for use by international agencies and regional commissions.

Inter-agency coordination

In response to a 1996 request [E/CN.3/1997/19] of the Working Group on International Statistical Programmes and Coordination, the Secretary-General submitted a January 1997 report [E/CN.3/1997/24 & Corr.1] which provided an account of the origins, mandates and achieve-

ments of the inter-agency task forces established by the Statistical Commission over the 1993-1994 period. During that time, altogether eight task forces were established on: the system of national accounts; industrial and construction statistics; international trade statistics; finance statistics; price statistics; environment statistics; service statistics; and the measurement of poverty. In 1996, the Commission's Working Group discontinued the Task Force on Price Statistics [YUN 1996, p. 1169] and the Task Force on the Measurement of Poverty [YUN 1996, p. 1171] and, in 1997, the Commission took the same action in regard to the Task Force on Industrial and Construction Statistics (see above).

A review of the remaining task forces' work was made by the ACC Subcommittee on Statistical Activities during its session in September [ACC/1997/16].

PART FOUR

Legal questions

Chapter I

International Court of Justice

In 1997, the International Court of Justice (ICJ) delivered one Judgment and made two Orders. It had nine contentious cases before it. During the year, Counter-Claims were presented in two of the pending cases.

On 6 February, the Court elected Judge Stephen M. Schwebel of the United States as President and Judge Christopher G. Weeramantry of Sri Lanka as Vice-President of the Court, each for a term of three years.

In a 27 October address to the General Assembly, the President of the Court noted that, for the first time in its history, ICJ had made a working visit to a site of a dispute when it spent four days travelling to locations along the Danube River. The case, brought by special agreement between Hungary and Slovakia, concerned a project for the joint construction of dams on the River. The Judgment on the case was given on 24 September.

The President observed that the Court was gratified that its role as a partner in preventive diplomacy, and not only a judicial last resort in settling disputes among Member States, was continuing to develop. It was important, in assessing the Court's work, to take account not only of disputes that had resulted in Judgments, but also of cases that had resulted in negotiated settlements.

Judicial work of the Court

During 1997, the Court rendered a Judgment in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia). In the same case, it made an Order concerning a site visit by the Court.

In a second Order, the Court found that the Yugoslav Counter-Claims in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia) were admissible and formed part of the proceedings, and directed the submission of further pleadings, fixing time-limits therefor.

Hearings were held in the cases concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia), Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) and Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aer-

ial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America).

The 1997 activities of ICJ were covered in two reports to the General Assembly, for the periods from 1 August 1996 to 31 July 1997 [A/52/4] and from 1 August 1997 to 31 July 1998 [A/53/4]. By **decision 52/405** of 27 October 1997, the Assembly took note of the 1996/97 report.

Maritime delimitation and territorial questions (Qatar v. Bahrain)

Qatar instituted proceedings in 1991 [YUN 1991, p. 820] against Bahrain in respect of disputes relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah and the delimitation of the maritime areas of the two States.

In August 1991, Bahrain contested the basis of jurisdiction invoked by Qatar. By an October 1991 Order [YUN 1991, p. 820], the President of the Court decided that written proceedings should first be addressed to the questions of the jurisdiction of the Court to entertain the dispute and of the admissibility of the Application, and fixed the time-limits for the filing of a Memorial by Qatar and a Counter-Memorial by Bahrain, which were filed accordingly in 1992 [YUN 1992, p. 982]. Also in 1992, Qatar and Bahrain filed their respective Reply and Rejoinder within the time-limits fixed by a June 1992 Order [YUN 1992, p. 982]. Qatar chose Jose Maria Ruda and Bahrain chose Nicolas Valticos to sit as judges ad hoc in the case.

Following hearings held in February and March 1994, the Court delivered, on 1 July 1994, a Judgment [YUN 1994, p. 1279], by which it found that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar, dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Amir of Bahrain, dated 19 and 26 December 1987, and the document headed "Minutes", signed in Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, were international agreements creating rights and obligations for the Parties; and that, by the terms of those agreements, the Parties had undertaken to submit to the Court the whole of the dispute between them, as circumscribed by the Bahraini formula. Having noted that it had before it only an Application from Qatar setting out that State's specific claims

in connection with that formula, the Court decided to afford the Parties the opportunity to submit to it the whole of the dispute. It fixed 30 November 1994 as the time-limit within which the Parties were jointly or separately to take action to that end and reserved any other matters for subsequent decision.

On 30 November 1994, the Court received a letter from Qatar transmitting an "Act to comply with paragraphs (3) and (4) of the operative paragraph 41 of the Judgment of the Court dated 1 July 1994". On the same day, Bahrain transmitted a "Report of the State of Bahrain to the International Court of Justice on the Attempt by the Parties to Implement the Court's Judgment of 1 July 1994". In view of those communications, the Court resumed dealing with the case.

At a public sitting held on 15 February 1995, the Court delivered a Judgment on jurisdiction and admissibility [YUN 1995, p. 1305], by which it found that it had jurisdiction and that the Application of Qatar as formulated on 30 November 1994 was admissible.

Judge ad hoc Valticos resigned as of the end of the jurisdiction and admissibility phase of the proceedings.

By an Order of 28 April 1995 [YUN 1995, p. 1306], the Court, having ascertained the views of Qatar and having given Bahrain an opportunity to state its views, fixed 29 February 1996 as the time-limit for the filing by each of the Parties of a Memorial on the merits. By an Order of 1 February 1996 [YUN 1996, p. 1176], that time-limit was extended to 30 September 1996. The two Memorials were filed within that extended time-limit. By an Order of 30 October 1996 [YUN 1996, p. 1176], the President of the Court fixed 31 December 1997 as the time-limit for the filing by each of the Parties of a Counter-Memorial on the merits.

Bahrain chose Mohamed Shahabuddeen and, following his resignation, Yves L. Fortier, to sit as judge ad hoc.

By a letter dated 25 September 1997, Bahrain informed the Court that it challenged the authenticity of 81 documents produced by Qatar as annexes to its Memorial and submitted detailed analyses in support of its challenge. Stating that the matter was "distinct and severable from the merits", Bahrain announced that it would disregard the content of those documents for the purposes of preparing its Counter-Memorial. Qatar, by a letter of 8 October 1997, stated that in its view the objections raised by Bahrain were linked to the merits, but that the Court could not "expect Qatar, at the present stage of preparation of its own Counter-Memorial, to comment on the detailed Bahraini allegations". After Bahrain, in a subsequent letter, had stated that the use by

Qatar of the challenged documents gave rise to "procedural difficulties that strike at the fundamentals of the orderly development of the case" and that a new development relevant to assessment of the authenticity of the documents concerned had taken place, the President of the Court held, on 25 November 1997, a meeting with the Parties at which it was agreed, inter alia, that the Counter-Memorials would not deal with the question of the authenticity of the documents produced by Qatar and that other pleadings would be submitted by the Parties at a later date. The Counter-Memorials of the Parties were duly filed and exchanged on 23 December 1997.

**Questions of interpretation and application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie
(Libyan Arab Jamahiriya v. United Kingdom)
(Libyan Arab Jamahiriya v. United States)**

The Libyan Arab Jamahiriya instituted separate proceedings in 1992 [YUN 1992, p. 982] against the United Kingdom and the United States in respect of a dispute over the interpretation and application of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation [YUN 1971, p. 739], which arose from its alleged involvement in the crash of Pan Am flight 103 over Lockerbie, Scotland, on 21 December 1988.

In the Applications, the Libyan Arab Jamahiriya referred to the charging and indictment of two of its nationals, by the Lord Advocate of Scotland and by a United States Grand Jury, with having caused a bomb to be placed aboard Pan Am flight 103. The bomb subsequently exploded, causing the aircraft to crash, killing all persons aboard. Libya requested the Court to adjudge and declare that it had complied fully with all of its obligations under the Montreal Convention, which it claimed to be the only appropriate Convention in force between the Parties, and which required it to establish its own jurisdiction over alleged offenders present in its territory and submit the case to its authorities for prosecution, as there was no extradition treaty between it and the other Parties; that the United Kingdom and the United States were in breach of the Convention by rejecting Libya's efforts to resolve the matter within the framework of international law and placing pressure on it to surrender the two Libyan nationals for trial; and that the United Kingdom and the United States were under a legal obligation to cease and desist from such breaches and from the use of force or threats against Libya and from all violations of its sovereignty, territorial integrity and political independence.

It also made two separate requests for an indication of provisional measures in each case. By two Orders of 2 April 1992 [YUN 1992, p. 982], the Court found that the circumstances of the case were not such as to require the exercise of its power to indicate provisional measures. By Orders of 19 June 1992 [YUN 1992, p. 982], the Court fixed 20 December 1993 as the time-limit for the filing of a Memorial by Libya and 20 June 1995 for Counter-Memorials by the United Kingdom and the United States. Libya filed its Memorial within the prescribed time-limit and chose Ahmed S. El-Kosheri to sit as judge ad hoc in the cases.

On 16 and on 20 June 1995, respectively [YUN 1995, p. 1306], the United Kingdom and the United States filed preliminary objections to the jurisdiction of the Court to entertain the Applications of Libya. By virtue of Article 79, paragraph 3, of the Rules of the Court, the proceedings on the merits were suspended when preliminary objections were filed; proceedings then had to be organized for the consideration of those preliminary objections in accordance with the provision of that Article.

Following a meeting on 9 September 1995 between the President of the Court and the Agents of the Parties to ascertain the Parties' views, the Court, by Orders of 22 September 1995 [YUN 1995, p. 1306], fixed, in each case, 22 December 1995 as the time-limit within which Libya might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom and the United States. Libya filed such statements within the prescribed time-limits.

The Secretary-General of the International Civil Aviation Organization (ICAO), which had, in accordance with Article 34, paragraph 3, of the Court's Statute, been informed that the interpretation of the 1971 Montreal Convention was in issue in the two cases, and been communicated copies of the proceedings, informed the Court that ICAO had "no observation to make for the time being", requesting, however, to be kept informed of the developments of the two cases, in order to determine whether it would be appropriate to submit observations at a later stage.

The public sittings to hear the oral arguments of the Parties on the preliminary objections raised by the United Kingdom and the United States were held from 13 to 22 October 1997.

Oil platforms (Iran v. United States)

Iran instituted proceedings against the United States in 1992 [YUN 1992, p. 983] regarding a dispute in which Iran alleged that the destruction by United States warships, on 19 October 1987 and 18 April 1988, of three offshore oil production

complexes owned and operated by the National Iranian Oil Company constituted a breach of international law and of the 1955 Iran/United States Treaty of Amity, Economic Relations and Consular Rights. Iran requested the Court to rule on the matter.

By an Order of 4 December 1992, the time-limits were fixed at 31 May 1993 for the filing of a Memorial by Iran and 30 November 1993 for a Counter-Memorial by the United States. By an Order of 3 June 1993 [YUN 1993, p. 1138], those time-limits were extended to 8 June and 16 December 1993, respectively. Iran, which chose François Rigaux to sit as judge ad hoc, filed its Memorial within the prescribed time-limit, while the United States filed certain preliminary objections to the jurisdiction of the Court. In accordance with the Rules of Court (see above, under section on *Libya v. United Kingdom/United States*), the proceedings on the merits were suspended. By an Order of 18 January 1994 [YUN 1994, p. 1280], the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions on the United States objections. That written statement was filed within the prescribed time-limit.

After hearings had been held between 16 and 24 September 1996, the Court, at a public sitting of 12 December 1996, delivered its Judgment [YUN 1996, p. 1178] by which it rejected the preliminary objection of the United States, and found that it had jurisdiction, on the basis of article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by Iran under article X, paragraph 1, of the Treaty.

By an Order of 16 December 1996 [YUN 1996, p. 1178], the President of the Court fixed 23 June 1997 as the time-limit for the filing of the Counter-Memorial of the United States. Within the time-limit thus fixed, the United States filed the Counter-Memorial and a Counter-Claim, requesting the Court to adjudge and declare:

"1. That in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-88 that were dangerous and detrimental to maritime commerce, the Islamic Republic of Iran breached its obligations to the United States under Article X of the 1955 Treaty, and

2. That the Islamic Republic of Iran is accordingly under an obligation to make full reparation to the United States for violating the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings."

By a letter of 2 October 1997, Iran informed the Court that it had "serious objections to the admissibility of the United States counter-claim", taking the position that the Counter-Claim as formulated by the United States did not meet the requirements of Article 80, paragraph 1, of the Rules of Court. At a meeting that the Vice-President of the Court, Acting President, held on 17 October 1997 with the Agents of the Parties, it was agreed that their respective Governments would submit written observations on the question of the admissibility of the United States Counter-Claim. On 18 November and 18 December 1997, respectively, Iran and the United States submitted those written observations.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)

In 1993 [YUN 1993, p. 1138], Bosnia and Herzegovina instituted proceedings against the Federal Republic of Yugoslavia (Serbia and Montenegro) for alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [YUN 1948-49, p. 959, GA res. 260 A (III)].

Bosnia and Herzegovina requested the Court to adjudge and declare that Yugoslavia had violated and was continuing to violate several provisions of the Genocide Convention, as well as of the Charter of the United Nations, the four 1949 Geneva Conventions for the protection of war victims and their 1977 Additional Protocol I [YUN 1977, p. 706], the 1907 Hague Regulations on Land Warfare and the 1948 Universal Declaration of Human Rights [YUN 1948-49, p. 535, GA res. 217 A (III)]; that Yugoslavia was using force and the threat of force against Bosnia and Herzegovina; that Bosnia and Herzegovina had the sovereign right under the Charter and customary international law to defend itself and to request assistance of any State in doing so, which was not to be impaired by Security Council resolution 713(1991) [YUN 1991, p. 215] and subsequent resolutions imposing and reaffirming an arms embargo on the former Yugoslavia; that those resolutions should not be construed as imposing an arms embargo on Bosnia and Herzegovina; that, pursuant to the right to collective self-defence, other States had the right to come to the immediate defence of Bosnia and Herzegovina at its request; that Yugoslavia should cease and desist immediately from its breaches of the foregoing legal obligations; and that Yugoslavia should pay reparations for damages sustained by Bosnia and Herzegovina.

Bosnia and Herzegovina also requested the Court to indicate provisional measures to the effect that Yugoslavia should, *inter alia*, cease and desist immediately from all acts of genocide against

the people and State of Bosnia and Herzegovina. By an Order of 8 April 1993 [YUN 1993, p. 1138], the Court indicated that Yugoslavia should immediately take all measures within its power to prevent commission of the crime of genocide; and should ensure in particular that any armed units under its control did not commit any acts of genocide or acts leading up to genocide. The Court also indicated that neither of the Parties should in any way aggravate or extend the dispute. The time-limits for the filing of the Memorial by Bosnia and Herzegovina and a Counter-Memorial by Yugoslavia were fixed at 15 October 1993 and 15 April 1994, respectively, by an Order of 16 April 1993 [YUN 1993, p. 1138], and were extended to 15 April 1994 and 15 April 1995, respectively, by an Order of 7 October 1993 [YUN 1993, p. 1139].

In July 1993, Bosnia and Herzegovina made a second request for indication of provisional measures, while Yugoslavia, in August, requested the Court to indicate provisional measures requiring Bosnia and Herzegovina to prevent acts of genocide against the Bosnian Serbs. Acting on those requests, the Court, by an Order of 13 September 1993 [YUN 1993, p. 1139], held that the situation demanded the immediate implementation of provisional measures indicated in its April 1993 Order rather than an indication of additional measures. In declining Bosnia and Herzegovina's requests related to the partition and annexation of its territory and the means of preventing acts of genocide and partition, the Court pointed out that such claims were beyond the scope of its jurisdiction in that case, conferred on it by the Genocide Convention.

The Memorial of Bosnia and Herzegovina was filed within the prescribed time-limit. Bosnia and Herzegovina chose Elihu Lauterpacht and Yugoslavia chose Milenko Kreca to sit as judges *ad hoc* in the case.

By an Order of 21 March 1995 [YUN 1995, p. 1307], the President of the Court, upon a request of the Agent of Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, extended to 30 June 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia. Within that extended time-limit, Yugoslavia filed certain preliminary objections. The objections related, first, to the admissibility of the Application and, second, to the jurisdiction of the Court to deal with the case. By virtue of the Rules of Court (see above, under section on *Libya v. United Kingdom/United States*), the proceedings on the merits were suspended.

By an Order of 14 July 1995 [YUN 1995, p. 1307], the President of the Court fixed 14 November 1995 as the time-limit within which Bosnia and Herzegovina might present a written statement of its observations and submissions on the pre-

liminary objections raised by Yugoslavia. Bosnia and Herzegovina filed such a statement within the prescribed time-limit.

After hearings had been held between 29 April and 3 May 1996, the Court, at a public sitting on 11 July 1996, delivered its Judgment on the preliminary objections [YUN 1996, p. 1179], by which it rejected the objections raised by Yugoslavia, finding that, on the basis of article XI of the Genocide Convention, it had jurisdiction; dismissed the additional bases of jurisdiction invoked by Bosnia and Herzegovina; and found that the Application was admissible.

By an Order of 23 July 1996 [YUN 1996, p. 1179], the President of the Court fixed 23 July 1997 as the time-limit for the filing of the Counter-Memorial of Yugoslavia. The Counter-Memorial was filed within the prescribed time-limit. It included Counter-Claims, by which Yugoslavia requested the Court to adjudge and declare:

"3. Bosnia and Herzegovina is responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina and for other violations of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide:

—because it has incited acts of genocide by the 'Islamic Declaration', and in particular by the position contained in it that 'there can be no peace or coexistence between "Islamic faith" and "non-Islamic" social and political institutions';

—because it has incited acts of genocide by the *Novi Vox*, paper of the Muslim youth, and in particular by the verses of a 'Patriotic Song' which reads as follows:

'Dear mother, I'm going to plant willows,
We'll hang Serbs from them.

'Dear mother, I'm going to sharpen knives,
We'll soon fill pits again';

—because it has incited acts of genocide by the paper *Zmaj od Bosne*, and in particular by the sentence in an article published in it that 'Each Muslim must name a Serb and take oath to kill him';

—because public calls for the execution of Serbs were broadcast on radio 'Hajat' and thereby acts of genocide were incited;

—because the armed forces of Bosnia and Herzegovina, as well as other organs of Bosnia and Herzegovina have committed acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide against the Serbs in Bosnia and Herzegovina, which have been stated in Chapter Seven of the Counter-Memorial;

—because Bosnia and Herzegovina has not prevented the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide against the Serbs on its territory, which have been stated in Chapter Seven of the Counter-Memorial.

4. Bosnia and Herzegovina has the obligation to punish the persons held responsible for the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

5. Bosnia and Herzegovina is bound to take necessary measures so that the said acts would not be repeated in the future.

6. Bosnia and Herzegovina is bound to eliminate all consequences of the violation of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and provide adequate compensation."

By a letter of 28 July 1997, Bosnia and Herzegovina informed the Court that "the Applicant [was] of the opinion that the Counter-Claim submitted by the Respondent... [did] not meet the criterion of Article 80, paragraph 1, of the Rules of Court and should therefore not be joined to the original proceedings". At a meeting that the President of the Court held on 22 September 1997 with the Agents of the Parties, both Parties accepted that their respective Governments would submit written observations on the question of the admissibility of the Yugoslav Counter-Claims. After Bosnia and Herzegovina and Yugoslavia, in communications dated 9 October and 23 October 1997, respectively, had submitted written observations, the Court, by an Order of 17 December 1997 [Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Counter-Claims, Order of 17 December 1997, ICJ Sales No. 693], found that the Counter-Claims submitted by Yugoslavia in its Counter-Memorial were admissible as such and formed part of the proceedings. It further directed Bosnia and Herzegovina to submit a Reply and Yugoslavia to submit a Rejoinder, fixing the time-limits for those pleadings at 23 January and 23 July 1998, respectively. Judge *ad hoc* Kreca appended a declaration to the Order; Judge Koroma and Judge *ad hoc* Lauterpacht appended separate opinions; and Vice-President Weeramantry appended a dissenting opinion.

Gabcikovo-Nagymaros Project (Hungary/Slovakia)

In 1992, Hungary applied to the Court in a dispute with the Czech and Slovak Federal Republic concerning the projected diversion of the Da-

nube River, inviting the Republic to accept the Court's jurisdiction.

Following negotiations between Hungary and the Czech and Slovak Federal Republic, which dissolved into two States on 1 January 1993, Hungary and Slovakia—the sole successor State of the Czech and Slovak Federal Republic with respect to the Project dispute—requested the Court on 2 July 1993 [YUN 1993, p. 1139] to decide whether Hungary had been entitled to suspend and subsequently abandon in 1989 the work on the Nagymaros Project and on the part of the Gabčíkovo Project for which it was responsible under the 1977 Budapest Treaty on the Construction and Operation of the Gabčíkovo-Nagymaros Barrage System; and whether the Czech and Slovak Federal Republic had been entitled to execute, in 1991-1992, the "provisional solution"—a system damming up the Danube on Czechoslovak territory. The Court was also requested to determine the legal effects of the termination of the Treaty by Hungary in 1992 and the legal consequences of the Court's Judgment in that case.

Each Party filed a Memorial and a Counter-Memorial within the time-limits of 2 May 1994 and 5 December 1994, respectively, fixed by an Order of the Court of 14 July 1993 [YUN 1993, p. 1139]. By an Order of 20 December 1994 [YUN 1994, p. 1281], the President of the Court fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time-limit. Slovakia chose Krzysztof J. Skubiszewski to sit as judge ad hoc.

In June 1995, the Agent of Slovakia asked the Court, by letter, to visit the site of the Gabčíkovo-Nagymaros hydroelectric dam project on the Danube River with regard to the obtaining of evidence in the above case. The Agent of Hungary thereupon informed the Court that his country would be pleased to cooperate in organizing such a visit. In November 1995, in Budapest and New York, the two Parties signed a "Protocol of Agreement" on the proposal for a visit by the Court, which, after dates had been fixed with the approval of the Court, was supplemented by Agreed Minutes on 3 February 1997.

By an Order of 5 February 1997 [Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Order of 5 February 1997, I.C.J. Sales No. 685], the Court decided to "exercise its functions with regard to the obtaining of evidence by visiting a place or locality to which the case relates" (cf. Art. 66 of the Rules of Court) and to "adopt to that end the arrangements proposed by the Parties". The visit, which was the first in the Court's 50-year history, took place from 1 to 4 April 1997, between the first and second round of oral hearings.

The first round of those hearings took place from 3 to 7 March and from 24 to 27 March 1997. A video-film was shown by each of the Parties. The second round took place on 10 and 11 and on 14 and 15 April 1997.

At a public sitting held on 25 September 1997, the Court delivered its Judgment [Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment of 25 September 1997, I.C.J. Sales No. 692], the operative paragraph of which read as follows:

For these reasons,

The Court,

(1) Having regard to Article 2, paragraph 1, of the Special Agreement,

A. Finds, by 14 votes to 1, that Hungary was not entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty of 16 September 1977 and related instruments attributed responsibility to it;

In favour: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Fleischhauer, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski;

Against: Judge Herczegh;

B. Finds, by 9 votes to 6, that Czechoslovakia was entitled to proceed, in November 1991, to the "provisional solution" as described in the terms of the Special Agreement;

In favour: Vice-President Weeramantry; Judges Oda, Guillaume, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans; Judge ad hoc Skubiszewski;

Against: President Schwebel; Judges Bedjaoui, Ranjeva, Herczegh, Fleischhauer, Rezek;

C. Finds, by 10 votes to 5, that Czechoslovakia was not entitled to put into operation, from October 1992, this "provisional solution";

In favour: President Schwebel; Vice-President Weeramantry; Judges Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Kooijmans, Rezek;

Against: Judges Oda, Koroma, Vereshchetin, Parra-Aranguren; Judge ad hoc Skubiszewski;

D. Finds, by 11 votes to 4, that the notification, on 19 May 1992, of the termination of the Treaty of 16 September 1977 and related instruments by Hungary did not have the legal effect of terminating them;

In favour: Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans; Judge ad hoc Skubiszewski;

Against: President Schwebel; Judges Herczegh, Fleischhauer, Rezek;

(2) Having regard to Article 2, paragraph 2, and Article 5 of the Special Agreement,

A. Finds, by 12 votes to 3, that Slovakia, as successor to Czechoslovakia, became a party to the Treaty of 16 September 1977 as from 1 January 1993;

In favour: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans; Judge ad hoc Skubiszewski;

Against: Judges Herczegh, Fleischhauer, Rezek;

B. Finds, by 13 votes to 2, that Hungary and Slovakia must negotiate in good faith in the light of the prevailing situation, and must take all necessary measures to ensure the achievement of the objectives of the Treaty of 16 September 1977, in accordance with such modalities as they may agree upon;

In favour: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski;

Against: Judges Herczegh, Fleischhauer;

C. Finds, by 13 votes to 2, that, unless the Parties otherwise agree, a joint operational regime must be established in accordance with the Treaty of 16 September 1977;

In favour: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski;

Against: Judges Herczegh, Fleischhauer;

D. Finds, by 12 votes to 3, that, unless the Parties otherwise agree, Hungary shall compensate Slovakia for the damage sustained by Czechoslovakia and by Slovakia on account of the suspension and abandonment by Hungary of works for which it was responsible; and Slovakia shall compensate Hungary for the damage it has sustained on account of the putting into operation of the "provisional solution" by Czechoslovakia and its maintenance in service by Slovakia;

In favour: President Schwebel; Vice-President Weeramantry; Judges Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski;

Against: Judges Oda, Koroma, Vereshchetin;

E. Finds, by 13 votes to 2, that the settlement of accounts for the construction and operation of the works must be effected in accordance with the relevant provisions of the Treaty of 16 September 1977 and related instruments, taking due account of such measures as will have been taken by the Parties in application of points 2 B and C of the present operative paragraph.

In favour: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Shi, Koroma, Vereshchetin, Parra-Aranguren, Kooijmans, Rezek; Judge ad hoc Skubiszewski;

Against: Judges Herczegh, Fleischhauer.

President Schwebel and Judge Rezek appended declarations to the Judgment. Vice-President Weeramantry and Judges Bedjaoui and Koroma appended separate opinions. Judges Oda, Ranjeva, Herczegh, Fleischhauer, Vereshchetin and Parra-Aranguren and Judge ad hoc Skubiszewski appended dissenting opinions.

Land and maritime boundary between Cameroon and Nigeria

On 29 March 1994 [YUN 1994, p. 1281], Cameroon instituted proceedings against Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requested the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

In its Application, Cameroon referred to "an aggression" by Nigeria, whose troops were "occupying" several Cameroonian localities on the Bakassi Peninsula, resulting "in great prejudice to Cameroon", and requested the Court to adjudicate and declare that sovereignty over the Bakassi Peninsula was Cameroonian; that Nigeria had violated and was violating the fundamental principle of respect for frontiers inherited from colonization and its obligations under international law by using force against Cameroon and by militarily occupying the Bakassi Peninsula; and that Nigeria should withdraw its troops and pay reparation. Cameroon also asked the Court to prolong the course of its maritime boundary with Nigeria up to the limit of the maritime zones of the two States.

On 6 June 1994 [YUN 1994, p. 1281], Cameroon filed an Additional Application for the purpose of extending the subject of the dispute to a further dispute described as relating essentially to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad, while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. It further requested the Court to examine the two Applications as one case. On 14 June, Nigeria indicated that it had no objection to that request.

By an Order of 16 June 1994 [YUN 1994, p. 1282], the Court fixed 16 March and 18 December 1995 as the time-limits for the filing of Cameroon's Memorial and Nigeria's Counter-Memorial, respectively. The Memorial was filed within the prescribed time-limit.

On 13 December 1995, within the time-limit for the filing of its Counter-Memorial, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of the claims of Cameroon. By virtue of the Rules of Court (see above, under section on *Libya v. United Kingdom/United States*), the proceedings on the merits were suspended.

By an Order of 10 January 1996 [YUN 1996, p. 1180], the President of the Court fixed 15 May 1996 as the time-limit within which Cameroon might present a written statement of its observations and submissions on the preliminary objec-

tions raised by Nigeria. Cameroon filed such a statement within the prescribed time-limit.

On 12 February 1996, Cameroon, referring to "serious armed incidents" that had taken place between Cameroonian and Nigerian forces in the Bakassi Peninsula beginning on 3 February 1996, requested the Court to indicate the following provisional measures:

- "(1) the armed forces of the Parties shall withdraw to the position they were occupying before the Nigerian armed attack of 3 February 1996;
- (2) the Parties shall abstain from all military activity along the entire boundary until the judgment of the Court is given;
- (3) the Parties shall abstain from any act or action which might hamper the gathering of evidence in the present case."

After hearings had been held between 5 and 8 March 1996, the Court, by an Order of 15 March 1996 [YUN 1996, p. 1180], indicated that "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it"; that they "should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula"; that they "should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996"; that they "should take all necessary steps to conserve evidence relevant to the present case within the disputed area"; and that they "should lend every assistance to the fact-finding mission which the Secretary-General of the United Nations has proposed to send to the Bakassi Peninsula" [YUN 1996, p. 146].

Fisheries jurisdiction (Spain v. Canada)

On 28 March 1995, Spain instituted proceedings against Canada in a dispute relating to the Canadian Coastal Fisheries Protection Act, as amended on 12 May 1994, and to the implementing regulations of that Act, as well as to certain measures taken on the basis of that legislation, more particularly the boarding on the high seas, on 9 March 1995, of a fishing boat, the *Estai*, sailing under the Spanish flag.

The Application indicated, *inter alia*, that by the amended Act "an attempt was made to impose on all persons on board foreign ships a broad prohibition on fishing in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO), that is, on the high seas, outside

Canada's exclusive economic zone"; that the Act "expressly permits (article 8) the use of force against foreign fishing boats in the zones that article 2.1 unambiguously terms the 'high seas'"; that the implementing regulations of 25 May 1994 provided, in particular, for "the use of force by fishery protection vessels against the foreign fishing boats covered by those rules ... which infringe their mandates in the zone of the high seas within the scope of those regulations"; and that the implementing regulations of 3 March 1995 "expressly permit [. . .] such conduct as regards Spanish and Portuguese ships on the high seas". The Application alleged the violation of various principles and norms of international law and stated that there was a dispute between Spain and Canada that, going beyond the framework of fishing, seriously affected the very principle of the freedom of the high seas and, moreover, implied a very serious infringement of the sovereign rights of Spain.

Spain requested the Court to declare that the legislation of Canada, in so far as it claimed to exercise a jurisdiction over ships flying a foreign flag on the high seas, outside the exclusive economic zone of Canada, was not opposable to Spain; to adjudge and declare that Canada was bound to refrain from any repetition of the acts complained of and to offer reparation to Spain; and to declare that the boarding on the high seas, on 9 March 1995, of the ship *Estai* flying the flag of Spain and the measures of coercion and the exercise of jurisdiction over that ship and over its captain constituted a concrete violation of the principles and norms of international law.

By a letter dated 21 April 1995, the Ambassador of Canada to the Netherlands informed the Court that, in the view of his Government, the Court manifestly lacked jurisdiction to deal with the Application filed by Spain by reason of paragraph 2 (d) of the Declaration, dated 10 May 1994, whereby Canada accepted the compulsory jurisdiction of the Court.

Taking into account an agreement concerning the procedure reached between the Parties at a meeting with the President of the Court, held on 27 April 1995, the President, by an Order of 2 May 1995 [YUN 1995, p. 1309], decided that the written proceedings should first be addressed to the question of the jurisdiction of the Court to entertain the dispute and fixed 29 September 1995 as the time-limit for the filing of the Memorial of the Kingdom of Spain and 29 February 1996 for the filing of the Counter-Memorial of Canada. The Memorial and Counter-Memorial were filed within the prescribed time-limits.

Spain chose Santiago Torres-Bernárdez and Canada Marc Lalonde to sit as judges *ad hoc*.

The Spanish Government subsequently expressed its wish to be authorized to file a Reply; the Canadian Government opposed that. By an Order of 8 May 1996 [YUN 1996, p. 1181], the Court, considering that it was "sufficiently informed, at this stage, of the contentions of fact and law on which the Parties rely with respect to its jurisdiction in the case and whereas the presentation by them, of other written pleadings on that question therefore does not appear necessary", decided by 15 votes to 2 not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of jurisdiction.

Kasikili/Sedudu Island (Botswana/Namibia)

On 29 May 1996, Botswana and Namibia jointly submitted to the Court a dispute concerning the boundary around Kasikili/Sedudu Island and the legal status of that island.

A Special Agreement, signed by the two States in Gaborone, Botswana, on 15 February 1996 [YUN 1996, p. 1181] for the submission of the dispute, referred to a Treaty between the United

Kingdom and Germany respecting the spheres of influence of the two countries, signed on 1 July 1890, and to the appointment, on 24 May 1992, of a Joint Team of Technical Experts "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of that Treaty and of the applicable principles of international law. Unable to reach a conclusion on the question, the Joint Team recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law". At a summit meeting held in Harare, Zimbabwe, on 15 February 1995, President Masire of Botswana and President Nujoma of Namibia agreed "to submit the dispute to the International Court of Justice for a final and binding determination".

By an Order of 24 June 1996 [YUN 1996, p. 1181], the Court fixed 28 February and 28 November 1997, respectively, as the time-limits for the filing by each of the Parties of a Memorial and a Counter-Memorial. They were filed by each of the Parties within the prescribed time-limits.

Chapter II

International tribunals

Two international tribunals, created by the United Nations to prosecute persons responsible for mass violation of international humanitarian law in the former Yugoslavia and in Rwanda, continued their work during 1997. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), based in The Hague (Netherlands), and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR), based in Arusha (United Republic of Tanzania), had a common Prosecutor and a common Appeals Chamber.

ICTY, which comprised the Judiciary of 11 Judges assigned to two Trial Chambers and one Appeals Chamber, the Office of the Prosecutor and the Registry, consisting of a Judicial Department and an Administrative Department, continued to carry out investigations and prosecutions. It also began an exhumation programme in early July. The first ICTY Judges completed their four-year terms in 1997; in May, the General Assembly elected new Judges to replace them as of 17 November.

ICTR, consisting of the Chambers (two Trial Chambers and an Appeals Chamber), the Office of the Prosecutor and the Registry, continued to hand down indictments and hold trial proceedings. The construction of a second courtroom, which became operational on 19 August, expedited its work.

International Tribunal for the Former Yugoslavia

On 18 September, the Secretary-General transmitted to the General Assembly and the Security Council the fourth annual report of ICTY [A/52/375-S/1997/729], which was established under

Council resolution 827(1993) [YUN 1993, p. 440]. The Assembly took note of the report, which covered the period from 1 August 1996 to 31 July 1997, by **decision** 52/408 of 4 November.

The report stated that the principal role of ICTY, namely, to bring to justice those responsible for atrocities committed in the war in the former Yugoslavia (see PART TWO, Chapter V), had gained considerable momentum. The main markers of progress were: the handing down of two sentences; the start of two more trials; and the arrests of accused persons by Croatia, the Stabilization Force (SFOR) and the Prosecutor, with the cooperation of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). In addition, Italy and Finland had signed agreements allowing persons convicted by ICTY to serve their sentences in their national prisons. However, the vast majority of indictees remained free, causing growing dissatisfaction in the former Yugoslavia and abroad.

The Chambers

During the reporting period, the Prosecutor did not publicly submit any indictments for confirmation. Therefore, the Chambers had not publicly confirmed any new indictments or publicly issued any arrest warrants in respect of new indictments. The indictment of Slavko Dokmanovic, however, which was confirmed in 1996, was made public only in June 1997. Another indictment, which was confirmed and made public during the reporting period, charged Milan Kovacevic, as well as Simo Drljaca, with complicity in genocide for the operation of detention camps and ethnic cleansing of the Muslim population of the Prijedor area of Bosnia and Herzegovina. The main type of judicial order issued, aside from non-disclosed indictments and arrest warrants, was the subpoena, regarding which there were a number of motions, hearings and decisions.

Trials and cases

The Appeals Chamber, on 7 October [A/53/219-S/1998/737], delivered its judgement on the appeal by Drazen Erdemovic against the sentence of 10 years' imprisonment pronounced on 29 Novem-

ber 1996 [YUN 1996, p. 1186]. A majority found that the initial guilty plea entered by Mr. Erdemovic was not informed and that the case should be remitted to a new Trial Chamber so that the accused could replead. The Chamber also found that duress could not afford a complete defence to a soldier charged with crimes against humanity or war crimes in international law involving the taking of innocent lives. Duress might, however, constitute a mitigating factor in determining the sentence.

The final judgement in the case of Dusko Tadic [YUN 1995, p. 1314] was rendered by the Trial Chamber on 7 May. Mr. Tadic was acquitted of charges made pursuant to articles of the Geneva Conventions because the Chamber was unable to hold that the Bosnian civilian victims were in the hands of the Government of the Federal Republic of Yugoslavia (FRY). Had they been, they would have been in the hands of a party to the conflict of which they were not nationals, a requirement for "protected person" status under the Conventions. The Trial Chamber held that the accused was not guilty on a number of counts, including each of the charges of murder as a violation of the laws or customs of war and as a crime against humanity, since proof that the victims died as a result of the accused's acts was deemed insufficient. However, the Trial Chamber found that the accused had caused the deaths of two policemen. It also found him guilty on numerous other counts, including cruel treatment as a violation of the laws or customs of war and inhumane treatment as a crime against humanity, for his involvement in the beatings and deportation of detainees in towns, villages and detention camps in north-western Bosnia and Herzegovina. On 14 July, Mr. Tadic became the first accused to be sentenced by the Tribunal after a trial following a not-guilty plea. The Trial Chamber imposed a number of concurrent sentences, the maximum being 20 years for a crime against humanity involving, among other things, the killing of the two Bosnian policemen.

The joint trial of Zejnil Delalic, Zdravko Mucic, Hazim Delic and Esad Landzo began on 10 March before the Trial Chamber. The accused were indicted in 1996 [YUN 1996, p. 1186] for offences committed in 1992 at the Celebici camp in Bosnia. On 5 June, the Trial Chamber issued an important decision of principle relating to evidence in cases of sexual assault by determining that the introduction of evidence concerning prior sexual conduct was forbidden. The trial, also known as the Celebici trial, would continue into 1998.

The alleged ethnic cleansing of the Bosnian Muslim population of the Lasva River Valley region in central Bosnia and Herzegovina from

May 1992 to May 1993 [YUN 1993, p. 945] formed the background to four separate indictments: Kordic and Others; Blaskic; Kupreskic and Others; and Furundzija.

Under the Kordic and Others indictment, Zlatko Aleksovski, charged in 1995 with two counts of grave breaches of the Geneva Conventions and one count of violations of the laws or customs of war, was arrested in 1996 and transferred to the custody of the Tribunal in early 1997. He pleaded not guilty during his initial appearance on 29 April 1997. On 25 September, the Trial Chamber granted the motion of the accused for the separation of his trial from that of the other accused under the Kordic and Others indictment. The trial was due to start in 1998. Dario Kordic and Mario Cerkez voluntarily surrendered to the custody of the Tribunal on 6 October, and pleaded not guilty on 8 October.

In the case of General Tihofil Blaskic, who pleaded not guilty on 3 April 1996 [YUN 1996, p. 1186], the issue of protection of victims and witnesses had been a constant source of contention between the parties. On 27 January, the Trial Chamber rendered a decision concerning the disclosure obligations of the parties in its decision on the production of discovery materials. It ordered the Prosecutor to disclose to the Defence the list of names of the witnesses she intended to call at trial and all the previous statements of the accused and the witnesses. The Chamber reminded the Prosecutor of her obligation to disclose any exculpatory evidence or to inform the Chamber if its confidentiality should be protected. The Chamber also rendered four decisions on 4 April in response to preliminary motions of the accused concerning liability for failure to punish subordinates for violations of international humanitarian law; the mens rea requirement for charges alleging command responsibility; alleged vagueness of the indictment; and the alleged Internationality of the armed conflict at issue. During the trial, which began in June, the Prosecution called over 90 witnesses. In an effort to expedite proceedings, the Trial Chamber, on 17 December, allocated the Prosecution 39 full hearing days from 1 January 1998, to complete the presentation of its evidence. The length of the Prosecution case would accordingly total 75 days. The Defence, in turn, was given 60 days to present its evidence. In other action relating to the Blaskic trial, the Chamber, on 25 August, held that the Prosecution's disclosure obligations did not extend to such documents as diaries, radio logs and maps with the personal annotations of the witness.

Concerning Kupreskic and Others, the alleged ethnic cleansing of the village of Ahmici was the

basis of the 1995 indictment of six indictees—Zoran and Mirjan Kupreskic, Vladimir Santic, Drago Josipovic, Dragan Papic and Marinko Katava. They surrendered voluntarily to the Tribunal on 6 October and pleaded not guilty at their initial appearance. On 18 December, Vlatko Kupreskic was arrested by SFOR. The Prosecutor was granted leave to withdraw the charges against Mr. Katava on 19 December because of insufficient evidence, and against Stipo Alilovic on 23 December because he had died in 1995. On 15 December, the Trial Chamber denied the motions for the provisional release of the remaining six accused, finding that considerations of family responsibility were not sufficient to constitute exceptional circumstances. Anto Furundzija, alleged to have been the commander of a special forces group within the Croatian Defence Council (HVO) at the time of the attack on the Bosnian Muslim population of the Lasva Valley area, was arrested by SFOR on 18 December and pleaded not guilty during his initial appearance the next day. He was charged with one count of a grave breach of the Geneva Conventions and two counts of violations of the laws of customs of war (torture and outrages upon personal dignity including rape).

Slavko Dokmanovic, who was arrested by UNTAES and Tribunal investigators in Eastern Slavonia and delivered to the Tribunal's custody on 27 June, was indicted jointly with Mile Mrksic, Miroslav Radic and Veselin Sljivancanin. Mr. Dokmanovic was the President of the Vukovar municipality in November 1991 when Yugoslav People's Army forces and Serb paramilitary soldiers removed from the Vukovar hospital some 260 men, who were later transported to a site close to Ovcara where they were allegedly executed. The accused's temporary counsel, assigned by the Registrar, filed a preliminary motion on 7 July on various matters on his behalf concerning the legality of his arrest, the form of the indictment and a separate trial. At his initial appearance before the Trial Chamber on 30 July, Mr. Dokmanovic pleaded not guilty to all charges. On 2 August, the Chamber granted safe conduct for certain defence witnesses. The accused's motion for release was denied by a 22 October decision of the Trial Chamber, which concluded that UNTAES legitimately executed the arrest warrant and that the Office of the Prosecutor had informed him of his rights. The Chamber further found that the means used to arrest the accused had not violated the principles of international law or the sovereignty of FRY. The Appeals Chamber, on 11 November, refused to grant leave to appeal the Trial Chamber's decision. Later in November, the Prosecution sought leave

to amend the indictment by clarifying and adding information obtained as a result of the exhumation of the site at Ovcara. It also filed a motion to further advertise the indictment against the three absent co-accused, seeking their immediate arrest or surrender to the Trial Chamber. A trial against all four co-accused could then proceed. The request was granted by a newly constituted Trial Chamber on 19 December and advertisements were published and circulated in the region. A number of procedures were implemented to expedite the trial, which was to begin in 1998.

Milan Kovacevic was charged in a non-disclosed indictment on 13 March with complicity in genocide for crimes committed against the Bosnian Muslim and Bosnian Croat populations of the Prijedor municipality in Bosnia and Herzegovina during 1992. The accused, who was arrested by SFOR in July and transferred to the Tribunal on 10 July, pleaded not guilty during his initial appearance on 30 July.

Communication. On 28 February, FRY transmitted to the Secretary-General a report on war crimes committed in the territory of the former Socialist Federal Republic of Yugoslavia [A/52/83-S/1997/173].

Judicial orders

The main type of judicial order issued, aside from non-disclosed indictments and arrest warrants, was the subpoena, regarding which there were a number of motions, hearings and decisions, particularly in the Blaskic case.

On 19 December, the Prosecutor was granted leave to withdraw charges made in indictments issued in 1995 against four accused. Three of them, Marinko Katava, Pero Skopljak and Ivan Santic, had surrendered voluntarily to the Tribunal on 6 October 1997. The Prosecutor stated that there was insufficient basis to justify proceeding to trial and that no further charges were outstanding against them. The fourth accused, Stipo Alilovic, was confirmed to have died in 1995.

The Appeals Chamber entertained two State requests for review. On 29 October, it handed down its Judgement on the Request of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997, regarding the power of the Tribunal to issue subpoenas to States and State officials.

Election of judges

The first Judges elected to serve at ICTY completed their four-year terms in 1997. In May, new Judges were elected by the General Assembly to serve the next four-year term, which began on 17 November.

SECURITY COUNCIL ACTION

On 8 April [meeting 3763], the Security Council unanimously adopted **resolution 1104(1997)**. The draft [S/1997/283] was prepared in consultations among Council members.

The Security Council,

Recalling its resolutions 808(1993) of 22 February 1993 and 827(1993) of 25 May 1993,

Having decided to consider the nominations for Judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia received by the Secretary-General by 13 March 1997,

Forwards the following nominations to the General Assembly in accordance with article 13, paragraph 2 (d) of the statute of the International Tribunal:

Mr. Masoud Mohamed Al-Amri (Qatar)

Mr. George Randolph Tissa Dias Bandaranayake (Sri Lanka)

Mr. Antonio Cassese (Italy)

Mr. Babiker Zain Elabideen Elbashir (Sudan)

Mr. Saad Saood Jan (Pakistan)

Mr. Claude Jorda (France)

Mr. Adolphus Godwin Karibi-Whyte (Nigeria)

Mr. Richard George May (United Kingdom of Great Britain and Northern Ireland)

Ms. Gabrielle Kirk McDonald (United States of America)

Ms. Florence Ndepele Mwachande Mumba (Zambia)

Mr. Rafael Nieto Navia (Colombia)

Mr. Daniel David Ntanda Nsereko (Uganda)

Ms. Elizabeth Odio Benito (Costa Rica)

Mr. Fouad Abdel-Moneim Riad (Egypt)

Mr. Almiro Simões Rodrigues (Portugal)

Mr. Mohamed Shahabuddeen (Guyana)

Mr. Jan Skupinski (Poland)

Mr. Wang Tieya (China)

Mr. Lal Chand Vohrah (Malaysia)

On 8 April [A/51/867], the Council transmitted the text of its resolution to the General Assembly.

Memorandum by Secretary-General. On 15 April [A/51/877], the Secretary-General transmitted to the General Assembly the list of candidates for judges and the procedure for electing them. The curricula vitae of the candidates were transmitted to the Assembly in April [A/51/878].

GENERAL ASSEMBLY ACTION

On 20 May [meeting 98], the General Assembly adopted **decision 51/319 A** without vote [agenda item 166].

At its 98th plenary meeting, on 20 May 1997, the General Assembly, in accordance with article 13 of the statute of the International Tribunal, elected the following eleven persons as judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for a four-year term of office beginning 17 November 1997:

Mr. Antonio CASSESE (Italy)

Mr. Claude JORDA (France)

Mr. Richard George MAY (United Kingdom of Great Britain and Northern Ireland)

Ms. Gabrielle Kirk McDONALD (United States of America)

Ms. Florence Ndepele Mwachande MUMBA (Zambia)

Mr. Rafael NIETO NAVIA (Colombia)

Mr. Fouad Abdel-Moneim RIAD (Egypt)

Mr. Almiro Simões RODRIGUES (Portugal)

Mr. Mohamed SHAHABUDDEEN (Guyana)

Mr. Lal Chand VOHRAH (Malaysia)

Mr. WANG Tieya (China)

Communication. In identical letters dated 30 July [A/51/958-S/1997/605], the Secretary-General informed the Assembly and the Council that the President of the Tribunal, on 18 June, had requested the extension of the three judges sitting in the Celebici case, who had not been re-elected, for a 12-month period beginning 17 November 1997, in order for them to complete the trial and deliver a judgement. The annual budgetary costs were estimated at \$668,480.

SECURITY COUNCIL ACTION

On 27 August [meeting 3813], the Security Council unanimously adopted **resolution 1126(1997)**. The draft [S/1997/667] was prepared in consultations among Council members.

The Security Council,

Taking note of the letter dated 30 July 1997 from the Secretary-General to the President of the Security Council, to which was annexed the letter to him dated 18 June 1997, from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia,

Endorses the recommendation of the Secretary-General that Judges Karibi-Whyte, Odio Benito and Jan, once replaced as members of the International Tribunal, finish the Celebici case which they have begun before expiry of their terms of office, and takes note of the intention of the Tribunal to finish the case before November 1998.

Communication. By a letter of 27 August [A/51/976], the Council transmitted to the Assembly the text of its resolution.

GENERAL ASSEMBLY ACTION

On 15 September [meeting 11] the General Assembly adopted **decision 51/319 B** without vote [agenda item 166].

At its 107th plenary meeting, on 15 September 1997, the General Assembly decided to endorse the recommendation of the Secretary-General, which was endorsed by the Security Council in its resolution 1126(1997) of 27 August 1997, that Judges Karibi-Whyte, Odio Benito and Jan, once replaced as members of the International Tribunal for the Prosecution

of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, would finish the Celebici case, which they had begun before expiry of their terms of office, and took note of the intention of the International Tribunal to finish the case before November 1998.

With the exception of Judge Shahabuddeen, who assumed office on 16 June 1997, the new judges assumed office on 17 November.

Regulatory activity

Regarding ICTY's Rules of Procedure and Evidence, substantive amendments were made to 22 rules and three new rules were adopted in July. In November, the judges amended a significant number of rules and adopted five new ones relating to suspension of indictment in case of proceedings before national courts, service of indictment, guilty pleas, general provision on time and variation of time limits.

Two new rules were added to the Rules of Detention concerning the searching and the monitoring of detainees' cells. Another rule was modified in order to control visits to the detainee by media representatives. In November, modifications were made to various procedural and financial provisions of the Directive on the Assignment of Defence Counsel, which addressed issues relating to the appointment of counsel for indigent accused.

Office of the Prosecutor

The Office of the Prosecutor continued to investigate and prosecute persons, especially those in positions of authority or leadership, who were responsible for the planning and implementation of the most serious violations of international humanitarian law that had occurred in the territory of the former Yugoslavia since 1991.

On 6 October, 10 former members of the political and military bodies of the then Croatian community of Herzeg-Bosna surrendered to the Tribunal; they were charged in two separate indictments, Kordic and Others and Kupreskic and Others. Many investigators were redeployed in October to assist with preparing the trials of the 10 accused. The redeployment led to the temporary suspension of a number of investigations. In December, SFOR apprehended two further accused, Vlatko Kupreskic and Anto Furundzija.

Following the receipt of \$2.2 million from Member States in response to an extraordinary appeal by the Prosecutor, the exhumation programme for 1997 began in early July. All sites were located in Bosnia and Herzegovina (Kratine, Brcko and Bosanski Samac). In total, 70 bod-

ies were recovered from two sites. At the third site, investigators were unable to establish whether a grave was present. In addition to the exhumation work, a number of other crime scenes were examined and forensic evidence recovered.

In June, the Office of the Prosecutor and the International Committee of the Red Cross began to cooperate in a project to retrieve information about the identity of missing persons from the database established to help investigators search for and retrieve information essential to their cases. The International Police Task Force (see PART ONE, Chapter V) reached an agreement with the Office to retrieve information from its database on candidates for the new Bosnian police force. During December, investigators from the Office obtained search warrants from the judges of the Tribunal, authorizing the search and seizure of certain specified documentary evidence from identified locations within Republika Srpska in Bosnia and Herzegovina.

A rules of the road project was set up in 1996 [YUN 1996, p. 1187], which maintained that persons other than those already indicted by ICTY might be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that had been reviewed and deemed consistent with international legal standards by the Tribunal. Under the project, the Office reviewed 40 cases and made recommendations to the submitting State.

The Prosecutor convened a round table (Arusha, United Republic of Tanzania, 24-26 March) to discuss the use of evidence of sexual violence in the investigations and prosecutions conducted by the Offices of the Prosecutor in ICTY and ICTR. A particular aim was to identify measures that would further normalize investigation and prosecution approaches to sexual violence. A second workshop (Arusha, 4-6 October) discussed interviewing sexual assault victims, maintaining contact with them and the role of local non-governmental organizations (NGOs) in the Prosecutor's work.

The Registry

The Registry was responsible for the administration and servicing of the Chambers, the Office of the Prosecutor and the defence counsel. In addition to its court management functions, it administered a legal aid system of assigning defence counsel to indigent accused, supervised the UN detention unit and maintained diplomatic contacts with States and their representatives.

Budgetary matters also fell within the Registry's purview (see below).

Financing ICTY

1997 resource requirements

As requested in General Assembly resolution 51/214 A [YUN 1996, p. 1192], the Secretary-General submitted to the fifty-first resumed session the revised 1997 resource requirements for ICTY [A/C.5/51/30/Add.1] totalling \$49,983,100 net (\$54,948,400 gross). The Assembly also had before it the performance report of ICTY for 1 January to 31 December 1996 [A/C.5/51/50].

In a related report [A/51/7/Add.7 & Corr.1,2], the Advisory Committee on Administrative and Budgetary Questions (ACABQ) recommended an additional appropriation of \$4,587,200 (net) for the Tribunal's operations in 1997. An additional amount of \$4,894,000 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/743/Add.1], adopted **resolution 51/214 B** without vote [agenda item 137].

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the related reports of the Advisory Committee on Administrative and Budgetary Questions and the Office of Internal Oversight Services,

Concerned that the report of the Secretary-General and the related performance report for 1996 were not available on a timely basis,

Concerned also that the revised 1997 budget proposals were not prepared on a full-cost basis,

Noting that information on the actual annual cost of new posts was not included in the budget proposals,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Requests the Secretary-General to submit the report on the conditions of service of the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the

Former Yugoslavia since 1991 to the General Assembly at its fifty-second session, no later than 30 November 1997;

3. Decides to defer its consideration of the pension entitlements for members of the International Tribunal pending receipt of the report requested in paragraph 2 above, and to consider this question in the context of the 1998 budget proposals for the Tribunal;

4. Notes that the full cost of the new posts recommended by the Advisory Committee would add to the appropriations a further annual requirement of 1,297,200 United States dollars net;

5. Notes also that the standard salary cost equivalent of the 45 gratis personnel serving with the International Tribunal would amount to 2,011,700 dollars gross for the period from 1 July to 31 December 1997;

6. Requests the Secretary-General, in submitting budgetary proposals for 1998, to make such recommendations as are required to fulfil the mandate of the International Tribunal as soon as possible;

7. Recognizes the importance of continuing to improve arrangements through which the International Tribunal receives proper guidance and assistance from Headquarters to implement and enforce the financial rules, personnel rules and all other applicable administrative issuances of the United Nations, and requests the Secretary-General to report thereon to the General Assembly at its fifty-second session;

8. Approves the budgetary recommendations of the Advisory Committee;

9. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 29,825,500 dollars gross (27,440,100 dollars net) for the period from 1 July to 31 December 1997;

10. Decides also that the appropriation for the period from 1 July to 31 December 1997 under the Special Account referred to in paragraph 9 above shall be financed according to the methodology established by the General Assembly in its resolution 49/242 B of 20 July 1995, as detailed in the annex to the present resolution;

11. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Protection Force in the amount of 14,912,750 dollars gross (13,720,050 dollars net), to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

12. Decides to apportion the amount of 14,912,750 dollars gross (13,720,050 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

13. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,192,700 dollars approved for the International Tribunal for the period from 1 July to 31 December 1997.

ANNEX
**Financing of the International Tribunal for
 the Prosecution of Persons Responsible for
 Serious Violations of International Humanitarian
 Law Committed in the Territory
 of the Former Yugoslavia since 1991**

	Gross (United States dollars)	Net dollars)
Appropriations for the period from 1 July to 31 December 1997	29,825,500	27,440,100
Of which: United Nations Protec- tion Force^a the credits arising from previous budgets of the United Nations	14,912,750	13,720,050
Assessed amounts^b		

Nations Protection Force.

Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.

1998 requirements

On 21 October, the Secretary-General submitted to the General Assembly the revised 1998 resource requirements for ICTY [A/C.5/52/4 & Corr.1], totalling \$64,216,200 net (\$71,094,700 gross). The Assembly also had before it a related ACABQ report [A/52/696], which recommended an appropriation of \$68,829,800 gross (\$62,331,600 net of staff assessment of \$1,059,700 and rental income of \$438,500) for 1998. ACABQ based that recommendation on ICTY's prior staff vacancy rates and other information.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/724], adopted **resolution 52/217** without vote [agenda item 135].

**Financing of the International Tribunal for the
 Prosecution of Persons Responsible for Serious
 Violations of International Humanitarian Law
 Committed in the Territory of the Former
 Yugoslavia since 1991**

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and on conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Noting the improvement in the presentation of the report of the Secretary-General, which was made available in a timely manner and prepared on a full-cost ba-

sis with information on the annual cost of new posts and performance indicators, as recommended by the Advisory Committee,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Notes that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. Requests the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities for the International Tribunal;

4. Also requests the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 7 of General Assembly resolution 51/214 B of 13 June 1997;

5. Agrees that the consideration of the pension entitlement for members of the International Tribunal should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

6. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 21 of its report;

7. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 68,829,800 United States dollars gross (62,331,600 dollars net) for the period from 1 January to 31 December 1998;

8. Recalls its resolutions 49/242 B of 20 July 1995, 50/212 A of 23 December 1995, 50/212 B and C of 11 April and 7 June 1996, 51/214 A of 18 December 1996 and 51/214 B of 13 June 1997, in which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Protection Force, to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

9. Recognizes that the unencumbered balance of the Special Account for the United Nations Protection Force has now been depleted;

10. Decides that the financing of the appropriation for the period from 1 January to 31 December 1998 under the Special Account for the International Tribunal shall take into account the cumulative surplus fund balance of 5.6 million dollars as at 31 December 1995 and the anticipated availability of an unencumbered balance of 10,873,800 dollars gross (10 million dollars net) for 1997, and shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. Takes note of the information on the expected unencumbered balance at the end of 1997, and decides to

take up this issue in the context of its consideration of the budget performance report for 1997;

12. Decides to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998;

13. Decides also to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998;

14. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 12 and 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,624,400 dollars approved for the International Tribunal for the period from 1 January to 31 December 1998.

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross (United States dollars)	Net dollars)
Appropriation for the period from 1 January to 31 December 1998	68,829,800	62,331,600
Less: Estimated unencumbered balance for the period from 1 January to 31 December 1997	(10,873,800)	(10,000,000)
Cumulative surplus fund balance as at 31 December 1995	(5,600,000)	(5,600,000)
Balance to be assessed for the pe- riod from 1 January to 31 De- cember 1998,		
Of which:	52,356,000	46,731,600
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	26,178,000	23,365,800
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	26,178,000	23,365,800

OIOS review

As requested in General Assembly resolution 50/212 C [YUN 1996, p. 1191], the Secretary-General transmitted a March report by the Office of Internal Oversight Services (OIOS) on the review of the 1997 resource requirement for ICTY [A/51/824].

The original budget proposal totalled \$68.7 million net, which reflected an increase of \$33.3 million (94 per cent) and an additional 197 posts over the 1996 appropriation and authorized staffing level.

OIOS identified some \$6 million worth of reductions in ICTY's proposed budget, consisting of 39 unsubstantiated and duplicate post requests, as well as instances of non-essential expenditure projections. While OIOS endorsed the

assignment of additional investigative resources to individual teams, it expressed reservations about establishing posts that were unlikely to have a measurable effect on the progress of individual investigations and the possibility of duplicated functions.

Regarding the Office of the Prosecutor, OIOS recommended the establishment of benchmarks for investigations as judicial precedent and work processes became more defined. It supported the establishment of an institutionalized tracking system and noted that any extra coverage afforded by additional staff should be monitored closely. The Office should more adequately justify the size of the Strategy Team in the Investigation Section.

Other recommendations related to: exploring less expensive staffing arrangements in the field; clearly defining the roles for certain posts and seconded personnel in the Office of the Prosecutor and the Registry; assessing the construction of a second courtroom (estimated at \$5.5 million) against less expensive alternatives; possibly revising downward expenditure projections for travel, rental, electronic data-processing equipment and the costs of the Detention Unit; restricting technical equipment needs to basic operational requirements; pooling administrative and support functions for each of the Tribunal's organs; and exploring outsourcing and cost-sharing arrangements to minimize unnecessary expenditures.

International Tribunal for Rwanda

ICTR, established by the Security Council under resolution 955(1994) [YUN 1994, p. 299], prosecuted persons responsible for having committed one or more of the following crimes in Rwanda between 1 January and 31 December 1994: genocide, crimes against humanity and violations of article 3 common to the 1949 Geneva Conventions and of Additional Protocol II.

By a 13 November note, the Secretary-General transmitted to the General Assembly and the Council the second annual report of ICTR [A/52/582-S/1997/868 & Corr.1] covering the period from 1 July 1996 to 30 June 1997. On 8 December, by **decision 52/412**, the Assembly took note of the report.

The Chambers

The two Trial Chambers and the Appeals Chamber were composed of three each and five judges, respectively.

Trials and indictments

Following the Prosecutor's presentation of her case against Jean-Paul Akayesu [YUN 1996, p. 1195], which began on 9 January, the Trial Chamber, on 17 June, granted the Prosecutor's request to amend the indictment to include three counts of crimes against humanity and violations of article 3 common to the Geneva Conventions/Additional Protocol II for rape, inhumane acts and indecent assault. At the trial's resumption on 13 October, the accused pleaded not guilty to all of the new counts and the defence called its first witness on 17 November. The trial continued into 1998.

The trial of Georges Anderson Rutaganda [ibid.], which began on 18 March with the presentation of the Prosecutor's case, was adjourned on 27 March to give the defence more time to prepare. It resumed on 29 September.

The trial of Clement Kayishema [ibid.] and Obed Ruzindana, which began on 9 April, was adjourned to allow more time for the defence to prepare. The trial entered its second phase between 29 September and 27 November, during which the Prosecutor called 22 witnesses, bringing to 36 the number of witnesses appearing in 1997. The Prosecutor tendered 294 exhibits, as against 12 submitted by the defence. The trial adjourned until 1998.

Indictments of Laurent Semanza and Jean Bosco Barayagwiza, who were arrested in Cameroon in 1996, were confirmed on 23 October. The detainees were subsequently transferred to the seat of ICTR in Arusha.

In July, seven accused persons and suspects were arrested during the Nairobi-Kigali (NAKI) operation organized on the Prosecutor's initiative. Pauline Nyiramasuhoko and her son Arsène Shalom Ntahobali, both of whom had already been indicted, were transferred to the seat of the Tribunal, where their initial appearances took place on 3 September and 17 October, respectively. They both pleaded not guilty to all the charges. Hassan Ngeze, Sylvain Nsabimana, Aloys Ntabakuze and Gratien Kabiligi were also arrested in the course of the NAKI operation and their indictments were confirmed. All pleaded not guilty during their initial appearances before the Tribunal.

The indictments of Georges Ruggiu and Samuel Imanishimwe were confirmed. The accused, who had been arrested and transferred to ICTR's Detention Facility, both pleaded not guilty during their initial appearances before the Tribunal.

Thirteen other individuals whose indictments had been confirmed had not yet been arrested. Arrest warrants and transfer and provisional detention orders had been issued for two other sus-

pects. One of the accused, Elizaphan Ntakirutimana, was arrested in the United States.

Communication. By identical letters of 15 October to the General Assembly and the Security Council [A/52/504-S/1997/812], the Secretary-General transmitted a 1 August letter from the ICTR President stating that, because 20 detainees were incarcerated in the Detention Facility in Arusha, a revision of the judicial calendar was necessary. Of the 20 detainees, 14 had been indicted. An assessment showed that if all of them were indicted, it would take at least 88 months to conclude the trials, making it difficult, if not impossible, to judge the suspects before the expiration of the ICTR mandate in May 1999. Thus, there was an overwhelming necessity to increase the number of judges in order to compose a third Trial Chamber, as provided for in Security Council resolution 955(1994) [YUN 1994, p. 299].

Regulatory activities

ICTR's fourth plenary session (Arusha, 2-6 June) adopted a number of amendments to the Rules of Procedure and Evidence. It also adopted a new rule that authorized the ICTR President to report to the Security Council any failure by a State to assist the Tribunal on the basis of a request from the Trial Chamber, a judge or the Prosecutor.

Office of the Prosecutor

The Office of the Prosecutor comprised the Prosecution Section, the Legal Section and the Investigation Section. The Prosecution Section was composed of three Senior Trial Attorneys and five Trial Attorneys. The Legal Section, consisting of five lawyers and working closely with the Legal Section in The Hague, advised on matters of indictments, motions and all legal issues related to the statute or the Rules of Procedure and Evidence. The Investigation Section, headed by the Director of Investigations, who was assisted by two Commanders, was divided into eight teams. The investigative teams were chiefly responsible for collecting evidence implicating State and political authorities in crimes committed in Rwanda in 1994 that fell within ICTR's jurisdiction. Two teams were particularly concerned with sexual crimes and with the role played by the media in the events in question. The Section had 52 investigators, some 20 of whom were seconded to the Office of the Prosecutor by their respective Government. The investigators were recruited by their Government for a period of only six months, which raised a problem of continuity. A seven-member investigative support team and nine law-

yers were assigned to the investigative teams to provide legal counsel and to draft indictments.

Security was of great concern, as two witnesses in the Akayesu and Rutaganda cases (see above) had been killed. A special security unit that would work in cooperation with the Government of Rwanda had been created.

At the initiative of the Prosecutor, a workshop on sexual violence was held from 23 to 26 March, following which a special team on sexual violence was established. A workshop on investigative strategies was held from 19 to 21 May.

The Registry

Following the 1996 review by OIOS [YUN 1996, p. 1199], the Registry was reorganized to improve the efficiency and effectiveness of ICTR's operations. Four sections were created: the Court Management Section; the Lawyers and Detention Facilities Management Section; the Victims and Witnesses Unit; and the General Legal Services and Chambers Support Section.

Regarding judicial activities, the construction of a second courtroom, which became operational on 29 August, had made it possible for the two Trial Chambers to operate simultaneously, thus speeding up proceedings.

The Group on Gender Issues was established to provide advisory services on questions related to gender issues within ICTR and to victims and witnesses. It was also responsible for developing strategies for improving support for victims and witnesses. The Group represented the Tribunal at a meeting on equality issues arising from the genocide in Rwanda and the trials in Arusha and at the second workshop on crimes of sexual violence; both meetings were held in Arusha in October. In August, the Group carried out an evaluation of the needs of victims and potential witnesses.

The Administrative and Technical Services Division provided support to Tribunal activities relating to budget and finance, personnel, general services, language services, transport, electronic data processing, security and communications.

Financing ICTR

1997 resource requirements

In May [A/C.5/51/29/Add.1], the Secretary-General presented to the General Assembly the revised resource requirements of ICTR for 1 January to 31 December 1997 amounting to \$41,366,600 net (\$46,435,000 gross). The amount reflected a net increase of \$4,871,900 and an additional 56 posts over the 1996 appropriation and authorized

staffing level. In a related report [A/51/7/Add.8 & Corr.1,2], ACABQ recommended that the Assembly approve an additional appropriation of \$22,002,450 gross (\$18,703,700 net), bringing the total appropriation for 1997 to \$45,117,400 gross (\$39,574,800 net) for the maintenance of the Tribunal for 1997. Also before the Assembly was the 1997 OIOS review of ICTR (see below).

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth Committee [A/51/744/Add.1], adopted **resolution 51/215 B** without vote [agenda item 139].

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the related reports of the Advisory Committee on Administrative and Budgetary Questions and the Office of Internal Oversight Services,

Noting with deep concern the serious problems identified by the Office of Internal Oversight Services in its report,

Noting the initial steps taken in response to the report of the Office of Internal Oversight Services, as set out in the report of the Advisory Committee,

Concerned that the report of the Secretary-General and the related performance report for 1996 were not available on a timely basis,

Concerned also that the revised 1997 budget proposals were not prepared on a full-cost basis,

Noting that information on the actual annual cost of new posts was not included in the budget proposals,

Noting also that the Secretary-General intends to transmit further reports of the Office of Internal Oversight Services on a periodic basis,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Notes with concern the shortcomings and deficiencies in the operations of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 reported by the Office of Internal Oversight Services, and requests the parties con-

cerned to ensure the full and immediate implementation of the recommendations of the Office;

3. Requests the Secretary-General to provide such advice and guidance as is required to ensure the effective administrative functioning of the International Tribunal for Rwanda;

4. Also requests the Secretary-General to submit a report on the conditions of service of the judges of the International Tribunal for Rwanda to the General Assembly at its fifty-second session, no later than 30 November 1997;

5. Decides to defer its consideration of the pension entitlements for members of the International Tribunal for Rwanda pending receipt of the report requested in paragraph 4 above, and to consider this question in the context of the 1998 budget proposals for the Tribunal;

6. Notes that the full cost of the new posts recommended by the Advisory Committee would add to the appropriations a further annual requirement of 2,218,800 United States dollars net;

7. Notes also that the standard salary cost equivalent of the 34 gratis personnel serving with the International Tribunal for Rwanda would amount to 1,729,100 dollars gross for the period from 1 July to 31 December 1997;

8. Stresses the importance of recruiting qualified personnel with the relevant knowledge, skills and experience to perform the responsibilities required under the applicable job descriptions;

9. Requests the Secretary-General to report on the question of the delegation of authority to recruit staff in the Professional category and above in the context of the proposed budget for 1998;

10. Requests the International Civil Service Commission to consider the recommendations of the Advisory Committee contained in paragraph 9 of its report and to report to the General Assembly at the earliest opportunity;

11. Decides that staff of the International Tribunal for Rwanda assigned to Kigali shall continue to be subject to the established compensation and benefit provisions of the United Nations common system pending consideration by the International Civil Service Commission of the question mentioned in paragraph 10 above;

12. Requests the Secretary-General, in submitting budgetary proposals for 1998, to make such recommendations as are required to fulfil the mandate of the International Tribunal for Rwanda as soon as possible;

13. Recognizes the importance of continuing to improve arrangements through which the International Tribunal for Rwanda receives proper guidance and assistance from Headquarters to implement and enforce the financial rules, personnel rules and all other applicable administrative issuances of the United Nations, and requests the Secretary-General to report thereon to the General Assembly at its fifty-second session;

14. Approves the budgetary recommendations of the Advisory Committee, subject to the provision in paragraph 15 below;

15. Notes that an estimated unencumbered balance of 3.6 million dollars would remain at the end of June 1997;

16. Notes also that the recommendations of the Advisory Committee in paragraph 23 of its report would not provide for all the security resources requested,

and decides that, should the need arise, the Registrar would be authorized to redeploy the necessary resources within the overall budgetary provisions of the International Tribunal for Rwanda;

17. Requests the Secretary-General to address the question of security resources, as necessary, in the budget submission for 1998;

18. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 18,402,500 dollars gross (15,103,700 dollars net) for the period from 1 July to 31 December 1997;

19. Decides also that the appropriation for the period from 1 July to 31 December 1997 under the Special Account referred to in paragraph 18 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, as detailed in the annex to the present resolution;

20. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the amount of 9,201,250 dollars gross (7,551,850 dollars net), to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

21. Decides to apportion the amount of 9,201,250 dollars gross (7,551,850 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

22. Decides also that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 21 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,649,400 dollars approved for the International Tribunal for Rwanda for the period from 1 July to 31 December 1997.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross (United States dollars)	Net
Amount required for the period from 1 July to 31 December 1997 as recommended by the Advisory Committee on Administrative and Budgetary Questions	22,002,500	18,703,700
Less: Estimated unencumbered balance for the period from 1 January to 30 June 1997	(3,600,000)	(3,600,000)
Balance: Appropriation to be assessed for the period from 1 July to 31 December 1997	18,402,500	15,103,700

	Gross (United States dollars)	Net dollars)
Of which: United Nations Assistance Mission for Rwanda ^a	9,201,250	7,551,850
Assessed amounts ^b	9,201,250	7,551,850

^aRefers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

^bRefers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.

1998 resource requirements

In accordance with General Assembly **resolution 51/215 B**, the Secretary-General, in December [A/C.5/52/13 & Corr.1], submitted the resource requirements of ICTR for 1998 amounting to \$52,856,400 net (\$58,993,700 gross) and reflecting an increase of \$16,881,600 net and an additional 167 posts over the 1997 appropriation and authorized staffing level.

In a related report [A/52/697], ACABQ recommended that the Assembly appropriate to the Special Account for ICTR the amount of \$56,736,300 gross (\$50,879,100 net) for the period from 1 January to 31 December 1998.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/726], adopted **resolution 52/218** without vote [agenda item 137].

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and on conditions of service for the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Tribunal for Rwanda, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Noting the improvement in the presentation of the report of the Secretary-General, which was made available in a timely manner and prepared on a full-cost basis with information on the annual cost of new posts and performance indicators, as recommended by the Advisory Committee during its previous consideration of the matter,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

2. Notes that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. Requests the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities of the International Tribunal for Rwanda;

4. Also requests the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 13 of General Assembly resolution 51/215 B of 13 June 1997;

5. Requests the Board of Auditors, in accordance with articles X and XII of the Financial Regulations and Rules of the United Nations, to report on the ex gratia payments referred to in paragraph 11 of the report of the Advisory Committee;

6. Agrees that the consideration of the pension entitlement for members of the International Tribunal for Rwanda should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

7. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;

8. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 56,736,300 United States dollars gross (50,879,100 dollars net) for the period from 1 January to 31 December 1998;

9. Recalls its resolutions 49/251 of 20 July 1995, 50/213 A of 23 December 1995, 50/213 B and C of 11 April and 7 June 1996, 51/215 A of 18 December 1996 and 51/215 B of 13 June 1997, by which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda, to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

10. Recognizes that the unencumbered balance in the Special Account for the Assistance Mission is 2,060,700 dollars gross;

11. Decides to apportion the amount of 28,368,150 dollars gross (25,439,550 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998, as detailed in the annex to the present resolution;

12. Decides also to apportion the amount of 26,307,450 dollars gross (23,894,050 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998, after taking into account the unencumbered balance of 2,060,700 dollars gross (1,545,500 dollars net) in the Special Account for the Assistance Mission referred to in paragraph 10 above;

13. Decides further that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,342,000 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 31 December 1998.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross (United States dollars)	Net
Appropriation for the period from 1 January to 31 December 1998	56,736,300	50,879,100
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	28,368,150	25,439,550
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	28,368,150	25,439,550
Less: Unencumbered balance in the Special Account for the United Nations Assistance Mission in Rwanda	(2,060,700)	(1,545,500)
Balance of assessment based on the scale of assessments for peacekeeping operations	26,307,450	23,894,050

OIOS review

In response to General Assembly resolution 50/213 C [YUN 1996, p. 1197], the Secretary-General transmitted, by a 6 February note [A/51/789], a report conveyed to him by the Under-Secretary-General for Internal Oversight Services on the audit and investigation of ICTR. The Secretary-General agreed with the report's overall findings.

The report stated that the evidence adduced did not confirm allegations of corrupt practices or misuse of funds but mismanagement in almost all areas of ICTR, and frequent violations of United Nations rules and regulations had been disclosed. It indicated that in the Tribunal's Registry not a single administrative area functioned effectively. The Finance Section had no accounting system and could not produce allotment reports, so that neither the Registry nor Headquarters had budget expenditure information; lines of authority were not clearly defined; internal controls were weak in all sections; personnel in key positions did not have the required qualifications; there was no property management system; and procurement actions largely deviated from UN procedures. In addition, UN rules and regulations were widely disregarded, the Kigali office did not receive the administrative support it needed, and construction work for the second courtroom had not started.

The Office of the Prosecutor had administrative, leadership and operational problems and the Administrative Office in Kigali did not operate effectively and efficiently because it had lacked delegation of authority from the Registry in Arusha to which it reported. Functions were also hampered by lack of experienced staff and lack of vehicles, computers, other office equipment and supplies. Lawyer posts were vacant and only 30 investigator posts of approximately 80 had been filled. Prosecution strategy deficiencies were noted and the witness-related programmes had not been fully developed.

The effective establishment of ICTR had been affected by the short-term funding arrangements, by the geographical separation of the Prosecutor's Office from the other organs of the Tribunal and by the lack of adequate infrastructure in both Arusha and Kigali. Difficulties were exacerbated by the recruitment of inexperienced or otherwise unqualified staff, decisions for which both the Registrar and the Secretariat bore responsibility. OIOS acknowledged that the financial conditions in Arusha and Kigali did not facilitate the recruitment of qualified staff.

OIOS made a series of recommendations, including that ICTR and ICTY should share common expertise; the UN Department of Administration and Management should be designated to support and guide the Registry; and the ICTY Registry should serve as a model and a contact for issues still unresolved in the ICTR Registry.

In **resolution 51/215 B**, the Assembly noted with concern the deficiencies in the operations of ICTR and requested the parties concerned to implement the OIOS recommendations.

Chapter III

Legal aspects of international political relations

In 1997, the United Nations continued work on legal aspects of international political and State relations.

The International Law Commission, which marked its fiftieth anniversary in 1997, completed the first reading of draft articles on nationality of natural persons in relation to the succession of States and of the preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties. The General Assembly, in May, adopted the Convention on the Law of the Non-navigational Uses of International Watercourses.

The creation of an international criminal court to try individuals accused of international crimes came closer to fruition in 1997 with the successful conclusion of three meetings of the Preparatory Committee on the Establishment of an International Criminal Court. The Assembly accepted Italy's invitation to host the 1998 diplomatic conference to adopt the statute.

As to measures to eliminate international terrorism, the Assembly, in December, adopted the International Convention for the Suppression of Terrorist Bombings and urged all States to sign and ratify, accept, approve or accede to it.

The Secretary-General and the Assembly continued to work towards enhancing the protection, security and safety of diplomatic and consular missions and representatives.

International Law Commission

The International Law Commission (ILC), at its forty-ninth session (Geneva, 12 May-18 July) [A/52/10], held 75 public meetings. It considered and adopted on first reading a set of 27 draft articles and a draft preamble, with commentaries, on nationality of natural persons in relation to the succession of States and transmitted them to Governments for comments and observations. The Commission considered the second report on reservations to treaties and adopted preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties, and decided to complete work on the topic of State responsibility by the end of the quinquen-

nium; it also discussed procedural and methodological issues. In addition, the Commission decided to proceed with the topic of international liability for injurious consequences arising out of acts not prohibited by international law, considering first the prevention of transboundary damage from hazardous activities.

In accordance with General Assembly resolution 51/160 [YUN 1996, p. 1203], the Commission examined diplomatic protection (see below) and unilateral acts of States and took note of a more detailed outline on the scope of the topic of diplomatic protection proposed by a working group. It decided to initiate the codification and progressive development of the applicable legal rules on unilateral acts of States. An outline was prepared by a working group and certain issues, as well as the main objective and effects of the study, were clarified, including identification of the elements and effects of unilateral legal acts of States and establishment of the rules applicable to them.

ILC maintained relationships with the International Court of Justice, the Asian-African Legal Consultative Committee, the Inter-American Juridical Committee, the Committee of Legal Advisors on Public International Law, and the European Committee on Legal Cooperation.

In accordance with resolution 51/160, the Secretariat prepared for the Commission's attention a topical summary [A/CN.4/479 & Add.1] of the Assembly's Sixth (Legal) Committee discussion of the Commission's 1996 report.

The thirty-third session of the International Law Seminar for postgraduate students, young professors or government officials dealing with international law was held (Geneva, 16 June-4 July), with 22 participants of different nationalities, mostly from developing countries. The participants attended meetings of the Commission and lectures specifically organized for them. Cyprus, Denmark, Finland, Germany, Iceland, Norway and Switzerland made voluntary financial contributions to the United Nations Trust Fund for the International Law Seminar, thus making it possible to award 18 full fellowships and 1 partial fellowship. Since the first seminar in 1965, fellowships had been awarded to 408 of the 736 participants representing 142 nationalities.

To commemorate the fiftieth anniversary of the establishment of ILC, the Secretary-General organized a colloquium on the progressive development and codification of international law (28-29 October).

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/52/648], adopted **resolution 52/156** without vote [agenda item 147].

Report of the International Law Commission on the work of its forty-ninth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-ninth session,

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. Takes note of the report of the International Law Commission on the work of its forty-ninth session, and expresses its appreciation to the Commission for the work accomplished at that session, in particular for the completion of the first reading of draft articles on nationality of natural persons in relation to the succession of States and for the preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties;

2. Draws the attention of Governments to the importance for the International Law Commission of having their views on all the specific issues identified in chapter III of its report and in particular on:

(a) The draft articles on nationality of natural persons in relation to the succession of States adopted on first reading by the Commission, and urges them to submit their comments and observations in writing by 1 October 1998;

(b) The preliminary conclusions of the Commission on reservations to normative multilateral treaties, including human rights treaties;

3. Recommends that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Takes note of the invitation by the International Law Commission to all treaty bodies set up by normative multilateral treaties that may wish to do so to provide, in writing, their comments and observations on the preliminary conclusions of the Commission on reservations to normative multilateral treaties, including human rights treaties, and takes note of the views expressed by Member States on the matter;

5. Invites Governments to submit comments and observations on the practical problems raised by the succession of States affecting the nationality of legal persons in order to assist the International Law Commission in deciding on its future work on this portion of the topic of "Nationality in relation to the succession of States";

6. Recalls the importance for the International Law Commission of having the views of Governments on the draft articles on State responsibility adopted on first reading by the Commission at its forty-eighth session in 1996;

7. Takes note of the decision by the International Law Commission to proceed with its work on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law", undertaking, as a first step, the issue of prevention, and to reiterate its request to Governments to provide in writing, if they have not previously done so, their comments and observations on the topic, including the draft articles prepared by the Working Group of the Commission at its forty-eighth session in 1996, in order to assist the Commission in its work on that topic;

8. Endorses the decision of the International Law Commission to include in its agenda the topics "Diplomatic protection" and "Unilateral acts of States";

9. Welcomes with appreciation the steps taken by the International Law Commission in relation to its internal matters, and encourages it to continue enhancing its efficiency and productivity, taking into consideration the discussion held by the General Assembly at its fifty-second session;

10. Takes note of the comments of the International Law Commission on the question of a split session for 1998, as presented in paragraphs 225 to 227 of its report;

11. Takes note also of the position of the International Law Commission contained in paragraph 228 of its report on the duration of its future sessions;

12. Requests the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of

particular interest in providing effective guidance for the Commission in its further work;

13. Takes note with appreciation of the International Law Commission's ongoing review of its cooperation and relationship with other bodies concerned with international law, and requests the Commission, in consultation with the Secretary-General, to consider further the implementation of article 16, paragraph (e), and article 26, paragraph 2, of its statute;

14. Notes that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the Commission and in formulating their comments and observations;

15. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

16. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

17. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-second session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. Expresses its appreciation to the Secretary-General for the organization of a colloquium on the progressive development and codification of international law which was held on 28 and 29 October 1997 in commemoration of the fiftieth anniversary of the establishment of the International Law Commission;

19. Welcomes the decision of the International Law Commission to hold a two-day seminar at Geneva on 22 and 23 April 1998 to celebrate the fiftieth anniversary of the Commission;

20. Recommends that the debate on the report of the International Law Commission at the fifty-third session of the General Assembly commence on 26 October 1998.

State succession

ILC had before it the Special Rapporteur's third report [A/CN.4/480 & Add.1 & Add.1/Corr.1], containing a set of 25 draft articles with commentaries on the nationality of natural persons in relation to the succession of States. The draft articles were divided in two parts. Part I dealt with general principles concerning nationality in relation to the succession of States and part II with principles applicable in specific situations of succession of States. The Special Rapporteur also

proposed a draft preamble and a provision concerning definitions.

The Commission considered the report and transmitted it to the Drafting Committee. The Commission then considered the report of the Drafting Committee and adopted on first reading a draft preamble and a set of 27 draft articles on nationality of natural persons in relation to the succession of States.

On 14 July, ILC decided to transmit the draft articles, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 January 1999.

State responsibility

On 15 May, the Commission established a Working Group on State Responsibility to address matters dealing with the second reading of the topic of State responsibility. The Working Group decided to limit its discussion to certain procedural and methodological questions, as the topic dealt with a number of important and delicate issues and Governments had not yet responded. On 3 July, the Commission considered and endorsed the report of the Working Group.

On the recommendation of the Working Group, the Commission decided to: design its work plan for the quinquennium, allowing completion of the second reading and thus giving the topic the appropriate priority; take into account comments by Governments; appoint a Special Rapporteur to prepare reports for consideration by the Commission; and follow the usual practice of debates in plenary followed by the reference of articles to the Drafting Committee. In addition, the Committee decided that comments by Governments were of particular relevance as regards the treatment of key issues, and that examination of case law and literature could serve as a useful guide in determining whether there were any *lacunae* in the articles, or whether particular articles might require modification in the light of recent developments in international law.

International liability

During its forty-ninth session, pursuant to General Assembly resolution 51/160 [YUN 1996, p. 1203], ILC established a working group to consider the question of how the Commission should proceed with its work on international liability for injurious consequences arising out of acts not prohibited by international law and to make a recommendation to the plenary to that effect.

The Working Group had before it the report of the 1996 Working Group of the Commission on the topic [A/51/10, annex I], the topical summary of the discussion held in the Sixth Committee at its fifty-first session [A/CN.4/479, sect. C], and the written comments submitted by Governments [A/CN.4/481 & Add.1]. The Commission considered and endorsed the report of the Working Group.

In its report, the Working Group reviewed the work of the Commission since 1978. It pointed out that the scope and the content of the topic remained unclear due to such factors as conceptual and theoretical difficulties, appropriateness of the title and the relation of the subject to State responsibility. The Working Group further agreed that prevention and international liability were two distinct issues, though related, and that they should be dealt with separately. The Working Group noted that the work of the Commission on prevention was at an advanced stage, and it was possible to proceed with the completion of the first reading of the draft articles on prevention in the next few years. In its view, international liability had to be considered as the core issue of the topic as originally conceived. On the basis of the recommendation of the Working Group, the Commission decided to proceed with its work on international liability for injurious consequences arising out of acts not prohibited by international law, undertaking first the issue of prevention under the subtitle "Prevention of transboundary damage from hazardous activities". ILC also reiterated its request to Governments, if they had not previously done so, to submit comments on the issue of international liability in order to assist the Commission in finalizing its views.

Non-navigational uses of international watercourses

During its resumed fifty-first session, the General Assembly considered the report of the Sixth Committee convened as the Working Group of the Whole [A/51/869] and expressed its gratitude for the work done. The Assembly adopted the Convention on the Law of the Non-navigational Uses of International Watercourses, requested the Secretary-General as depositary to open it for signature and invited States and regional economic integration organizations to become parties to the Convention.

GENERAL ASSEMBLY ACTION

On 21 May [meeting 99], the General Assembly adopted **resolution 51/229** [draft: A/51/L.72] by **recorded vote** (103-3-27) [agenda item 144].

Convention on the law of the non-navigational uses of international watercourses

The General Assembly,

Bearing in mind Article 13, paragraph 1 a, of the Charter of the United Nations,

Recalling its resolution 2669(XXV) of 8 December 1970, in which it recommended that the International Law Commission should take up the study of the law of the non-navigational uses of international watercourses with a view to its progressive development and codification,

Recalling also that the International Law Commission submitted a final set of draft articles on the law of the non-navigational uses of international watercourses in chapter III of its report on the work of its forty-sixth session,

Recalling further its resolutions 49/52 of 9 December 1994 and 51/206 of 17 December 1996, by which it decided that the Sixth Committee should convene as a working group of the whole, open to States Members of the United Nations or members of the specialized agencies, to elaborate a framework convention on the law of the non-navigational uses of international watercourses, and that on completion of its mandate the Working Group of the Whole should report directly to the General Assembly,

Having considered the report of the Sixth Committee convened as the Working Group of the Whole, and expressing its gratitude for the work done,

1. Expresses its deep appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses and to the successive special rapporteurs for their contribution to that work;

2. Adopts the Convention on the Law of the Non-navigational Uses of International Watercourses, contained in the annex to the present resolution, and requests the Secretary-General as depositary to open it for signature;

3. Invites States and regional economic integration organizations to become parties to the Convention.

ANNEX

Convention on the Law of the Non-navigational Uses of International Watercourses

The Parties to the present Convention,

Conscious of the importance of international watercourses and the non-navigational uses thereof in many regions of the world,

Having in mind Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Considering that successful codification and progressive development of rules of international law regarding non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Taking into account the problems affecting many international watercourses resulting from, among other things, increasing demands and pollution,

Expressing the conviction that a framework convention will ensure the utilization, development, conservation, management and protection of international water-

courses and the promotion of the optimal and sustainable utilization thereof for present and future generations,

Affirming the importance of international cooperation and good-neighbourliness in this field,

Aware of the special situation and needs of developing countries,

Recalling the principles and recommendations adopted by the United Nations Conference on Environment and Development of 1992 in the Rio Declaration on Environment and Development and Agenda 21,

Recalling also the existing bilateral and multilateral agreements regarding the non-navigational uses of international watercourses,

Mindful of the valuable contribution of international organizations, both governmental and non-governmental, to the codification and progressive development of international law in this field,

Appreciative of the work carried out by the International Law Commission on the law of the non-navigational uses of international watercourses,

Bearing in mind United Nations General Assembly resolution 49/52 of 9 December 1994,

Have agreed as follows:

Part I. Introduction

Article 1

Scope of the present Convention

1. The present Convention applies to uses of international watercourses and of their waters for purposes other than navigation and to measures of protection, preservation and management related to the uses of those watercourses and their waters.

2. The uses of international watercourses for navigation is not within the scope of the present Convention except insofar as other uses affect navigation or are affected by navigation.

Article 2

Use of terms

For the purposes of the present Convention:

(a) "Watercourse" means a system of surface waters and groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus;

(b) "International watercourse" means a watercourse, parts of which are situated in different States;

(c) "Watercourse State" means a State Party to the present Convention in whose territory part of an international watercourse is situated, or a Party that is a regional economic integration organization, in the territory of one or more of whose Member States part of an international watercourse is situated;

(d) "Regional economic integration organization" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention and which has been duly authorized in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

Article 3

Watercourse agreements

1. In the absence of an agreement to the contrary, nothing in the present Convention shall affect the rights or obligations of a watercourse State arising

from agreements in force for it on the date on which it became a party to the present Convention.

2. Notwithstanding the provisions of paragraph 1, parties to agreements referred to in paragraph 1 may, where necessary, consider harmonizing such agreements with the basic principles of the present Convention.

3. Watercourse States may enter into one or more agreements, hereinafter referred to as "watercourse agreements", which apply and adjust the provisions of the present Convention to the characteristics and uses of a particular international watercourse or part thereof.

4. Where a watercourse agreement is concluded between two or more watercourse States, it shall define the waters to which it applies. Such an agreement may be entered into with respect to an entire international watercourse or any part thereof or a particular project, programme or use except insofar as the agreement adversely affects, to a significant extent, the use by one or more other watercourse States of the waters of the watercourse, without their express consent.

5. Where a watercourse State considers that adjustment and application of the provisions of the present Convention is required because of the characteristics and uses of a particular international watercourse, watercourse States shall consult with a view to negotiating in good faith for the purpose of concluding a watercourse agreement or agreements.

6. Where some but not all watercourse States to a particular international watercourse are parties to an agreement, nothing in such agreement shall affect the rights or obligations under the present Convention of watercourse States that are not parties to such an agreement.

Article 4

Parties to watercourse agreements

1. Every watercourse State is entitled to participate in the negotiation of and to become a party to any watercourse agreement that applies to the entire international watercourse, as well as to participate in any relevant consultations.

2. A watercourse State whose use of an international watercourse may be affected to a significant extent by the implementation of a proposed watercourse agreement that applies only to a part of the watercourse or to a particular project, programme or use is entitled to participate in consultations on such an agreement and, where appropriate, in the negotiation thereof in good faith with a view to becoming a party thereto, to the extent that its use is thereby affected.

Part II. General principles

Article 5

Equitable and reasonable utilization and participation

1. Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner. In particular, an international watercourse shall be used and developed by watercourse States with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking into account the interests of the watercourse States concerned, consistent with adequate protection of the watercourse.

2. Watercourse States shall participate in the use, development and protection of an international water-

course in an equitable and reasonable manner. Such participation includes both the right to utilize the watercourse and the duty to cooperate in the protection and development thereof, as provided in the present Convention.

Article 6

Factors relevant to equitable and reasonable utilization

1. Utilization of an international watercourse in an equitable and reasonable manner within the meaning of article 5 requires taking into account all relevant factors and circumstances, including:

- (a) Geographic, hydrographic, hydrological, climatic, ecological and other factors of a natural character;
- (b) The social and economic needs of the watercourse States concerned;
- (c) The population dependent on the watercourse in each watercourse State;
- (d) The effects of the use or uses of the watercourses in one watercourse State on other watercourse States;
- (e) Existing and potential uses of the watercourse;
- (f) Conservation, protection, development and economy of use of the water resources of the watercourse and the costs of measures taken to that effect;
- (g) The availability of alternatives, of comparable value, to a particular planned or existing use.

2. In the application of article 5 or paragraph 1 of this article, watercourse States concerned shall, when the need arises, enter into consultations in a spirit of cooperation.

3. The weight to be given to each factor is to be determined by its importance in comparison with that of other relevant factors. In determining what is a reasonable and equitable use, all relevant factors are to be considered together and a conclusion reached on the basis of the whole.

Article 7

Obligation not to cause significant harm

1. Watercourse States shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse States.

2. Where significant harm nevertheless is caused to another watercourse State, the States whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures, having due regard for the provisions of articles 5 and 6, in consultation with the affected State, to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

Article 8

General obligation to cooperate

1. Watercourse States shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection of an international watercourse.

2. In determining the manner of such cooperation, watercourse States may consider the establishment of joint mechanisms or commissions, as deemed necessary by them, to facilitate cooperation on relevant measures and procedures in the light of experience gained through cooperation in existing joint mechanisms and commissions in various regions.

Article 9

Regular exchange of data and information

1. Pursuant to article 8, watercourse States shall on a regular basis exchange readily available data and information on the condition of the watercourse, in particular that of a hydrological, meteorological, hydrogeological and ecological nature and related to the water quality as well as related forecasts.

2. If a watercourse State is requested by another watercourse State to provide data or information that is not readily available, it shall employ its best efforts to comply with the request but may condition its compliance upon payment by the requesting State of the reasonable costs of collecting and, where appropriate, processing such data or information.

3. Watercourse States shall employ their best efforts to collect and, where appropriate, to process data and information in a manner which facilitates its utilization by the other watercourse States to which it is communicated.

Article 10

Relationship between different kinds of uses

1. In the absence of agreement or custom to the contrary, no use of an international watercourse enjoys inherent priority over other uses.

2. In the event of a conflict between uses of an international watercourse, it shall be resolved with reference to articles 5 to 7, with special regard being given to the requirements of vital human needs.

Part III. Planned measures

Article 11

Information concerning planned measures

Watercourse States shall exchange information and consult each other and, if necessary, negotiate on the possible effects of planned measures on the condition of an international watercourse.

Article 12

Notification concerning planned measures with possible adverse effects

Before a watercourse State implements or permits the implementation of planned measures which may have a significant adverse effect upon other watercourse States, it shall provide those States with timely notification thereof. Such notification shall be accompanied by available technical data and information, including the results of any environmental impact assessment, in order to enable the notified States to evaluate the possible effects of the planned measures.

Article 13

Period for reply to notification

Unless otherwise agreed:

(a) A watercourse State providing a notification under article 12 shall allow the notified States a period of six months within which to study and evaluate the possible effects of the planned measures and to communicate the findings to it;

(b) This period shall, at the request of a notified State for which the evaluation of the planned measures poses special difficulty, be extended for a period of six months.

Article 14

Obligations of the notifying State during the period for reply
During the period referred to in article 13, the notifying State:

(a) Shall cooperate with the notified States by providing them, on request, with any additional data and information that is available and necessary for an accurate evaluation; and

(b) Shall not implement or permit the implementation of the planned measures without the consent of the notified States.

Article 15

Reply to notification

The notified States shall communicate their findings to the notifying State as early as possible within the period applicable pursuant to article 13. If a notified State finds that implementation of the planned measures would be inconsistent with the provisions of articles 5 or 7, it shall attach to its finding a documented explanation setting forth the reasons for the finding.

Article 16

Absence of reply to notification

1. If, within the period applicable pursuant to article 13, the notifying State receives no communication under article 15, it may, subject to its obligations under articles 5 and 7, proceed with the implementation of the planned measures, in accordance with the notification and any other data and information provided to the notified States.

2. Any claim to compensation by a notified State which has failed to reply within the period applicable pursuant to article 13 may be offset by the costs incurred by the notifying State for action undertaken after the expiration of the time for a reply which would not have been undertaken if the notified State had objected within that period.

Article 17

Consultations and negotiations concerning planned measures

1. If a communication is made under article 15 that implementation of the planned measures would be inconsistent with the provisions of articles 5 or 7, the notifying State and the State making the communication shall enter into consultations and, if necessary, negotiations with a view to arriving at an equitable resolution of the situation.

2. The consultations and negotiations shall be conducted on the basis that each State must in good faith pay reasonable regard to the rights and legitimate interests of the other State.

3. During the course of the consultations and negotiations, the notifying State shall, if so requested by the notified State at the time it makes the communication, refrain from implementing or permitting the implementation of the planned measures for a period of six months unless otherwise agreed.

Article 18

Procedures in the absence of notification

1. If a watercourse State has reasonable grounds to believe that another watercourse State is planning measures that may have a significant adverse effect upon it, the former State may request the latter to apply the provisions of article 12. The request shall be accom-

panied by a documented explanation setting forth its grounds.

2. In the event that the State planning the measures nevertheless finds that it is not under an obligation to provide a notification under article 12, it shall so inform the other State, providing a documented explanation setting forth the reasons for such finding. If this finding does not satisfy the other State, the two States shall, at the request of that other State, promptly enter into consultations and negotiations in the manner indicated in paragraphs 1 and 2 of article 17.

3. During the course of the consultations and negotiations, the State planning the measures shall, if so requested by the other State at the time it requests the initiation of consultations and negotiations, refrain from implementing or permitting the implementation of those measures for a period of six months unless otherwise agreed.

Article 19

Urgent implementation of planned measures

1. In the event that the implementation of planned measures is of the utmost urgency in order to protect public health, public safety or other equally important interests, the State planning the measures may, subject to articles 5 and 7, immediately proceed to implementation, notwithstanding the provisions of article 14 and paragraph 3 of article 17.

2. In such case, a formal declaration of the urgency of the measures shall be communicated without delay to the other watercourse States referred to in article 12 together with the relevant data and information.

3. The State planning the measures shall, at the request of any of the States referred to in paragraph 2, promptly enter into consultations and negotiations with it in the manner indicated in paragraphs 1 and 2 of article 17.

Part IV. Protection, preservation and management

Article 20

Protection and preservation of ecosystems

Watercourse States shall, individually and, where appropriate, jointly, protect and preserve the ecosystems of international watercourses.

Article 21

Prevention, reduction and control of pollution

For the purpose of this article, "pollution of an international watercourse" means any detrimental alteration in the composition or quality of the waters of an international watercourse which results directly or indirectly from human conduct.

2. Watercourse States shall, individually and, where appropriate, jointly, prevent, reduce and control the pollution of an international watercourse that may cause significant harm to other watercourse States or to their environment, including harm to human health or safety, to the use of the waters for any beneficial purpose or to the living resources of the watercourse. Watercourse States shall take steps to harmonize their policies in this connection.

3. Watercourse States shall, at the request of any of them, consult with a view to arriving at mutually agreeable measures and methods to prevent, reduce and control pollution of an international watercourse, such as:

- (a) Setting joint water quality objectives and criteria;
- (b) Establishing techniques and practices to address pollution from point and non-point sources;
- (c) Establishing lists of substances the introduction of which into the waters of an international watercourse is to be prohibited, limited, investigated or monitored.

Article 22

Introduction of alien or new species

Watercourse States shall take all measures necessary to prevent the introduction of species, alien or new, into an international watercourse which may have effects detrimental to the ecosystem of the watercourse resulting in significant harm to other watercourse States.

Article 23

Protection and preservation of the marine environment

Watercourse States shall, individually and, where appropriate, in cooperation with other States, take all measures with respect to an international watercourse that are necessary to protect and preserve the marine environment, including estuaries, taking into account generally accepted international rules and standards.

Article 24

Management

1. Watercourse States shall, at the request of any of them, enter into consultations concerning the management of an international watercourse, which may include the establishment of a joint management mechanism.

2. For the purposes of this article, "management" refers, in particular, to:

- (a) Planning the sustainable development of an international watercourse and providing for the implementation of any plans adopted; and
- (b) Otherwise promoting the rational and optimal utilization, protection and control of the watercourse.

Article 25

Regulation

1. Watercourse States shall cooperate, where appropriate, to respond to needs or opportunities for regulation of the flow of the waters of an international watercourse.

2. Unless otherwise agreed, watercourse States shall participate on an equitable basis in the construction and maintenance or defrayal of the costs of such regulation works as they may have agreed to undertake.

3. For the purposes of this article, "regulation" means the use of hydraulic works or any other continuing measure to alter, vary or otherwise control the flow of the waters of an international watercourse.

Article 26

Installations

1. Watercourse States shall, within their respective territories, employ their best efforts to maintain and protect installations, facilities and other works related to an international watercourse.

2. Watercourse States shall, at the request of any of them which has reasonable grounds to believe that it may suffer significant adverse effects, enter into consultations with regard to:

(a) The safe operation and maintenance of installations, facilities or other works related to an international watercourse; and

(b) The protection of installations, facilities or other works from wilful or negligent acts or the forces of nature.

Part V. Harmful conditions and emergency situations

Article 27

Prevention and mitigation of harmful conditions

Watercourse States shall, individually and, where appropriate, jointly, take all appropriate measures to prevent or mitigate conditions related to an international watercourse that may be harmful to other watercourse States, whether resulting from natural causes or human conduct, such as flood or ice conditions, water-borne diseases, siltation, erosion, salt-water intrusion, drought or desertification.

Article 28

Emergency situations

1. For the purposes of this article, "emergency" means a situation that causes, or poses an imminent threat of causing, serious harm to watercourse States or other States and that results suddenly from natural causes, such as floods, the breaking up of ice, landslides or earthquakes, or from human conduct, such as industrial accidents.

2. A watercourse State shall, without delay and by the most expeditious means available, notify other potentially affected States and competent international organizations of any emergency originating within its territory.

3. A watercourse State within whose territory an emergency originates shall, in cooperation with potentially affected States and, where appropriate, competent international organizations, immediately take all practicable measures necessitated by the circumstances to prevent, mitigate and eliminate harmful effects of the emergency.

4. When necessary, watercourse States shall jointly develop contingency plans for responding to emergencies, in cooperation, where appropriate, with other potentially affected States and competent international organizations.

Part VI. Miscellaneous provisions

Article 29

International watercourses and installations in time of armed conflict

International watercourses and related installations, facilities and other works shall enjoy the protection accorded by the principles and rules of international law applicable in international and non-international armed conflict and shall not be used in violation of those principles and rules.

Article 30

Indirect procedures

In cases where there are serious obstacles to direct contacts between watercourse States, the States concerned shall fulfil their obligations of cooperation provided for in the present Convention, including exchange of data and information, notification, communication, consultations and negotiations, through any indirect procedure accepted by them.

Article 31

Data and information vital to national defence or security

Nothing in the present Convention obliges a watercourse State to provide data or information vital to its national defence or security. Nevertheless, that State shall cooperate in good faith with the other watercourse States with a view to providing as much information as possible under the circumstances.

Article 32

Non-discrimination

Unless the watercourse States concerned have agreed otherwise for the protection of the interests of persons, natural or juridical, who have suffered or are under a serious threat of suffering significant transboundary harm as a result of activities related to an international watercourse, a watercourse State shall not discriminate on the basis of nationality or residence or place where the injury occurred, in granting to such persons, in accordance with its legal system, access to judicial or other procedures, or a right to claim compensation or other relief in respect of significant harm caused by such activities carried on in its territory.

Article 33

Settlement of disputes

1. In the event of a dispute between two or more Parties concerning the interpretation or application of the present Convention, the Parties concerned shall, in the absence of an applicable agreement between them, seek a settlement of the dispute by peaceful means in accordance with the following provisions.

2. If the Parties concerned cannot reach agreement by negotiation requested by one of them, they may jointly seek the good offices of, or request mediation or conciliation by, a third party, or make use, as appropriate, of any joint watercourse institutions that may have been established by them or agree to submit the dispute to arbitration or to the International Court of Justice.

3. Subject to the operation of paragraph 10 of the present article, if after six months from the time of the request for negotiations referred to in paragraph 2, the Parties concerned have not been able to settle their dispute through negotiation or any other means referred to in paragraph 2, the dispute shall be submitted, at the request of any of the parties to the dispute, to impartial fact-finding in accordance with paragraphs 4 to 9, unless the Parties otherwise agree.

4. A Fact-finding Commission shall be established, composed of one member nominated by each Party concerned and in addition a member not having the nationality of any of the Parties concerned chosen by the nominated members who shall serve as Chairman.

5. If the members nominated by the Parties are unable to agree on a Chairman within three months of the request for the establishment of the Commission, any Party concerned may request the Secretary-General of the United Nations to appoint the Chairman who shall not have the nationality of any of the parties to the dispute or of any riparian State of

the watercourse concerned. The person so appointed shall constitute a single-member Commission.

6. The Commission shall determine its own procedure.

7. The Parties concerned have the obligation to provide the Commission with such information as it may require and, on request, to permit the Commission to have access to their respective territory and to inspect any facilities, plant, equipment, construction or natural feature relevant for the purpose of its inquiry.

8. The Commission shall adopt its report by a majority vote, unless it is a single-member Commission, and shall submit that report to the Parties concerned setting forth its findings and the reasons therefor and such recommendations as it deems appropriate for an equitable solution of the dispute, which the Parties concerned shall consider in good faith.

9. The expenses of the Commission shall be borne equally by the Parties concerned.

10. When ratifying, accepting, approving or acceding to the present Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute not resolved in accordance with paragraph 2, it recognizes as compulsory *ipso facto* and without special agreement in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice; and/or

(b) Arbitration by an arbitral tribunal established and operating, unless the parties to the dispute otherwise agreed, in accordance with the procedure laid down in the appendix to the present Convention.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with subparagraph (b).

Part VII. Final clauses

Article 34

Signature

The present Convention shall be open for signature by all States and by regional economic integration organizations from 21 May 1997 until 20 May 2000 at United Nations Headquarters in New York.

Article 35

Ratification, acceptance, approval or accession

1. The present Convention is subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

2. Any regional economic integration organization which becomes a Party to the present Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the present Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the present Convention. In such cases, the organization and the member States

shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Secretary-General of the United Nations of any substantial modification in the extent of their competence.

Article 36

Entry into force

1. The present Convention shall enter into force on the ninetieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States.

Article 37

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed the present Convention.

DONE at New York, this _____ day of _____ one thousand nine hundred and ninety-seven.

APPENDIX

Arbitration

Article 1

Unless the parties to the dispute otherwise agree, the arbitration pursuant to article 33 of the Convention shall take place in accordance with articles 2 to 14 of the present appendix.

Article 2

The claimant party shall notify the respondent party that it is referring a dispute to arbitration pursuant to article 33 of the Convention. The notification shall state the subject matter of arbitration and include, in particular, the articles of the Convention, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute, the arbitral tribunal shall determine the subject matter.

Article 3

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the

Chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute or of any riparian State of the watercourse concerned, nor have his or her usual place of residence in the territory of one of these parties or such riparian State, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 4

1. If the Chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall, at the request of a party, designate the Chairman within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the President of the International Court of Justice, who shall make the designation within a further two-month period.

Article 5

The arbitral tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 6

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 7

The arbitral tribunal may, at the request of one of the Parties, recommend essential interim measures of protection.

Article 8

1. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

2. The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

Any party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the arbitral tribunal.

Article U

The arbitral tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

1. The arbitral tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time limit for a period which should not exceed five more months.

2. The final decision of the arbitral tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

3. The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

4. Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

RECORDED VOTE ON RESOLUTION 51/229:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Estonia, Finland, Gabon, Georgia, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Against: Burundi, China, Turkey.

Abstain: Andorra, Argentina, Azerbaijan, Belgium,* Bolivia, Bulgaria, Colombia, Cuba, Ecuador, Egypt, Ethiopia, France, Ghana, Guatemala, India, Israel, Mali, Monaco, Mongolia, Pakistan, Panama, Paraguay, Peru, Rwanda, Spain, United Republic of Tanzania, Uzbekistan.

*Later advised the Secretariat it had intended to vote in favour.

France abstained because the text was negotiated in haste and contained legal ambiguities, particularly with regard to the system of responsibility.

India regretted that the Assembly was bypassing the importance of consensus. It had reservations on articles 3, 5, 32 and 33 in particular.

Ethiopia abstained because the text did not achieve the required balance, particularly in safeguarding the interests of upper riparian States.

Israel stressed that the parties to a dispute had to be allowed to choose the mechanism most appropriate for their specific needs and circumstances.

Spain said that the wording of articles 5, 6 and 7 was not sufficiently explicit and could give rise to friction and disputes.

Rwanda abstained because of the inconsistencies and imbalances that had already been pointed out in the draft resolution. In its view, the Convention was flawed and required immediate correction.

Unilateral acts of States

In accordance with General Assembly resolution 51/160 [YUN 1996, p. 1203], ILC examined the topic of unilateral acts of States and indicated its scope and content, in the light of the comments and observations made by the Sixth Committee and by Governments. The Commission established a working group on the topic, considered the Group's report and endorsed it.

In its report, the Working Group decided to focus the scope and content of the topic on those unilateral acts of States that were intended to produce legal effects, creating, recognizing, safeguarding or modifying rights, obligations or legal situations. Other possible topics for future study included the law applicable to resolutions of international organizations and control of their validity. The Working Group considered that the main objective of the study was to identify the constituent elements and effects of unilateral legal acts of States and to set forth rules generally applicable to them.

The Commission indicated that the topic should be considered as reported by the Working Group and that the first reading of a draft might be completed within the present quinquennium and, therefore, invited Governments to make their opinions known.

International State relations and international law

Principles of international negotiations

Following a request by Mongolia, submitted in June [A/52/141], the General Assembly included

in its agenda an item entitled "Draft guiding principles for international negotiations". In its explanatory memorandum, Mongolia maintained that international negotiations played an increasingly important role in the management of international relations, the peaceful settlement of disputes and the creation of the new international norms of conduct of States. In its view, therefore, it was necessary for the international community to identify and elaborate a set of principles to guide States in the conduct of international negotiations.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/647], adopted **resolution 52/155** without vote [agenda item 146 (c)].

Draft guiding principles for international negotiations

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of cooperation among States, as well as Article 13, paragraph 1, of the Charter, whereby the General Assembly is called upon to initiate studies and make recommendations for the purpose of promoting international cooperation,

Taking into account the objectives of the United Nations Decade of International Law,

Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Bearing in mind that in their negotiations States should be guided by the relevant principles of international law,

Bearing in mind the important role that constructive and effective negotiations can play in attaining the purposes of the Charter by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

Noting that the identification and harmonization of guiding principles for international negotiations could contribute to enhancing the predictability of negotiating parties, reducing uncertainty and promoting an atmosphere of trust at negotiations, and could offer a frame of reference for negotiations,

Having considered the sub-item entitled "Draft guiding principles for international negotiations",

1. Underlines the importance of conducting effective negotiations in managing international relations, in the peaceful settlement of disputes and in the creation of new international norms of conduct of States;

2. Takes note of the draft guiding principles for international negotiations contained in document A/52/141 and the comments and proposals made during the consideration of the question, including the need for its further consideration;

3. Decides to continue the consideration of the question in the Working Group on the United Nations Decade of International Law during the fifty-third session of the General Assembly;

4. Invites all States and relevant international organizations to submit in writing to the Secretary-General, before 1 August 1998, comments and proposals on the content of the draft guiding principles for international negotiations;

5. Requests the Secretary-General to transmit the comments and proposals mentioned in paragraphs 2 and 4 above to the Working Group for its consideration;

6. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "United Nations Decade of International Law", the sub-item entitled "Draft guiding principles for international negotiations".

Jurisdictional immunities of States and their property

In 1997, pursuant to General Assembly resolution 46/61 [YUN 1994, p. 1296], the General Assembly resumed consideration of a convention on jurisdictional immunities of States and their property. In March, the Secretary-General invited Governments to submit their comments on the draft convention. Those comments were reproduced in an August report [A/52/294] and submitted to the Sixth Committee for consideration.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/645], adopted resolution 52/151 without vote [agenda item 144].

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 49/61 of 9 December 1994,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Having considered the report of the Secretary-General,

1. Decides to consider again at its fifty-third session the item entitled "Convention on jurisdictional immunities of States and their property" with a view to the establishment of a working group at its fifty-fourth session, taking into account the comments submitted by States in accordance with paragraph 2 of resolution 49/61;

2. Urges States, if they have not yet done so, to submit their comments to the Secretary-General in accordance with resolution 49/61.

International criminal jurisdiction

In response to General Assembly resolution 51/207 [YUN 1996, p. 1205], the Preparatory Committee on the Establishment of an International Criminal Court, which was established by the Assembly in resolution 50/46 [YUN 1995, p. 1328], met three times in New York in 1997 (11-21 February, 4-15 August and 1-12 December).

At its February meeting [A/AC.249/1997/L.5], the Preparatory Committee established a working group on the definition of crimes and a working group on general principles of criminal law and penalties. The Preparatory Committee welcomed the proposal to hold the diplomatic conference for the creation of the Court in Rome.

The Preparatory Committee, at its August meeting [A/AC.249/1997/L.8/Rev.1], established the Working Group on Complementarity and Trigger Mechanism and the Working Group on Procedural Matters. It noted that certain issues relating to article 35 and to the role of the Prosecutor would have to be discussed at a future session. It also took note that, pursuant to Assembly resolution 51/207, the Secretary-General had created a trust fund for the participation of the least developed countries in the work of the Preparatory Committee and in the diplomatic conference.

At its December meeting [A/AC.249/1997/L.9/Rev.1], the Preparatory Committee established working groups on definitions and elements of crimes, general principles of criminal law, international cooperation and juridical assistance, and penalties. Each working group submitted a report to the Preparatory Committee.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/651], adopted **resolution 52/160** without vote [agenda item 150].

Establishment of an international criminal court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994 and 50/46 of 11 December 1995,

Considering that, in its resolution 51/207 of 17 December 1996, it decided to reaffirm the mandate of the Preparatory Committee on the Establishment of an International Criminal Court and decided also that the Preparatory Committee should meet from 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 16 March to 3 April 1998, in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to a diplomatic conference of plenipotentiaries,

Recalling that, in its resolution 51/207, it further decided that a diplomatic conference of plenipotentiaries should be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court,

Recognizing the importance of concluding the work of the conference through the promotion of general agreement on matters of substance,

Noting that, at its fifty-first meeting, on 21 February 1997, the Preparatory Committee welcomed the offer by the Government of Italy to hold the conference at Rome and recommended to the General Assembly that, pursuant to Assembly resolution 51/207 and after consideration by the Committee on Conferences, a decision in accordance with the offer should be made when dealing with the necessary arrangements for the conference, on the understanding that the organization of the conference at Rome would proceed on the basis of the usual practice concerning the funding of such events taking place away from United Nations Headquarters or other United Nations offices,

Taking note of the report of the Committee on Conferences, in which the Committee recommended to the General Assembly that it should adopt the draft biennial calendar of conferences and meetings for 1998-1999 contained in the report,

Welcoming the steps taken, and the suggestions made, by the Government of Italy following its offer to host the conference in June 1998, including the proposal to hold the conference during the period from 15 June to 17 July 1998 at the headquarters of the Food and Agriculture Organization of the United Nations at Rome,

1. Accepts with deep appreciation the generous offer of the Government of Italy to act as host to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court;

2. Requests the Preparatory Committee on the Establishment of an International Criminal Court to continue its work in accordance with General Assembly resolution 51/207 and, at the end of its sessions, to transmit to the Conference the text of a draft convention on the establishment of an international criminal court prepared in accordance with its mandate;

3. Decides that the Conference, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, shall be held at Rome from 15 June to 17 July 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court, and requests the Secretary-General to invite those States to the Conference;

4. Requests the Secretary-General to prepare the text of the draft rules of procedure of the Conference, to be submitted to the Preparatory Committee for its consideration and for recommendations to the Conference, with a view to the adoption of such rules by the Conference in accordance with the rules of procedure of the General Assembly, and to provide for consultations on the organization and methods of work of the Conference, including rules of procedure, prior to the convening of the last session of the Preparatory Committee;

5. Urges participation in the Conference by the largest number of States so as to promote universal support for an international criminal court;

6. Notes with appreciation the establishment by the Secretary-General, pursuant to resolution 51/207, of a trust fund for the participation of the least developed countries in the work of the Preparatory Committee and in the Conference, welcomes the decision by a

number of States to make contributions to the trust fund, and encourages States to contribute voluntarily to it;

7. Requests the Secretary-General to establish a trust fund for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Committee and the Conference of those developing countries not covered by the trust fund referred to in paragraph 6 above, and invites States to contribute voluntarily to this trust fund;

8. Also requests the Secretary-General to invite to the Conference representatives of organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions to participate, in the capacity of observers, in its sessions and work, on the understanding that such representatives would participate in the Conference in that capacity, and to invite, as observers to the Conference, representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda;

9. Further requests the Secretary-General to invite non-governmental organizations, accredited by the Preparatory Committee with due regard to the provisions of part VII of Economic and Social Council resolution 1996/31 of 25 July 1996, and in particular to the relevance of their activities to the work of the Conference, to participate in the Conference, along the lines followed in the Preparatory Committee, on the understanding that participation means attending meetings of its plenary and, unless otherwise decided by the Conference in specific situations, formal meetings of its subsidiary bodies except the drafting group, receiving copies of the official documents, making available their materials to delegates and addressing, through a limited number of their representatives, its opening and/or closing sessions, as appropriate, in accordance with the rules of procedure to be adopted by the Conference;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Establishment of an international criminal court".

Safety and security of UN and associated personnel

During 1997, the 1994 Convention on the Safety of United Nations Personnel and Associated Personnel [GA res. 49/59], which was adopted by the General Assembly in resolution 49/59 [YUN 1994, p. 1288], was ratified by the Czech Republic, Germany, the Philippines and Romania and acceded to by Chile and the Republic of Korea. The Convention was to enter into force 30 days after 22 instruments of ratification, acceptance, approval or accession had been deposited with the Secretary-General.

By the end of 1997, a total of 16 States were parties to the Convention, while 43 had signed it.

Measures to eliminate terrorism

In response to General Assembly resolution 50/53 [YUN 1995, p. 1330], the Secretary-General, in August and October, submitted a report [A/52/304 & Corr.1 & Add.1] on the implementation of the 1994 Declaration on Measures to Eliminate International Terrorism, contained in Assembly resolution 49/60 [YUN 1994, p. 1293].

The report provided information from Member States and international organizations on measures taken regarding the prevention and suppression of international terrorism and information on incidents of international terrorism. It also discussed the status of international conventions pertaining to international terrorism and recent developments in that area, and provided information on workshops and training courses on combating crimes connected with terrorism.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/653], adopted **resolution 52/165** without vote [agenda item 152].

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995 and 51/210 of 17 December 1996,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Having examined the report of the Secretary-General,

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. Also reiterates its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. Further reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

8. Reaffirms also the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;

9. Decides that the Ad Hoc Committee shall meet from 16 to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of resolution 51/210, and recommends that the work continue during the fifty-third session of the General Assembly from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee;

10. Requests the Secretary-General to invite the International Atomic Energy Agency to assist the Ad Hoc Committee in its deliberations;

11. Also requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session on progress made in accomplishing its mandate;

13. Recommends that the Ad Hoc Committee be convened in 1999 to continue its work as referred to in paragraph 9 of resolution 51/210;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Measures to eliminate international terrorism".

International Convention for the Suppression of Terrorist Bombings

The Ad Hoc Committee established in 1996 by General Assembly resolution 51/210 [YUN 1996, p. 1208] to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, as well as to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, met in New York (24 February-7 March). The Committee considered the draft of an international convention for the suppression of terrorist bombings submitted by France on behalf of the Group of Seven major industrialized countries and the Russian Federation, and a draft convention on the suppression of acts of nuclear terrorism submitted by the Russian Federation [A/52/37].

The Ad Hoc Committee continued its work during the fifty-second session of the Assembly (22 September-3 October), in the framework of a working group of the Sixth Committee, and finalized a draft text [A/C.6/52/L.3], which it submitted to the Committee.

By a 25 November report [A/52/653], the Sixth Committee proposed that the International Convention for the Suppression of Terrorist Bombings be adopted by the Assembly, thereby creating a major new instrument to the international legal regime regulating international terrorism. The Convention sought to further criminalize acts of international terrorism while harmonizing international cooperation in combating such acts.

The Sixth Committee further recommended that the Ad Hoc Committee on International Terrorism meet in February 1998 to continue its work on nuclear terrorism and suggested that the work be pursued further during the Assembly's fifty-third session.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/653], adopted **resolution 52/164** without vote [agenda item 152].

International Convention for the Suppression of Terrorist Bombings

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to

Eliminate International Terrorism, and its resolution 51/210 of 17 December 1996,

Having considered the text of the draft convention for the suppression of terrorist bombings prepared by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee,

1. Adopts the International Convention for the Suppression of Terrorist Bombings annexed to the present resolution, and decides to open it for signature at United Nations Headquarters in New York from 12 January 1998 until 31 December 1999;

2. Urges all States to sign and ratify, accept or approve or accede to the Convention.

ANNEX

International Convention for the Suppression of Terrorist Bombings

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations of 24 October 1995,

Recalling also the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994, in which, *inter alia*, "the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States",

Noting that the Declaration also encouraged States "to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter",

Recalling General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism annexed thereto,

Noting that terrorist attacks by means of explosives or other lethal devices have become increasingly widespread,

Noting also that existing multilateral legal provisions do not adequately address these attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism and for the prosecution and punishment of their perpetrators,

Considering that the occurrence of such acts is a matter of grave concern to the international community as a whole,

Noting that the activities of military forces of States are governed by rules of international law outside the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention

does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

2. "Infrastructure facility" means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications.

3. "Explosive or other lethal device" means:

(a) An explosive or incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or

(b) A weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.

4. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

5. "Place of public use" means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public.

6. "Public transportation system" means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:

(a) With the intent to cause death or serious bodily injury; or

(b) With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss.

2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

3. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1 or 2 of the present article; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 2 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 6, paragraph 1 or paragraph 2, of this Convention to exercise jurisdiction, except that the provisions of articles 10 to 15 shall, as appropriate, apply in those cases.

Article 4

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2 of this Convention;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of those offences.

Article 5

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(a) The offence is committed in the territory of that State; or

(b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State; or

(b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its domestic law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence as set forth in article 2 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled to:

(a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) Be visited by a representative of that State;

(c) Be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 6, subparagraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 6, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 8

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 6 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 9

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 6, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.

Article 10

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 11

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 12

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 13

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the

person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he was transferred for time spent in the custody of the State to which he was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 14

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

Article 15

States Parties shall cooperate in the prevention of the offences set forth in article 2, particularly:

(a) By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or engage in the perpetration of offences as set forth in article 2;

(b) By exchanging accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent the commission of offences as set forth in article 2;

(c) Where appropriate, through research and development regarding methods of detection of explosives and other harmful substances that can cause death or bodily injury, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation and transfer of technology, equipment and related materials.

Article 16

The State Party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 17

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 18

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

Article 19

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

Article 20

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 21

1. This Convention shall be open for signature by all States from 12 January 1998 until 31 December 1999 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 22

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance,

approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 23

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 24

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 12 January 1998.

Diplomatic relations

Protection of diplomats

As at 31 December 1997, the number of parties to the various international instruments relating to the protection of diplomats and diplomatic and consular relations was as follows: 178 States were parties to the 1961 Vienna Convention on Diplomatic Relations [YUN 1961, p. 512], 48 States were parties to the Optional Protocol concerning the acquisition of nationality [YUN 1961, p. 516], and 61 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [YUN 1961, p. 516]. Eritrea acceded to the Convention in 1997.

The 1963 Vienna Convention on Consular Relations [YUN 1963, p. 510] had 156 parties, 36 States were parties to the Optional Protocol concerning the acquisition of nationality [YUN 1963, p. 512], and 44 States were parties to the Optional Protocol concerning the compulsory settlement of disputes [YUN 1963, p. 512].

The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents [YUN 1973, p. 770], had 96 States parties, with Brunei Darussalam, Lebanon, Qatar and the Republic of Moldova acceding in 1997.

Report of Secretary-General. In accordance with General Assembly resolution 51/156 [YUN 1996, p. 1212], the Secretary-General invited Member States to communicate their views on measures to enhance the protection, security and safety of diplomatic and consular missions and representatives, as provided for in Assembly resolution 42/154 [YUN 1987, p. 1068]. In a September report [A/INF/52/6 & Add.1], the Secretary-General presented the texts and an analytical summary of the information received.

Five new reports of violations were submitted by States. In connection with two reported cases in respect of which no information had been received within a reasonable period of time, the Secretary-General addressed reminders to those States. One follow-up report was received. Four States submitted views regarding the enhancement of diplomatic relations.

ILC action. On 15 May, ILC, in accordance with resolution 51/160 [YUN 1996 p. 1203], established a working group to examine further the topic of diplomatic protection and to indicate the scope and the content of the topic in the light of comments and observations made during the debate on the subject in the Sixth Committee and written comments by Governments.

In the view of the Working Group, the topic concerned the basis, conditions, modalities and consequences of diplomatic protection: claims brought by States on behalf of their nationals against another State. A similar mechanism had been extended by analogy to claims by international organizations for the protection of their agents. The Working Group decided to retain material dealing only with indirect harm (harm caused to natural or legal persons whose case was taken up by a State) and not with direct harm (harm caused directly to the State or its property). It also drew attention to the distinction between diplomatic protection and a formal claim made by a State in respect of an injury to one of its nationals which had not been redressed through local remedies, and certain diplomatic and consular activities for the assistance and protection of nationals as envisaged by articles 3 and 5, respectively, of the 1961 Vienna Convention on Diplomatic Relations [YUN 1961, p. 512] and the 1963 Vienna Convention on Consular Relations [YUN 1963, p. 510]. The topic of diplomatic protection dealt with at least four major areas: the basis of diplomatic protection; claimants and respondents in diplomatic protection; the conditions under which diplomatic protection might be exercised; and the consequences of diplomatic protection.

The Commission recommended that the Special Rapporteur submit in 1998 a preliminary re-

port on the basis of the outline proposed by the Working Group. It decided that the Working Group should endeavour to complete the first reading of the topic by the end of the quinquennium.

Treaties and agreements

Reservations to treaties

In 1997, ILC had before it once again the second report [YUN 1996, p. 1213] of the Special Rapporteur, Alain Pellet (France), on the law and practice relating to reservations to treaties. The report had been introduced to the Commission in July 1996 but owing to lack of time the Commission had been unable to consider the report and the draft resolution.

The General Assembly, in **resolution 52/156** (see above), expressed its appreciation to the Commission for the preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties, and drew the attention of Governments to the importance for ILC of having their views on the Commission's preliminary conclusion. The Assembly also recommended that the Commission continue its work on the topic, taking into account the comments of Governments.

Treaties involving international organizations

The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], which had not yet entered into force, had 24 States parties as at 31 December 1997.

Registration and publication of treaties by the United Nations

During 1997, some 1,057 international agreements and 904 subsequent actions were received by the Secretariat for registration or filing and recording. In addition, there were 571 registrations or formalities concerning agreements for which the Secretary-General performed depositary functions.

The texts of international agreements registered or filed and recorded were published in the United Nations Treaty Series in the original languages, with translations into English and French where necessary. In 1997, the following volumes of the Treaty Series covering treaties registered or filed and recorded in 1981, 1985, 1986, 1987, 1988, 1989, 1990 and 1991 were issued:

1237, 1247, 1393, 1394, 1395, 1398, 1403, 1406, 1413, 1416, 1419, 1421, 1423, 1424, 1425, 1426, 1429, 1434, 1437, 1438, 1439, 1440, 1441, 1444, 1445, 1446, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1472, 1473, 1474, 1475, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1486, 1487, 1489, 1491, 1493, 1496, 1497, 1498, 1501, 1504, 1505, 1506, 1507, 1508, 1509, 1511, 1512, 1514, 1515, 1518, 1519, 1521, 1522, 1524, 1525, 1529, 1531, 1533, 1534, 1535, 1541, 1553, 1599, 1602, 1603.

Multilateral treaties

New multilateral treaties concluded under UN auspices

The following treaties, concluded under UN auspices, were deposited with the Secretary-General during 1997:

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, done at Geneva on 20 March 1958

Regulation No. 101: "Uniform provisions concerning the approval of passenger cars equipped with an internal combustion engine with regard to the measurement of the emission of carbon dioxide and fuel consumption"

Regulation No. 103: "Uniform provisions concerning the approval of replacement catalytic converters for power-driven vehicles"

Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted on 23 May 1997 at the Seventh Meeting of the States Parties to the United Nations Convention on the Law of the Sea of 10 December 1982

Convention on the Law of the Non-navigational Uses of International Watercourses, adopted by the General Assembly of the United Nations on 21 May 1997

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, opened for signature at Vienna on 13 November 1997

Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Liens and Related Installations (AGTC) of 1991, adopted at Geneva on 17 January 1997

International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, concluded at Oslo on 18 September 1997

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the Ninth Meeting of the Parties at Montreal from 15 to 17 September 1997

Kyoto Protocol to the United Nations Framework Convention on Climate Change adopted at New York on 9 May 1992, adopted at Kyoto (Japan) on 11 December 1997

Multilateral treaties deposited with the Secretary-General

The number of multilateral treaties for which the Secretary-General performed depositary functions stood at 494 at the end of 1997. During the year, 207 signatures were affixed to treaties for which he performed depositary functions and 798 instruments of ratification, accession, acceptance and approval or notification were transmitted to him. In addition, he received 221 communications from States expressing observations or declarations and reservations made at the time of signature, ratification or accession.

The following multilateral treaties in respect of which the Secretary-General acted as depositary came into force in 1997:

International Tropical Timber Agreement, 1994, concluded at Geneva on 26 January 1994

Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes, concluded at Geneva on 18 November 1991

International Natural Rubber Agreement, 1995, concluded at Geneva on 17 February 1995

Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions, done at Geneva on 20 March 1958

Regulation No. 103: "Uniform provisions concerning the approval of replacement catalytic converters for power-driven vehicles"

Agreement on the Establishment of the International Vaccine Institute, opened for signature at New York on 28 October 1996

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature at Paris on 13 January 1993

Chapter IV

Law of the sea

In 1997, the United Nations continued to pay special attention to the implementation of the 1982 United Nations Convention on the Law of the Sea, an important instrument for the maintenance and strengthening of international peace and security, as well as for sustainable use of the world's seas and oceans. In November, the General Assembly reaffirmed its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea. It also noted with satisfaction the work of the International Seabed Authority and approved an agreement concerning the relationship between the United Nations and the Authority. The International Tribunal for the Law of the Sea, which was established in 1996 to settle disputes concerning the interpretation of the Convention, adopted its Rules, a resolution on internal judicial practice and guidelines for the preparation and presentation of cases before the Tribunal. Also in 1997, another important institution, the Commission on the Limits of the Continental Shelf, was established. During its second session, the Commission adopted its *modus operandi* and rules of procedure.

UN Convention on the Law of the Sea

Signatures and ratifications

In 1997, the number of parties to the United Nations Convention on the Law of the Sea rose to 123 with Benin, Chile, Equatorial Guinea, Guatemala, Mozambique, Pakistan, Papua New Guinea, Portugal, the Russian Federation, Solomon Islands, South Africa, Spain and the United Kingdom ratifying or acceding to it during the year.

The Convention, which was adopted by the Third United Nations Conference on the Law of the Sea in 1982 [YUN 1982, p. 178], entered into force on 16 November 1994 [YUN 1994, p. 1301]. It was closed for signature in 1984, having received 159 signatures [YUN 1984, p. 108].

Report of Secretary-General. In October, the Secretary-General, in his annual report on the law of the sea [A/52/487 & Corr.1], pointed out that the ratification of and accession to the Convention of two important maritime nations, the Russian Federation and the United Kingdom, contributed to the strengthening of the legal regime established by the Convention. He also observed that, although universal participation had not been achieved as yet, the trend and rate of ratification and accession augured well for the future.

Meetings of States parties. The sixth (10-14 March) [SPLOS/20] and seventh (19-23 May) [SPLOS/24] meetings of the States parties to the Convention were both held in New York. The sixth meeting considered the establishment of the Commission on the Limits of the Continental Shelf and elected its 21 members. It also considered a draft agreement on privileges and immunities of the International Tribunal for the Law of the Sea, which was then adopted at the seventh meeting. Also at the seventh meeting, the States parties approved the Tribunal's 1998 budget, discussed the draft rules of procedure of the Commission and considered the role of the meetings of States parties in reviewing ocean and law of the sea issues.

Agreement relating to the Implementation of Part XI of the Convention

During the year, the number of States parties to the Agreement relating to the Implementation of Part XI of the Convention, which was adopted by the General Assembly in resolution 48/263 [YUN 1994, p. 1301], reached 83. The Agreement was to be interpreted and applied together with the Convention as a single instrument and, in case of any inconsistency between the Agreement and Part XI of the Convention, the provisions of the Agreement were to prevail. Any ratification or accession to the Convention made after 28 July 1994 represented consent to be bound by the Agreement as well. States that were parties to the Convention prior to the adoption of the Agreement had to be bound by it by depositing an instrument of ratification or accession. The provisional application of the Agreement terminated on the date of its entering into force, 28 July 1996. However, States and entities that applied it provisionally, and for which it was not yet in force, were

able to continue to be members of the International Seabed Authority on a provisional basis pending its entry into force. The Council of the Authority was empowered to approve extension of the provisional membership for periods not exceeding a total of two years. As at 30 September 1997, 14 States and one entity, the European Community, continued to be members of the Authority on a provisional basis.

Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks

As at 30 September 1997, the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks [YUN 1995, p. 1334] had been ratified by 15 States, and would enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession. In contrast with the 1994 Agreement on Part XI, the 1995 Agreement on fish stocks would be interpreted and applied in the context of and in a manner consistent with the Convention and there was no direct link between the Agreement on fish stocks and the Convention with respect to establishing the consent to be bound.

Reports of Secretary-General. The Secretary-General reported in October [A/52/487 & Corr.1] that no State or entity had notified the depositary of its wish to apply for provisional standing. Also in October [A/52/555], the Secretary-General, pursuant to General Assembly resolution 51/35 [YUN 1996, p. 1216], presented information provided by States, specialized agencies and other UN bodies, and intergovernmental and non-governmental organizations relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

GENERAL ASSEMBLY ACTION

On 26 November [meeting 57], the General Assembly adopted **resolution 52/28** [draft: A/52/L.29 & Add.1] without vote [agenda item 39 (b)].

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

The General Assembly,
Recalling its resolution 47/192 of 22 December 1992, concerning the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, and resolutions 50/24 of 5 December 1995 and 51/35 of 9 December 1996, concerning the Agreement for the Implementation of the Provisions of the United Na-

tions Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,

Recalling also resolutions I and II adopted by the Conference,

Recognizing the importance of the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the need for the regular consideration and review of developments relating thereto,

Recognizing also the importance of artisanal and subsistence fishers,

Noting with appreciation the information provided by States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations in accordance with resolution 51/35,

Taking note of the report of the Secretary-General,

1. Recognizes the significance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks as an important contribution to ensuring the conservation and management of straddling fish stocks and highly migratory fish stocks;

2. Emphasizes the importance of the early entry into force and effective implementation of the Agreement;

3. Calls upon all States and other entities referred to in article 1, paragraph 2 (b), of the Agreement that have not done so to ratify or accede to it and to consider applying it provisionally;

4. Also calls upon States to ensure that any declarations or statements that they have made or make when signing, ratifying or acceding to the Agreement are consistent with articles 42 and 43 of the Agreement;

5. Takes note with concern that many commercially important straddling fish stocks and highly migratory fish stocks have been subject to heavy and little-regulated fishing efforts and that some stocks continue to be overfished;

6. Welcomes the fact that a growing number of States and other entities, as well as regional and subregional fishery management organizations and arrangements, have adopted legislation, established regulations or taken other measures to implement the provisions in the Agreement, and urges them to enforce those measures fully;

7. Calls upon States and other entities and regional and subregional fishery management organizations and arrangements that have not done so to consider taking measures to implement the provisions of the Agreement;

8. Urges States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations that have not yet done so to provide information to the Secretary-General to ensure as comprehensive a report as possible;

9. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session and biennially thereafter on further developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including the status and implementation of the Agreement, taking into account information provided by States, relevant

specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations;

10. Also requests the Secretary-General to ensure that reporting on all major fishery-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized, and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fishery organizations and arrangements, to cooperate with the Secretary-General to that end;

11. Decides to include in the provisional agenda of its fifty-fourth session, under an item entitled "Oceans and law of the sea", the sub-item entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

Other developments relating to the Convention

In October [A/52/487 & Corr.1], the Secretary-General noted that, since the Convention's entry into force in 1994, the international community had devoted its attention mainly to the establishment of the institutions created under the Convention and to other institutional aspects. That period had also been one of ensuring consistent implementation of the Convention, harmonization of ongoing international legal and policy developments, and continued international cooperation, within the framework of the Convention, in dealing with emerging issues. The period under review was marked by an intensified call from the international community for a coordinated and integrated approach to oceans and the law of the sea issues, and a concerted search to define the role of the United Nations in that context. Two important institutional questions were emphasized—the periodic review of ocean issues and the strengthening of inter-agency cooperation in respect of the implementation of the Convention. The Secretary-General stressed the important role of the General Assembly not only in the development of the new treaty system of ocean institutions and effective implementation of the Convention, but also in promoting international cooperation on new issues in the field of law of the sea and ocean affairs.

The Secretary-General described the activities of the International Seabed Authority, the International Tribunal for the Law of the Sea and the

Commission on the Limits of the Continental Shelf. On a regional basis, he gave an account of claims to maritime areas, summarized claims to maritime zones and elaborated on the problem of access of landlocked States to and from the sea. A separate part of the report was devoted to all aspects of navigation, including safety of ships, safety of navigation and liability and compensation for damage. The report contained information on conservation and management of living marine resources and on protection and preservation of the marine environment from pollution, and provided a regional review of the status of fisheries. The Secretary-General stated that the issue of piracy and armed robbery against ships, as well as smuggling of aliens, continued to be a major source of concern. He provided information on actions taken by the International Maritime Organization (IMO) and the UN Commission on Crime Prevention and Criminal Justice to deal with the problem.

Other subjects discussed dealt with marine technology, cooperative mechanisms, capacity-building and information systems.

Also in October [A/52/491], pursuant to Assembly resolution 51/34 [YUN 1996, p. 1218], the Secretary-General presented information received from 14 UN bodies and organizations on the impact of the entry into force of the Convention on related existing and proposed instruments and programmes throughout the UN system.

Institutions created by the Convention

International Seabed Authority

Through the International Seabed Authority, established by the Convention on the Law of the Sea, States organized and conducted activities for the exploration and exploitation of the resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. As of September 1997, there were 135 members of the Authority, including 15 members on a provisional basis.

The Authority, which in 1997 commenced its functional phase, held its third session in two parts (Kingston, Jamaica, 17-27 March and 18-29 August). All four of its organs—the Assembly, the Council, the Legal and Technical Commission and the Finance Committee—met during the sessions. The Authority made progress in a number of substantive and organizational areas, of which the most significant was the approval of plans of work for exploration by seven national and international organizations. For the first time, exploration activities for deep seabed minerals would

be carried out under the new legal regime for the world's oceans established by the Convention and the 1994 Agreement on Part XI.

The Legal and Technical Commission of the Authority considered draft regulations on prospecting and exploration of polymetallic nodules, which also included the draft standard terms of exploration contracts. The draft regulations focused on three key areas: protection and preservation of the marine environment; annual reporting and the transfer of data by the contractors to the Authority; and confidentiality of the information submitted. The Authority also initiated work on data and information that could be used to estimate the magnitude of potentially recoverable polymetallic nodule resources and understand the probable environmental impacts of deep seabed mining.

The Authority was in the process of finalizing a number of organizational matters, including an agreement between the Authority and the Government of Jamaica regarding its headquarters, a protocol on privileges and immunities, and financial regulations.

In July 1997, the Secretary-General of the Authority issued his first annual report [ISBA/3/A/4], which covered all aspects of the Authority's activities since its establishment and outlined future plans. By an August report [ISBA/3/A/5], the Secretary-General of the Authority presented the proposed budget for 1998. While in 1997 the administrative expenses of the Authority had been met from the regular budget of the United Nations, in 1998 the budget was to be financed, for the first time, by the assessed contributions of its members.

During its resumed third session, the Authority's Assembly adopted that budget in the sum of \$4,703,900 and decided to establish a working capital fund of \$392,000. It also adopted a scale of assessments for contributions by members to its administrative budget and working capital fund, based on the scale used for the regular budget of the United Nations.

The General Assembly, in resolution 51/6 [YUN 1996, p. 1358], granted the Authority, an autonomous organization, observer status. On 14 March 1997, the UN Secretary-General and the Secretary-General of the Authority signed a relationship agreement between the United Nations and the Authority, which was applied provisionally from that date until its approval by the Assembly on 26 November.

GENERAL ASSEMBLY ACTION

On 26 November [meeting 57], the General Assembly adopted **resolution 52/27** [draft: A/52/L.27 & Add.1] without vote [agenda item 39 (a)].

Agreement concerning the Relationship between the United Nations and the International Seabed Authority

The General Assembly,

Recalling its resolution 51/34 of 9 December 1996, in which, inter alia, it invited the Secretary-General to take steps to conclude a relationship agreement with the International Seabed Authority, to be applied provisionally pending its approval by the General Assembly and the Assembly of the Authority,

Noting the decision of the Assembly of the International Seabed Authority at its third session to approve the Agreement concerning the Relationship between the United Nations and the International Seabed Authority signed on 14 March 1997 by the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority,

Having considered the Agreement concerning the Relationship between the United Nations and the International Seabed Authority,

Approves the Agreement, which is annexed to the present resolution.

ANNEX

Agreement concerning the Relationship between the United Nations and the International Seabed Authority

The United Nations and the International Seabed Authority,

Bearing in mind that the General Assembly of the United Nations in its resolution 3067(XXVIII) of 16 November 1973 decided to convene the Third United Nations Conference on the Law of the Sea for the adoption of a convention dealing with all matters relating to the law of the sea and that the Conference adopted the United Nations Convention on the Law of the Sea, which, inter alia, establishes the International Seabed Authority,

Recalling that the General Assembly of the United Nations in its resolution 48/263 of 28 July 1994 adopted the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,

Mindful of the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 and the entry into force of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 on 28 July 1996,

Noting General Assembly resolution 51/6 of 24 October 1996 inviting the International Seabed Authority to participate in the deliberations of the General Assembly in the capacity of observer,

Noting also article 162, paragraph 2 (f), of the United Nations Convention on the Law of the Sea of 10 December 1982, General Assembly resolution 51/34 of 9 December 1996 and decision ISBA/C/10 of 12 August 1996 of the Council of the International Seabed Authority calling for the conclusion of a relationship agreement between the United Nations and the International Seabed Authority,

Desiring to make provision for an effective system of mutually beneficial relationships whereby the discharge of their respective responsibilities may be facilitated,

Taking into account for this purpose the provisions of the Charter of the United Nations, the provisions of

the United Nations Convention on the Law of the Sea and the provisions of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982,

Have agreed as follows:

Article 1

Purpose of the Agreement

This Agreement, which is entered into by the United Nations and the International Seabed Authority (hereinafter referred to as "the Authority"), pursuant to the provisions of the Charter of the United Nations (hereinafter referred to as "the Charter") and the provisions of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Agreement") respectively, is intended to define the terms on which the United Nations and the Authority shall be brought into relationship.

Article 2

Principles

1. The United Nations recognizes the Authority as the organization through which States parties to the Convention shall, in accordance with Part XI of the Convention and the Agreement, organize and control activities in the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), in particular with a view to administering the resources of the Area. The United Nations undertakes to conduct its activities in such a manner as to promote the legal order for the seas and oceans established by the Convention and the Agreement.

2. The United Nations recognizes that the Authority, by virtue of the Convention and the Agreement, shall function as an autonomous international organization in the working relationship with the United Nations established by this Agreement.

3. The Authority recognizes the responsibilities of the United Nations under the Charter and other international instruments, in particular in the fields of international peace and security and economic, social, cultural and humanitarian development and protection and preservation of the environment.

4. The Authority undertakes to conduct its activities in accordance with the purposes and principles of the Charter to promote peace and international cooperation and in conformity with the policies of the United Nations furthering these purposes and principles.

Article 3

Cooperation and coordination

1. The United Nations and the Authority recognize the desirability of achieving effective coordination of the activities of the Authority with those of the United Nations and the specialized agencies, and of avoiding unnecessary duplication of activities.

2. The United Nations and the Authority agree that, with a view to facilitating the effective discharge of their respective responsibilities, they will cooperate closely with each other and consult each other on matters of mutual interest.

Article 4

Assistance to the Security Council

1. The Authority shall cooperate with the Security Council by providing to it at its request such information and assistance as may be required in the exercise of its responsibility for the maintenance or restoration of international peace and security. In case confidential information is provided, the Security Council shall preserve its confidential character.

2. At the invitation of the Security Council, the Secretary-General of the Authority may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Authority.

Article 5

International Court of Justice

The Authority agrees, subject to the provisions of this Agreement relating to the safeguarding of confidential material, data and information, to provide any information that may be requested by the International Court of Justice in accordance with the Statute of that Court.

Article 6

Reciprocal representation

1. Without prejudice to the decision of the General Assembly in its resolution 51/6 of 24 October 1996 granting observer status to the Authority, and subject to such decisions as may be taken concerning the attendance of their meetings by observers, the United Nations shall, subject to the rules of procedure and practice of the bodies concerned, invite the Authority to send representatives to meetings and conferences of other competent bodies, whenever matters of interest to the Authority are discussed.

2. Subject to such decisions as may be taken by its competent bodies concerning the attendance of their meetings by observers, the Authority shall, subject to the rules of procedure and practice of the bodies concerned, invite the United Nations to send representatives to all its meetings and conferences, whenever matters of interest to the United Nations are discussed.

3. Written statements submitted by the United Nations to the Authority for distribution shall be distributed by the secretariat of the Authority to all members of the appropriate organ or organs of the Authority in accordance with the relevant rules of procedure. Written statements presented by the Authority to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations in accordance with the relevant rules of procedure. Such written statements will be circulated in the quantities and languages in which they are made available to the respective secretariat.

Article 7

Cooperation between the two secretariats

The Secretary-General of the United Nations and the Secretary-General of the Authority shall consult from time to time regarding the implementation of their respective responsibilities under the Convention and the Agreement. They shall consult, in particular, regarding such administrative arrangements as may be necessary to enable the two organizations effectively to carry out their functions and to ensure effective cooperation and liaison between their secretariats.

Article 8

Exchange of information, data and documents

1. The United Nations and the Authority shall arrange for the exchange of information, publications and reports of mutual interest.

2. In fulfilment of the responsibilities entrusted to him under article 319, subparagraphs 2 (a) and (b), of the Convention and assumed by him pursuant to General Assembly resolution 37/66 of 3 December 1982, the Secretary-General of the United Nations shall report to the Authority from time to time on issues of a general nature that have arisen with respect to the Convention and shall regularly notify the Authority of ratifications and formal confirmations of and accessions to the Convention and amendments thereto, as well as of denunciations of the Convention.

3. The United Nations and the Authority shall cooperate in obtaining from States parties to the Convention copies of charts or lists of geographical coordinates of the outer limit lines of their continental shelf as referred to in article 84 of the Convention. They will exchange copies of such lists of coordinates or, to the extent practicable, charts.

4. Where the outer limits of the national jurisdiction of a State party are defined by the outer limit of the exclusive economic zone, the United Nations shall provide to the Authority copies of such lists of geographical coordinates or, to the extent practicable, charts, indicating the outer limit lines of the exclusive economic zone of such State party as may be deposited with the Secretary-General of the United Nations pursuant to article 75, paragraph 2, of the Convention.

5. The Authority, to the extent practicable, shall furnish special studies or information requested by the United Nations. The submission of such reports, studies and information shall be subject to conditions set forth in article 14.

6. The United Nations and the Authority are subject to necessary limitations for the safeguarding of confidential material, data and information furnished to them by their members or others. Subject to article 4, paragraph 1, nothing in this Agreement shall be construed to require either the United Nations or the Authority to furnish any material, data and information the furnishing of which could, in its judgement, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operation.

Article 9

Statistical services

The United Nations and the Authority, recognizing the desirability of maximum cooperation in the statistical field and of minimizing the burdens placed on Governments and other organizations from which information may be collected, undertake to avoid undesirable duplication between them with respect to the collection, analysis and publication of statistics, and agree to consult with each other on the most efficient use of resources and of technical personnel in the field of statistics.

Article 10

Technical assistance

The United Nations and the Authority undertake to work together in the provision of technical assistance in

the fields of marine scientific research in the Area, transfer of technology and the prevention, reduction and control of pollution of the marine environment from activities in the Area. In particular, they agree to take such measures as may be necessary to achieve effective coordination of their technical assistance activities within the framework of existing coordinating machinery in the field of technical assistance, taking into account the respective roles and responsibilities of the United Nations and the Authority under their constitutive instruments, as well as those of other organizations participating in technical assistance activities.

Article 11

Personnel arrangements

1. The United Nations and the Authority agree to apply, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. To this end, the United Nations and the Authority agree:

(a) To consult together from time to time concerning matters of common interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;

(b) To cooperate in the interchange of personnel when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(c) To cooperate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

3. Pursuant to decision ISEA/A/15 of 15 August 1996 of the Assembly of the International Seabed Authority, and upon the approval of the General Assembly of the United Nations, the Authority shall participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and shall accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of those Regulations.

4. The terms and conditions on which any facilities or services of the Authority or the United Nations in connection with the matters referred to in this article are to be extended to the other shall, where necessary, be the subject of supplementary arrangements concluded for this purpose.

Article 12

Conference services

1. Unless the General Assembly of the United Nations, after giving reasonable notice to the Authority, decides otherwise, the United Nations will make available to the Authority, on a reimbursable basis, such facilities and services as may be required for the meetings of the Authority, including translation and interpretation services, documentation and conference services.

2. The terms and conditions on which any facilities or services of the United Nations in connection with the matters referred to in this article may be extended

to the Authority shall, where necessary, be the subject of separate arrangements concluded for this purpose.

Article 13

Budgetary and financial matters

The Authority recognizes the desirability of establishing close budgetary and financial cooperation with the United Nations aimed at benefiting from the experience of the United Nations in this field,

Article 14

Financing of services

The costs and expenses resulting from the provision of services pursuant to this Agreement shall be the subject of separate arrangements between the Authority and the United Nations.

Article 15

United Nations laissez-passer

Without prejudice to the right of the Authority to issue its own travel documents, officials of the Authority shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Secretary-General of the Authority, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized under the Protocol on the Privileges and Immunities of the International Seabed Authority or other agreements defining the privileges and immunities of the Authority.

Article 16

Implementation of the Agreement

The Secretary-General of the United Nations and the Secretary-General of the Authority may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article 17

Amendments

This Agreement may be amended by agreement between the United Nations and the Authority. Any such amendment agreed upon shall enter into force on its approval by the General Assembly of the United Nations and the Assembly of the Authority.

Article 18

Entry into force

1. This Agreement shall enter into force on its approval by the General Assembly of the United Nations and the Assembly of the Authority.

2. This Agreement shall be applied provisionally by the United Nations and the Authority upon signature by the Secretary-General of the United Nations and the Secretary-General of the Authority.

IN WITNESS THEREOF the undersigned, being duly authorized representatives of the United Nations and the International Seabed Authority, have signed the present agreement.

SIGNED this 14th day of March 1997 at New York in two originals in the English language.

For the United Nations:

For the International
Seabed Authority:

(Signed) Kofi A. ANNAN (Signed) Satya N. NANDAN
Secretary-General Secretary-General

International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea held its second (3-28 February), third (2-29 April) and fourth (6-31 October) sessions in Hamburg, Germany [SPLOS/27]. The inaugural session was held in Hamburg in October 1996.

The primary task of the Tribunal was to settle disputes concerning the interpretation or application of the Convention. The programme of work of the Tribunal since October 1996 included the establishment of chambers, working groups and committees, consideration of the Rules of the Tribunal and other documents concerning the procedures and practice, privileges and immunities of the Tribunal, relations with other organizations, administrative arrangements, financial matters, library, facilities and publications.

The Tribunal constituted its Chamber of Summary Procedure at its first session. At the second session, the Working Group of the Whole on the Rules of the Tribunal was established and ad hoc working groups were formed to deal with organizational matters. In addition, the Tribunal established the Seabed Disputes Chamber, the Chamber for Marine Environment Disputes and the Chamber for Fisheries Disputes. During the third session, the following committees were established to replace the ad hoc working groups: Budget and Finance Committee, Committee on Rules and Judicial Practice, Committee on Staff and Administration, and Committee on Library and Publications. The fourth session was mainly devoted to the consideration and adoption of the Rules of the Tribunal. The Working Group of the Whole concluded its work successfully and, on 28 October, the Rules were adopted by the Tribunal. The Rules provided a set of procedural steps to be followed for the handling of cases from the institution of proceedings through the different stages of written pleadings and hearings to the delivery of a judgment. The Rules also set out the organization of the Tribunal, the responsibilities of the Registrar and the organization of the Registry. Pursuant to article 40 of the Rules, the Tribunal adopted the Resolution on the Internal Judicial Practice of the Tribunal, which stipulated the procedures by which the Tribunal should reach decisions on cases submitted to it. It also discussed and adopted guidelines concerning the preparation and presentation of cases before the Tribunal.

In May, the seventh meeting of States parties to the Convention adopted the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea [SPLOS/27]. The Agreement was deposited with the Secretary-

General and opened for signature at UN Headquarters for 24 months from 1 July. It would enter into force 30 days after the date of deposit of the tenth instrument of ratification or accession. As at 31 December, three States had signed the Agreement and one had ratified it. In addition, the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal was signed by the Secretary-General and the President of the Tribunal on 18 December. The Agreement established a mechanism for cooperation between the United Nations and the Tribunal, with a view to facilitating the effective attainment of their mutual objectives and the coordination of their activities.

Pursuant to article 19 of the Statute of the International Tribunal for the Law of the Sea, the expenses of the Tribunal were to be shared by the States parties, the International Seabed Authority and other entities. As at 31 December, 54 States parties had made their contributions to the 1996/97 budget totalling \$5,911,624. The approved budget for 1998 amounted to \$5,767,169 and comprised a recurrent expenditure of \$5,627,169, including \$1,971,330 for the remuneration of judges and \$2,419,239 for salaries and related staff costs, and a non-recurrent expenditure of \$140,000.

Commission on the Limits of the Continental Shelf

In March, the States parties to the Convention established the Commission on the Limits of the Continental Shelf and elected the first 21 members of the Commission. At its first session (New York, 16-20 June) [A/52/487], the Commission elected its Chairman, two Vice-Chairmen and a Rapporteur, adopted several of its draft rules of procedure, and deferred the remainder for further discussion. At its second session (New York, 2-12 September), the Commission adopted a majority of the draft rules of procedure. The draft rules concerning the delimitation of disputes between States, and the issue of confidentiality, as well as protection from possible financial liability of members of the Commission arising from potential allegations of breach of the rules of confidentiality, required further consideration. The Commission requested the next meeting of States parties to the Convention to consider a recommendation for the establishment of a trust fund to be used to meet the travel and accommodation expenses of Commission members from developing countries. During its second session, the Commission also adopted its *modus operandi*, which dealt with the internal functioning of the Commission and established a number of technical working groups.

GENERAL ASSEMBLY ACTION

On 26 November [meeting 57], the General Assembly adopted resolution 52/26 [draft: A/52/L.26 & Add.1] by recorded vote (138-1-4) [agenda item 39 (a)].

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 50/23 of 5 December 1995 and 51/34 of 9 December 1996 adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994,

Emphasizing the universal character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Conscious also of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,

Recalling its resolution S-19/2 of 28 June 1997, to which is annexed the Programme for the Further Implementation of Agenda 21, in particular paragraph 36 thereof dealing with oceans and seas, as well as its decision that oceans and seas will be the sectoral theme discussed at the seventh session of the Commission on Sustainable Development in 1999,

Recalling also its resolution 49/131 of 19 December 1994 on the International Year of the Ocean,

Considering that, in its resolution 2749(XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction ("the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"), provides the regime to be applied to the Area and its resources,

Noting with satisfaction the increase in the number of States parties to the Convention and the Agreement,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as of the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Recalling the provisions of Part XV of the Convention establishing a comprehensive dispute settlement system and article 287 regarding the choice of means for the settlement of disputes,

Recalling also the establishment of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with Annex VI to the Convention as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement,

Welcoming the establishment of the Commission on the Limits of the Continental Shelf ("the Commission") during the sixth Meeting of States Parties to the Convention,

Noting the progress in the work of the Commission during its first and second sessions, held in June and September 1997, on developing its rules of procedure and its *modus operandi*,

Recalling that the institutions established by the Convention shall be cost-effective,

Expressing its appreciation once again to the Secretary-General for his efforts in support of the Convention and in its effective implementation, including providing assistance in the functioning of the institutions created by the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolution 49/28, and emphasizing the importance of the performance of such responsibilities for the effective and consistent implementation of the Convention,

Recalling its resolution 50/214 of 23 December 1995, in which it decided that savings in the programme budget would not affect the full implementation of mandated programmes and activities,

Noting with appreciation the continued efforts of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to provide timely information on the oceans, marine affairs and the law of the sea through its Web site on the Internet,

Conscious of the need to promote and facilitate international cooperation, especially at the subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

Taking note of the report of the Secretary-General, and reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

1. Calls upon all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding are in conformity with the Convention and to withdraw any of their declarations or statements that are not in conformity;

3. Reaffirms the unified character of the Convention;

4. Requests the Secretary-General to convene the Meeting of States Parties to the Convention from 18 to 22 May 1998;

5. Approves the convening by the Secretary-General of the third and fourth sessions of the Commission, to be held from 4 to 15 May and 31 August to 4 September 1998 respectively;

6. Notes with satisfaction the progress in the work of the International Seabed Authority, in particular the approval, during the third session of the Authority in 1997, of seven plans of work for exploration in the Area, and the progress being made by the Legal and Techni-

cal Commission towards the formulation of a draft mining code;

7. Notes with appreciation the adoption of the Agreement on the Privileges and Immunities of the Tribunal, the progress made towards the conclusion of a headquarters agreement between the Tribunal and Germany and the adoption by the Tribunal of the Rules of the Tribunal, the resolution on internal judicial practice and the guidelines for the preparation and presentation of cases before the Tribunal;

8. Encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of Annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States, the newly established institutions (including the International Seabed Authority and the Tribunal) and other competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

11. Also requests the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly and to ensure that the performance of such activities is not adversely affected by savings as may be realized under the approved budget for the Organization; these activities include, *inter alia*:

(a) Preparing annually a comprehensive report for the consideration of the General Assembly on developments relating to ocean affairs and the law of the sea;

(b) Preparing periodically special reports on specific topics such as fisheries, transit problems of the landlocked developing States or other topics of current interest, including those requested by intergovernmental conferences and bodies, taking into account the provisions of the Convention;

(c) Developing and maintaining the appropriate facilities for the deposit by States of charts and geographical coordinates concerning maritime zones, including lines of delimitation, and to give due publicity thereto, as required by article 16, paragraph 2, article 47, paragraph 9, article 75, paragraph 2, article 76, paragraph 9 and article 84, paragraph 2, of the Convention;

(d) Strengthening the existing system for the collection, compilation and dissemination of information on ocean affairs and the law of the sea and, in cooperation with the relevant international organizations, furthering the development of a centralized system for providing coordinated information and advice;

(e) Undertaking efforts to promote better understanding of the Convention and the Agreement in order to ensure their effective implementation;

(f) Ensuring appropriate responses to requests of States, in particular developing States, for advice and assistance in implementing the provisions of the Convention and the Agreement;

(g) Preparing for and convening the Meetings of States Parties to the Convention and providing the necessary services for such meetings, in accordance with the Convention;

(h) Preparing for and convening the meetings of the Commission and providing it with the necessary services in accordance with the Convention;

(i) Strengthening training activities in ocean and coastal area management and development;

12. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its overall implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the efforts of the Secretary-General to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

13. Invites Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea and of the training and educational activities on the law of the sea and ocean affairs established by the General Assembly in resolution 35/116 of 10 December 1980, as well as advisory services and assistance in support of effective implementation of the Convention;

14. Calls upon States to implement its resolution 51/189 of 16 December 1996 and to strengthen the implementation of existing international and regional agreements on marine pollution;

15. Also calls upon States to take actions, individually or collectively and through their participation in competent global, regional and subregional forums, to improve the quality and quantity of scientific data as a basis for effective decisions related to protection of the marine environment and the conservation of living marine resources;

16. Notes that it proclaimed the year 1998 as the International Year of the Ocean;

17. Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

18. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to circulate the report sufficiently in advance of consideration by the General Assembly of the item concerning oceans and the law of the sea;

19. Decides to include in the provisional agenda of its fifty-third session the item entitled "Oceans and the law of the sea".

RECORDED VOTE ON RESOLUTION 52/26:

In favour: Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin,

Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstain: Ecuador, El Salvador, Peru, Venezuela.

Division for Ocean Affairs and the Law of the Sea

During 1997, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continued to fulfil its role as the substantive unit of the Secretariat responsible for the review and monitoring of all developments related to the law of the sea and ocean affairs, as well as for the implementation of the Convention. To that end, it focused on strengthening its existing system for the collection, compilation and dissemination of information on the law of the sea and related matters. It did that by providing a convenient means for obtaining cross-referenced materials on the subject. Its Web site contained many documents, including texts of the Convention, the 1994 Agreement on Part XI, and the 1995 Agreement on fish stocks, as well as information on their current status. Information on the new ocean institutions established under the Convention—the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf—was also available. The Division maintained and further developed a number of databases that allowed a powerful, full-text search capability and greatly facilitated States in the initial stages of their legislative process.

The Division participated in the work of and provided assistance to various international bodies dealing with ocean affairs, including the Joint Group of Experts on the Scientific Aspects of Marine Environment Protection and the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, and acted as a co-sponsoring partner of the Aquatic Sciences and Fisheries Abstracts, an international bibliographical information service.

The Division provided assistance to course development units (CDUs) of the Train-Sea-Coast

programme in the form of quality control of the courses under preparation, and direct support to CDUs and to overall programme management and coordination. The first Train-Sea-Coast Coordination Conference (New York, 24-26 April) assessed progress made and adopted a detailed plan for the next biennium.

The 1997/98 Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, established in 1981 [YUN 1981, p. 139], was presented to Dody Kusumonegoro of the Directorate of International Legal and Treaties Affairs, Department of Foreign Affairs of Indonesia.

Chapter V

Other legal questions

In 1997, the United Nations continued its work on various aspects of international law, including international economic law.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met in January/February and discussed proposals for the maintenance of international peace and security and the peaceful settlement of disputes between States. It invited the General Assembly to consider an organizational framework for addressing the implementation of Charter provisions relating to assistance to third States affected by the application of sanctions under Chapter VII.

In anticipation of the end of the Decade of International Law in 1999, the Assembly approved the arrangements made by the Netherlands and the Russian Federation to mark both the end of the Decade and the centennial of the first International Peace Conference, held in 1899.

The Assembly adopted a programme of assistance in the teaching, study, dissemination and wider appreciation of international law. Various UN organs and agencies contributed to the programme by providing information on the latest developments of international law and through fellowships, seminars, symposia and workshops.

The United Nations Commission on International Trade Law adopted the Model Law on Cross-Border Insolvency.

The Committee on Relations with the Host Country discussed travel restrictions imposed by the host country, the parking situation for diplomatic vehicles and related matters.

International organizations and international law

Strengthening the role of the United Nations

Special Committee on UN Charter

At its 1997 session (New York, 27 January-7 February) [A/52/33], the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

continued to consider proposals for the maintenance of international peace and security, the peaceful settlement of disputes between States and the strengthening of the role of the United Nations in those contexts, as requested by the General Assembly in resolution 51/209 [YUN 1996, p. 1222]. It also continued to discuss implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII. In addition, it proposed an amendment to rule 103 of the Assembly's rules of procedure, based on a working paper submitted by Portugal (see below).

In connection with the maintenance of international peace and security, the Special Committee had before it the following documents submitted by the Russian Federation: a working paper regarding the implementation of the provisions of the Charter, including Article 50 on assistance to third States adversely affected by the application of sanctions under Chapter VII (see below), submitted in 1996 [A/51/33]; a working paper entitled "Some ideas on the basic conditions and criteria for imposing and implementing sanctions and other enforcement measures" [A/AC.182/L.94] (see below); a working paper entitled "Draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts", submitted in 1996 [A/AC.182/L.89]; and an informal working paper entitled "Some views on the importance of an urgent need for the elaboration of a draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts" [A/AC.182/L.89/Add.1]. In addition, the Commission considered a revised version of a working paper submitted by Cuba in 1995 entitled "Strengthening of the role of the Organization and enhancing its effectiveness" [A/AC.182/L.93], and a revised proposal submitted by the Libyan Arab Jamahiriya in 1996 with a view to strengthening the role of the United Nations in the maintenance of international peace and security [A/AC.182/L.90].

With regard to the peaceful settlement of disputes between States, the Special Committee had before it a proposal entitled "Establishment of a

dispute settlement service offering or responding with its services early in disputes", submitted by Sierra Leone in 1995 [YUN 1995, p. 1342], together with an annotation to that proposal contained in a 1 September 1995 letter from Sierra Leone to the Secretary-General [A/50/403] and a revised proposal by Sierra Leone entitled "Establishment of a dispute prevention and early settlement service" [A/AC.182/L.96]. The Special Committee also considered a working paper submitted by Guatemala entitled "Possible amendments to the Statute of the International Court of Justice to extend its competence with respect to contentious matters to disputes between States and international organizations" [A/AC.182/L.95/Rev.1] and a working paper submitted by Costa Rica [A/AC.182/L.97] as an alternative to Guatemala's working paper.

In response to General Assembly resolution 51/209 [YUN 1996, p. 1222], the Secretary-General submitted an October progress report [A/52/317 & Corr.1] on his efforts to expedite the preparation and publication of supplements to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. He assessed the work required and proposed measures that might facilitate the process, including the merger of the two publications to eliminate duplication.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/52/652], adopted **resolution 52/161** without vote [agenda item 151].

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499(XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Noting with satisfaction the increase in the volume of cases before the Court,

Considering the desirability of finding practical ways and means of strengthening the Court,

Taking note of the report of the Secretary-General on the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council,

Recalling its resolution 51/209 of 17 December 1996,

Having considered the report of the Special Committee on the work of its session held in 1997,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. Decides that the Special Committee will hold its next session from 26 January to 6 February 1998;

3. Requests the Special Committee, at its session in 1998, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 1998, including the revised proposal on the strengthening of the role of the United Nations in the maintenance of international peace and security, the revised working paper on the strengthening of the role of the Organization and enhancing its effectiveness, the revised working paper entitled "Some ideas on the basic conditions and criteria for imposing and implementing sanctions and other enforcement measures" and the working paper on the draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General, the proposals submitted on this subject, the debate on this question in the Sixth Committee during the fifty-second session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, and also the implementation of the provisions of General Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996 and 52/152 of 15 December 1997;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating to the peaceful settlement of disputes between

States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with resolution 50/55, the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" and the views expressed by States on this subject during the fifty-second session of the General Assembly;

4. Invites Member States, the States parties to the Statute of the International Court of Justice, and the International Court of Justice if it so desires, to present, before the fifty-third session of the General Assembly, their comments and observations on the consequences that the increase in the volume of cases before the Court has on its operation, on the understanding that whatever action may be taken as a result of this invitation will have no implications for any changes in the Charter of the United Nations or the Statute of the International Court of Justice;

5. Requests the Secretary-General, taking into account the views expressed and the practical suggestions made during the debate held within the framework of the Sixth Committee, to make every effort to implement in a timely manner the steps proposed in paragraph 59 of his report regarding the preparation and publication of the supplements to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council with a view to updating them and to submit a progress report on the matter to the General Assembly at its fifty-third session;

6. Invites the Special Committee at its session in 1998 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose;

7. Requests the Special Committee to submit a report on its work to the General Assembly at the fifty-third session;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Assistance to third States affected by Chapter VII sanctions

In response to General Assembly resolution 51/208 [YUN 1996, p. 1224], the Secretary-General submitted an August report on the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions [A/52/308]. He outlined arrangements by the Secretariat to provide better information

and early assessment to the Security Council and its organs about the actual or potential effects of sanctions on third States, noting that the arrangements first put in place in 1996 continued to apply.

With regard to developing a possible methodology for assessing the consequences actually incurred by third States as a result of preventive or enforcement measures, the Secretary-General had invited a number of international organizations to provide ideas and suggestions. They confirmed that no uniform and internationally recognized methodology existed and gave him their views as to how it should be formulated. On the basis of that input, the Secretary-General proposed that the UN Department of Economic and Social Affairs continue its efforts to develop a possible methodology and convene an ad hoc expert group meeting on the subject in the first half of 1998.

The Secretary-General had sought the assistance of relevant institutions both within and outside the Organization in collecting and coordinating information about international economic assistance available to affected third States. He also summarized recent developments related to the role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in the area of assistance to those States.

In a 26 February note [S/1997/161], the Secretary-General drew the Security Council's attention to paragraphs 1, 2 and 3 of Assembly resolution 51/208 [YUN 1996, p. 1224], which underlined the importance of consultations under Article 50 with third States that were or might be confronted with special economic problems resulting from measures imposed by the Council.

Sixth Committee action. In its report [A/52/33], the Special Committee on the Charter invited the Assembly to consider the question of an appropriate organizational framework for addressing further the implementation of the Charter provisions relating to assistance to third States affected by the application of sanctions under Chapter VII, taking into account the reports of the Secretary-General as well as the proposals presented and views expressed in the Special Committee.

On 21 October [A/52/652], the Assembly's Sixth Committee established an informal Working Group on the question of the implementation of Charter provisions relating to third States affected by Security Council sanctions, which held five meetings between 24 October and 18 November.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/652], adopted **resolution 52/162** without vote [agenda item 151].

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace", in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereof entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",

(d) The statement by the President of the Security Council of 22 February 1995,

(e) The report of the Secretary-General prepared pursuant to the statement by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995 and 51/30 A of 5 December 1996,

(g) The 1994, 1995, 1996 and 1997 reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,

(h) The reports of the Secretary-General on the implementation of the provisions of the Charter related

to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

Taking note of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 51/208 of 17 December 1996,

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994 that, as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems,

Recognizing also that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing further that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of resolutions 50/51 of 11 December 1995 and 51/208 of 17 December 1996,

1. Renews its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures ap-

plied in the consideration of requests by the affected States for assistance;

2. Welcomes once again the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 aimed at increasing the effectiveness and transparency of the sanctions committees, invites the Council to implement those measures, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. Requests the Secretary-General to pursue implementation of the provisions of General Assembly resolution 50/51 related to the possible guidelines that might be adopted on technical procedures to be used by the appropriate parts of the Secretariat, and paragraphs 4 to 6 of resolution 51/208, and to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to initiate action in order to explore innovative and practical measures of assistance to the affected third States;

4. Endorses the proposal of the Secretary-General that an ad hoc expert group meeting be convened in the first half of 1998 with a view to developing a possible methodology for assessing the consequences actually incurred by third States as a result of preventive or enforcement measures, in this connection requests that due regard be given by the expert group to the particular problems and needs of developing countries confronted by the special economic problems arising from carrying out enforcement measures, also endorses the recommendation of the Secretary-General that the expert group explore innovative and practical measures of assistance that could be provided by the relevant organizations both within and outside the United Nations system to the affected third States, and requests the Secretary-General to submit a report on the results of the expert group meeting to the General Assembly at its fifty-third session;

5. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

6. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, in-

cluding through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

7. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1998, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General, the proposals submitted on this subject, the debate on this question in the Sixth Committee during the fifty-second session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, as well as the implementation of the provisions of General Assembly resolutions 50/51 and 51/208 and the present resolution;

8. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session.

UN Decade of International Law

In response to General Assembly resolution 51/157 [YUN 1996, p. 1226], the Secretary-General submitted a September note [A/52/363] on the United Nations Decade of International Law (1990-1999), which the Assembly had declared in resolution 44/23 [YUN 1989, p. 848]. The Decade's objectives were to promote acceptance of and respect for the principles of international law and encourage its progressive development and codification; to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice (ICJ); and to encourage the teaching, study, dissemination and wider appreciation of international law. In 1996, the Assembly adopted the programme of activities for the final term of the Decade (1997-1999) in resolution 51/157 [YUN 1996, p. 1226].

The Secretary-General, on the basis of information received from States and international organizations, outlined steps taken throughout 1997 to implement the Decade's programme, including activities to commemorate the fiftieth anniversary of the International Law Commission (see PART FIVE, Chapter III). He also described the various means used by the Organization to disseminate information on international law, including increased use of the Internet.

With regard to on-line access to the UN Treaty Series and the publication *Multilateral Treaties Deposited with the Secretary-General*, the Secretary-General, in response to Assembly resolution 51/158 [YUN 1996, p. 1230], proposed introducing a

user-fee mechanism to recover the costs of posting those publications on the Internet. He also discussed the possibility of translating the list of titles of treaties appearing in the Multilateral Treaties Deposited with the Secretary-General into all the official languages of the United Nations and their dissemination through the Internet.

Sixth Committee consideration. In response to General Assembly resolution 51/157 [YUN 1996, p. 1226], the Sixth Committee's Working Group on the United Nations Decade of International Law continued its work in 1997, holding nine meetings between 17 October and 13 November. In an oral report to the Sixth Committee, the Working Group's Chairman stated that the Group would consider the question of deposition of acts of formal confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations [YUN 1986, p. 1006], as recommended by the Secretary-General.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/647], adopted **resolution 52/153** without vote [agenda item 146 (a)].

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law,

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice,

(c) To encourage the progressive development of international law and its codification,

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 51/157 of 16 December 1996, to which was annexed the programme for the activities for the final term (1997-1999) of the Decade, and its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database",

Expressing its appreciation for the note submitted by the Secretary-General, and having considered it,

Recalling that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986 is one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and recalling also the impact of the Convention on the practice of treaties concluded between States and international organizations or between international organizations,

Recalling also that at the forty-fifth session of the General Assembly the Sixth Committee established the

Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at the fifty-second session of the General Assembly the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 51/157 and all previous resolutions on the question,

Having considered the oral report of the Chairman of the Working Group to the Sixth Committee,

1. Expresses its appreciation for the work done on the United Nations Decade of International Law at the fifty-second session of the General Assembly, and requests the Working Group of the Sixth Committee to continue its work at the fifty-third session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities, including sponsoring conferences on various subjects of international law, in implementation of the programme for the activities for the final term (1997-1999) of the Decade;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General for inclusion in the report requested in paragraph 8 of resolution 51/157;

4. Encourages States to disseminate at the national level, as appropriate, information contained in the note submitted by the Secretary-General;

5. Also encourages States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention and other international organizations entitled to do so to accede to it at an early date;

6. Encourages States parties and international organizations or agencies, including depositaries, in order to facilitate further implementation of the obligation laid down in Article 102 of the Charter of the United Nations to provide, where available, a copy of the text of any treaty in disk or other electronic format and to consider providing where available translations in English or French or both as may be needed, for the purpose of assisting with the timely publication of the United Nations Treaty Series;

7. Invites the Secretary-General to apply the provisions of article 12, paragraph 2, of the regulations to give effect to Article 102 of the Charter of the United Nations to multilateral treaties falling within the terms of article 12, paragraph 2 (a) to (c) of the regulations;

8. Encourages the Office of Legal Affairs of the Secretariat to continue in its efforts to facilitate access to information concerning United Nations activities in the field of international law and to bring up to date the publication of the United Nations Juridical Yearbook;

9. Encourages the Secretary-General to continue developing a policy of providing Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, keeping in mind es-

pecially the needs of developing countries in recovering the costs thereof;

10. Requests the Secretary-General to proceed to translate and publish in the form of a report issued in the official languages of the United Nations a list of the titles of the treaties appearing in the publication *Multi-lateral Treaties Deposited with the Secretary-General*;

11. Also requests the Secretary-General to ensure that hard copies of the publications mentioned in paragraph 9 above continue to be distributed to permanent missions free of charge in accordance with their needs;

12. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

13. Once again requests the Secretary-General to bring the programme to the attention of States and international organizations and institutions working in the field of international law;

14. Notes with appreciation the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

15. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Decade of International Law".

First International Peace Conference Centennial and end of Decade

Pursuant to General Assembly resolution 51/159 [YUN 1996, p. 1229], the Netherlands and the Russian Federation, in October 1997 [A/C.6/52/3], submitted to the Secretary-General a joint programme of action for the celebration of the centennial of the first International Peace Conference, held in The Hague (Netherlands) on the initiative of Russia in 1899. That centennial year would also mark the closing of the UN Decade of International Law and the celebration would cover both events. The major themes of the celebrations would include those of the 1899 Conference, namely, the armament question, humanitarian law and the laws and customs of war, and the peaceful settlement of international disputes.

Activities focusing on those themes were envisaged for the latter part of 1998 and the whole of 1999 and would take place in The Hague, in St. Petersburg, New York and Geneva. Several regional consultations were also planned for the months preceding the celebrations.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/647], adopted **resolution 52/154** without vote [agenda item 146 (b)].

Action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law

The General Assembly,

Reaffirming once again the commitment of the United Nations and its Member States, as well as the States parties to the Statute of the International Court of Justice, to the goals of the United Nations Decade of International Law, expressed by the General Assembly in resolutions under that item of its agenda,

Mindful of the long and well-established tradition of progressive development and codification of international law, marked by the first and the second International Peace Conference, held at The Hague in 1899 and 1907 respectively,

Recalling that a third international peace conference, scheduled to be held at The Hague in 1915, was not held because of the outbreak of the First World War the previous year,

Recalling also the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century, referred to in General Assembly resolution 51/159 of 16 December 1996, and the initiatives undertaken by the Kingdom of the Netherlands with regard to the commemoration of the first International Peace Conference,

Recalling further that in resolution 51/159 the General Assembly invited the Governments of the Russian Federation and the Netherlands to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in that respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations,

Noting, in this respect, that a meeting of the "Friends of 1999" was held on 22 April 1997 at the Peace Palace, The Hague, to which representatives of twenty States from all regions of the world, the International Court of Justice, the Permanent Court of Arbitration, the International Committee of the Red Cross and the coalition of non-governmental organizations, The Hague Appeal for Peace, were invited for consultations on proposals for a draft programme of action for the centennial of the first International Peace Conference,

Noting with satisfaction that the realization of all those proposals in the programme of action dedicated to the centennial of the first International Peace Conference, presented by the Netherlands and the Russian Federation, is consistent with the goals of the United Nations Decade of International Law,

Noting also that the programme of action, inter alia, calls for the presentation of the results of the centennial discussions to the General Assembly at its fifty-fourth session, at the closing of the United Nations Decade of International Law,

Noting further that the programme of action does not entail budgetary implications for the United Nations,

1. Welcomes the programme of action dedicated to the centennial of the first International Peace Conference, presented by the Governments of the Netherlands and the Russian Federation, which aims at con-

tributing to the further development of the themes of the first and the second International Peace Conference and could be regarded as a third international peace conference;

2. Encourages:

(a) The Governments of the Netherlands and the Russian Federation to proceed with the implementation of the programme of action;

(b) All States to participate in the activities set out in the programme of action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels;

(c) All States to take appropriate measures to ensure universal participation in the activities pursuant to the programme of action, with special consideration for the participation of representatives of the least developed countries;

3. Encourages the competent United Nations organs, subsidiary organs, programmes and specialized agencies, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective mandates, competencies and budgets, as well as other international organizations:

(a) To cooperate in the implementation of the programme of action and to coordinate their efforts in this respect;

(b) To consider participation in the activities envisaged in the programme of action;

4. Requests the Secretary-General to ensure consistency of the activities of the Organization relating to the closing of the United Nations Decade of International Law with the programme of action and to direct his efforts accordingly;

5. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law".

UN Programme for the teaching and the study of international law

In response to General Assembly resolution 50/43 [YUN 1995, p. 1355], the Secretary-General submitted an October 1997 report [A/52/524] on the implementation of the UN Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law during 1996-1997. The Advisory Committee on the Programme held its thirty-first and thirty-second sessions on 11 December 1996 and 16 October 1997, respectively.

During the biennium, staff members of the Office of Legal Affairs (OLA) carried out activities on various aspects of international law and the law of international organizations and issued numerous publications covering issues such as treaties, arbitral awards and the law of the sea.

Fellowship programmes for the study of international law offered by the United Nations in-

cluded the Fellowship Programme in International Law, provided by OLA and the United Nations Institute for Training and Research (UNITAR); the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, awarded by OLA; and the UNITAR/International Peace Academy fellowship programme in peace-making and preventive diplomacy.

ILC organized the annual International Law Seminar for advanced students and young professors or government officials. The Law Seminars, held in Geneva, were funded by voluntary contributions from Member States and through national fellowships. The United Nations Commission on International Trade Law (UNCITRAL) conducted seminars and symposia to acquaint lawyers, government officials and scholars, particularly from developing countries, with the work of UNCITRAL and the legal texts that had emanated from it. The World Trade Organization (WTO) coordinated a workshop on the procedures for the settlement of trade disputes and the United Nations Educational, Scientific and Cultural Organization issued a number of publications, mainly dealing with human rights questions, and established chairs on human rights, democracy and peace at universities in developing countries and in Eastern Europe.

The report also contained guidelines and recommendations for the execution of the Programme during the 1998-1999 biennium, as requested by the Assembly in resolution 50/43.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/646], adopted **resolution 52/152** without vote [agenda item 145].

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 16 of its resolution 50/43 of 11 December 1995 and paragraph 14 of section IV of the annex to its resolution 51/157 of 16 December 1996,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and the guidelines and recommendations on future implementation of the Programme which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further reaffirmed and expanded in section IV of the

programme for the activities for the first term (1990-1992), the second term (1993-1994), the third term (1995-1996) and the final term (1997-1999), annexed to resolutions 45/40 of 28 November 1990, 47/32 of 25 November 1992, 49/50 of 9 December 1994 and 51/157, respectively,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464(XXIII) of 20 December 1968, 2550(XXIV) of 12 December 1969, 2838(XXVI) of 18 December 1971, 3106(XXVIII) of 12 December 1973, 3502(XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989, 46/50 of 9 December 1991 and 48/29 of 9 December 1993, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Also approves the establishment of the United Nations Audiovisual Library in International Law as proposed by the Secretary-General in paragraph 89 and the annex to his report;

3. Authorizes the Secretary-General to carry out in 1998 and 1999 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 1998 and 1999, to be determined in the light of the overall resources for the Programme and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 1998 and 1999 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one

participant from each developing country, who would be invited to possible regional courses to be organized in 1998 and 1999; and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14 to 16 below;

4. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1996 and 1997, in particular for the organization of the thirty-second and thirty-third sessions of the International Law Seminar, held at Geneva in 1996 and 1997, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

5. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme, candidates from countries willing to bear the entire cost of such participation;

6. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

7. Requests the Secretary-General to continue to provide the necessary resources to the programme budget for the Programme for the next and the future bienniums with a view to maintaining the effectiveness of the Programme;

8. Welcomes the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook, as well as efforts made to place on the Internet the Treaty Series and other legal information;

9. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

10. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme through the activities described in the report of the Secretary-General;

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme which has enabled candidates under the fellowship programme in international law to attend and participate in the Programme in conjunction with the Academy courses;

12. Notes with appreciation the contributions of the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, re-

gional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in section IV of the programme of activities for the final term (1997-1999) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to resolution 51/157;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, the fellowship programme in international law, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea and the United Nations Audiovisual Library in International Law, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the Programme during 1998 and 1999 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

Host country relations

In 1997, the Committee on Relations with the Host Country continued to consider aspects of relations between the UN diplomatic community and the United States—the host country. At 10 meetings between 9 January and 13 November [A/52/26], the Committee considered the security of missions and the safety of their personnel; the question of privileges and immunities of mission personnel; the use of motor vehicles and park-

ing; host country travel regulations and entry visas issued by the host country; insurance for diplomatic personnel; and other matters.

Security of missions and safety of their personnel

Cuba informed the Committee in July that its Mission continued to face security problems and mentioned the continuing offences by so-called demonstrators or by some United States authorities against the dignity of the Cuban Mission and its personnel.

The United States said that Cuba had implied that New York City police had signalled to demonstrators to initiate a "riot" so that Cuban delegates would be subjected to violence, but that nothing could be further from the truth; the United States was not ignoring legal instruments on diplomatic privileges and immunities.

Cuba drew attention to a particular incident when access to the Mission by a Cuban Government Minister was impeded by law-enforcement officials. The United States replied that its law-enforcement officials did not challenge visitors to the Mission.

The Committee appreciated the host country's efforts to assure the security of missions accredited to the United Nations and anticipated that the host country would continue to prevent any interference with their functioning.

Privileges and immunities

Belarus [A/AC.154/301] and the Russian Federation [A/AC.154/300] informed the Committee that two of their diplomats were unlawfully detained and battered by New York City police in December 1996, resulting in the serious injury of the Russian diplomat. That flagrant violation of diplomatic immunities took place despite the fact that the diplomats had produced their driver's licences and diplomatic identity cards.

The United States pointed out that in a letter addressed to the Permanent Representative of Belarus, the Mayor of New York City, Rudolph W. Giuliani, stated that the version of the incident presented by Belarus was disputed not only by the police officers themselves, but by seven witnesses to the event. One of the diplomats, who had attempted to drive, had been intoxicated, added the Mayor. Although the United States was committed to extending to diplomats the full scope of immunities available under international law, diplomatic immunity was not deemed a licence to endanger the public safety.

On 15 October, the Committee Chairman reported that the issue had been dealt with by the three Missions concerned and it was therefore

not necessary for the Committee to consider the matter further.

In November, the Russian Federation informed the Committee of an act of harassment and intimidation against its Permanent Representative by New York City police, when an officer had stopped the Ambassador's car and commandeered the keys after the driver had sounded the horn at a police vehicle. The Ambassador was obliged to change cars and was late for a Security Council meeting. The incident was a flagrant violation of the international law as it related to diplomatic privileges and immunities. The United States shared many of the Russian Federation's concerns regarding the regrettable incident and noted that a meeting of senior police commanders would be convened to discuss the matter and related issues.

Transportation issues

In March, the United States informed the Committee that the United States State Department and New York City had developed a new parking programme [A/AC.154/305], according to which diplomats accredited to the United Nations faced, among other things, new sanctions such as a revocation of car registration if parking fines were not paid.

Costa Rica and the Russian Federation recalled that in the past tickets were automatically voided. Concerns that revocation of car registration would hamper the normal functioning of missions were also expressed by a number of other States.

Some countries indicated that while the diplomatic community had a duty to respect the host country's traffic laws and regulations, the latter had obligations as well. Honduras observed that missions should pay fines but coercive methods were unacceptable.

The Committee established an open-ended Working Group to examine all aspects of the parking problem; the Group appealed to the United States for a deferment of the programme's implementation.

In a legal opinion [A/AC.154/307], the Legal Counsel stated, among other things, that certain provisions of the new parking programme were inconsistent with international law.

In April, the Committee recommended that the General Assembly examine questions relating to the parking of diplomatic vehicles, on the understanding that if the United States deferred implementation of the elements of the programme that the Legal Counsel deemed not to be in full compliance with international law, the Assembly's consideration of the matter would also be deferred. In July, the Chairman informed the

Committee that the United States had deferred implementation of the parking programme. Thus, the Assembly's consideration of the matter had also been deferred.

In October, the United States informed the Commission that the State Department and the City of New York were still working on procedures that would form the basis for a diplomatic parking programme that was fair, non-discriminatory, efficient and consistent with local and international law.

In November, the Committee requested the host country to take steps to resolve the problem of diplomatic parking in order to maintain appropriate conditions for the functioning of missions accredited to the United Nations.

Travel regulations and entry visas

In July, Cuba and Iraq complained that the host country continued to impose, and had even intensified, travel limitations on their Mission personnel without explanation. The United States pointed out that the applicable principles of international law neither prohibited the imposition of travel restrictions nor entitled affected individuals to unrestricted travel throughout the United States.

In July, Iraq informed the Committee of delays in the issuance of visas by the United States to their officials. The United States indicated that it would look into the matter.

Insurance and health

In October, the Chairman reported to the Committee that informal meetings had been held with representatives from the health insurance industry. The Committee endorsed the organization of an open-ended meeting of the entire diplomatic community with prospective health-care providers.

Other matters

The Libyan Arab Jamahiriya brought to the attention of the Committee problems faced by its Mission, including delays in issuing visas, a reduction in diplomatic personnel, travel restrictions and taxation. The United States noted that the issue of personnel reduction had to be dealt with by the Security Council, since Libya had failed to comply with Council resolution 731(1992)[YUN 1992,p.52]. It also indicated that the imposition of travel restrictions did not contravene the host country's treaty obligations and that the matter of taxation had to be handled between the State Department and the protecting Power representing Libya.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/650], adopted **resolution 52/159** without vote [agenda item 149].

**Report of the Committee on Relations
with the Host Country**

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Taking into account the increase in the profound interest and concern of many Member States as regards the work of the Committee,

Considering that meetings of the Committee and of the working group on the use of diplomatic motor vehicles were devoted to the consideration of the topic "Transportation: use of motor vehicles, parking and related matters",

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 118 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions, and to promote compliance of local authorities with international norms concerning diplomatic privileges and immunities;

3. Expresses its appreciation for the efforts made by the host country, and hopes that the concerns raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Welcomes the efforts of the Committee aimed at identifying affordable health care programmes for the diplomatic community;

5. Notes that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, again urges the host country to consider lifting such travel controls, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

6. Calls upon the host country to review measures and procedures relating to the parking of diplomatic vehicles, with a view to responding to the growing needs of the diplomatic community, and to consult with the Committee on these issues, and requests the

host country to take steps in conjunction with the competent authorities to resolve the problem of the parking of diplomatic vehicles, in order to maintain appropriate conditions for the functioning of the delegations and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law, with due regard to diplomatic privileges and immunities and to the proposals made in the Committee and its working group on the use of diplomatic motor vehicles;

7. Requests the Committee to review its membership and composition, with the participation of observers, to consider proposals regarding its membership and composition, and to report on the results of its deliberations to the Sixth Committee of the General Assembly at its fifty-third session;

8. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

9. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819(XXVI) of 15 December 1971;

10. Decides to include in the provisional agenda of its fifty-third session the item entitled "Report of the Committee on Relations with the Host Country".

International economic law

In 1997, legal aspects of international economic law continued to be considered by the United Nations Commission on International Trade Law (UNCITRAL) and by the Sixth Committee of the General Assembly. Major action included the adoption of the UNCITRAL Model Law on Cross-Border insolvency.

International trade law

At its thirtieth session (Vienna, 12-30 May) [A/52/17], UNCITRAL adopted the UNCITRAL Model Law on Cross-Border Insolvency and considered privately financed infrastructure projects; electronic commerce; assignment in receivables financing; legislative implementation of the 1958 New York Convention on foreign arbitral awards; case law on UNCITRAL texts; training and technical assistance; the status and promotion of UNCITRAL texts; and relevant General Assembly resolutions.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/649], adopted **resolution 52/157** without vote [agenda item 148].

**Report of the United Nations Commission on
International Trade Law on the work
of its thirtieth session**

The General Assembly,

Recalling its resolution 2205(XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and thereby to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirtieth session,

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its thirtieth session;

2. Notes with satisfaction the completion and adoption by the Commission of the Model Law on Cross-Border Insolvency;

3. Commends the Commission for the progress made in its work on receivables financing, digital signatures and certification authorities, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;

4. Appeals to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards;

5. Invites States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

6. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

7. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. Expresses the desirability for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Barbados, Egypt, the Lao People's Democratic Republic, Malaysia, South Africa, Thailand and Viet Nam;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. Appeals to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. Appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-second session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are

members of the Commission, at their request and in consultation with the Secretary-General;

12. Requests the Secretary-General to ensure the effective implementation of the programme of the Commission;

13. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

Model law on cross-border insolvency

In 1997, UNCITRAL had before it the reports of the Working Group on Insolvency Law on the work of its twentieth (Vienna, 7-18 October 1996) [A/CN.9/433] and twenty-first (New York, 20-31 January 1997) [A/CN.9/435] sessions. At that latter session, the Working Group adopted and decided to submit to UNCITRAL the draft UNCITRAL Model Legislative Provisions on Cross-Border Insolvency.

In May, the Commission adopted the UNCITRAL Model Law on Cross-Border Insolvency and annexed it to its 1997 report [A/52/17]. It requested the Secretary-General to transmit the text, together with the Guide to Enactment of the Model Law, to Governments and other interested bodies. The Commission recommended that States review their legislation on cross-border insolvency and give favourable consideration to the Model Law when they enacted or revised their laws, bearing in mind the need for internationally harmonized legislation governing the subject.

GENERAL ASSEMBLY ACTION

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth Committee [A/52/649], adopted **resolution 52/158** without vote [agenda item 148].

Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205(XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that increased cross-border trade and investment leads to greater incidence of cases where enterprises and individuals have assets in more than one State,

Noting also that when a debtor with assets in more than one State becomes subject to an insolvency proceeding, there often exists an urgent need for cross-border cooperation and coordination in the supervi-

sion and administration of the insolvent debtor's assets and affairs,

Considering that inadequate coordination and cooperation in cases of cross-border insolvency reduce the possibility of rescuing financially troubled but viable businesses, impede a fair and efficient administration of cross-border insolvencies, make it more likely that the debtor's assets would be concealed or dissipated and hinder reorganizations or liquidations of debtors' assets and affairs that would be the most advantageous for the creditors and other interested persons, including the debtors and the debtors' employees,

Noting that many States lack a legislative framework that would make possible or facilitate effective cross-border coordination and cooperation,

Convinced that fair and internationally harmonized legislation on cross-border insolvency that respects the national procedural and judicial systems and is acceptable to States with different legal, social and economic systems would contribute to the development of international trade and investment,

Considering that a set of internationally harmonized model legislative provisions on cross-border insolvency is needed to assist States in modernizing their legislation governing cross-border insolvency,

1. Expresses its appreciation to the United Nations Commission on International Trade Law for completing and adopting the Model Law on Cross-Border Insolvency contained in the annex to the present resolution;

2. Requests the Secretary-General to transmit the text of the Model Law, together with the Guide to Enactment of the Model Law prepared by the Secretariat, to Governments and interested bodies;

3. Recommends that all States review their legislation on cross-border aspects of insolvency to determine whether the legislation meets the objectives of a modern and efficient insolvency system and, in that review, give favourable consideration to the Model Law, bearing in mind the need for an internationally harmonized legislation governing instances of cross-border insolvency;

4. Recommends also that all efforts be made to ensure that the Model Law, together with the Guide, become generally known and available.

ANNEX

Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law

Preamble

The purpose of the present Law is to provide effective mechanisms for dealing with cases of cross-border insolvency so as to promote the objectives of:

(a) Cooperation between the courts and other competent authorities of this State and foreign States involved in cases of cross-border insolvency;

(b) Greater legal certainty for trade and investment;

(c) Fair and efficient administration of cross-border insolvencies that protects the interests of all creditors and other interested persons, including the debtor;

(d) Protection and maximization of the value of the debtor's assets;

(e) Facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

Chapter I. General provisions

Article 1

Scope of application

1. The present Law applies where:

(a) Assistance is sought in this State by a foreign court or a foreign representative in connection with a foreign proceeding; or

(b) Assistance is sought in a foreign State in connection with a proceeding under [identify laws of the enacting State relating to insolvency]; or

(c) A foreign proceeding and a proceeding under [identify laws of the enacting State relating to insolvency] in respect of the same debtor are taking place concurrently; or

(d) Creditors or other interested persons in a foreign State have an interest in requesting the commencement of, or participation in, a proceeding under [identify laws of the enacting State relating to insolvency].

2. The present Law does not apply to a proceeding concerning [designate any types of entities, such as banks or insurance companies, that are subject to a special insolvency regime in this State and that this State wishes to exclude from the present Law].

Article 2

Definitions

For the purposes of the present Law:

(a) "Foreign proceeding" means a collective judicial or administrative proceeding in a foreign State, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

(b) "Foreign main proceeding" means a foreign proceeding taking place in the State where the debtor has the centre of its main interests;

(c) "Foreign non-main proceeding" means a foreign proceeding, other than a foreign main proceeding, taking place in a State where the debtor has an establishment within the meaning of subparagraph (f) of the present article;

(d) "Foreign representative" means a person or body, including one appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;

(e) "Foreign court" means a judicial or other authority competent to control or supervise a foreign proceeding;

(f) "Establishment" means any place of operations where the debtor carries out a non-transitory economic activity with human means and goods or services.

Article 3

International obligations of this State

To the extent that the present Law conflicts with an obligation of this State arising out of any treaty or other form of agreement to which it is a party with one or more other States, the requirements of the treaty or agreement prevail.

Article 4

[Competent court or authority]^a

The functions referred to in the present Law relating to recognition of foreign proceedings and cooperation with foreign courts shall be performed by [specify the court, courts, authority or authorities competent to perform those functions in the enacting State].

Article 5

Authorization of [insert the title of the person or body administering a reorganization or liquidation under the law of the enacting State] to act in a foreign State

A [insert the title of the person or body administering a reorganization or liquidation under the law of the enacting State] is authorized to act in a foreign State on behalf of a proceeding under [identify laws of the enacting State relating to insolvency], as permitted by the applicable foreign law.

Article 6

Public policy exception

Nothing in the present Law prevents the court from refusing to take an action governed by the present Law if the action would be manifestly contrary to the public policy of this State.

Article 7

Additional assistance under other laws

Nothing in the present Law limits the power of a court or a [insert the title of the person or body administering a reorganization or liquidation under the law of the enacting State] to provide additional assistance to a foreign representative under other laws of this State.

Article 8

Interpretation

In the interpretation of the present Law, regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith.

Chapter II. Access of foreign representatives and creditors to courts in this State

Article 9

Right of direct access

A foreign representative is entitled to apply directly to a court in this State.

Article 10

Limited jurisdiction

The sole fact that an application pursuant to the present Law is made to a court in this State by a foreign representative does not subject the foreign representative of the foreign assets and affairs of the debtor to the jurisdiction of the courts of this State for any purpose other than the application.

Article 11

Application by a foreign representative to commence a proceeding under [identify laws of the enacting State relating to insolvency]

A foreign representative is entitled to apply to commence a proceeding under [identify laws of the enacting State relating to insolvency] if the conditions for commencing such a proceeding are otherwise met.

Article 12

Participation of a foreign representative in a proceeding under [identify laws of the enacting State relating to insolvency]

Upon recognition of a foreign proceeding, the foreign representative is entitled to participate in a proceeding regarding the debtor under [identify laws of the enacting State relating to insolvency].

Article 13

Access of foreign creditors to a proceeding under [identify laws of the enacting State relating to insolvency]

1. Subject to paragraph 2 of the present article, foreign creditors have the same rights regarding the commencement of, and participation in, a proceeding under [identify laws of the enacting State relating to insolvency] as creditors in this State.

2. Paragraph 1 of the present article does not affect the ranking of claims in a proceeding under [identify laws of the enacting State relating to insolvency], except that the claims of foreign creditors shall not be ranked lower than [identify the class of general non-preference claims, while providing that a foreign claim is to be ranked lower than the general non-preference claims if an equivalent local claim (e.g. claim for a penalty or deferred-payment claim) has a rank lower than the general non-preference claims].^b

Article 14

Notification to foreign creditors of a proceeding under [identify laws of the enacting State relating to insolvency]

1. Whenever under [identify laws of the enacting State relating to insolvency] notification is to be given to creditors in this State, such notification shall also be given to the known creditors that do not have addresses in this State. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

2. Such notification shall be made to the foreign creditors individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No rogatory letters or other similar formality is required.

3. When a notification of commencement of a proceeding is to be given to foreign creditors, the notification shall:

- (a) Indicate a reasonable time period for filing claims and specify the place for their filing;
- (b) Indicate whether secured creditors need to file their secured claims;
- (c) Contain any other information required to be included in such a notification to creditors pursuant to the law of this State and the orders of the court.

Chapter III. Recognition of a foreign proceeding and relief

Article 15

Application for recognition of a foreign proceeding

1. A foreign representative may apply to the court for recognition of the foreign proceeding in which the foreign representative has been appointed.

2. An application for recognition shall be accompanied by:

- (a) A certified copy of the decision commencing the foreign proceeding and appointing the foreign representative; or

(b) A certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

(c) In the absence of evidence referred to in subparagraphs (a) and (b), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

3. An application for recognition shall also be accompanied by a statement identifying all foreign proceedings in respect of the debtor that are known to the foreign representative.

4. The court may require a translation of documents supplied in support of the application for recognition into an official language of this State.

Article 16

Presumptions concerning recognition

1. If the decision or certificate referred to in paragraph 2 of article 15 indicates that the foreign proceeding is a proceeding within the meaning of subparagraph (a) of article 2 and that the foreign representative is a person or body within the meaning of subparagraph (d) of article 2, the court is entitled to so presume.

2. The court is entitled to presume that documents submitted in support of the application for recognition are authentic, whether or not they have been legalized.

3. In the absence of proof to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the centre of the debtor's main interests.

Article 17

Decision to recognize a foreign proceeding

1. Subject to article 6, a foreign proceeding shall be recognized if:

- (a) The foreign proceeding is a proceeding within the meaning of subparagraph (a) of article 2;
- (b) The foreign representative applying for recognition is a person or body within the meaning of subparagraph (d) of article 2;
- (c) The application meets the requirements of paragraph 2 of article 15;
- (d) The application has been submitted to the court referred to in article 4.

2. The foreign proceeding shall be recognized:

- (a) As a foreign main proceeding if it is taking place in the State where the debtor has the centre of its main interests; or
- (b) As a foreign non-main proceeding if the debtor has an establishment within the meaning of subparagraph (f) of article 2 in the foreign State.

3. An application for recognition of a foreign proceeding shall be decided upon at the earliest possible time.

4. The provisions of articles 15, 16, 17 and 18 do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist.

Article 18

Subsequent information

From the time of filing the application for recognition of the foreign proceeding, the foreign representative shall inform the court promptly of:

- (a) Any substantial change in the status of the recognized foreign proceeding or the status of the foreign representative's appointment;

(b) Any other foreign proceeding regarding the same debtor that becomes known to the foreign representative.

Article 19

Relief that may be granted upon application for recognition of a foreign proceeding

1. From the time of filing an application for recognition until the application is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including:

(a) Staying execution against the debtor's assets;

(b) Entrusting the administration or realization of all or part of the debtor's assets located in this State to the foreign representative or another person designated by the court, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy;

(c) Any relief mentioned in paragraph 1 (c), (d) and (g) of article 21 below.

2. [insert provisions (or refer to provisions in force in the enacting State) relating to notice.]

3. Unless extended under paragraph 1 (f) of article 21, the relief granted under the present article terminates when the application for recognition is decided upon.

4. The court may refuse to grant relief under the present article if such relief would interfere with the administration of a foreign main proceeding.

Article 20

Effects of recognition of a foreign main proceeding

1. Upon recognition of a foreign proceeding that is a foreign main proceeding:

(a) Commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities is stayed;

(b) Execution against the debtor's assets is stayed;

(c) The right to transfer, encumber or otherwise dispose of any assets of the debtor is suspended.

2. The scope, and the modification or termination, of the stay and suspension referred to in paragraph 1 of the present article are subject to [refer to any provisions of law of the enacting State relating to insolvency that apply to exceptions, limitations, modifications or termination in respect of the stay and suspension referred to in paragraph 1 of the present article].

3. Paragraph 1 (a) of the present article does not affect the right to commence individual actions or proceedings to the extent necessary to preserve a claim against the debtor.

4. Paragraph 1 of the present article does not affect the right to request the commencement of a proceeding under [identify laws of the enacting State relating to insolvency] or the right to file claims in such a proceeding.

Article 21

Relief that may be granted upon recognition of a foreign proceeding

1. Upon recognition of a foreign proceeding, whether main or non-main, where necessary to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including:

(a) Staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities, to the extent they have not been stayed under paragraph 1 (a) of article 20;

(b) Staying execution against the debtor's assets to the extent it has not been stayed under paragraph 1 (b) of article 20;

(c) Suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under paragraph 1 (c) of article 20;

(d) Providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

(e) Entrusting the administration or realization of all or part of the debtor's assets located in this State to the foreign representative or another person designated by the court;

(f) Extending relief granted under paragraph 1 of article 19;

(g) Granting any additional relief that may be available to [insert the title of a person or body administering a reorganization or liquidation under the law of the enacting State] under the laws of this State.

2. Upon recognition of a foreign proceeding, whether main or non-main, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in this State to the foreign representative or another person designated by the court, provided that the court is satisfied that the interests of creditors in this State are adequately protected.

3. In granting relief under the present article to a representative of a foreign non-main proceeding, the court must be satisfied that the relief relates to assets that, under the law of this State, should be administered in the foreign non-main proceeding or concerns information required in that proceeding.

Article 22

Protection of creditors and other interested persons

1. In granting or denying relief under article 19 or 21, or in modifying or terminating relief under paragraph 3 of the present article, the court must be satisfied that the interests of the creditors and other interested persons, including the debtor, are adequately protected.

2. The court may subject relief granted under article 19 or 21 to conditions it considers appropriate.

3. The court may, at the request of the foreign representative or a person affected by relief granted under article 19 or 21, or at its own motion, modify or terminate such relief.

Article 23

Actions to avoid acts detrimental to creditors

1. Upon recognition of a foreign proceeding, the foreign representative has standing to initiate [refer to the types of actions to avoid or otherwise render ineffective acts detrimental to creditors that are available in this State to a person or body administering a reorganization or liquidation].

2. When the foreign proceeding is a foreign non-main proceeding, the court must be satisfied that the action relates to assets that, under the law of this State,

should be administered in the foreign non-main proceeding.

Article 24

Intervention by a foreign representative in proceedings in this State

Upon recognition of a foreign proceeding, the foreign representative may, provided the requirements of the law of this State are met, intervene in any proceedings in which the debtor is a party.

Chapter IV. Cooperation with foreign courts and foreign representatives

Article 25

Cooperation and direct communication between a court of this State and foreign courts or foreign representatives

1. In matters referred to in article 1, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through a [insert the title of a person or body administering a reorganization or liquidation under the law of the enacting State].

2. The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives.

Article 26

Cooperation and direct communication between the [insert the title of a person or body administering a reorganization or liquidation under the law of the enacting State] and foreign courts or foreign representatives

1. In matters referred to in article 1, a [insert the title of a person or body administering a reorganization or liquidation under the law of the enacting State] shall, in the exercise of its functions and subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

2. The [insert the title of a person or body administering a reorganization or liquidation under the law of the enacting State] is entitled, in the exercise of its functions and subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

Article 27

Forms of cooperation

Cooperation referred to in articles 25 and 26 may be implemented by any appropriate means, including:

- (a) Appointment of a person or body to act at the direction of the court;
- (b) Communication of information by any means considered appropriate by the court;
- (c) Coordination of the administration and supervision of the debtor's assets and affairs;
- (d) Approval or implementation by courts of agreements concerning the coordination of proceedings;
- (e) Coordination of concurrent proceedings regarding the same debtor;
- (f) [The enacting State may wish to list additional forms or examples of cooperation].

Chapter V. Concurrent proceedings

Article 28

Commencement of a proceeding under [identify laws of the enacting State relating to insolvency] after recognition of a foreign main proceeding

After recognition of a foreign main proceeding, a proceeding under [identify laws of the enacting State relating to insolvency] may be commenced only if the debtor has assets in this State; the effects of that proceeding shall be restricted to the assets of the debtor that are located in this State and, to the extent necessary to implement cooperation and coordination under articles 25, 26 and 27, to other assets of the debtor that, under the law of this State, should be administered in that proceeding.

Article 29

Coordination of a proceeding under [identify laws of the enacting State relating to insolvency] and a foreign proceeding

Where a foreign proceeding and a proceeding under [identify laws of the enacting State relating to insolvency] are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under articles 25, 26 and 27, and the following shall apply:

- (a) When the proceeding in this State is taking place at the time the application for recognition of the foreign proceeding is filed,
 - (i) Any relief granted under article 19 or 21 must be consistent with the proceeding in this State;
 - (ii) If the foreign proceeding is recognized in this State as a foreign main proceeding, article 20 does not apply;
- (b) When the proceeding in this State commences after recognition, or after the filing of the application for recognition, of the foreign proceeding,
 - (i) Any relief in effect under article 19 or 21 shall be reviewed by the court and shall be modified or terminated if inconsistent with the proceeding in this State;
 - (ii) If the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in paragraph 1 of article 20 shall be modified or terminated pursuant to paragraph 2 of article 20 if inconsistent with the proceeding in this State;
 - (c) In granting, extending or modifying relief granted to a representative of a foreign non-main proceeding, the court must be satisfied that the relief relates to assets that, under the law of this State, should be administered in the foreign non-main proceeding or concerns information required in that proceeding.

Article 30

Coordination of more than one foreign proceeding

In matters referred to in article 1, in respect of more than one foreign proceeding regarding the same debtor, the court shall seek cooperation and coordination under articles 25, 26 and 27, and the following shall apply:

- (a) Any relief granted under article 19 or 21 to a representative of a foreign non-main proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding;
- (b) If a foreign main proceeding is recognized after recognition, or after the filing of an application for rec-

ognition, of a foreign non-main proceeding, any relief in effect under article 19 or 21 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding;

(c) If, after recognition of a foreign non-main proceeding, another foreign non-main proceeding is recognized, the court shall grant, modify or terminate relief for the purpose of facilitating coordination of the proceedings.

Article 31

Presumption of insolvency based on recognition of a foreign main proceeding

In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under [identify laws of the enacting State relating to insolvency], proof that the debtor is insolvent.

Article 32

Rule of payment in concurrent proceedings

Without prejudice to secured claims or rights in rem, a creditor who has received part payment in respect of its claim in a proceeding pursuant to a law relating to insolvency in a foreign State may not receive a payment for the same claim in a proceeding under [identify laws of the enacting State relating to insolvency] regarding the same debtor, so long as the payment to the other creditors of the same class is proportionately less than the payment the creditor has already received.

^a A State where certain functions relating to insolvency proceedings have been conferred upon government-appointed officials or bodies might wish to include in article 4 or elsewhere in chapter I the following provision:

"Nothing in the present Law affects the provisions in force in this State governing the authority of [insert the title of the government-appointed person or body]."

^b The enacting State may wish to consider the following alternative wording to replace paragraph 2 of article 13:

"2. Paragraph 1 of the present article does not affect the ranking of claims in a proceeding under [identify laws of the enacting State relating to insolvency] or the exclusion of foreign tax and social security claims from such a proceeding. Nevertheless, the claims of foreign creditors other than those concerning tax and social security obligations shall not be ranked lower than [identify the class of general non-preference claims, while providing that a foreign claim is to be ranked lower than the general non-preference claims if an equivalent local claim (e.g. claim for a penalty or deferred-payment claim) has a rank lower than the general non-preference claims]."

International commercial arbitration

Privately financed infrastructure projects

The Commission had before it a table of contents setting out the topics to be covered in the draft legislative guide on build-operate-transfer (BOT) and related types of projects and initial drafts of chapters I, II and V of the guide [A/CN.9/438 & Add.1-3]. The Commission generally approved the line of work proposed by the Secretariat and requested it to seek the assistance of outside experts in preparing future chapters. It invited Governments to identify experts who could be of assistance to the Secretariat.

Electronic commerce

The Commission considered the report of the Working Group on Electronic Commerce on the work of its thirty-first session (New York, 18-28 February) [A/CN.9/437]. It endorsed the Group's preliminary conclusion that it was feasible to prepare draft uniform rules on issues of digital signatures and certification authorities and possibly on related matters. The Working Group would consider the question of incorporation by reference at its thirty-second (1998) session.

Assignment in receivables financing

The Commission discussed the report of the Working Group on International Contract Practices on the work of its twenty-fifth (New York, 8-19 July 1996) [A/CN.9/432] and twenty-sixth (Vienna, 11-12 November 1996) [A/CN.9/434] sessions. It noted the progress achieved by the Working Group and observed that the draft on the Convention on Assignments in Receivables Financing had aroused the interest of the finance community and Governments, since it had the potential for increasing the availability of credit at more affordable rates.

Implementation of the 1958 New York Convention

The Commission received a progress report on the legislative implementation of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards [YUN 1958, p.390]. In 1995, the Secretariat had sent to States parties a questionnaire relating to the legal regime governing the recognition and enforcement of foreign awards but had received only 40 replies out of 112 States parties. The Commission called on States parties to submit their replies and requested the Secretariat to prepare an analysis of the information gathered. It noted that a special commemorative meeting would be devoted to issues of arbitration on 10 June 1998 to celebrate the fortieth anniversary of the Convention.

Case law on UNCITRAL texts (CLOUT)

The Commission noted that sets of abstracts with court decisions and arbitral awards relating to the 1980 United Nations Convention on Contracts for the International Sale of Goods, the United Nations Convention on the Carriage of Goods by Sea, 1978, and the UNCITRAL Model Law on International Commercial Arbitration had been published since its 1996 session.

Training and technical assistance

UNCITRAL had before it a Secretariat note [A/CN.9/439] on training and technical assistance

activities that had taken place since its 1996 session, including seminars, briefing missions, conferences, workshops, technical assistance and internships. Seven seminars and briefing missions took place on various aspects of international trade law, while others were being planned for Africa, Asia, Latin America and eastern Europe.

The Commission noted that the Secretariat could provide technical assistance in such areas as

review of preparatory drafts of legislation; preparation of drafts; comments on reports of law reform commissions; and briefings for legislators, judges, arbitrators and other users of UNCITRAL texts.

The Commission appealed once more to all States, international organizations and other interested entities to consider making contributions to the UNCITRAL Trust Fund for Symposia.

PART FIVE

Institutional, administrative and budgetary questions

Chapter I

United Nations reform

United Nations reform efforts in response to changes in the external environment took a major step forward in 1997 when the Secretary-General submitted to the General Assembly his two-track plan for managerial and institutional transformation. The first phase involved initiatives and decisions falling within his authority and which could be taken immediately, while the second targeted a longer-term programme of reform. The reforms focused on strengthening the Secretariat's leadership capacity, increasing its administrative efficiency, reducing non-programme costs and turning the savings into a "dividend for development" and reshaping the Organization's substantive work programmes. He also proposed that a Millennium Assembly be held in the year 2000 to review the role of the Organization vis-a-vis the challenges of the twenty-first century. The Assembly, in December, adopted those reforms recommended for immediate implementation and invited the Secretary-General to elaborate on his proposals for more fundamental change.

The Secretary-General's reform proposals complemented a number of measures proposed by the Open-ended High-level Working Group on the Strengthening of the United Nations System to streamline the Organization, which the Assembly adopted in July. The Secretary-General also submitted proposals for procurement reform at Headquarters.

The Economic and Social Council continued to review its subsidiary bodies and to consider the reform of the regional commissions. The Secretary-General presented to the Council proposals for generating funds globally.

Also as part of the continuing reform efforts, initiatives were taken to strengthen the Organization's internal and external oversight mechanisms. In July, the Assembly identified areas to which the oversight machinery should give early attention.

Programme of reform

In his first report on the work of the Organization (see p. 3), Secretary-General Kofi Annan said that in the context of global transformation the

past pattern of incremental adaptations followed by the United Nations would not suffice. To succeed in the new century, it would have to unleash its own major resource: the complementarities and synergies that existed within it. In order to undergo fundamental, not piecemeal, reform, three related steps were imperative: to create appropriate Secretariat structures that would permit the Organization to act as one within and across its diverse areas of activities; to reconfigure the balance of functions between the Organization's legislative bodies and the Secretary-General; and to establish a functioning career development programme for its staff.

Communications from Secretary-General. In a 17 March letter to the President of the General Assembly [A/51/829], the Secretary-General outlined his proposals for immediate management and organizational reform, which were the result of a thorough review of UN activities and the manner in which they were conducted, with a view to reconfiguring the Organization to meet the changing needs of the world community.

Among the management reform measures already taken were the creation of a Policy Coordination Group to assist him in the executive direction of the Organization's work; the grouping of all UN departments, offices, funds and programmes into four principal sectoral areas—peace and security, economic and social affairs, development operations and humanitarian affairs, with four Executive Committees to coordinate their work; the appointment of an Executive Coordinator for UN Reform to advise and assist him in overseeing the process; and establishment of a Management Reform Group to focus on furthering reform measures cutting across the Organization.

The reform agenda would be implemented through a two-track process: those managerial initiatives and decisions falling within the Secretary-General's authority for immediate implementation; and longer-term progressive reform measures, which required guidance from Member States or could only be decided by them. In developing his reform plans, he had taken into account proposals by Member States, independent commissions, the Office of Internal Oversight Services (OIOS), the Joint Inspection Unit (JIU) and the Board of Auditors.

The Secretary-General had directed that a plan be prepared for reducing at least one third

of the resources devoted to administration and other non-programme costs by the year 2001; those savings would be made available for development activities. To strengthen development activities and realize further savings, he would consolidate UN departments working in the economic and social sectors. He also planned to establish a Department of General Assembly Affairs and Conference Services, integrating the major technical support services for the Assembly, the Economic and Social Council and their subsidiary bodies. The Department of Public Information would become an Office for Communications and Media Services and a detailed review and consultation process with Member States would be initiated. In addition, common services would be extended whenever possible.

At the country level, he had directed that: the position of resident coordinator be strengthened; all UN funds and programmes in a particular country be joined under the coordinator in a common programme and programme-resource framework; the establishment of common premises and services at the country level be intensified; and the mix of skills in the UN Country Team be compatible with the needs and priorities of UN country activities.

Documentation produced by the Secretariat would be reduced by 25 per cent by no later than the end of 1998 and the proposed budget for the 1998-1999 biennium would be \$123 million less than the 1996-1997 budget. The goal was for the United Nations to achieve a negative nominal growth budget for the 1998-1999 biennium.

Member States would be asked to consider reducing some 1,000 posts in the 1998-1999 programme budget. The Secretary-General's intention was to strengthen the Secretariat's capacity to deliver programmes and to redeploy resources judiciously.

By a June letter [A/51/239 & Add.1], the Secretary-General requested inclusion of an item entitled "United Nations reform: measures and proposals" in the agenda of the General Assembly's resumed fifty-first (1997) session and in the provisional agenda of its fifty-second (1997) session.

On 17 June, by **decision 51/402 B**, the Assembly included in the agenda of its resumed fifty-first session that additional item, to be considered directly in plenary meeting.

Report of Secretary-General (July). On 14 July, the Secretary-General submitted to the General Assembly a report [A/51/950] entitled "Renewing the United Nations: a programme of reform". The first part of the report contained a thematic overview of the main reform elements, highlighting the proposed new leadership and management structure and summarizing the key

sectoral measures to be implemented. The second part discussed the entire set of reform measures and contained specific recommendations. He proposed strengthening the capacity of his Office to provide leadership and ensure accountability through establishing the position of Deputy Secretary-General and a Senior Management Group; developing and strengthening further the Executive Committees of the sectoral groups to include all UN departments, funds and programmes; establishing a Strategic Planning Unit; and decentralizing decision-making at the country level and consolidating the UN presence under "one flag".

To ensure the financial solvency of the Organization, he recommended establishing a Revolving Credit Fund of up to \$1 billion, to be financed from voluntary contributions. The 12 Secretariat entities would be integrated into five and the five intergovernmental bodies consolidated into two.

The Secretary-General intended to institute a changed management culture accompanied by efficiency measures, which would eliminate 1,000 staff posts, reduce administrative costs by one third and improve performance. A thorough overhaul of human resources policies and practices would be instituted to ensure the skills and efficiency of the staff. In that regard, the Secretary-General noted that a number of important issues remained to be addressed, including reaching the goals of geographical and gender representation; training managers to enhance their capacity for leadership; and submission to the Assembly of a new Code of Conduct for staff members (see PART FIVE, Chapter III).

Other proposals included the promotion of sustained and sustainable development as a central priority through the grouping of UN funds and programmes with development operations into a UN Development Group; institution of a "development dividend" to shift resources from administration to development activities; establishment of an Office of Development Financing, under the leadership of the new Deputy Secretary-General, to initiate innovative means of mobilizing financial resources for development; assuring greater predictability and burden-sharing through multi-year negotiated and voluntary pledges for the financing of UN development programmes; and strengthening the environmental dimension of UN activities, particularly the United Nations Environment Programme (UNEP).

An economic and social affairs sectoral group would be established to strengthen and focus the normative policy and knowledge-related functions of the Secretariat and its capacity to serve

UN intergovernmental bodies. The Organization's rapid reaction peacekeeping capacity would be improved and its capacity for post-conflict peace-building strengthened.

Other proposals concerned the various programmes in the UN system, including consolidation of Vienna-based activities under an Office for Drug Control and Crime Prevention; reorganization and restructuring of the human rights secretariat and integrating human rights into all principal UN activities; the establishment of an Emergency Relief Coordination Office to replace the Department of Humanitarian Affairs; and the establishment of a Department for Disarmament and Arms Regulation. The Secretary-General also proposed a major shift in public information and communications strategy and functions to meet the changing needs of the Organization.

The Secretary-General recommended that Member States refocus the Assembly's work on issues of highest priority and reduce the length of its sessions; establish a ministerial-level commission to examine the need for fundamental change through review of the Charter and the legal instruments from which the specialized agencies derived their constitutions; and consider designating the Assembly's session in the year 2000 as a "Millennium Assembly" to prepare the Organization to meet the major challenges and needs of the world community in the twenty-first century, accompanied by a "People's Assembly".

General Assembly consideration. Presenting his report to the General Assembly on 16 July, the Secretary-General said that the unprecedented demands and opportunities faced by the United Nations required it, more than ever before, to be efficient, focused, coherent, responsive and cost-effective. The Organization was not working as it should and was slow to reflect changes in geopolitical realities; instead of being flexible and adaptable, it had all too often been bureaucratic. Now was the time for reform and Member States were showing the way for change by rethinking their practices and adapting their policies, seeking out new efficiencies and value for money. His proposed reforms were the most extensive and far-reaching in the 52-year history of the United Nations. Their aim was to transform the Organization and bring greater unity of purpose, greater coherence of efforts and greater reliability in responding to an increasingly dynamic and complex world.

The Assembly, by **decision 51/473** of 4 August, included the item "United Nations reform: measures and proposals" in the provisional agenda of its fifty-second session.

Further reports of Secretary-General. In an 11 September report [A/52/303 & Add.1], the Secretary-General outlined the programmatic and financial consequences of his reform plan and described the resultant changes that would be required to the proposed programme budget for 1998-1999 (see next chapter).

In a series of addenda to his July report [A/51/950/Add.1-7], the Secretary-General further refined his reform proposals on: the establishment of the post of Deputy Secretary-General; the rationalization of the subsidiary machinery of the Economic and Social Council; disarmament; the Revolving Credit Fund; creating a dividend for development; results-based budgeting; and the Millennium Assembly.

GENERAL ASSEMBLY ACTION

The General Assembly considered the Secretary-General's reform proposals in open-ended informal consultations of the plenary. In a 4 November statement [A/52/585], the Secretary-General provided additional information on the position of Deputy Secretary-General, disarmament, human rights and the accreditation of resident coordinators. On 10 November [A/52/584], the Secretariat responded to comments and queries raised by delegations during consultations.

The Assembly also had before it summaries of statements or proposals by Luxembourg on behalf of the European Union [A/52/661], and by Colombia on behalf of the Movement of Non-Aligned Countries [A/52/662], made in the informal consultations; and position papers of the Group of 77 and China [A/52/663].

On 12 November [meeting 49], the Assembly adopted **resolution 52/12 A** [draft: A/52/L.17] without vote [agenda item 157].

Renewing the United Nations: a programme for reform

The General Assembly,

Affirming its determination to strengthen the role, capacity, effectiveness and efficiency of the United Nations and thus improve its performance in order to realize the full potential of the Organization, in accordance with the purposes and principles of the Charter of the United Nations, and to respond more effectively to the needs and aspirations of the Member States,

Welcoming the report of the Secretary-General of 14 July 1997 entitled "Renewing the United Nations: a programme for reform",

Having considered the actions described in the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" and the addenda thereto, with the clarifications to that report, as well as the statement by the Secretary-General in the open-ended informal consultations of the plenary on 4 November 1997,

Bearing in mind the rules of procedure of the General Assembly and the Financial Regulations and Rules of the Organization,

1. Commends the efforts and initiatives of the Secretary-General aimed at reforming the United Nations;

2. Calls upon the Secretary-General, while implementing the actions described in his report, to take full account of the views and comments expressed by Member States and groups of Member States, including those transmitted in their communications;

3. Stresses that the actions will be implemented with full respect for the relevant mandates, decisions and resolutions of the General Assembly, including in particular the medium-term plan for the period 1998-2001;

4. Notes that the report of the Secretary-General of 11 September 1997 will be considered in the context of the examination of the proposed programme budget for the biennium 1998-1999;

5. Affirms that programmatic implications of relevant actions will be considered in conjunction with related recommendations;

6. Requests the Secretary-General to submit a report on the implementation of the actions described in his report entitled "Renewing the United Nations: a programme for reform" to the General Assembly at its fifty-third session;

7. Decides to continue its consideration of the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform".

On 19 December, the Assembly continued to consider the reform proposals. Speaking in the plenary, the Secretary-General undertook to submit by the end of March 1998 measures of a longer-term nature within the framework of his reform report; outlines of a results-based budgeting system, together with illustrations on how it would function in the context of the United Nations; and concrete measures on specific time horizons for mandates, whose continuation would require explicit renewal by the Assembly (sunset provisions).

On the same date [meeting 78], the Assembly adopted **resolution 52/12 B** [draft: A/52/L.72/Rev.1] without vote [agenda item 157].

The General Assembly,

Having considered further the report of the Secretary-General on renewing the United Nations: a programme for reform, and the recommendations contained therein,

Recalling its resolution 52/12 A of 12 November 1997,

Recalling also its resolutions 50/227 of 24 May 1996, 51/240 of 20 June 1997 and 51/241 of 31 July 1997, as well as all other relevant resolutions and decisions, which contain legislative mandates and programme guidance, and, in particular, the medium-term plan for the period 1998-2001,

Reaffirming that financial implications of any reform measure or proposal on which the General Assembly is to take action should be considered in accordance with

rule 153 of the rules of procedure of the General Assembly,

A. Deputy Secretary-General

1. Decides to establish the post of Deputy Secretary-General as an integral part of the Office of the Secretary-General, as set out in addendum 1 to the report of the Secretary-General and in the statement made by the Secretary-General on 4 November 1997 to the open-ended informal consultations of the plenary on United Nations reform: measures and proposals, without prejudice to the mandate of the Secretary-General as provided by the Charter of the United Nations and, in accordance with the existing system of decision-making, with responsibilities delegated by the Secretary-General, including the following:

(a) To assist the Secretary-General in managing the operations of the Secretariat;

(b) To act for the Secretary-General at United Nations Headquarters in the absence of the Secretary-General and in other cases as may be decided by the Secretary-General;

(c) To support the Secretary-General in ensuring intersectoral and inter-institutional coherence of activities and programmes and to support the Secretary-General in elevating the profile and leadership of the United Nations in the economic and social spheres, including further efforts to strengthen the United Nations as a leading centre for development policy and development assistance;

(d) To represent the Secretary-General at conferences, official functions and ceremonial and other occasions as may be decided by the Secretary-General;

(e) To undertake such assignments as may be determined by the Secretary-General;

2. Notes that the Secretary-General will appoint the Deputy Secretary-General following consultations with Member States and in accordance with Article 101 of the Charter of the United Nations and that the term of office of the Deputy Secretary-General will not exceed that of the Secretary-General;

B. New approaches to policy formulation

3. Welcomes the recommendations of the Secretary-General aimed at the rationalization, streamlining and enhancement of the work of the General Assembly, taking into account the measures already undertaken towards this end in order to further strengthen the Assembly as the organ of the United Nations that most fully embodies the universal and democratic character of the Organization;

4. Decides, in this context, to continue during its fifty-second session its in-depth consideration of those recommendations under the item entitled "Revitalization of the work of the General Assembly", taking into account the report to be submitted by the Secretary-General in accordance with resolution 51/241;

C. Peace, security and disarmament

5. Invites Member States to improve the supply of information to the Secretary-General that could assist the Organization to prevent conflict and maintain international peace and security in full accordance with the provisions of the Charter of the United Nations;

6. Stresses that enhancing the rapid deployment capacity of the United Nations in peacekeeping operations can play a valuable role in the effectiveness of its response to a conflict, and, in this context, requests the

appropriate organs to consider, as a matter of priority, specific measures to that effect, in accordance with General Assembly resolution 52/69 of 10 December 1997 and taking into account the proposals to be submitted by the Secretary-General and the views of Member States;

7. Endorses the recommendation that the Security Council, in establishing a peacekeeping operation in the future, should prescribe a time-frame for the conclusion of the status-of-forces agreement between the United Nations and the host Government for the operation in question and that, pending the conclusion of such an agreement, a model status-of-forces agreement would apply provisionally unless otherwise agreed by the parties concerned, and invites the Security Council to consider the matter;

8. Decides that the Disarmament Commission and the First Committee of the General Assembly should undertake a review of their work, to be concluded before the end of the fifty-second session, with a view to its revitalization, rationalization and streamlining, taking into account discussions that have already taken place on this issue;

D. Economic and social affairs

9. Invites the Economic and Social Council to consider, at its organizational and substantive sessions in 1998, as part of the review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies, as mandated by the General Assembly in its resolution 50/227, the recommendations of the Secretary-General relating to the reform of its subsidiary bodies, including a time-frame for implementation of its decisions thereon, as well as his recommendations relating to the organization and methods of work of the Council, and to report thereon to the Assembly as early as possible during its fifty-second session;

10. Invites the Economic and Social Council, in consultation with Member States and appropriate inter-governmental regional bodies, to conduct a general review of the regional commissions at its substantive session of 1998, bearing in mind the relevant provisions of resolution 50/227 and the individual reviews each commission has already carried out, in order to consider the competencies of the regional commissions, taking into account the competencies of global bodies and other regional and subregional intergovernmental bodies, and to submit a report thereon to the General Assembly before the end of its fifty-second session;

11. Endorses the recommendation of the Secretary-General to discontinue the High-level Advisory Board on Sustainable Development;

E. Development cooperation

12. Accepts that management of funds and programmes would be enhanced by greater integration of intergovernmental oversight, and requests the Economic and Social Council, in the context of the next triennial policy review of the United Nations, during its operational activities segment of 1998, to consider arrangements for closer integration of the governance oversight of the United Nations Development Programme and the United Nations Population Fund and of the United Nations Children's Fund, with consecutive and/or joint meetings of the existing Executive

Boards, bearing in mind the respective mandates of the Executive Boards of the funds and programmes;

13. Takes note, in this context, of the decision already taken by the Executive Board of the United Nations Development Programme and the United Nations Population Fund and by the Executive Board of the United Nations Children's Fund to organize a joint meeting in January 1998;

14. Recognizes the urgent need for resources for development on a predictable, continuous and assured basis, taking fully into account the principle of neutrality, and requests the Secretary-General to submit, by the end of March 1998, for consideration by the General Assembly, specific proposals for the establishment of a new system of core resources, taking into account the views expressed by Member States;

F. Humanitarian affairs

15. Decides to designate the Emergency Relief Coordinator as the United Nations Humanitarian Assistance Coordinator, who will, inter alia, retain responsibility for coordination of natural disaster relief;

16. Decides also to transfer to the United Nations Development Programme the responsibilities of the Emergency Relief Coordinator for operational activities for natural disaster mitigation, prevention and preparedness, with the understanding that the resources for this task will be separate and additional to the resources of the United Nations Development Programme for development activities and that they will be provided by a grant from the regular budget of the United Nations for the biennium 1998-1999;

17. Requests the Secretary-General to submit, before the end of the fifty-second session of the General Assembly, a report on the method of financing of natural disaster mitigation, prevention and preparedness activities beyond the biennium 1998-1999;

18. Decides to establish a humanitarian affairs segment of the Economic and Social Council, with effect from 1998, and, in this connection, requests the Council to consider expeditiously the related practical arrangements and make an early recommendation to the General Assembly, without prejudice to the work of the other segments of the Council;

G. Financing the Organization

19. Reaffirms the obligation of all Member States, in accordance with the Charter, to pay their assessed contributions in full, on time and without conditions;

20. Takes note of the recommendation of the Secretary-General that a revolving credit fund be established through voluntary contributions or any other means of financing that Member States may wish to suggest, and requests the Secretary-General, taking into account the views expressed by Member States, to submit by the end of March 1998 detailed proposals to the General Assembly, through the competent bodies, for the proposed establishment of such a fund, including its financing, management and operation, while emphasizing that the priority lies in the compliance by all Member States with their financial obligations to the United Nations;

21. Takes note also of the recommendation of the Secretary-General that, in future, any unspent balances under the regular budget at the end of the fiscal period be retained, and invites the competent bodies to consider the implications of such retention, as well as

the appropriate use of such balances, including possible allocation to development programmes, on the basis of a report to be submitted by the Secretary-General to the General Assembly, before the end of its fifty-second session;

H. Management

22. Decides to examine the recommendation of the Secretary-General on initiating a review of the International Civil Service Commission, and, on the basis of information to be provided by the Secretary-General, requests the competent intergovernmental bodies to consider the modalities for such a review and to report to the General Assembly before the end of its fifty-second session;

23. Notes that the Secretary-General has submitted the draft Code of Conduct for United Nations Staff to the General Assembly, and agrees to expedite its consideration;

24. Decides to establish, in the programme budget for the biennium 1998-1999, a development account to be funded from savings from possible reductions in administration and other overhead costs, without affecting full implementation of mandated programmes and activities, and requests the Secretary-General to submit a detailed report by the end of March 1998 identifying the sustainability of this initiative, as well as the modalities of implementation, the specific purposes and associated performance criteria for the use of such resources;

25. Takes note of the recommendation of the Secretary-General to shift United Nations programme budgeting towards a system of results-based budgeting, and requests him to submit, through the competent bodies, a more detailed report that will include a full explanation for the proposed change, and the methodology to be used, as well as a mock-up of one or more sections of the budget for consideration before the end of the fifty-second session of the General Assembly;

I. Longer-term changes

26. Recognizes that reform of the United Nations will be an ongoing process and that there is a need for the United Nations to consider changes of a more fundamental nature and other broader issues, and invites the Secretary-General to elaborate further his proposals, taking into account the views of Governments, and to present them to the General Assembly by the end of March 1998 on:

- (a) A new concept of trusteeship;
 - (b) A Millennium Assembly;
 - (c) A Millennium Forum;
 - (d) The United Nations system (a Special Commission at the ministerial level to examine the need for possible amendments to the Charter of the United Nations and the treaties from which the specialized agencies derive their mandates);
 - (e) Provisions whereby initiatives that involve new mandates and institutional machinery would be subject to specific time limits that would require explicit review and renewal by the General Assembly (sunset provisions);
27. Looks forward to the convening of the United Nations Conference of Plenipotentiaries to finalize and adopt a convention to establish an international criminal

court as a step that would strengthen significantly the rule of law in the century ahead;

28. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations reform: measures and proposals".

On 22 December [A/52/758], the Secretary-General submitted, in the context of the 1998-1999 proposed programme budget, proposals for the reduction and refocusing of non-programme costs. He outlined the various elements that constituted non-programme costs, together with measures aimed at reaching the objective within the indicated time-frame.

United Nations and civil society

At its first regular session (Geneva, 10-11 April) [ACC/1997/4], the Administrative Committee on Coordination (ACC) reviewed the implications for the UN system of the Secretary-General's reform proposals. It agreed to prepare a report outlining reform processes in the system in time for consideration at its second regular session and by the General Assembly and to address the issue of strengthening the UN system's links with civil society as an important dimension of the reform agenda.

At its second regular session (New York, 31 October), ACC noted that UN system policies for interaction with civil society varied according to the nature of partner organization and type of activity and recommended that such policies be the subject of intensified inter-agency exchanges of information. ACC considered that the proposal to establish an inter-agency enterprise liaison service as a common clearing-house mechanism for cooperation with the business community needed further study. It requested further information on the "issue management system" advocated by the Secretary-General in his reform programme, which might provide a further window of opportunity for concrete collaboration with non-State partners.

Managerial reform and oversight

As part of the reform package announced in January (see above), the Secretary-General created a Management Reform Group (MRG) within the Department of Administration and Management to replace the Efficiency Board and its working group.

On 21 April, the Secretary-General submitted to the General Assembly the first report [A/51/873] of MRG entitled "Accelerating managerial reform for results". MRG's goals were to accelerate and integrate managerial reform; reduce non-programme costs; modernize and enhance serv-

ices and information provided to Member States; and increase the accountability and responsibility of programme managers.

In his letter of transmittal, the Secretary-General said that managerial reform was well under way and the measures described in the report were directly relevant to the follow-up to his reform initiatives. He was setting milestones to monitor progress systematically and was satisfied that the ongoing efficiency reviews were achieving meaningful and measurable results.

MRG reported that of the 450 projects to enhance effectiveness and efficiency that had been initiated across the United Nations, 213 had been completed by March 1997. Efficiency gains were helping to cushion the impact of 1996-1997 and 1998-1999 budget reductions and to protect and enhance the delivery of mandated programmes. Budget reductions included savings of \$1.68 million by the Economic Commission for Latin America and the Caribbean by shifting to automated check-writing, electronic processing of travel authorizations and streamlining administrative support; savings of some \$1.1 million at the UN Office at Geneva through the use of automation and outsourcing; and realization of over \$300,000 in savings by the Economic Commission for Africa through technological change and more efficient procurement measures. Efforts to modernize and enhance services resulted in an improved UN Home Page and one-stop access to UN Web sites. Concerning responsibility and accountability, the Secretary-General had created the Policy Coordination Group and grouped departments, offices, funds and programmes into four principal areas (see above). OIOS had revised its programme evaluation guidelines to place greater emphasis on outputs and outcomes and to give departments and offices greater responsibility for monitoring performance in terms of results and not just inputs. Common-service arrangements were being extended.

By **decision** 52/456 of 22 December, the Assembly decided to continue consideration of the agenda item "Review of the efficiency of the administrative and financial functioning of the United Nations" at its resumed fifty-second (1998) session.

Procurement reform

In 1997, the General Assembly considered reports on procurement reform and the comments of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) thereon that had been submitted to it in 1996 [YUN 1996, p. 1381]. The Board of Auditors had also examined the issue of procurement and the Secretary-General had reported on measures taken or envisaged to

implement the Board's recommendations, including those on procurement [*ibid.*, p. 1297]. Consideration of the matter was deferred by decision 51/462 [*ibid.*, p. 1298].

GENERAL ASSEMBLY ACTION

On 13 June [meeting 101], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/51/922], adopted **resolution 51/231** without vote [agenda item 112].

Procurement reform

The General Assembly,

Recalling its resolution 49/216 C of 23 December 1994 and its decision 50/479 of 11 April 1996, as well as its previous relevant resolutions,

Having considered the reports of the Secretary-General on procurement reform and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Having also considered the reports of the Office of Internal Oversight Services on procurement for the period from 1 July 1995 to 30 June 1996, on the audit of procurement handled by the Contracts and Procurement Service of the Department for Development Support and Management Services of the Secretariat, on the investigation of the alleged misappropriation of United Nations assets at the United Nations Gift Centre and on the audit of Headquarters catering operations,

Having further considered the concise summary of the principal findings, conclusions and recommendations of the Board of Auditors, especially paragraphs 20 to 36 thereof, as regards procurement, in conjunction with comments on the subject contained in the report of the Advisory Committee on Administrative and Budgetary Questions and the measures proposed by the Secretary-General to implement the recommendations of the Board of Auditors concerning procurement,

Noting the progress made in the efforts to prepare a new procurement manual,

Noting with concern the continuing weaknesses and deficiencies in the area of procurement,

Emphasizing the importance of establishing a supplier roster on as wide a geographical basis as possible,

Noting the observation of the Advisory Committee on Administrative and Budgetary Questions in paragraph 20 of its report,

1. Takes note of the reports of the Secretary-General on procurement reform and the reported actions already taken or in progress to implement the reform measures;

2. Regrets that more progress has not been made, in particular, in improving the procedures and the cost-effectiveness of the procurement process and in broadening the representativeness of the supplier base;

3. Welcomes the review by the Board of Auditors of the implementation of the recommendations previously made by the General Assembly in its resolution 49/216 C on measures to improve the procurement process;

4. Takes note of the observations and recommendations contained in the reports of the Advisory Commit-

tee on Administrative and Budgetary Questions, and endorses in particular the recommendation that procurement reform should be given the highest priority in the United Nations and its funds and programmes;

5. Requests the Secretary-General to expedite efforts to develop a single format for the provision of data and a common reporting system for procurement undertaken in the field and at Headquarters under the responsibility of the Secretary-General, in order to produce a complete set of statistics to be included in future reports on procurement to the General Assembly;

6. Expresses concern that over the last two years eight procurement-related arbitration claims have been instituted against the United Nations, totalling more than 90 million United States dollars, and requests the Secretary-General to submit to the General Assembly at its fifty-second session a comprehensive report on procurement-related arbitration cases, taking into account the obligations of the United Nations under the Arbitration Rules of the United Nations Commission on International Trade Law;

7. Requests the Secretary-General to include in future reports on procurement also information on arbitration cases and the related costs;

8. Decides to revert to the question of the structure of the Procurement and Transportation Division of the Secretariat and the request of the Secretary-General that the Division be headed by a Director at the D-2 level during its consideration of the proposed programme budget for the biennium 1998-1999;

9. Requests the Secretary-General to fill the vacant posts relating to procurement as soon as possible;

10. Notes that there are officers on loan in the Procurement and Transportation Division, and decides to revert to this question during its consideration of the report of the Secretary-General on gratis personnel;

11. Notes also that a proposal is under consideration to introduce in the United Nations procurement system an incentive regarding equally qualified vendors from Member States;

12. Welcomes the efforts made to improve coordination within the United Nations procurement system, and encourages the further strengthening of such coordination;

13. Requests the Secretary-General to take further steps to improve the availability and timeliness, including through electronic access, of information relating to current and forthcoming procurement opportunities;

14. Welcomes the electronic announcement of United Nations contract awards through Procurement Update, issued by the Inter-Agency Procurement Services Office on the Internet, and encourages the Secretary-General to make further use of this medium;

15. Requests the Secretary-General to report through the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its fifty-second session on the establishment of a standard procedure for the preparation of performance evaluation reports on vendors, in particular those with major contracts;

16. Expresses its concern about the insufficient use of expertise in procurement planning in eight peacekeeping missions, including the United Nations Protection Force and the United Nations Operation in Somalia, which led to payments for aircraft services not utilized,

assessed at 2.4 million dollars in the United Nations Angola Verification Mission and 0.4 million dollars in the United Nations Observer Mission in Liberia;

17. Regrets that, owing to deficiencies in procurement planning and failure to indicate specifications clearly, the Office of the United Nations High Commissioner for Refugees suffered a financial loss of about 3 million dollars;

18. Requests the Secretary-General to entrust the Office of Internal Oversight Services with the investigation of the situation mentioned in paragraphs 16 and 17 above and to report thereon through the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its fifty-second session;

19. Endorses the concern of the Advisory Committee on Administrative and Budgetary Questions about the use of suppliers recommended by requisitioners, notes that this practice undermines the principle of segregation of responsibilities between requisitioning and procurement entities, and requests the Secretary-General to discontinue the practice;

20. Requests the Secretary-General to ensure that in no case will a consultant who has been engaged to prepare specifications and to assist in technical evaluation be allowed to recommend vendors for invitations to bid;

21. Also requests the Secretary-General to redouble his efforts to streamline all aspects of the decision-making process in procurement at Headquarters;

22. Notes that the local committees on contracts have the authority to consider cases ranging from 50,000 dollars to 200,000 dollars, while the Headquarters Committee on Contracts will consider cases in amounts above 200,000 dollars;

23. Takes note of the information supplied in paragraphs 93 and 94 of the report of the Board of Auditors, indicating that 48 per cent of suppliers were from one Member State;

24. Invites Member States to encourage their national suppliers to be registered in the supplier roster;

25. Requests the Secretary-General to expedite the steps being taken to establish a supplier roster on as wide a geographical basis as possible and to submit a report thereon, including a revised list of suppliers, through the Advisory Committee on Administrative and Budgetary Questions to the General Assembly at its fifty-second session;

26. Emphasizes that concerted efforts should be made to identify potential vendors in the developing countries and countries with economies in transition and to increase the representation from those countries in the bidding for and award of contracts, so as to develop a supplier base that is more representative of the membership of the Organization;

27. Takes note of paragraph 13 of the report of the Advisory Committee on Administrative and Budgetary Questions, and decides to revert to this question during its consideration of the proposed programme budget for the biennium 1998-1999;

28. Requests the Secretary-General to take immediate action to ensure compliance with the established procedures for procurement, based on international competitive bidding and the widest possible geographical base of procurement;

29. Appreciates the efforts being made to address the problem of ex postfacto cases, in particular for those offices away from Headquarters, and requests the Secretary-General to ensure that the approval of contracts on an ex post facto basis is kept to the minimum, with full justification for each such case;

30. Requests the Secretary-General to review the possibility of consolidating the procurement functions at Headquarters and to report thereon to the General Assembly as soon as possible and no later than September 1997;

31. Also requests the Secretary-General to develop an intensified training programme for all procurement personnel of the Secretariat and all its offices, including field offices of peacekeeping operations, to develop the capacity to dispatch in a timely manner qualified and trained procurement personnel to new or expanded missions and to report to the General Assembly at its fifty-second session on measures taken to enhance the training programme;

32. Further requests the Secretary-General to establish annual consolidated procurement plans as a part of procurement reform;

33. Requests the Secretary-General to complete the preparation of a new procurement manual as soon as possible and to provide the necessary training for procurement personnel;

34. Requests the Board of Auditors to monitor and report on the completion of the new procurement manual in its next report and to monitor closely the implementation of its recommendation that the Procurement and Transportation Division should establish detailed guidelines on methods of invitation to bid covering all aspects of procurement, including open tendering;

35. Also requests the Board of Auditors to report in the next audit report on peacekeeping operations, in January 1998, on the status of the implementation by the Secretary-General of its recommendations concerning the administration of letters of assist;

36. Welcomes the reports of the Office of Internal Oversight Services, notes that the Secretary-General concurs with the recommendations of the Office, and requests the Secretary-General to ensure their full implementation;

37. Notes with concern the observations of the Office of Internal Oversight Services in paragraphs 37 to 42 of its report, and requests the Secretary-General to report on the precise action taken in this regard to the General Assembly at its fifty-second session;

38. Endorses the recommendations contained in the report of the Office of Internal Oversight Services on the audit of Headquarters catering operations, and requests the Secretary-General to take action to achieve consistency in policy and practice with regard to catering operations at Headquarters and at Geneva.

Report of Secretary-General. The Secretary-General, in response to resolution 51/231, submitted an October report [A/52/534 & Corr.1] on procurement reform. He stated that, effective July, the Transportation Section, including the Travel and Traffic Units, of the Procurement and Transportation Division was established as a separate service, reporting directly to the Assis-

tant Secretary-General for Central Support Services. The Procurement and Transportation Division was renamed the Procurement Division. Within the context of his proposals for extending common services (see PART FIVE, Chapter IV), the Task Force on Common Services had established in May the Working Group on Procurement, which reviewed overall procurement functions within the Secretariat as well as in the funds and programmes of the UN system. The Secretary-General, effective 1 November, consolidated within the Procurement Division the relevant functions of the Contracts and Procurement Office of the former Department for Development Support and Management Services.

The Secretary-General was of the view that the staff resources for the Procurement Division, reflected in the proposed 1998-1999 programme budget, were adequate. It was, however, essential to intensify the training and the enhancement of the professional quality of the Division's personnel. He reiterated that the establishment of the post of Director of the Division remained critical to the success of the reforms and urged the Assembly to take decisive action on that question.

The draft of the new procurement manual, which was being finalized, updated the existing one and contained certain provisions—in particular those on delegation of authority, the procedures for the Headquarters Committee on Contracts and local committees on contracts and ex post facto cases, among others—which were already being implemented at Headquarters and at peacekeeping missions and offices away from Headquarters.

The Secretary-General had established a supplier roster on as wide a geographical basis as possible. Between November 1996 and September 1997, the number of registered suppliers had almost doubled. The revised list was annexed to the report. Concerted efforts were being made to widen further the geographical base of the supplier roster, to identify potential vendors in developing countries and in countries with economies in transition, and to increase the representation from those countries in the bidding for and award of contracts. On 15 July, the Procurement Division had established a home page on the Internet through which information on the supplier application forms could be obtained electronically. The Division had also been contacting potential suppliers identified through research, utilizing publications such as trade directories, professional journals, catalogues and product publications.

Between January and July 1997, the total volume of procurement at Headquarters considered by the Headquarters Committee on Con-

tracts amounted to \$172,142,382, of which \$124,689,171, or 72.43 per cent, was obtained through competitive bidding and the remaining \$47,453,211, or 27.57 per cent, through authorized exceptions, such as exigencies, requirements below the bidding threshold of \$25,000, proprietary items and prices fixed by legislation.

The Secretary-General concluded that the recommendations and concerns expressed by the Assembly, ACABQ, the Board of Auditors and OIOS had, in most cases, either been addressed or were in an advanced stage of implementation. He reiterated that the reform of the procurement system, as urgent as it was, could not be brought about overnight. While there was a great emphasis on timely procurement with the best value for money, the current rules and regulations, the additional demands often imposed by oversight bodies and the budgetary constraints and unavailability of funds, particularly at the start of new operations, often created serious difficulties. The relevant UN departments and offices had been directed to review urgently the financial rules and regulations and established procedures in order to propose amendments, with a view to responding to exigency requirements of peacekeeping and other emergency operations. They were also directed to enhance advance procurement planning and review the question of timely availability of funds, which had an effect on procurement.

ACABQ's comments on the Secretary-General's report were submitted in December [A/52/7/Add.3]; it recommended that the Secretariat submit, as early as possible, proposals for amending or revising the Financial Rules and Regulations to take into account the procurement reform policies, procedures and instructions contained in the revised procurement manual.

Internal oversight

Office of Internal Oversight Services

The Secretary-General stated, in transmitting his report on the 1996/97 activities of the Office of Internal Oversight Services (OIOS) to the General Assembly (see below), that the reports of OIOS, which was established by resolution 48/218 B [YUN 1994, p. 1362] in order to enhance oversight functions within the UN system, had been a valuable source of reference and guidance in the development of the overall vision and specific measures concerned with the reform effort. He concurred with the observation of the Under-Secretary-General for Internal Oversight Services that OIOS was an important new element in the management culture of the Organization

and that its creation was itself a most meaningful and effective reform step.

In response to Assembly resolution 48/218 B, the Secretary-General issued a final report [A/51/801] on enhancing the internal oversight mechanisms in operational funds and programmes (see PART THREE, Chapter II).

On 13 June, the Assembly, by **decisions 51/468 A-H**, took note of the reports of OIOS on electronic mail in the Secretariat, UN global cargo and motor insurance programmes, outsourcing practices at the United Nations, the UN access control system and the UN Postal Administration (see PART FIVE, Chapter IV); seminars of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see PART ONE, Chapter VIII); review of the United Nations Environment Programme and the administrative practices of its secretariat, including the United Nations Office at Nairobi (see PART THREE, Chapter VII); and review of the programme and administrative practices of the United Nations Centre for Human Settlements (UNCHS) (see PART THREE, Chapter VIII).

On 31 July, the Assembly, in **resolution 51/241**, stated that there should be a more detailed and structured examination in the Main Committees of the relevant reports of the Board of Auditors, JIU and OIOS in relation to the substantive work of those Committees. Accountability and inter-governmental oversight should be improved by periodic coordination meetings between the Board of Auditors, ACABQ and JIU, with appropriate input from OIOS.

On 15 September (**decision 51/458 B**), the Assembly decided to continue at its fifty-second session consideration of the OIOS annual report for the period 1 July 1995 to 30 June 1996 and JIU's related comments [YUN 1996, p. 1268], and the OIOS report on enhancing the internal oversight mechanisms in operational funds and programmes.

Report of Secretary-General. In October, the Secretary-General transmitted to the General Assembly the third annual report of OIOS covering activities from 1 July 1996 to 30 June 1997 [A/52/426]. The report stated that the strong emphasis by OIOS on the full implementation of its recommendations had caused some profound changes within the UN management culture; the sense of responsibility and accountability thus instilled could be expected to reduce further the occurrence of abuse and enhance the efficiency and effectiveness of management. The new policy regarding the audit function required that every audit assignment would result in a final audit report. Programme managers were increasingly

aware that mere acceptance of recommendations was no longer sufficient and that meticulous implementation was required. The implementation rate of recommendations was 61 per cent at the end of June 1997 for the 513 audit recommendations issued between 1 July and 31 December 1996. During the reporting period, some 121 recommendations had been issued. Of the 37 recommendations issued during the first half of the reporting period, the implementation rate was 81 per cent. Although recommendations were usually accepted by receiving departments, implementation was delayed for reasons that included the need to obtain additional legal advice on implementing methods and processes; the protracted time some administrative and/or disciplinary processes took; the assessment of financial implications; and observation of all due processes. Investigations that involved criminal complaints required extensive consultations. Concerning his report on enhancing internal oversight mechanisms in operational funds and programmes, the Secretary-General said that the administrators had noted that their oversight functions were susceptible to improvement, and had requested and received OIOS assistance in audit and investigation functions. A number of them continued to secure their internal audit through OIOS, and the United Nations Development Programme (UNDP) had invited OIOS to join its Management Review and Oversight Committee. OIOS had signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) for the provision of audit services, and concluded one with the United Nations Conference on Trade and Development (UNCTAD)/World Trade Organization (WTO) International Trade Centre (ITC) for the provision of internal audit services. OIOS had fully assumed the internal audit functions for the United Nations Joint Staff Pension Fund and the United Nations International Drug Control Programme.

OIOS studies found that adequate monitoring and evaluation practices did not exist in many departments and offices. Draft guidelines had been circulated that were intended to codify good practice and make transparent managerial practices that OIOS staff would review in future audits. The proposed guidelines also established performance norms for support services, such as translation and reproduction, and the processing of entitlements, procurement actions and recruitment.

The report gave an overview of three OIOS priority areas for oversight: peacekeeping, humanitarian and related activities, and procurement, as well as the problem of establishing new bodies

and responses to its recommendations. During the reporting period, OIOS undertook audits of 18 peacekeeping operations and 14 UNHCR country programmes and headquarters support functions. It also conducted an audit to assess progress in procurement reform and carried out a comprehensive investigation of aviation services procurement. It reviewed the outsourcing operations at Headquarters, offices away from Headquarters and selected peacekeeping missions, and audited the management of Headquarters catering facilities. OIOS also investigated the misappropriation in Kenya of a substantial amount of UN equipment by a vendor providing catering services to peacekeeping missions. (See PART FIVE, Chapter IV, for details.)

OIOS continued to give priority audit attention to the establishment of new bodies so that problems could be identified and resolved as soon as possible. As before, OIOS focused attention on the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (see PART FOUR, Chapter II). Audits were also conducted of the United Nations Special Coordinator for the Occupied Territories (see PART ONE, Chapter VI), the International Seabed Authority (see PART FOUR, Chapter IV) and the secretariat of the Convention on Biological Diversity (see PART THREE, Chapter VII) in Montreal, Canada, which revealed significant management problems.

As part of the oversight function, the OIOS Audit and Management Consulting Division audited assets of \$402 million, income of \$153 million and expenditures of \$1.8 billion, identifying some \$28 million in potential savings. The 162 audit assignments opened between 1 July 1996 and 30 June 1997 resulted in 66 audit reports addressed to senior management, with 811 recommendations on compliance with rules, regulations and policies; economic and efficient use of resources; protection of assets; adequacy of internal controls; and the achievement of objectives.

There was a significant change in the sources and types of cases received by the Investigations Section, including serious cases of broader scope and greater complexity. Four of them were referred to law enforcement authorities. The Section received 172 reports and suggestions, compared to 205 in the previous reporting period, due to a decrease in the number of personnel grievances received, as the message that OIOS was not established to provide another layer of review of personnel issues was accepted. Of the caseload of 172, 69 were in the Americas, 49 in Europe, 44 in Africa, 6 in Asia and 4 in the Middle East. The Section investigated 33 reports by staff members

of violations of UN rules, regulations and administrative issuances, which were found to be bona fide but resulted in the allegations not being proved for lack of sufficient evidence. Increasingly, the Section was being requested by departments, funds and programmes, and even by specialized agencies, to undertake investigations on their behalf and provide advice and consultation on problems and investigative issues in their offices. Six entities requested such assistance during the reporting period. Two cases of note were the investigation of UNCHS and UNCTAD.

In keeping with its mandate for oversight, OIOS conducted inspection reviews of the secretariats of UNEP [A/51/810] (see PART THREE, Chapter VII), UNCHS [A/51/884] (see PART THREE, Chapter VIII) and ITC [A/51/933] (see PART THREE, Chapter IV). It also conducted the triennial review of the in-depth evaluation of the UN programme on social development.

By an October note [A/52/464], the Secretary-General transmitted to the General Assembly the comments of JIU on 16 OIOS reports.

By decision 52/456 of 22 December, the Assembly decided to continue consideration of the agenda item "Report of the Secretary-General on the activities of OIOS" at the resumed fifty-second session.

Legal aspects

The Secretary-General, on 23 October [A/C.5/52/12], transmitted to the Chairman of the General Assembly's Fifth Committee a memorandum from the Legal Counsel containing legal advice on certain aspects of Assembly resolution 48/218 B [YUN 1994, p. 1362], which established OIOS. The Secretary-General said that he had sought the Legal Counsel's advice when questions were raised in the Committee about certain aspects of that resolution, particularly the role played by legislative bodies in receiving and discussing reports on OIOS activities. The discussion, at the fifty-first session, had centred on the Secretary-General's report on enhancing the internal oversight mechanisms in operational funds and programmes [A/51/801] (see PART THREE, Chapter II).

The Legal Counsel stated that recommendations in OIOS reports were to be submitted to programme managers for implementation and the Assembly would then be informed of action taken. The annual report of OIOS was transmitted to the Assembly for reporting purposes. As to the report on the internal oversight mechanisms of operational funds and programmes, to the extent that existing authority was sufficient for them to implement particular recommendations,

the funds and programmes could reasonably decide to implement them prior to any approval or endorsement by the Assembly.

External oversight mechanisms

JIU activities

The Joint Inspection Unit, in its twenty-ninth report to the General Assembly [A/52/34], gave an overview of its activities from 1 July 1996 to 30 June 1997. During that period, it issued eight reports on the following topics: feasibility study on the relocation of the United Nations Institute for Training and Research to the Turin (Italy) Centre [A/51/642]; inspection of the application of UN placement and promotion policies [A/51/656]; common services at UN Headquarters [A/51/686]; comparison of methods of calculating equitable geographical distribution within the UN common system [A/51/705]; coordination of policy and programming frameworks for more effective development cooperation [A/51/636-E/1996/104]; review of financial resources allocated by the UN system to activities by non-governmental organizations (NGOs) [A/51/655-E/1996/105]; strengthening field representation of the UN system [A/52/457]; and UN publications—enhancing cost-effectiveness in implementing legislative mandates [A/51/946]. In addition, JIU submitted the following four reports during the second half of 1997: execution of humanitarian assistance programmes through implementing partners [A/52/270]; the challenge of outsourcing for the UN system [A/52/338]; coordination at Headquarters and field level between UN agencies involved in peace-building: an assessment of possibilities [A/52/430]; and training institutions in the UN system: programmes and activities [A/52/559].

As follow-up to Assembly resolution 50/233 [YUN 1996, p. 1267], JIU continued to strive towards improving its performance, effectiveness and efficiency by identifying concrete managerial, administrative and programming questions aimed at providing the Assembly and other legislative organs of participating organizations with practical and action-oriented recommendations on precisely defined issues. The Unit continued to focus on system-wide issues but noted that those reports were more complex and required enormous data collection, analysis, inquiries and interviews since there were 23 participating organizations and affiliated bodies. The Unit also needed to gather information for comparison purposes from other organizations of the system that were not participating organizations, such as the International Monetary Fund (IMF), the World Bank and the International Fund for Agri-

cultural Development (IFAD), as well as organizations external to the system. It continued to develop its internal information technology system to facilitate the issuance of timely reports and to make more effective Use of its staff resources.

Regarding concerns related to the mobility of staff, JIU believed that since it was a system-wide body its staff should be drawn from any of its participating organizations and that the matter needed to be addressed in consultation with ACC. JIU further developed procedures for the allocation of travel funds and established core travel cost estimates for each planned report.

Working relations and practical cooperation with other oversight bodies were strengthened in 1997 through meetings with OIOS and the Board of Auditors to review respective work programmes and prevent duplications and overlap. JIU and OIOS agreed that one effective way for the latter to carry out its functions of ascertaining compliance of programme managers with recommendations of external oversight bodies was to use pertinent JIU reports when conducting audits, inspections, evaluations and/or investigations.

A continuing JIU concern was the lack of a clear mechanism for following up the status of implementation of its recommendations by participating organizations. Therefore, the Unit submitted an official proposal entitled "Towards a more effective system of follow-up on reports of the Joint Inspection Unit", which was annexed to its report for consideration and action by the legislative organs of its participating organizations.

The Secretary-General submitted a 24 June report [A/52/206] containing information on the status of implementation of JIU recommendations on the reorganization of the Department of Public Information; an optical disk system for the United Nations; technical cooperation and the use of national professional project personnel; an integrated library network of the UN system; management of buildings in the UN system; working with NGOs; operational activities for development of the UN system with NGOs and Governments at the grass-roots and national levels; a review of the specific development needs of the small Member States and the responsiveness of the UN development system in meeting those needs; and UN system support for science and technology in Africa.

The Secretary-General transmitted to the Assembly, by an August note [A/52/267], the JIU work programme for 1997-1998 and the indicative list of potential items for 1998-1999.

On 13 June, by **decision 51/469 A**, the Assembly took note of the JIU reports entitled, "Accountability, management improvement and

oversight in the UN system" [YUN 1995, p. 1375] and ACC's comments thereon [A/51/522] and "Management in the United Nations: work in progress" [YUN 1995, p. 1376] and the Secretary-General's comments thereon [A/50/507/Add.1].

By **decision 51/487** of 15 September, the Assembly decided to resume consideration of the question of the strengthening of the external oversight mechanisms at the earliest possible stage of its fifty-second session.

On 22 December, by **resolution 52/222, section II**, the Assembly approved a gross budget for JIU for the biennium 1998-1999 in the amount of \$8,174,000. On the same date, by **decision 52/456**, the Assembly decided to continue its consideration of the agenda item "Joint Inspection Unit" at its resumed fifty-second (1998) session.

Intergovernmental machinery

High-level Working Group. The Open-ended High-level Working Group on the Strengthening of the United Nations System, established by General Assembly resolution 49/252 [YUN 1995, p. 1369], held one organizational meeting and 35 substantive meetings, organized in four substantive sessions between 23 October 1996 and 10 July 1997 [A/52/24].

In January, the Group established a Sub-group on NGOs to consider their participation in the work of the United Nations, in accordance with Economic and Social Council decision 1996/297 [YUN 1996, p. 1359], which failed to reach consensus on the question. The Group recommended that the Assembly, at its fifty-second session, consider the manner in which the matter was to be pursued. The Group resumed its substantive discussion of the Assembly and the Secretariat. Since many of the issues, particularly those dealing with the Secretariat, were directly relevant to questions that the Secretary-General might address in his reform plan (see above), the Group submitted to the Secretary-General in March an overview of its deliberations on ways to strengthen the Secretariat.

The Group continued its efforts to elaborate an agreed text of its working document. Among the subjects on which further discussions were required were: the use of personnel on loan; establishment of the post of Deputy Secretary-General; public information; the role and working methods of the Committee for Programme and Coordination; certain additional innovative mechanisms in the Assembly; and use of the veto in the selection of the Secretary-General.

GENERAL ASSEMBLY ACTION

On 31 July [meeting 105], the General Assembly, on the recommendation of its Open-ended High-level Working Group [A/52/24], adopted **resolution 51/241** without vote [agenda item 48].

Strengthening of the United Nations system

The General Assembly,

Recalling its resolution 49/252 of 14 September 1995, by which it established the Open-ended High-level Working Group on the Strengthening of the United Nations System,

Recalling in particular paragraph 2 of resolution 49/252,

Taking note of the report of the Open-ended High-level Working Group on the Strengthening of the United Nations System,

1. Adopts the text contained in the annex to the present resolution for implementation effective from 1 January 1998;

2. Calls upon the relevant intergovernmental bodies to implement fully the measures specified in the text to strengthen the work of the United Nations system, in particular of the General Assembly and the Secretariat;

3. Requests the Secretary-General, as part of his ongoing efforts to improve the functioning of the Organization, to implement fully those measures specified in the text that are within his competence;

4. Also requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

5. Invites other principal organs, the specialized agencies and other bodies of the United Nations system to implement the measures for strengthening the system that are specified in the text and that are within their respective areas of competence, as appropriate;

6. Decides that the Open-ended High-level Working Group on the Strengthening of the United Nations System has completed its work as mandated in resolution 49/252.

ANNEX

I. Purpose

1. The Open-ended High-level Working Group on the Strengthening of the United Nations System has undertaken its work in accordance with the perspective that its mandate for strengthening the United Nations system, derived from General Assembly resolution 49/252 of 14 September 1995, is to better enable the Organization to fulfil the purposes and principles of the Charter of the United Nations and to meet the aspirations of its Members. It has focused on improving the capacity of the General Assembly to discharge effectively its functions, role and powers and that of the Secretariat to carry out effectively and efficiently the mandates of intergovernmental processes with the necessary transparency and accountability.

2. The Working Group has proceeded on the assumption that adequate resources will be provided to support the United Nations system. It has not seen its mandate as responding to the current financial crisis, which is being considered by the High-level Open-ended Working Group on the Financial Situation of the United Nations. It has also proceeded on the assumption that any Secretariat resources that are freed up as a result of strengthening measures proposed by

the Working Group shall be reallocated according to priorities set by the General Assembly, in particular to the economic and social areas.

II. Report of the Secretary-General on the work of the Organization

3. The report of the Secretary-General on the work of the Organization should be available not later than thirty days prior to the opening of the regular session of the General Assembly in all official languages of the Organization so as to permit due consideration.

4. The introduction to the report of the Secretary-General on the work of the Organization should be in the nature of an executive summary highlighting main issues.

5. The main body of the report shall be comprehensive, informative and analytical in a way that will allow Member States to examine and assess, inter alia, through the debate on the report, the extent to which mandates given by the General Assembly have been fulfilled, as well as to set priorities in the context of the major political, economic and social, administrative and financial issues on its agenda.

6. The Secretary-General shall incorporate a new forward-looking section in his report on the work of the Organization. It shall describe the specific goals for the Secretariat in the year ahead in the context of the work plan for the Organization in the coming year, taking into account the medium-term plan and the fact that the responsibility for establishing priorities rests with the Member States.

7. The report of the Secretary-General on the work of the Organization shall be considered in plenary meetings of the General Assembly immediately after the general debate. The President of the Assembly should assess the debate on this item. In the light of that assessment, informal consultations shall be held, under the chairmanship of the President or one of the Vice-Presidents of the Assembly, to discuss action that may be required by the Assembly on the basis of the debate on the report.

8. The General Assembly in plenary meeting may refer sections of the report for more detailed consideration by the Main Committees.

9. The report of the Secretary-General on the work of the Organization shall, inter alia, contain an analytical and concise annex elaborating the costs by major programmes and activities of all bodies of the United Nations system, located both in and outside New York, according to their mandates, so as to improve Member States' overview of system-wide issues.

10. The Secretary-General is requested to introduce the report orally at an appropriate time under the agenda item entitled "Report of the Secretary-General on the work of the Organization".

III. General Assembly consideration of the report of the Security Council

11. The agenda item entitled "Report of the Security Council" shall continue to be considered in plenary meetings of the General Assembly.

12. The President of the General Assembly shall assess the debate on this item and consider the need for further consideration of the report of the Security Council. In the light of that assessment, informal consultations shall be held after the debate in plenary meetings, under the chairmanship of the President or

one of the Vice-Presidents of the Assembly, to discuss the need and content of any action by the Assembly based on the debate.

13. The agenda item shall not be closed but shall remain open to enable further discussion as necessary during the year, bearing in mind, *inter alia*, the submission of additional reports as and when necessary.

14. The monthly forecast of the programme of work of the Security Council shall be circulated for the information of members of the General Assembly.

IV. General Assembly consideration of the report of the Economic and Social Council

15. The report of the Economic and Social Council to the General Assembly shall be prepared in accordance with General Assembly resolution 50/227 of 24 May 1996. The report shall also contain an evaluation of the report of the Administrative Committee on Coordination, taking into account the report of the Committee for Programme and Coordination.

V. General Assembly consideration of the report of the International Court of Justice

16. The report of the International Court of Justice shall continue to be considered in plenary meetings of the General Assembly. The Assembly shall continue to support the role of the International Court of Justice as the principal judicial organ of the Organization, in accordance with the Charter of the United Nations. The Assembly shall also continue to encourage the progressive development and codification of international law.

VI. Timing of the plenary meetings of the General Assembly

17. The plenary meetings of the General Assembly shall be formally opened every year on the first Tuesday following 1 September, with the election of the President, Vice-Presidents and Chairmen of the Main Committees (the General Committee). The General Committee shall then meet as soon as possible after its election and shall present its report to the General Assembly before the commencement of the general debate.

18. The plenary meetings of the General Assembly shall reconvene in mid-September to consider the report of the General Committee.

VII. The general debate

19. There shall continue to be only one general debate each year, beginning in the third week of September.

20. The preparation of the list of speakers for the general debate shall be based on the following principles:

(a) The general debate shall be organized over a period of two weeks so as to maximize possibilities for interministerial contacts;

(b) Member States shall be invited to indicate three preferences for speaking times;

(c) Member States wishing to organize or participate in group meetings during the general debate period shall be encouraged to coordinate their responses to the request for preferences and to indicate this transparently in their responses;

(d) The Secretariat shall be requested to prepare a list of speakers based on existing traditions and expres-

sions of preference to best accommodate Members' needs;

(e) The list of speakers for each day shall be completed and no speakers will be rolled over to the next day, notwithstanding the implications for hours of work.

VIII. Time limits

21. There shall be no time limits or specified themes for the general debate but the General Assembly will indicate a voluntary guideline of up to twenty minutes for each statement.

22. Outside the general debate there shall be a fifteen-minute time limit in plenary meetings and in the Main Committees.

IX. The agenda

23. Bearing in mind rule 81 of the rules of procedure of the General Assembly, the requirements for reopening debate on an agenda item which the Assembly had decided was completed will continue to be as at present and should be made clear to delegations through a statement from the President of the Assembly. A delegation wishing to reopen debate on an agenda item should send a written request to the President of the Assembly. The President will then undertake soundings to ascertain whether the request enjoys wide support. In the light of these soundings, the President shall announce in the Journal of the United Nations the date of the meeting of the Assembly to consider the question of reopening debate on the item, bearing in mind the requirements of rule 81.

24. The General Assembly shall take further steps to rationalize and streamline the agenda, based on the Guidelines on the Rationalization of the Agenda of the General Assembly agreed to by the Assembly in annex I to its resolution 48/264 of 29 July 1994, and in particular shall make greater use of clustering, biennialization or triennialization of agenda items. Items that could be considered at a later session shall be identified, taking into account the priorities set by the medium-term plan.

25. As a general rule, agenda items that could be considered in the Main Committees shall be referred to the Main Committees rather than the General Assembly in plenary meetings.

26. The Main Committees shall give specific attention to rationalizing their future agenda and shall consider recommending any possible clustering, biennialization or triennialization of items.

X. Organization of work

27. The General Assembly is the highest political body with universal membership of the Organization. Consideration of agenda items directly in plenary meetings shall be reserved for urgent issues or issues of major political importance, bearing in mind paragraphs 1 and 2 of annex I to General Assembly resolution 48/264.

28. The President of the General Assembly, with a view to ensuring that there is a systematic and transparent process for participation by delegations in discussions on action to be taken on items considered directly in plenary meetings, shall assess the debate in plenary meetings and, where appropriate, organize open-ended informal consultations, under the chairmanship of the President or one of the Vice-Presidents of

the Assembly, to discuss the need for and content of any action.

29. The Secretariat shall ensure, in consultation with the President, that priority is accorded to the availability of a meeting room and services to facilitate these consultations.

30. All Main Committees shall hold brief organizational sessions once the General Assembly has taken decisions on the agenda, before the commencement of the general debate. Bureaux of the Main Committees shall meet earlier to draw up recommendations on the organization and programme of work.

31. The Main Committees shall meet in substantive session only after the end of the general debate.

32. The number of reports requested shall be rationalized where possible so as to permit more focused consideration of issues. All bodies shall exercise restraint in making proposals containing requests for new reports and should consider integrating, biennializing or triennializing the presentation of reports, bearing in mind paragraphs 6 and 7 of General Assembly resolution 50/206 C of 23 December 1995.

XI. The General Committee

33. The General Committee shall use its authority and competence, taking into account rule 43 of the rules of procedure, by allowing Member States that are not represented on the General Committee to participate in its discussions. The process of decision-making will continue to be as at present.

34. The General Committee may, each year, prior to the closure of the session, prepare suggestions based on its experience for the consideration of the incoming General Committee.

35. The General Committee is requested to consider and recommend to the General Assembly methods and procedures for streamlining and rationalizing the Committee's work. The General Committee shall, in this context, in relation to each agenda item proposed, consider its rejection or its inclusion in the provisional agenda, taking into account previous recommendations of the General Committee and previous relevant decisions of the Assembly.

XII. Subordinate machinery

36. The First Committee and the Fourth Committee shall not meet simultaneously and may consider meeting in a sequential manner during the regular session of the General Assembly. This arrangement shall not apply if it affects their respective identities, programmes of work and effective consideration of their agendas.

37. The Disarmament Commission should continue to consider ways to organize its work better, including rationalizing the duration of its sessions.

38. The General Assembly should invite the International Atomic Energy Agency and the World Health Organization to consider the functions and role of the United Nations Scientific Committee on the Effects of Atomic Radiation and to submit a recommendation to the Assembly at its fifty-third session. Meanwhile, the United Nations Scientific Committee on the Effects of Atomic Radiation should be asked to submit its report to the International Atomic Energy Agency and World Health Organization as well as to the General Assembly. The Assembly would discuss the report along with

any International Atomic Energy Agency and World Health Organization evaluation of the report.

39. The Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s shall conduct its final review and appraisal during the fifty-seventh session of the General Assembly.

XIII. The budget process and fulfilment of mandates

40. To ensure better transparency and accountability, the medium-term plan shall be the framework for the budget process.

41. The budget process shall be carried out in accordance with relevant General Assembly budget resolutions, in particular resolution 41/213 of 19 December 1986, and the relevant provisions of the Financial Rules and Regulations. The importance of continuous and appropriate dialogue on the improvement of current administrative and budgetary practices and procedures is recognized.

42. The Secretary-General shall continue to have flexibility, without prejudice to the fulfilment of mandates, to redeploy, as necessary, within the limits prescribed by the General Assembly budget resolutions and the Financial Rules and Regulations, the human and financial resources necessary to fulfil mandates.

XIV. Role of the President of the General Assembly

43. The President of the General Assembly shall be encouraged to take appropriate opportunities to utilize the potential of the office of the President, consistent with the Charter and the mandates of the Assembly, to advance the purposes and principles of the Organization, including regular consultations between the President of the Assembly and the presidents of other organs, particularly the Security Council and the Economic and Social Council.

44. In order to assist the President in the discharge of his responsibilities, the General Assembly shall request the Secretary-General, after consultation with the President, to include in the next programme budget a proposal for adequate resources to be made available to the President, including, if necessary, through enhanced administrative and personnel support to the office of the President.

XV. Technology

45. The Secretary-General is requested to pursue an information technology plan with a range of options to provide all permanent missions to the United Nations and the wider public with on-line access to documents and relevant United Nations information. Unless the General Assembly decides otherwise, hard copies of documents shall continue to be distributed to permanent missions in accordance with their needs. While welcoming the progress made by the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council, further efforts in this direction could be pursued within a specified time-frame to harmonize and improve United Nations information systems. All countries, in particular developing countries, shall be assisted in making full use of this potential access. Adequate provision should be made for training delegates. Facilities for such access by delegations within the United Nations premises shall also

be expanded as much as possible. Availability of information in this manner should be ensured in all official languages of the United Nations.

46. The Secretary-General is encouraged to include information on the impact of technological improvements in his report on the implementation of mandates, by means of comparing outputs with objectives.

XVI. System-wide coordination

47. The Secretary-General is requested to elaborate further ways to strengthen system-wide coordination and to report thereon to the General Assembly.

XVII. Oversight and accountability of the Secretariat: external and internal mechanisms

48. The Secretariat shall be held strictly accountable for implementing mandates within allocated budgets.

49. For the Secretariat to operate efficiently in fulfilling mandates, micromanagement of the Secretariat by the General Assembly should be avoided.

50. The Secretary-General is encouraged to submit proposals to the General Assembly to improve the presentation of the programme performance report so as to enable the Committee for Programme and Coordination and the Main Committees of the General Assembly, without prejudice to the provisions of section VI of resolution 45/248 B of 21 December 1990, as reaffirmed in resolution 51/221 of 18 December 1996, to consider the portions of the report related to their substantive work with reference to the medium-term plan, with a view to facilitating the consideration of the programme performance report by the Fifth Committee.

51. There shall be a more detailed and structured examination in the Main Committees of the relevant reports of the Board of Auditors, the Joint Inspection Unit and the Office of Internal Oversight Services in relation to the substantive work of these Committees.

52. Accountability and intergovernmental oversight shall be improved by periodic coordination meetings between the Board of Auditors, the Advisory Committee on Administrative and Budgetary Questions and the Joint Inspection Unit, with appropriate input from the Office of Internal Oversight Services.

53. "Question time" in all Main Committees would enable a dynamic and candid interchange with responsible Secretariat officials to facilitate the work of the Main Committees in their assessment of fulfilment of mandates, productivity and related issues.

54. Every effort should be made to ensure that the measures referred to above take into account and are mutually reinforcing of the programme evaluation activities carried out by other competent intergovernmental bodies.

XVIII. Areas for more intensive work by oversight machinery

55. The relevant bodies should request the external and internal oversight machinery to give early attention to, among others, the following areas and to report thereon periodically to the General Assembly:

- (a) Practice and procedures in the employment of consultants;
- (b) Practice and procedures in short-term contract employment;
- (c) Practice and procedures with respect to recruitment;

(d) Productivity gains actually achieved from investment in technology and the impact of the postponement/deferral of upgrading technological systems on the long-term functioning of the Organization;

(e) Practice and procedures for appointments at the senior level;

(f) Practice and procedures for procurement and the award of contracts;

(g) An evaluation of conflict of interest issues, in particular for personnel dealing with employment decisions and the award of procurement and contracts;

(h) Practice and procedures in the establishment and use of trust funds;

(i) Practice and procedures with regard to personnel on loan;

(j) Any other issue recommended by the General Assembly.

XIX. The Secretary-General

56. The process of selection of the Secretary-General shall be made more transparent.

57. The General Assembly shall make full use of the power of appointment enshrined in the Charter in the process of the appointment of the Secretary-General and the agenda item entitled "Appointment of the Secretary-General of the United Nations".

58. The duration of the term or terms of appointment, including the option of a single term, shall be considered before the appointment of the next Secretary-General.

59. In the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard shall continue to be given to regional rotation and shall also be given to gender equality.

60. Without prejudice to the prerogatives of the Security Council, the President of the General Assembly may consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, may forward those results to the Security Council.

61. In order to ensure a smooth and efficient transition, the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires.

XX. Senior management

62. The senior management structure should be considered in the context of the overall structure of the Organization, desired lines of authority and decision-making.

63. The Organization shall have a clear pyramid structure. To that end, the functions and number of under-secretaries-general, special representatives of the Secretary-General and assistant secretaries-general should be reviewed and streamlined by the Secretary-General, and lines of authority and decision-making made transparent.

64. Member States note the Secretary-General's decision to establish a Policy Coordination Group as a means to enhance coordination in the terms explained by him to Member States.

65. The principles of equitable geographical distribution and gender balance shall be reflected in appointments to senior positions, including heads of programmes, funds and other United Nations bodies.

66. The principle enshrined in General Assembly resolution 46/232 of 2 March 1992 that there should be no monopoly on senior posts by nationals of any State or group of States should be strictly observed and implemented. The Secretary-General should keep the Assembly regularly informed of his/her actions on those matters.

67. The Secretary-General is encouraged to consider uniform terms and term limits in his appointments to senior management posts.

XXI. Heads of programmes, funds and other United Nations bodies

68. Affirming the role of the General Assembly in approving appointments and extension of terms, uniform terms of office of four years, renewable once, should be introduced for the executive heads of programmes, funds and other bodies of the Assembly and the Economic and Social Council.

69. The specialized agencies are also encouraged to consider uniform terms and term limits for their executive heads.

XXII. General staffing issues

70. It is essential for the successful functioning of the Organization that it has a career international civil service for its core functions. There is also an important role for term contracts for various categories of staff.

71. The Secretary-General shall be encouraged, in accordance with legislative mandates, to ensure a judicious mix of career and fixed-term appointments, so as to have an appropriate balance between institutional memory, long-term commitment and independence and the ability to bring in fresh insights and expertise, and to dismiss non-performing staff.

72. Short-term appointments should not be used as an entry to career positions. A review should be undertaken of staff on short-term appointments.

73. Staff development and training shall be encouraged along with a cost-effective common training system to be developed for personnel of the Secretariat, funds and programmes.

74. The provisions of the Charter giving due regard to the importance of recruiting staff on as wide a geographical basis as possible shall be implemented. In this regard, the principle of gender balance shall be observed within the Organization. In achieving gender balance, the principle of equitable geographical distribution shall be respected.

75. The quality of the language services shall be enhanced, including through the provision of effective management practices, bearing in mind that all official languages of the United Nations are of equal importance in this regard.

XXIII. Personnel management

76. The system of in-career promotion shall be made more transparent.

77. A planned rotation among different departments as well as between Headquarters and the field level, as appropriate, as endorsed by the General Assembly in its resolution 49/222 A of 23 December 1994, as one way of enhancing experience and skills, should be developed and submitted to the Assembly.

78. The performance appraisal system shall be subject to periodic review and audit and comparative sta-

tistics should be maintained for review by the General Assembly.

XXIV. Secretariat remuneration

79. The General Assembly shall request the International Civil Service Commission to prepare proposals for a possible system of performance-based remuneration for its consideration.

80. The General Assembly shall reiterate that topping up of remuneration of their nationals in any way by Member States is not acceptable and shall request the Secretary-General to report on the matter.

XXV. Independence of the Secretariat

81. Further efforts shall be made, consistent with Article 101 of the Charter, to pay due regard to the importance of recruiting the staff on as wide a geographical basis as possible.

82. Compliance with Article 100 (2) of the Charter is of fundamental importance and it would be timely to call upon Member States scrupulously to observe Article 100 (2) and to request the Secretary-General to prepare guidelines on what constitutes acceptable representations to him and his staff on appointments.

83. Consistent with Article 101 of the Charter, Secretariat guidelines for staff members on financial interests shall include a requirement at all levels of senior management for specified financial disclosures at the time of appointment and on a regular basis. These financial statements shall be dealt with on a basis of confidentiality.

Review of Security Council membership and related matters

Open-ended Working Group. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council submitted a report on its work during the General Assembly's fifty-first session [A/51/47 & Corr.1]. Between 23 October 1996 and 18 July 1997, the Group held 42 meetings divided into three substantive sessions.

At the first session in March, the Group considered statements by the two Vice-Chairmen on informal discussions conducted with 165 Member States. The Vice-Chairmen indicated that although the Group was entering its fourth year, only about 30 per cent of the UN membership had addressed it. The Bureau of the Group felt it necessary to reach out and hear the views of as many as possible of the silent majority that constituted over 100 Member States. It also exchanged views with the rest of the membership whose views could be the subject of further clarification and exposition.

The major findings from the consultations were:

Council size and composition. A large majority of Member States supported an increase in both permanent and non-permanent categories of

membership in the Security Council; a few Members advocated an increase in non-permanent membership only; a number of delegations that supported an increase in both categories also expressed readiness to support an increase in the non-permanent category as a first step, as long as the Working Group continued to address the increase in permanent membership. Safeguarding the Council's efficiency was a common concern of many delegations.

Decision-making, including veto. The vast majority of Member States felt that the veto was anachronistic and undemocratic, while acknowledging that it was not realistic to expect the veto to be abolished.

Charter amendments. A large majority of Member States supported moving ahead with improvements in the working methods of the Council and enhancement of the transparency of its work without having to wait for solutions on the expansion issue.

The Working Group received written proposals from Belgium, on behalf of Australia, Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia, and from Poland. The Movement of Non-Aligned Countries submitted a negotiating paper on cluster II issues (other matters related to the Council), which formed the basis for the Working Group's discussion. At the end of the session, the Chairman presented his paper on a reform of the Security Council.

At its second session in April/May, the Working Group considered written proposals by Mongolia and by Egypt, on behalf of the Movement of Non-Aligned Countries, and a non-paper by the Bureau on the working methods and transparency of the Council, prepared on the basis of the negotiating paper of the non-aligned countries on cluster II issues. At its third session in June/July, proposals were submitted by Lebanon, for the Group of Arab States, and by Italy. Senegal submitted the deliberations of the Organization of African Unity on the subject. The Bureau also submitted a conference room paper.

The Working Group affirmed that the work of the General Assembly on Council reform should be conducted in conformity with the relevant Assembly resolutions, respecting the need for transparency and open-endedness. Concluding its work, the Group recommended that consideration of the matter should continue at the Assembly's fifty-second session, building on the work done during all previous sessions.

The Assembly, by **decision 51/476** of 15 September, took note of the Working Group's report and decided that the Group should continue its

work, taking into account progress achieved at previous Assembly sessions and the views to be expressed during the fifty-second session. The Working Group would submit a report to that session, including any agreed recommendations.

On 22 December, the Assembly, by **decision 52/459**, decided that the item on the question of equitable representation on and increase in the membership of the Security Council and related matters should remain for consideration during the fifty-second session.

Revitalization of the United Nations in the economic, social and related fields

In 1997, the process of restructuring and revitalization in the economic, social and related fields of the United Nations, which began in 1991 [YUN 1991, p. 749], continued. In 1996, the General Assembly had adopted a number of measures to further the process, which were embodied in resolution 50/227 [YUN 1996, p. 1249].

In response to the Assembly's request that he report on measures taken to implement resolution 50/227, the Secretary-General, in a 29 May report [A/52/155-E/1997/68], provided information on efforts made by the Assembly and the Economic and Social Council with regard to the relevant provisions of that resolution. He also reported on action by the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme to respond to the Assembly's recommendations in respect of their agendas, programmes of work, number and scheduling of meetings and sessions, reporting and documentation, rules of procedure and the participation of observers. In a June addendum [A/52/155/Add.1-E/1997/68/Add.1], the Secretary-General examined the difference in cost of holding meetings of the Council in New York and Geneva.

In another May report [E/1997/40], the Secretary-General reviewed some recent reform efforts undertaken by the regional commissions, provided an assessment of progress achieved and suggested further steps that could be initiated (see below). The Secretary-General also transmitted an IMF report on collaboration between the United Nations and that organization [E/1997/78] and an information note [E/1997/101] on the joint United Nations/Bretton Woods institutions review.

Communication. On 27 January [A/51/785], the Nordic countries (Denmark, Iceland, Finland, Norway, Sweden) transmitted to the Secretary-General a report entitled "The United Nations in development; strengthening the United Nations

through change: fulfilling its economic and social mandate". The report gave their views on the need for reform in five areas: UN work at the country level; operations at Headquarters level; governance of the UN system; financial reform and adequate and predictable funding; and staff policy. The Nordic countries said they wanted to seek ways to make the United Nations more effective and relevant in order to strengthen and enable it better to fulfil its economic and social mandate.

The Economic and Social Council, by decision 1997/311 of 25 July, decided to continue consideration of the item on the implementation of Assembly resolution 50/227 at its resumed substantive (1997) session and to consider the item at an early date in future substantive sessions. It requested its Bureau to make suggestions regarding action on the Secretary-General's recommendations contained in his report and requested the Secretary-General to brief the Council on relevant issues after each session of ACC, beginning with the second regular session in late 1997.

By decision 1997/322 of 18 December, the Council decided to continue its consideration of the item and to request the Secretary-General to brief delegations on relevant issues considered at ACC's second regular session of 1997 at the Council's 1998 organizational session.

On 15 September, by decision 51/478, the General Assembly decided to include in the provisional agenda of its fifty-second session the item entitled "Restructuring and revitalization of the United Nations in the economic, social and related fields". By decision 52/459 of 22 December, it decided that the item would remain for consideration during the fifty-second session.

Review of subsidiary bodies of the Economic and Social Council

In July, the Economic and Social Council, in response to General Assembly resolution 50/227 [YUN 1996, p. 1249], reviewed the mandates, composition, functions and working methods of its functional commissions and expert bodies, in particular the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources. It had before it a 1996 report [E/1996/97 & Add.1] by the Secretary-General on the establishment, terms of reference, membership and composition, term of office of members, reporting procedure and frequency of meetings of the subsidiary bodies of

the Council and the Assembly in the economic, social and related fields.

ECONOMIC AND SOCIAL COUNCIL ACTION

In July, the Economic and Social Council adopted decision 1997/310 [draft: E/1997/L.58] without vote [agenda item 12].

Review of the subsidiary bodies of the Economic and Social Council

At its 42nd plenary meeting, on 25 July 1997, the Economic and Social Council, recalling General Assembly resolution 50/227 of 24 May 1996, in which the Assembly, *inter alia*, decided that the Council should undertake a review of the mandates, composition, functions and working methods of its functional commissions and expert bodies and should consider, as a matter of priority, the role, working methods and relationship with other bodies of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources, recalling its resolution 1996/41 of 26 July 1996 on the follow-up to General Assembly resolution 50/227, taking into account the work done during its substantive session of 1997, including preparatory consultations in New York and views and positions expressed by Member States as well as inputs provided by the Economic and Social Council secretariat and the substantive secretariats servicing the bodies under priority consideration:

(a) Decided to continue, at its resumed substantive session of 1997, consideration of its review in accordance with General Assembly resolution 50/227, annex I, paragraphs 70 and 71, and Council resolution 1996/41;

(b) Took note of the summary of the review exercise undertaken at its substantive session of 1997, which was submitted by the Vice-President of the Council and is contained in the annex to the present decision;

(c) Requested the President of the Council to transmit the text of the present decision and the annex thereto to the Presidents of the General Assembly at its fifty-first and fifty-second sessions, for consideration under relevant items of the agenda of the Assembly.

ANNEX

Summary by the Vice-President of the Economic and Social Council, Mr. Anwarul Karim Choudhury (Bangladesh), of the informal consultations on the follow-up to General Assembly resolution 50/227: review of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources

1. In the preparations for the substantive session of 1997 of the Economic and Social Council in New York and during the session itself in Geneva, several rounds of consultations were held, in pursuance of General Assembly resolution 50/227, relating to a review of the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources, as part of the Council's review of its subsidiary bodies. These consultations were assisted by the valuable background information, ideas and sug-

gestions provided at the request of the Member States by the chairpersons of the bodies under priority review, the secretariat of the Council and other relevant substantive secretariats. The Group of 77 and China and the European Union also submitted written comments and proposals for consideration in the review exercise. On the basis of these various inputs, an informal outline for discussion (dated 30 June 1997) was presented by the Vice-President as mandated. During the substantive session, a comprehensive review of the mandates, composition and working methods of each of the four bodies under review was carried out.

2. The present summary, prepared by the Vice-President, of the issues addressed is intended to facilitate further consultations.

3. On process, the broad perception during the consultations was that:

(a) The intergovernmental process mandated by General Assembly resolution 50/227 should continue at the resumed substantive session of 1997; it was also observed, however, that the Council's review would benefit from further information, to be provided by the Secretary-General;

(b) There was a need to coordinate the intergovernmental process of the review to ensure there was no duplication.

4. On the Commission on Science and Technology for Development, the main areas of concern were as follows:

(a) The role of the Commission, its profile and its impact;

(b) Intergovernmental oversight, its relationship with the Council and the Trade and Development Board as well as with other intergovernmental bodies, including the Commission on Sustainable Development;

(c) Coordination, inter alia, through its agenda and work programme;

(d) The relationship between the Commission and its substantive secretariat, and with organizations of the United Nations system;

(e) The size, composition and completion of membership (vacancies, regional balance and the like).

5. On the Committee for Development Planning, the main areas of concern were as follows:

(a) The role of the Committee in preparing for development discussions in the Council, particularly during its high-level segment, as well as its role in the identification and analysis of new and emerging trends and issues in the area of development;

(b) The name of the Committee: it could be changed to Committee for Development Policies, as suggested by the Committee itself, or to Committee for Development Issues;

(c) The role of the Committee in reviewing the list of the least developed countries: whether this function could be carried out by some other United Nations body;

(d) Clarification of the relationship between the Committee and the Secretary-General's High-level Advisory Board on Sustainable Development.

6. On the Committee on New and Renewable Sources of Energy and on Energy for Development, the main areas of concern were as follows:

(a) How to deal effectively, at an expert level, with the energy issue, which is of particular importance for the developing countries;

(b) The place of the Committee in the subsidiary machinery of the Council: should it report to the Council directly or through the Commission on Sustainable Development;

(c) Arrangements for dissemination and use of the reports of the Committee;

(d) Linkages with other United Nations bodies.

7. On the Committee on Natural Resources, the main areas of concern were as follows:

(a) The place of the Committee in the machinery of the Council and its relationship with other bodies, particularly the Commission on Sustainable Development and the Committee on New and Renewable Sources of Energy and on Energy for Development;

(b) Whether issues of freshwater management require separate consideration in the Committee or can be discussed in the Commission on Sustainable Development;

(c) How to address effectively the issue of minerals and whether it is feasible to combine this function with the work on energy in the Committee on New and Renewable Sources of Energy and on Energy for Development;

(d) Arrangements for dissemination and use of the reports of the Committee.

Appendix

Informal outline for discussion on the Commission on Science and Technology for Development, the Committee for Development Planning, the Committee on New and Renewable Sources of Energy and on Energy for Development and the Committee on Natural Resources

A. Commission on Science and Technology for Development

1. The mandate established by the resolutions of the General Assembly and the Council should be retained. Particular attention should be focused on the issues of transfer of technology and capacity-building.

2. The size of the Commission should be reduced from 53 members to 24 members, who should be experts nominated by Member States.

3. The Commission should continue to report directly to the Council.

4. Coordination with other bodies, including the Commission on Sustainable Development, should be improved.

5. The dissemination of information should be improved.

B. Committee for Development Planning

1. The name of the Committee should be changed to Committee for Development Policies or Committee for Development Issues.

2. The Committee should perform as an independent advisory body to the Council, providing inputs with regard to various issues or themes being discussed in the Council. Its mandate on the least developed countries should continue.

3. Dissemination of information should be improved.

4. The Council should provide guidance regarding the programme of work of the Committee.

5. The composition of the Committee (24 members) should include people from a variety of economic and social disciplines of relevance to its think-tank role. The membership should include those who are able to provide newer perspectives on issues under consideration.

C. Committee on New and Renewable Sources of Energy and on Energy for Development and Committee on Natural Resources

1. These two Committees should be merged to form one Committee on Natural Resources and Energy for Development.

2. The new Committee should have two panels, one dealing with energy for development, including new and renewable sources of energy, and the other dealing mainly with water resources.

3. The Committee should act as an advisory expert body reporting to the Council.

4. The new Committee should be composed of 24 experts nominated by Member States: 12 members with adequate and appropriate expertise should serve on each panel.

5. The panels should focus on appropriate recommendations for action by the Council.

6. The Committee should meet annually for one week in view of the importance of the issues considered by the two panels.

7. Dissemination of information and coordination with other United Nations bodies should be improved.

By decision 1997/322 of 18 December, the Council decided to convene informal consultations in March and May/June 1998 to continue the review of its subsidiary bodies, taking into account the relevant parts of those resolutions relating to UN reform adopted by the Assembly at its fifty-second session. The Council requested the Secretary-General to submit a report on the question in 1998.

Reform of regional commissions

The Secretary-General, responding to General Assembly resolution 50/227 [YUN 1996, p. 1249] and Economic and Social Council resolution 1996/41 [ibid., p. 1257], submitted a May report [E/1997/40] in which he reviewed some of the recent reform efforts undertaken by the regional commissions, assessed progress achieved and suggested further steps to be initiated.

In July, the Council adopted several resolutions and a decision on the reform measures taken by the regional commissions (see PART THREE, Chapter V).

The General Assembly, in **resolution 52/12 B**, invited the Council to conduct a general review of the regional commissions at its 1998 substantive session and to report to the Assembly before the end of its fifty-second session.

Innovative funding mechanisms

The Secretary-General reported to the Economic and Social Council and the General Assembly on new and innovative ideas for generating funds globally for agreed commitments and priorities, in particular those established at recent UN conferences and summits.

The question of financing for the implementation of Agenda 21, adopted at the 1992 UN Conference on Environment and Development [YUN 1992, p. 672], was addressed in the Programme for the Further Implementation of Agenda 21, adopted at the Assembly's nineteenth special session (see PART THREE, Chapter I).

Report of Secretary-General. In response to Economic and Social Council resolution 1996/48 [YUN 1996, p. 1271], the Secretary-General submitted a 23 June report [A/52/203-E/1997/85] on new and innovative ideas for generating funds globally: agreed commitments and priorities. The report focused on the financing of global development priorities resulting from recent major international conferences as part of the process of mobilizing additional resources for development cooperation. The Secretary-General said that while the report's emphasis was on the financing of multilateral, intergovernmental development cooperation objectives, the underlying premise was that the private sector was the primary source of financing for meeting those objectives. Of the many ideas and proposals presented to the Council in 1996 [YUN 1996, p. 1270] for generating resources for development funds, those relating to charges or taxes on international transactions did not appear viable. He therefore presented two broad groups of possible options: private-public partnership in mobilizing finance for achieving development objectives; and national charges and fees, drawing from national experiences in environmental protection.

Regarding the first option, the Secretary-General recommended that multilateral and bilateral development agencies should examine collateralized bond obligations-type mechanisms for promoting public-private partnerships for financing programmes and projects. Microcredit leaders, financial sector specialists and key government regulators should create facilitating frameworks and eliminate obstacles to linking microcredit to capital markets, taking into account the recommendation of the Microcredit Summit (see PART THREE, Chapter I). The regulatory environment, market imperfections, financial reporting, financial best practices, marketing, risk-management and credit rating were

issues that should be examined. The community development practices of companies with subsidiaries abroad could be surveyed to determine whether they showed a globalization trend and whether companies maintained the good practice of assuming a certain measure of developmental responsibility for their neighbourhoods when they established such subsidiaries. Such practices could be encouraged through appropriate incentives. It might also be useful, said the Secretary-General, to evaluate the lessons learned from experience with different types of joint implementation arrangements and to undertake feasibility studies covering aspects of economic desirability and technical feasibility. The market for an emission trading scheme should be sufficiently wide and capable of expanding over time, with the addition of sophisticated monitoring and compliance control procedures. Other issues such as the allocation of initial quantities of "emission rights", the effect of the provisions of a potential global permit trading regime on developing countries and the expiry of carbon credits and the potential of changing "rules of the game" should also be examined. It would be useful in future, the Secretary-General stated, to distinguish more clearly between "aid", that is, assistance to poorer countries to help them attain their national objectives, and "global development financing", that is, meeting incremental costs. Such a distinction would provide a new rationale for international development cooperation and underline that much of it was not aid but investment in mutual concerns.

Under the second option, the Secretary-General discussed environmental charges or taxes

as a source of revenue, including national carbon taxes, national conservation tax to finance biodiversity, service and user fees as possible funding options and the use of IMF gold holdings and special drawing rights to subsidize interest, enabling a substantial volume of semi-concessional finance to be made available to developing countries.

The Secretary-General recommended that special attention be accorded to developing enhanced technical cooperation services, including information sharing, which development assistance agencies could offer to strengthen the capacity of developing countries in terms of mobilizing and managing private capital and in using that capital to achieve sustainable development. The Economic and Social Council could consider how to review all the discussions held in various forums to identify the more promising ideas for further consideration. As the acceptability of any new ideas or mechanisms was directly linked to the uses to be made of the funds raised, it was important to carry out the discussions in the Council's functional commissions, particularly on those ideas that would help achieve the objectives of the global conferences, so that the funding methods were closely tied to the policy objectives of each sector. Consequently, the Council could request its functional commissions to report on new and innovative ways of funding, drawing attention to aspects requiring coordinated and coherent policy. As for the funding mechanisms of a cross-sectoral or non-sectoral-specific nature, the Council could continue to take up the issue but with narrower focus and greater depth and request the Committee for Development Planning to prepare a report.

The Council, on 25 July (**decision 1997/313**), and the Assembly, on 18 December (**decision 52/451**), took note of the Secretary-General's report.

Chapter II

United Nations financing and programming

Over the course of 1997, the financial situation of the United Nations showed no sign of improvement. The Secretary-General reported that the high levels of unpaid assessments for the regular budget, international tribunals and peacekeeping operations were undermining the financial stability and liquidity of the Organization. Unpaid assessments at the end of 1997 totalled \$2 billion. The High-level Open-ended Working Group on the Financial Situation of the United Nations continued its search for solutions but reached no agreed conclusions. However, the Secretary-General, in his proposed measures for United Nations reform, recommended the establishment of a revolving credit fund capitalized up to \$1 billion and funded through voluntary contributions, as one means of providing liquidity as an advance on Member States' contributions.

The General Assembly, in December, adopted revised appropriations of \$2.5 billion for the 1996-1997 biennium, \$61.2 million less than it had originally approved, and budget appropriations of \$2.5 billion for 1998-1999. The Assembly also considered the Secretary-General's proposals for reducing non-programme costs by 35 per cent and redirecting the funds to development and for introducing results-based budgeting.

The Committee on Contributions continued to review the methodology of the scale of assessments. In December, the Assembly decided on the scale of assessments for the period 1998-2000.

The Assembly accepted the financial reports and audited financial statements and audit opinions of the Board of Auditors for the 1995-1996 biennium on the United Nations, on UN peacekeeping operations and on UN entities. The Board submitted to the Assembly proposals for improving the implementation of its recommendations.

Financial situation

Reports of Secretary-General. In March [A/51/515/Add.2], the Secretary-General reported that only 30 Member States had paid their new assessments in full by the due date of 31 January. By the

end of February, that number had risen to 40 as against 33 in 1996 and 27 in 1995. The total of \$555 million received for the regular budget assessments of \$1.1 billion issued at the beginning of the year, compared with the \$383 million collected for the same period in 1996, was due to a full 1997 contribution by France and a payment of \$100 million by the United States. However, the Secretary-General cautioned that the surge in cash would not carry on through the entire year and that there would be a return to deep negative cash amounts. Therefore, 1997 was expected to be identical to 1996. He appealed to Member States for their best efforts to put the Organization back on a solid, reliable financial footing.

In May [A/51/515/Add.3], the Secretary-General reported that the Organization continued to be unable to pay its bills on a timely basis and was on the edge financially. Approximately one year's assessment remained uncollected and debts payable to Member States stood at around \$900 million. As at 30 April, \$637 million had been collected for the regular budget, representing a little over half of the 1997 assessment. On a month-by-month basis, collections in 1997 had outpaced those for the comparable period in 1995 and 1996. However, at the end of April, the usable cash balance of the General Fund totalled \$92 million, less than the amount needed for one month of regular budget expenditures. Usable peacekeeping cash at the end of April amounted to \$989 million, due for the most part to early and large inflows of assessed contributions. No significant payments had been made to troop and equipment contributors. It was forecast that the combined cash position would be \$433 million, with a regular budget cash deficit of \$201 million and a peacekeeping positive balance of \$634 million, or barely enough for two months of expenditures at average monthly projected rates for 1997. At the end of April, prior years' outstanding contributions for peacekeeping totalled \$1.4 billion. The regular budget arrears followed the same pattern. With no reserves and no capital to shore up the Organization, an already precarious situation would become even more unstable, said the Secretary-General.

Reporting again in October [A/52/444], the Secretary-General said that, against unpaid assessments of \$2.416 billion as of 30 September, as-

assessments issued aggregated \$2.26 billion. Unpaid assessments thus exceeded the current year's assessments by a ratio of 1.07 to 1. In monetary terms, outstanding contributions to the regular budget amounted to \$649 million as at 30 September, of which \$382 million was for the current year and \$267 million related to prior years.

At the end of September, collections totalled \$972 million against regular budget assessments, comprising both payment of current year's assessments and prior years' assessments paid during the current year. Of the total assessed for 1997, 88 per cent had been collected by the end of September, which compared equally to the previous year. However, as expenditures were running \$20 million higher than previously estimated, the deficit for 1997 was projected at \$272 million and the outlook for 1998 showed no real change for the cash position of the regular budget. Usable peacekeeping cash aggregated \$745 million, and projections showed disbursements exceeding receipts by \$204 million due to expenditures connected with the liquidation of several peacekeeping operations and the application of some of the accumulated credits in respect of unencumbered balances of peacekeeping missions, which the General Assembly had earlier delayed. As a result, peacekeeping cash at the end of the year was projected to fall to \$670 million, while the amount owed to troop- and equipment-contributing countries would total \$907 million.

Concluding, the Secretary-General said that the Organization had reached a point where it had little, if any, financial flexibility and was highly illiquid. The collection of arrears remained the key to the restoration of the Organization's financial stability.

In a later report [A/52/444/Add.1], the Secretary-General presented an end-of-year review of the financial situation, noting that unpaid assessments at the end of 1997 totalled \$2,048 million, slightly lower than the end of 1996 figure of \$2,144 million. The number of Member States paying their regular budget assessment in full continued to climb. At the end of 1997, 100 Member States had done so, compared to 75 in 1994. There had also been a substantial decrease in the number of Member States owing more than their 1997 assessments at the end of the year, down from 75 in 1994 to 50 in 1997. However, the number of Member States making no regular budget payment in 1997 moved back to 17 from a 1996 low of 12.

Aggregate peacekeeping assessments outstanding at the end of 1997 totalled \$1,574 million, a decrease of \$150 million since 1995. However, amounts due to Member States for troops and contingent-owned equipment totalled \$884 million, slightly worse than a year earlier, when amounts owed totalled \$838 million.

Turning to the Organization's cash situation, the Secretary-General reported that the available cash balances, for the regular budget and peacekeeping accounts combined, remained relatively stable at \$669 million at the end of 1997. Peacekeeping cash balances were favourably affected, although only temporarily, by lower than anticipated expenditures for several missions and by obligations recorded but not disbursed for other missions in liquidation. On the other hand, regular budget cash, including reserves, registered a negative balance of \$122 million, smaller than the 1996 figure of \$197 million. That was due to underspending for the 1996-1997 biennium and unexpected contributions from the United States and Ukraine.

The Secretary-General stated that the Organization's cash position was weak, and getting weaker, with unpaid assessments decreasing slowly. Debt to Member States had become resistant to change. As a result, the need for cross-borrowing from peacekeeping funds to cover regular budget deficits persisted as the level of funds declined.

High-level Working Group. The High-level Open-ended Working Group on the Financial Situation of the United Nations, established in 1994 [YUN 1994, p. 1336], held 10 meetings between 23 October 1996 and 16 June 1997. It considered the payment by Member States of their contributions in full and on time; the problem of arrears in the payment of contributions; the procedure for the approval of peacekeeping budgets and appropriations; the cash-flow situation; and methods for calculating the scale of assessments. The Vice-Chairman submitted a working paper entitled "Payment of contributions in full and on time and reduction of arrears: a framework for discussion". He proposed another working paper, which contained a draft decision pertaining to the payment of contributions in full and on time, the problem of arrears and the cash-flow situation, and which listed questions for further discussion: methods of calculating the scales of assessments and the procedure for approval of peacekeeping budgets and appropriations.

The Working Group discussed the issues presented in the second working paper. Individual members and groups of Member States, while welcoming the efforts of the Vice-Chairman, nevertheless expressed differing views on all of the issues.

On 8 September, the Fifth (Administrative and Budgetary) Committee took note of the Working Group's report [A/51/43] and transmitted it to the General Assembly for action.

The Assembly, by **decision 51/474** of 15 September, took note of the Fifth Committee's re-

port [A/51/973] transmitting the Working Group's report. The Assembly, by **decision 51/475** of the same date, noted the Group's work on the understanding that it would be resumed after consultations with Member States.

On the same date, by **decision 51/481**, the Assembly decided to include in the provisional agenda of its fifty-second session the item entitled "Improving the financial situation of the United Nations".

In a 19 November letter [A/52/701], the Secretary-General notified the Assembly that the issue of non-payment of arrears had become more acute since, contrary to expectations, the Congress of the United States was not able to reach a positive decision with regard to the payment of its arrears. He considered that the practice of borrowing from peacekeeping funds to cover shortfalls in the regular budget should not be regularized. He believed that Member States should fully consider the implications of the current situation for the Organization and urged the Assembly to convene the High-level Open-ended Working Group for that purpose and to explore options for ensuring timely payment by Member States of their assessments. He suggested that the Working Group report on its recommendations before the end of the Assembly's fifty-second session.

On 19 November [A/52/693], Luxembourg transmitted to the Secretary-General a declaration of the Presidency of the European Union (EU), which stated that the fact that the United States was continuing not to pay its arrears perpetuated the serious financial crisis and seriously affected the climate of trust within the Organization. The EU was counting on all Member States to honour their obligations promptly, in full and unconditionally, as did the EU member States, whose combined contributions accounted for 35.4 per cent of the regular budget and 37.9 per cent of the peacekeeping budget.

The Assembly, in **resolution 52/12 B** of 19 December on a programme for UN reform, reaffirmed the obligation of all Member States, in accordance with the Charter, to pay their assessed contributions in full, on time and without conditions.

By **decision 52/456** of 22 December, the Assembly decided that the Fifth Committee should continue in 1998 consideration of the item "Improving the financial situation of the United Nations".

Establishment of revolving credit fund

The Secretary-General, in his proposals for UN reform (see PART FIVE, Chapter I) announced in July [A/51/950], recommended the establishment of a revolving credit fund as a means

of dealing with the financial crisis of the Organization. In the absence of an adequate level of capital or any reserves and in the light of the failure of some Member States to discharge their treaty obligations with regard to the payment of assessed contributions, the Secretary-General believed it essential to find immediate practical measures to complement the ongoing search for a more fundamental solution of the Organization's financial situation.

In October [A/51/950/Add.4], the Secretary-General recommended that the fund be capitalized initially at a level of up to \$ 1 billion through voluntary contributions or any other means of financing that Member States might wish to suggest and be used to finance, on a recourse basis, any newly arising overdue assessment payments of Member States. The procedure for use of the fund would require the Secretary-General to notify any Member State that certain assessments had fallen past due by 90 days and request that Member State to specify the future date of payment. The notification and response would be used by the Secretary-General as a legally binding pledge for an advance from the fund, which he would then authorize up to the amount of the unpaid assessed contribution in question. Such an advance would not constitute payment of the assessment and would not affect the application of Article 19 of the Charter concerning the right to vote. The procedure would only be used for outstanding amounts greater than \$250,000. Member States, against whose unpaid contributions advances had been made from the fund, would bear the opportunity cost of financing such advances through adjustments of amounts owed to them by the Organization for prior year surpluses, up to the level of their share of such surpluses. Conversely, the surplus balances of Member States providing voluntary contributions to the fund would be adjusted accordingly. The cost of financing advances exceeding the accumulated surpluses would not be allowed without General Assembly agreement. All authorized retained surpluses should therefore be consolidated into a new single retained surplus account.

The General Assembly, in **resolution 52/12 B** of 19 December, noted the Secretary-General's recommendation and requested him to submit by the end of March 1998 detailed proposals for the establishment of such a fund, including its financing, management and operation, while emphasizing that the priority was compliance by all Member States with their financial obligations. It also took note of the recommendation that any unspent balances under the regular budget at the end of the fiscal period be retained and invited the competent bodies to consider the implica-

tions of such retention as well as its use, including possible allocation to development programmes, on the basis of a report to be submitted by the Secretary-General before the end of the fifty-second session.

Management of resources and funds

The General Assembly, by **decision 51/469 B** of 15 September, took note of the Secretary-General's report on jurisdictional and procedural mechanisms for the proper management of the resources and funds of the United Nations and the report thereon [YUN 1994, p. 1358] of the Ad Hoc Intergovernmental Working Group of Experts set up pursuant to Assembly resolution 48/218 A [YUN 1993, p. 1187]. The Assembly requested the Secretary-General to submit to its fifty-third (1998) session a report on the follow-up of management irregularities causing financial losses to the Organization, as indicated by the Office of Internal Oversight Services.

UN budget

Results-based budgeting

Among his proposed measures for UN reform [A/51/950], the Secretary-General recommended that the Organization shift from the current methodology of input budgeting to results-based budgeting. He also recommended that the General Assembly review existing arrangements for planning, programming and budgeting to enhance their role in providing strategic direction, establishing better performance yardsticks and reporting and focusing more on accountability for performance than on input accounting.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its first report [A/52/7/Rev.1] on the 1998-1999 programme budget, stated that the idea needed to be followed up with a detailed report on the proposed change and the new methodology to be used, as well as a mock-up of such a budget. There should also be an indication of what regulations, procedures and information systems (including performance indicators) should be in place before the introduction of output budgeting. ACABQ drew attention to resolution 51/221 B [YUN 1996, p. 1324], in which the Assembly decided that no changes to the budget methodology, procedures and practices could be implemented without prior review and approval by the Assembly.

In November [A/51/950/Add.6], the Secretary-General explained the basic concepts involved in

results-based budgeting and how those ideas might be applied to the United Nations. The key identifying feature of results-based budgeting was the emphasis on outputs and consequent outcomes as opposed to input budgeting where the emphasis was on inputs. The programme manager would be able to change the expenditure input mix to take advantage of relative price, technology or other changes as long as the output could be produced within the budget. Results-based budgeting focused more on results to be achieved and less on how money was to be spent within the overall allocation. For results-based budgeting to work effectively in the Secretariat, it would require greater delegation of authority and responsibility to programme managers and thus a decentralized management structure. Programme managers would be required to produce least-cost outputs, in accordance with pre-approved performance dimensions.

The Assembly, in **resolution 52/12 B** of 19 December, took note of the Secretary-General's recommendation to shift towards a system of results-based budgeting, and requested him to submit before the end of the fifty-second session a more detailed report that would include a full explanation for the proposed change, and the methodology to be used, as well as a mock-up of one or more sections of the budget.

Budget for 1994-1995

On 3 April, the General Assembly, by **decision 51/463**, concluded its consideration of the agenda item on the programme budget for the 1994-1995 biennium.

Budget for 1996-1997

Final appropriations

In 1997, the General Assembly adopted final budget appropriations for the 1996-1997 biennium, decreasing the amount of \$2,603,280,900 approved in 1996 by resolution 51/222 A [YUN 1996, p. 1282] by \$61,209,000. It reduced approved income estimates by \$28,700,100 to \$419,037,500. Increases were made in the budget areas of political affairs (\$14,791,700), public information (\$254,100), jointly financed activities and special expenses (\$645,500) and capital expenditures (\$827,000).

Reports of Secretary-General. Responding to Assembly resolution 50/214 [YUN 1995, p. 1386], the Secretary-General, in a June report [A/C.5/51/53], provided an update of the impact of approved savings measures on the implementation of mandated programmes and activities. He said that to

achieve reductions of the magnitude of \$ 154 million as requested by the Assembly, managers had to maintain vacancy rates significantly higher than budgeted for and effect reductions in the use of consultants, travel and operational costs. A review of the programmes of work towards their possible reorientation, reorganization and possible modification had also contributed to lessening the impact of the budget reductions. Although some of the programmed activities were affected in regard to their scope or timeliness of delivery, when compared with the total volume of the programme of activities only a very small number of outputs had been affected. The report outlined the specific impact of the reductions on each budget area.

In response to the Assembly's request in resolution 51/220 [YUN 1996, p. 1287], the Secretary-General issued an August report [A/C.5/51/57] on additional regular budget expenditures, including those relating to the maintenance of peace and security, inflation and currency fluctuation. The Secretary-General explained that legislative mandates relating to peace and security that were established after the preparation of the proposed programme budget and that gave rise to resource requirements were subject to additional appropriations outside the scope of the contingency fund, in accordance with resolution 41/213 [YUN 1986, p. 1024]. Such mandates tended to be valid for one year or less and had rarely extended beyond the end of a biennium. As a result, funds appropriated were not carried over to the next biennium but were relinquished, only to be sought again as additional appropriations in the context of revised estimates or statements of programme budget implications when the mandate was renewed or extended.

Given the recurring nature of such requirements over the last few bienniums, the Secretary-General sought to include in the outline of the programme budget for 1998-1999 a provision that would obviate the need for seeking additional resources, as and when such mandates were renewed or created in the course of the biennium. The General Assembly did not retain the proposal. Therefore, the Secretary-General stated, it was not only desirable but prudent to make such provision at the outset and offered two alternatives for doing so. First, include a one-line provision in the budget outline, and subsequently in the proposed programme budget. That amount would then be appropriated, but its utilization would be subject to individual legislative mandates and approval by the Assembly as and when it renewed such mandates. Alternatively, the contingency fund could be modified to include a component for such mandates and one

for activities currently covered under the contingency fund. The first alternative appeared more suitable to the Secretary-General, since it would provide for appropriations at the outset and obviate the need for additional appropriations.

Regarding the issue of expenditures arising from inflation and currency fluctuation, it was recalled that extensive reviews and studies had been conducted over the years but because of its complexity there were no easy solutions. The Secretary-General recalled that the Working Group on Currency Instability in 1974 [YUN 1974, p. 913] had outlined a number of alternatives for dealing with the effect of continuing currency instability and inflation on the budgets of the UN system, and, although the subject had resurfaced on several occasions, there had been no new development in terms of a solution. The Secretary-General had also addressed the issue in a 1987 report [YUN 1987, p. 1111] in which he analysed the changes made to the programme budget as a result of changes in rates of inflation and exchange and standard cost adjustments over three bienniums, which were as high as \$122.7 million in 1982-1983. Information for the 1994-1995 and the 1996-1997 bienniums confirmed that changes due to currency fluctuation and inflation were significant, reaching as high as \$193.2 million and \$211.8 million in the two bienniums, respectively. Although changes due to inflation and currency fluctuation had given rise to automatic adjustment in the budget, the renewed call to address the issue again might be seen as a desire for greater predictability. To ensure that predictability, two alternatives were suggested: to absorb the resultant increased costs, or establish a reserve fund, financed from assessed contributions and replenished from savings due to variations in the forecast included in the programme budget. When the adjustments represented additional requirements, they would be funded through the reserve, or credited to the reserve up to its approved level when they represented net reductions. However, it was recognized that the disadvantage was the unnecessary financial burden for Member States. The Secretary-General concluded that, under the circumstances, the current mechanism for dealing with inflation and currency fluctuation was the most appropriate.

ACABQ report. In a December report [A/52/7/Add.2] on the question of additional expenditures, ACABQ recommended that the Secretary-General make provision in the budget outline for expenditure for missions related to peace and security expected to be extended or approved during the biennium and included in the proposed programme budget with explanations and justification. If the Assembly endorsed that recom-

mentation, then the Secretary-General should be requested to submit by February 1998 a technical proposal on the modalities for implementation, including the implication of budgeting and financing peace and security activities whose legislative mandate might be extended or approved in the biennium.

Regarding the issue of inflation and currency fluctuation, ACABQ concurred with the Secretary-General's conclusion that the current mechanism might still be the most appropriate and requested the Secretariat to collect and maintain data on the subject. Every effort should be made to monitor developments, especially in the currency markets, with a view to minimizing the impact of fluctuations on the United Nations.

Further report of Secretary-General. The Secretary-General, in the second performance report on the 1996-1997 budget [A/C.5/52/32 & Corr.1], provided estimates of the anticipated final levels of expenditure and income for the biennium, based on actual expenditures for the first 18 months and projected requirements for the last six, as well as changes in inflation and exchange rates and cost-of-living adjustments. The estimates represented a net decrease of \$25.1 million or 1.2 per cent, compared with the revised appropriations and estimates of income approved in 1996 [YUN 1996, p. 1282]. The net reduced requirement of \$25.1 million reflected a combined effect of projected additional requirements in the amount of \$31.6 million owing to changes in inflation assumptions (\$1.6 million), commitments entered into under the provisions of resolution 50/217 [YUN 1995, p. 1396] on unforeseen and extraordinary expenses (\$4.3 million) and commitments authorized by the Assembly (\$25.7 million), and a decrease in income (\$28.7 million). That was offset by an anticipated reduction of \$85.4 million owing to changes in exchange-rate assumptions (\$49.3 million), variations in post and common staff costs (\$30.6 million) and adjustments to expenditures other than posts (\$5.5 million). Proposed expenditures amounted to \$2,549.4 million or a decrease of \$53.8 million. That figure included additional expenditure of \$10.4 million for the Integrated Management Information System (IMIS), the details of which were included in his ninth progress report on IMIS [A/52/711] (see PART FIVE, Chapter IV). Income was estimated at \$419 million, or a decrease of \$28.7 million. The Secretary-General recalled the Assembly request that savings in expenditures not affect the full implementation of mandated activities. While proposals were submitted to the Assembly during the biennium, it had simultaneously been noted that savings, other than significant reductions in staff, would require a longer lead time to address. Pending the Assembly's decision on the level of savings

to be achieved during the biennium, the need to exercise restraint in incurring expenditures was stressed to managers when the initial release of allocations was made. In addition, to promote stability in programme delivery, greater implementation flexibility was provided to offices in 1997.

ACABQ report. In its comments on the Secretary-General's report [A/52/742], ACABQ expressed its intention to examine the requirements for the IMIS project during its next session and recommended a reduction of \$10.4 million for IMIS under the expenditure section of the 1996-1997 programme budget. It felt that, considering the Organization's investments in technology, the Secretariat should base performance reporting on actual expenditures for the first 21 months, rather than 18. ACABQ requested that future performance reports indicate the amount of unliquidated obligations included in estimated expenditures for the biennium.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/743], adopted **resolutions 52/213 A and B** without vote [agenda item 115].

A

Final budget appropriations for the biennium 1996-1997

The General Assembly

1. Takes note of the second performance report of the Secretary-General on the programme budget for the biennium 1996-1997, and the related report of the Advisory Committee on Administrative and Budgetary Questions, as presented orally;
2. Notes that the Advisory Committee has yet to review the ninth progress report of the Secretary-General on the Integrated Management Information System;
3. Approves the recommendation of the Advisory Committee concerning the second performance report on the programme budget for the biennium 1996-1997, subject to the provisions of the present resolution;
4. Requests the Advisory Committee to examine the ninth progress report of the Secretary-General on the Integrated Management Information System in conjunction with its consideration of the related report of the Board of Auditors, and, in this regard, invites the Advisory Committee to report to the General Assembly on the matter at its resumed fifty-second session;
5. Decides that, pending consideration by the General Assembly of the reports concerning the Integrated Management Information System at its resumed fifty-second session, the supplementary provision for the System of 3 million United States dollars, provided in the final budget appropriations for the biennium 1996-1997, should not be encumbered without the prior approval of the Advisory Committee;
6. Resolves that for the biennium 1996-1997:
 - (a) The amount of 2,603,280,900 dollars appropriated by its resolution 51/222 A of 18 December 1996 shall be decreased by 61,209,000 dollars as follows:

Section	Amount approved by resolution 51/222 A	Increase or (decrease)	Final appropriation	Section	Amount approved by resolution 51/222 A	Increase or (decrease)	Final appropriation
	(United States dollars)				(United States dollars)		
PART 1. Overall policy-making, direction and coordination				16. Economic and Social Commission for Asia and the Pacific	67,487,300	(6,313,000)	61,174,300
1. Overall policy-making, direction and coordination	39,349,200	(648,000)	38,701,200	17. Economic Commission for Europe	47,951,700	(4,429,300)	43,522,400
Total, PART I	39,349,200	(648,000)	38,701,200	18. Economic Commission for Latin America and the Caribbean	82,515,400	(5,631,700)	76,883,700
PART II. Political affairs				19. Economic and Social Commission for Western Asia	34,143,300	(171,800)	33,971,500
2. Political affairs	58,936,400	(2,423,900)	56,512,500	20. Regular programme of technical co-operation	<u>37,375,900</u>		<u>37,375,900</u>
3. Peacekeeping operations and special missions	135,505,300	17,265,300	152,770,600	Total, PART V	351,834,500	(23,813,000)	328,021,500
4. Outer space affairs	<u>4,176,400</u>	(49,700)	<u>4,126,700</u>	PART VI. Human rights and humanitarian affairs			
Total, PART II	198,618,100	14,791,700	213,409,800	21. Human rights	48,000,600	(2,746,400)	45,254,200
PART III. International justice and law				22. Office of the United Nations High Commissioner for Refugees	50,139,100	(2,554,500)	47,584,600
5. International Court of Justice	19,985,900	171,800	20,157,700	23. United Nations Relief and Works Agency for Palestine Refugees in the Near East	17,304,900	972,900	18,277,800
6. Legal activities	30,254,500	(580,400)	29,674,100	24. Department of Humanitarian Affairs	<u>18,955,500</u>		<u>18,506,900</u>
Total, PART III	50,240,400	(408,600)	49,831,800	Total, PART VI	134,400,100	(4,776,600)	129,623,500
PART IV. International cooperation for development				PART VII. Public information			
7A. Department for Policy Coordination and Sustainable Development	41,938,300	(277,700)	41,660,600	25. Public information	<u>132,390,800</u>	254,100	<u>132,644,900</u>
7B. Africa: critical economic situation, recovery and development	4,365,800	149,500	4,515,300	Total, PART VII	132,390,800	254,100	13,2644,900
8. Department for Economic and Social Information and Policy Analysis	47,276,200	(1,821,300)	45,454,900	PART VIII. Common support services			
9. Department for Development Support and Management Services	26,811,400	576,300	27,387,700	26. Administration and management	<u>916,081,500</u>	(21,865,800)	<u>894,215,700</u>
10A. United Nations Conference on Trade and Development	110,226,300	(6,252,900)	103,973,400	Total, PART VIII	916,081,500	(21,865,800)	894,215,700
10B. International Trade Centre UNCTAD/GATT	22,326,600	(2,343,400)	19,983,200	PART IX. Jointly financed activities and special expenses			
11. United Nations Environment Programme	8,231,100	(1,201,400)	7,029,700	27. Jointly financed administrative activities	27,483,800	(738,600)	26,745,200
12. United Nations Centre for Human Settlements (Habitat)	11,731,700	(150,800)	11,580,900	28. Special expenses	41,350,400	1,384,100	42,734,500
13. Crime control	5,194,900	(740,200)	4,454,700	Total, PART IX	68,834,200	645,500	69,479,700
14. International drug control	<u>16,195,000</u>	(909,700)	<u>15,285,300</u>	PART X. Office of Internal Oversight Services			
Total, PART IV	294,297,300	(12,971,600)	281,325,700	29. Office of Internal Oversight Services		(384,700)	
PART V. Regional cooperation for development				Total, PART X	15,011,500	(384,700)	14,626,800
15. Economic Commission for Africa	82,360,900	(7,267,200)	75,093,700	PART XI. Capital expenditures			
				30. Technological innovations	21,300,200	2,944,800	24,245,000

Section	Amount approved by resolution 51/222 A	Increase or (decrease)	Final appropriation
(United States dollars)			
31. Construction, alteration, improvement and major maintenance	28,648,800	(2,117,800)	26,531,000
Total, PART XI	49,949,000	827,000	50,776,000
PART XII. Staff assessment			
32. Staff assessment	348,280,600	(12,859,000)	335,421,600
Total, PART XII	348,280,600	(12,859,000)	335,421,600
PART XIII. International Seabed Authority			
33. International Seabed Authority	3,993,700	—	3,993,700
Total, PART XIII	3,993,700	—	3,993,700
GRAND TOTAL	2,603,280,900	(61,209,000)	2,542,071,900

(b) The Secretary-General shall be authorized to transfer credits between sections of the budget, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions;

(c) In addition to the appropriations approved under paragraph (a) above, an amount of 51,000 dollars is appropriated for each year of the biennium 1996-1997 from the accumulated income of the Library Endowment Fund for the purchase of books, periodicals, maps and library equipment and for such other expenses of the Library at the Palais des Nations as are in accordance with the objects and provisions of the endowment.

B

Final income estimates for the biennium 1996-1997

The General Assembly

Resolves that for the biennium 1996-1997:

(a) The estimates of income of 447,737,600 United States dollars approved by its resolution 51/222 B of 18 December 1996 shall be decreased by 28,700,100 dollars as follows:

Income section	Amount approved by resolution 51/222 B	Increase or (decrease)	Final estimates
(United States dollars)			
1. Income from staff assessment	363,496,600	(23,461,600)	340,035,000
Total, INCOME SECTION I	363,496,600	(23,461,600)	340,035,000
2. General income	82,019,600	(6,143,300)	75,876,300
3. Services to the public	2,221,400	904,800	3,126,200
Total, INCOME SECTIONS 2 AND 3	84,241,000	(5,238,500)	79,002,500
GRAND TOTAL	447,737,600	(28,700,100)	419,037,500

(b) The income from staff assessment shall be credited to the Tax Equalization Fund in accordance with the provisions of General Assembly resolution 973(X) of 15 December 1955;

(c) Direct expenses of the United Nations Postal Administration, services to visitors, catering and related services, garage operations, television services and the sale of publications, not provided for under the budget appropriations, shall be charged against the income derived from those activities.

Budget for 1998-1999

The programme budget for the 1998-1999 biennium was the first to fall within the medium-term plan for the period 1998-2001 and followed the General Assembly mandate that it should reflect a real level of resources well below that of the 1996-1997 biennium.

Introducing the proposed programme budget to the Fifth Committee, the Secretary-General said that the presentation came at a time when the Assembly was deliberating comprehensive measures for organizational reform (see PART FIVE, Chapter I), which were meant to revitalize the Organization so it could better serve the needs of the international community in the new millennium. Although the amount of \$2,583 million requested represented a reduction in real terms of \$124 million, it was possible to increase the resources earmarked for economic and social development, which had risen by about \$56 million. The budget also reflected the abolition of 865 posts, the transfer of posts as a result of net budgeting (see below), conversions from temporary assistance to established posts and the proposed creation of new posts. The distribution of resources was guided by the priority areas in the medium-term plan and by the level of resources in the budget outline approved by the Assembly. The budget included no provision for special missions that had no legislative mandates in 1998-1999. In formulating his proposals, the Secretary-General had made efforts to reduce administrative costs, rationalize work programmes, reorganize structures and redistribute responsibilities and functions. The programmatic and financial implications of his reform proposals were primarily of an organizational and managerial nature and did not affect mandated activities. Once the Assembly had decided on those reforms, the Fifth Committee would advise on the implications of those decisions for the programme budget.

The Committee for Programme and Coordination (CPC), after considering the proposed programme budget at its 1997 session [A/52/16 & Add.1], expressed appreciation for the efforts made by the Secretary-General to present a programme budget that appeared to be consistent with the outline approved by the Assembly in resolution 51/220 [YUN 1996, p. 1287], and noted that the programme budget reflected the struc-

ture of the medium-term plan for the period 1998-2001, as approved by the Assembly in resolution 51/219 [YUN 1996, p. 1306]. It noted also that the total amount of resources requested by the Secretary-General was significantly lower than the revised appropriations for 1996-1997 and his assurances that such reductions would not affect the full implementation of all mandated activities during 1998-1999. The Committee recommended that every effort be made to ensure that the abolition of posts did not adversely affect the entry-level posts available for the recruitment of junior staff through examination; and that the Assembly take into account the medium-term plan for 1998-2001 when considering the Secretary-General's reform proposals.

CPC recommended that the Assembly approve the narratives of the majority of the budget sections. In view of differences of opinion with regard to some sections, the Committee was unable to recommend approval of the narratives of section 11B (International Trade Centre), 22 (Human rights), 26 (Public information), 27 (Administrative services), 29 (Jointly financed administrative activities) and 31 (Construction, alteration, improvement and major maintenance).

Net budgeting

The costs of activities included in the programme budget that were shared between the Organization and other entities had never been presented and handled in a uniform manner. In some cases, only the share of the UN costs was requested for appropriation under the relevant expenditure section, referred to as net budgeting, while in others, full costs were requested and the share of other entities was included under miscellaneous income. In the proposed 1998-1999 programme budget, provision was made for net budgeting for the International Civil Service Commission (ICSC) and its secretariat, the Joint Inspection Unit (JIU) and its secretariat and the Vienna International Centre. Instead of being presented on a gross basis as in previous years, those expenditures were reflected in the expenditure sections of the programme budget on a net basis corresponding to the UN share of such expenses. The change in presentation resulted in a reduction of \$35.2 million and the deletion from the staffing table of 356 posts, of which 39 were proposed for abolition.

ACABQ, in its first report on the proposed 1998-1999 programme budget [A/52/7/Rev.1], stated that since the Assembly would appropriate only the UN share of the budgets of those entities, a mechanism would have to be found to enable the United Nations to continue its current funding practices for them. It reiterated its re-

quest that the Secretary-General produce proposals to ensure the required cash flow for those entities and address the issue of the status of the budgets of ICSC and JIU, as presented in the new budget, against the requirements of their respective statutes. A clear format for the presentation of the related budgetary proposals needed to be developed. ACABQ recommended that, pending receipt of the report and a decision of the Assembly, the status quo should be maintained.

In November, the Secretary-General submitted a report [A/C.5/52/15] to the Fifth Committee on net budgeting. He explained that the advantage of net budgeting was that it did not inflate the budget by showing under the UN budget expenditure requirements that belonged to other organizations. Responding to the concerns of ACABQ, the Secretary-General said that the application of net budgeting would have no material effect on the funding arrangements, since the assessments on UN Member States would be the same. In either case, the Organization would fund its share and participating agencies would fund theirs. Net budgeting reflected a more accurate picture of the requirements of the Organization and did not modify the authority of the Assembly in budgetary matters.

In December, ACABQ, in its second report [A/52/7/Add.1], said that the Secretary-General's report was not responsive to the issues raised in its first report. Accordingly, it suggested that the Assembly defer taking a decision on the matter. It recommended, pending further consideration, that the Assembly restore the amounts "netted out", the implications of which would be an addition of \$11,066,300 under section 1 B (General Assembly affairs and conference services), \$8,911,300 under section 27 G (Administration, Vienna) and \$16,255,700 under section 29 (Jointly financed administrative activities), offset by increases in the same total amount under income section 2 (General income) of the 1998-1999 proposed programme budget.

Financial implications of UN reform measures

In September, the Secretary-General submitted a report [A/52/303] describing changes to the proposed 1998-1999 programme budget [A/52/6/Rev.1] required to implement his proposed reform measures. Those changes related to the establishment of a post of Deputy Secretary-General and of a strategic planning unit within the Office of the Secretary-General; consolidation of entities within the Secretariat that supported the work of legislative bodies and conferences into a single Department of General Assembly Affairs and Conference Services; establishment of a Department of Disarmament and Arms Regulations;

consolidation of the Departments for Policy and Coordination and Sustainable Development, for Economic and Social Information and Policy Analysis, and Development Support and Management Services into the Department of Economic and Social Affairs; consolidation of the human rights programme; reconstitution of the Crime Prevention and Criminal Justice Division as the Centre for International Crime Prevention; reorientation of public information activities; discontinuance of the Department of Humanitarian Affairs and establishment of the Office of the Emergency Relief Coordinator; and reorientation of the Department of Administration and Management as the Department of Management. The Secretary-General also proposed a reduction of 144 posts (164 proposed for abolition, offset by 20 new posts). The proposals would modify the proposed programme budget by \$2,583 million. In December [A/52/303/Add.1], further revised estimates were presented for the establishment of a discrete Decolonization Unit within the Department of Political Affairs. The additional requirement of \$8,500 in expenditure section 32 would be offset by an equal increase in the estimates for income section 1, which would change from \$325,327,200 to \$325,335,700.

CPC examined the Secretary-General's proposals and recommended to the General Assembly when considering the reform proposals to take into account the medium-term plan for 1998-2001. It was unable to reach agreement on a recommendation to the Assembly in respect of sections 2 B (Disarmament), 22 (Human rights), 25 (Humanitarian assistance) and 26 (Communications and public information).

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/744], adopted **resolution 52/220** without vote [agenda item 116].

Questions relating to the proposed programme budget for the biennium 1998-1999

I

The General Assembly,

Reaffirming its resolution 41/213 of 19 December 1986 and subsequent relevant resolutions,

Recalling its resolution 48/228 A of 23 December 1993,

Recalling also its resolution 45/248 B of 21 December 1990, in which it reaffirmed that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

Recalling further its resolutions 45/253 of 21 December 1990, 47/214 of 23 December 1992 and 51/219 of 18 December 1996,

Recalling its resolution 52/12 A of 12 November 1997 and the related resolution 52/12 B of 19 December 1997,

Reaffirming the respective mandates of the Advisory Committee on Administrative and Budgetary Questions and the Committee for Programme and Coordination in the consideration of the proposed programme budget,

Reaffirming also regulation 5.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation,

Stressing that the normal procedures established for the formulation, implementation and approval of the programme budget must be maintained and strictly followed,

Having considered the proposed programme budget for the biennium 1998-1999, the report of the Secretary-General entitled "United Nations reform: measures and proposals" and the reports of the Advisory Committee on Administrative and Budgetary Questions and the Committee for Programme and Coordination thereon,

1. Endorses the conclusions and recommendations of the Committee for Programme and Coordination on the programme narrative of the proposed programme budget for the biennium 1998-1999 contained in the report of the Committee on the work of its thirty-seventh and resumed thirty-seventh session, without prejudice to the priorities established by the General Assembly and subject to the provisions of the present resolution;

2. Commends the efforts and initiatives of the Secretary-General aimed at reforming the United Nations;

3. Reiterates that the activities included in the proposed programme budget for the biennium 1998-1999 must be derived from the medium-term plan for the period 1998-2001, which is the principal policy directive of the Organization, taking into account regulation 5.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation;

4. Emphasizes that, for the sake of transparency and accountability, it is essential to establish clear relationships between the programmes as approved and the entity responsible for their delivery;

5. Reaffirms its support for maintaining the international character of the Organization and for the principles of efficiency, competence and integrity enshrined in Article 101 of the Charter of the United Nations;

6. Stresses that the reform proposals approved in its resolutions 52/12 A and B will be implemented with full respect for the relevant mandates, decisions and resolutions of the General Assembly, in particular the medium-term plan for the period 1998-2001;

7. Also stresses the role of the relevant intergovernmental bodies in the consideration of the narrative of the proposed programme budget, as well as the necessity for a timely presentation of their recommendations on the budget;

8. Emphasizes that the budget proposals of the Secretary-General should reflect resource levels commensurate with the mandates for their full implementation;

9. Reiterates the need for the Secretary-General to ensure that resources are utilized strictly for the purposes approved by the General Assembly;

10. Emphasizes the need for Member States to provide adequate resources for the full implementation of mandated programmes and activities;

11. Reiterates that, when formulating the proposed programme budget, the Secretary-General must respect fully the priorities established by the General Assembly;

12. Notes with concern the observation of the Advisory Committee on Administrative and Budgetary Questions that full justification for reductions of posts has not been provided, which should be done as in the case of the creation of new posts;

13. Reaffirms that, whenever a post becomes vacant, a proper programmatic/workload justification will be needed for its retention, abolition or redeployment;

14. Also reaffirms that the implementation of the reform measures and the reduction of posts must not entail involuntary separation of staff;

15. Notes that some of the posts proposed for abolition will not be vacant until the end of the first year of the biennium;

16. Decides that the staffing table for each year of the biennium 1998-1999 shall be as contained in annex LA to the present resolution;

17. Notes with concern the trend towards increases in high-level posts and reductions in lower-level posts, which may affect the potential for rejuvenation of the Organization and its capacity for full implementation of approved mandates;

18. Emphasizes that the reduction in posts should not affect full implementation of all mandated programmes and activities;

19. Requests the Secretary-General to submit to the General Assembly at its fifty-third session, in accordance with the commitments undertaken in his report entitled "Renewing the United Nations: a programme for reform", a report on developments in the post structure of the Secretariat over the past ten years, on the forward-looking human resources management policy that he intends to develop, for both the short and medium term, with a view to rejuvenating the Organization and on the impact that such a policy should have on developments in the post structure in the future;

20. Reaffirms that gratis personnel should be expeditiously phased out in accordance with resolution 51/243 of 15 September 1997;

21. Decides to delete the references to type II gratis personnel in budget documents;

22. Requests the Secretary-General, in the proposed programme budget for the biennium 2000-2001, to submit estimates of the total amount of resources that he should have at his disposal, from all sources of financing, in order to be able to implement fully the mandated programmes and activities;

23. Regrets that the reports requested by the General Assembly in its resolution 51/243 have not been submitted for consideration;

24. Expresses its concern that a number of sections in the proposed programme budget were not prepared in complete conformity with the medium-term plan for the period 1998-2001;

25. Decides to make changes, as contained in annex II to the present resolution, to the programme narrative in the final published version of the proposed programme budget for the biennium 1998-1999, as reflected in the conclusions and recommendations of the Committee for Programme and Coordination at its thirty-seventh session;

26. Also decides to make changes, as contained in annex III to the present resolution, to the programme narrative in the report of the Secretary-General entitled "United Nations reform: measures and proposals";

II

Emphasizing that programmes and activities mandated by the General Assembly must be respected and implemented fully,

Emphasizing also the need for mandated programmes and activities to be delivered in the most effective and efficient manner,

1. Reiterates that the priorities for the biennium 1998-1999 are the following:

(a) Maintenance of international peace and security;

(b) Promotion of sustained economic growth and sustainable development in accordance with relevant General Assembly resolutions and recent United Nations conferences;

(c) Development of Africa;

(d) Promotion of human rights;

(e) Effective coordination of humanitarian assistance efforts;

(f) Promotion of justice and international law;

(g) Disarmament;

(h) Drug control, crime prevention and combating international terrorism in all its forms and manifestations;

2. Approves the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions as expressed in its first report on the proposed programme budget for the biennium 1998-1999 and in its second report on the reform proposals of the Secretary-General, subject to the provisions of the present resolution;

3. Reaffirms the budgetary process as approved in its resolution 41/213;

4. Takes note of the observations of the Advisory Committee as reflected in paragraph 38 of its first report on the proposed programme budget for the biennium 1998-1999, and concurs with its request for the Secretary-General to ensure complete uniformity in the presentation of the various expenditures in future programme budgets;

5. Notes that the Secretary-General has provided a series of organizational charts for the various departments in the proposed programme budget for the biennium 1998-1999, and requests that this become standard practice for each budget section in future programme budgets and that the organizational charts include posts from all sources of funding;

6. Welcomes the format adopted by the Secretary-General in his report entitled "United Nations reform: measures and proposals" concerning the transfer of resources between sections with a view to establishing new departments, and requests the Secretary-General, in the interest of transparency, to ensure that proposed

transfers of posts and other resources between budget sections are explained in the same manner in future programme budgets;

7. Requests the Secretary-General to ensure that the proposals contained in the individual sections of future programme budgets include more precise information on the outputs and activities of the various departments, on the basis of which the General Assembly could later evaluate budget performance;

8. Requests that the individual sections of the programme budget for the biennium 2000-2001 contain a summary of the relevant recommendations of the internal and external oversight bodies and, for each recommendation, information on the follow-up action taken;

9. Reaffirms its resolution 51/221 B of 18 December 1996;

10. Notes with deep concern that some of the proposals related to pilot projects imply changes in the existing budgetary practices and procedures;

11. Decides to consider the impact of the implementation of pilot projects on the budgetary practices and procedures as well as on the Financial Regulations and Rules of the United Nations, prior to their implementation, and requests the Secretary-General to submit a comprehensive report on this matter through the Advisory Committee to the General Assembly at the first part of its resumed fifty-second session;

12. Also decides that, pending its consideration of the above-mentioned report, no action can be taken in the context of the pilot projects that represents changes in the budgetary practices and procedures or in the Financial Regulations and Rules without prior approval of all relevant legislative bodies;

13. Reaffirms that changes in mandated programmes and activities are the prerogative of the General Assembly;

14. Requests the Secretary-General to maintain proper inventory records for all United Nations assets;

15. Also requests the Secretary-General to make careful use of resources for consultants and experts, general temporary assistance, travel, electricity and hospitality during the biennium 1998-1999 and to report on the outcome of those efforts in the context of the second performance report;

16. Further requests the Secretary-General to improve quality control with regard to food served and equipment used in the United Nations cafeteria and to ensure, to the extent possible, respect for the dietary habits of users of those facilities;

17. Invites the Secretary-General to propose measures to improve the profitability of the commercial activities of the United Nations, in particular in the sale of publications at Geneva, and, where appropriate, to develop new income-generating measures, and requests the Secretary-General to submit a report thereon to the General Assembly at its fifty-third session;

18. Requests the International Civil Service Commission to report to the General Assembly at its fifty-third session on the justification for the supplemental subsistence allowance, with a view to considering its possible phasing out or maintenance;

19. Regrets the tendency towards excessive use of consultants, in particular in areas where in-house expertise is available, and requests the Secretary-General

to resort in future to the use of consultants only when in-house expertise is not available and in accordance with the existing rules and regulations and relevant resolutions;

20. Also regrets that the report requested by the General Assembly in paragraph 14 of its resolution 51/221 B on the use of consultants was not provided by 1 March 1997, and requests the Secretary-General to submit the report to the Assembly at the first part of its resumed fifty-second session;

21. Urges all Member States to pay their assessed contributions in full, on time and without imposing conditions, to avoid the financial difficulties being experienced by the Organization;

22. Endorses the observation of the Advisory Committee that a high vacancy rate hampers the delivery of mandated programmes and that deliberate management decisions to keep a certain number of posts vacant makes the budget process less transparent and management of staff resources more difficult;

23. Reaffirms that the vacancy rate is a tool for budgetary calculations and should not be used to achieve budgetary savings;

24. Notes that requirements in respect of the Joint Inspection Unit, the International Civil Service Commission and conference and security services at Vienna are presented for appropriation on a net basis;

25. Requests the Secretary-General to ensure that all the funds approved in the budgets of the three entities are allotted to allow for full implementation of all of their mandated programmes and activities;

26. Approves the staffing table for the International Civil Service Commission, the Joint Inspection Unit and conference and security services at Vienna, as contained in annex I.B to the present resolution;

27. Requests the Secretary-General to ensure that funds from the participating organizations are received promptly;

28. Decides to keep under review all aspects of net budgeting, including its impact on the functioning of the entities concerned, and requests the Secretary-General to report on this subject to the General Assembly at its fifty-third session;

29. Notes with concern the ratio between regular budget and extrabudgetary resources, which reflects the trend towards financing core functions mainly from extrabudgetary resources;

III

Section 1A. Overall policy-making, direction and coordination

1. Decides to establish under the regular budget one P-5, one P-4 and one General Service (Other level) post in the secretariat of the Advisory Committee on Administrative and Budgetary Questions to replace the existing posts financed from extrabudgetary resources;

2. Accepts the proposal to restore to the D-1 level the post of Executive Secretary of the Board of Auditors, taking into account the increased workload of the Board;

3. Decides to establish the post of Deputy Secretary-General in accordance with resolution 52/12 B, and also decides, with respect to salary and emoluments, to approve the recommendation contained in paragraph 5 (b) of the report of the Advisory Committee;

4. Approves the staffing proposal for the Office of the Deputy Secretary-General, subject to provision for just two of the three proposed General Service posts;

5. Also approves the establishment of one D-1, one P-5, one P-4 and one General Service post for the Strategic Planning Unit;

6. Decides to keep under review the level of resources for consultants and experts in the Strategic Planning Unit;

7. Requests the Secretary-General to delete the funds budgeted for joint meetings of the Committee for Programme and Coordination and the Administrative Committee on Coordination, since those meetings are no longer held;

Section IB. General Assembly affairs and conference services

8. Notes that the newly created Department of General Assembly Affairs and Conference Services will not, for the present time, undertake the servicing of the Fifth and Sixth Committees of the General Assembly or of the Security Council, even though the rationalization of servicing arrangements should lead to greater unity of purpose, greater coherence of efforts at all levels and greater cost-effectiveness, which would result in economies of scale;

9. Requests the Secretary-General to keep the above arrangements under review and to submit to the General Assembly at its fifty-third session a report in this regard, with a view to considering the possible integration of all conference-servicing resources for all Main Committees of the General Assembly, the Security Council, the Economic and Social Council and their subsidiary and ad hoc bodies and special conferences into the Department of General Assembly Affairs and Conference Services;

10. Accepts the proposed reclassification of the D-2 post redeployed from the former Office of the Director of Conference Services to the assistant secretary-general level, the P-4 post of Special Assistant to the Under-Secretary-General to the P-5 level and a P-2 post to the P-3 level for the purpose of enhancing administrative support in the Executive Office;

11. Decides that the resources for the Office of the President of the General Assembly shall be presented on an object-of-expenditure basis, starting with the biennium 1998-1999, and approves the proposal of the Secretary-General regarding the level of resources for the biennium 1998-1999;

12. Also decides that the unit proposed for technical aspects of servicing meetings of the Trusteeship Council, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples shall comprise one Political Affairs Officer at the P-5 level, one at the P-3 level and two General Service staff;

13. Notes with concern the abolition of thirty posts of translator and interpreter;

14. Also notes with concern the practices noted with respect to self-revision, which may attain proportions of 80 per cent during periods of peak workload, whereas the specified standard is 45 per cent;

15. Requests the Secretary-General to keep under review the two issues mentioned in paragraphs 13 and 14 above, in the light of its resolution 50/11 of 2 November 1995, and to report to the General Assembly at its fifty-third session, through the Committee on Conferences, on their impact on the quality of conference services provided;

Section 2A. Political affairs

16. Decides to retain the P-3 post proposed for abolition under subprogramme 7 (Question of Palestine), and requests the Secretary-General to fill the vacant Professional post under this subprogramme, taking into account the developments in the Middle East;

17. Notes that the redeployment of a P-5 post to assist the Department of Political Affairs with its role as convener of the Executive Committee for Peace and Security has been in effect since January 1997, and requests that the continuing need for the post for this function be monitored in the light of experience;

18. Takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 23 of its second report, and requests the Secretary-General to continue to review the division of responsibilities between the Department of Political Affairs and the Department of Peacekeeping Operations so as to guarantee the clear delineation of their respective tasks and to avoid duplication and overlap;

19. Requests the Secretary-General to make careful use of the resources for the regional seminars on decolonization;

20. Notes the establishment of a stand-alone Decolonization Unit in the Department of Political Affairs;

21. Also notes the need to ensure that the Decolonization Unit is an effective unit;

22. Decides that the Decolonization Unit in the Department of Political Affairs shall comprise one Principal Officer at the D-1 level, one Senior Political Affairs Officer at the P-5 level, one Political Affairs Officer at the P-4 level and two General Service staff;

23. Also decides that the status of the liaison office at Addis Ababa, as proposed in paragraph 2.50 of the proposed programme budget for the biennium 1998-1999, shall be a United Nations office at Addis Ababa and that it shall be transferred from section 2A to section 1A of the proposed programme budget;

24. Further decides to transfer the recommendation of the Committee for Programme and Coordination relating to paragraph 2.50 of the proposed programme budget for the biennium 1998-1999 to section 1A in accordance with paragraph 23 above;

Section 2B. Disarmament

25. Notes the establishment of the new Department for Disarmament Affairs;

26. Decides to retain the three P-5 posts of the Directors of the three regional centres for peace and disarmament, requests the Secretary-General to fill these posts in the shortest possible time, and invites Member States to support the centres; and also decides to have in the new Department two P-5 posts, one which had been proposed for abolition and another to be established;

27. Encourages the Directors of the centres, to be appointed, to establish contact, starting in the first quar-

ter of 1998, with the United Nations Development Programme and the regional organs, as well as with Member States of the different regions, with a view to finding resources for the revitalization of the activities of the centres;

28. Decides that the organizational chart of the new Department for Disarmament Affairs should be as contained in the report of the Secretary-General, subject to the provisions of the present resolution;

Section 3. Peacekeeping operations and special missions

29. Reiterates its request that gratis personnel be phased out in accordance with the provisions of its resolution 51/243;

30. Notes with concern that the high level of vacancies maintained in the United Nations Truce Supervision Organization has created management difficulties for it;

31. Requests the Secretary-General to fill the vacant posts, taking into account the standardized vacancy rate approved for the biennium 1998-1999;

32. Decides that the Lessons Learned Unit within the Department of Peacekeeping Operations may provide, upon request from Member States, advice on lessons learned from the tasks referred to in paragraph 3.19 (b) of the proposed programme budget for the biennium 1998-1999;

33. Also decides to delete the funds requested for a study to draw upon lessons learned on disarmament and demobilization, and urges the Department of Peacekeeping Operations to make maximum use of related studies already conducted by the United Nations Institute for Disarmament Research and other organizations;

Section 5. International Court of Justice

34. Notes that the estimates relating to the statutory entitlements of the members of the International Court of Justice are scheduled for a comprehensive review by the General Assembly at its fifty-third session, and, in view of this, decides that any resource change resulting from decisions taken by the Assembly with regard to emoluments and other conditions of service for the members of the Court will be reported in the performance report on the programme budget for the biennium 1998-1999;

35. Requests the International Court of Justice to explore vigorously the introduction of modern technology, including methods used by regional and national judicial systems, as well as the experience of the Office of Legal Affairs, in reducing the backlog related to the printing of the Court's publications and the translation of its documents;

36. Requests the Secretary-General to review the financial arrangements associated with the dining room at the International Court of Justice and to report thereon to the General Assembly at its fifty-third session;

Section 6. Legal affairs

37. Accepts the reclassification of the D-2 post in the Office of the Legal Counsel to the assistant secretary-general level;

Section 7A. Economic and social affairs

38. Notes the creation of the new Department of Economic and Social Affairs;

39. Requests the Secretary-General to submit a new narrative for this section in full accordance with the medium-term plan for the period 1998-2001, taking into account regulation 5.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, to be considered by the Committee for Programme and Coordination at its thirty-eighth session;

40. Requests the Committee for Programme and Coordination at its thirty-eighth session to review the new narrative and to submit its conclusions and recommendations thereon to the General Assembly for its consideration during the first part of its fifty-third session and no later than 1 October 1998;

41. Expresses its concern about the decrease in the level of resources devoted to technical cooperation;

42. Requests the Secretary-General to keep under review the structure and level of resources of the Department, taking into account the need to provide all the resources necessary for the full implementation of all mandated programmes and activities previously performed by the Department for Policy Coordination and Sustainable Development, the Department for Economic and Social Information and Policy Analysis and the Department for Development Support and Management Services;

43. Also requests the Secretary-General to ensure that all the activities outlined in the ten subprogrammes under sections 7, 9 and 10 of the initial budget proposal are included in section 7A of the final version of the programme budget for the biennium 1998-1999;

44. Notes the allocation of resources by subprogramme, as contained in annex IV.A and B to the present resolution;

45. Decides to keep under review the level of resources and the number of posts in the Executive Office, taking into account the need to guarantee the capacity of the Organization to implement fully the activities related to technical cooperation;

46. Also decides to reclassify to the D-2 level a D-1 post in the Division for the Advancement of Women;

47. Further decides to establish a D-1 post in the Office of the Special Adviser on Gender Issues and Advancement of Women, to replace the existing post financed from extrabudgetary resources;

Section 8. Africa: New Agenda for Development

48. Takes note of the budget appropriation in the biennium 1998-1999 for the implementation of the United Nations New Agenda for the Development of Africa in the 1990s, and calls upon the Secretary-General to continue his efforts to mobilize additional resources for the implementation of the programme of action contained in the New Agenda;

Section HA. Trade and development

49. Decides that the work programme on assistance to the Palestinian people of the United Nations Conference on Trade and Development will continue to be carried out by a Special Coordinator at the P-5 level and a staff member at the P-4 level;

50. Also decides that the work programme for landlocked and island developing countries will continue to be carried out within the Office of the Special Coordinator under the overall supervision of a staff member at the D-1 level, supported by a staff member at the P-4

level, while a staff member at the P-5 level in the Division for Services Infrastructure for Development and Trade Efficiency will continue to work solely on issues related to landlocked developing countries;

51. Requests the Secretary-General to ensure that adequate resources are allocated in the programme budget for the biennium 1998-1999 for activities specifically relating to the least developed countries, in accordance with the priority accorded thereto;

52. Recalls paragraph 33 of its resolution 51/167 of 16 December 1996, in which it requested the Secretary-General of the United Nations Conference on Trade and Development, through the Secretary-General of the United Nations, to submit a proposal on savings resulting from the improved overall cost-effectiveness achieved pursuant to the decisions taken at the ninth session of the Conference, including the restructuring of the intergovernmental machinery and reform of the secretariat, and to submit a proposal on how to reallocate a part of the savings in the 1998-1999 budget cycle, with a view to strengthening the capabilities of the Conference in priority areas, including in technical co-operation;

53. Regrets that the above-mentioned proposals have not been submitted;

54. Requests the Secretary-General to prepare expeditiously, in consultation with the Working Party on the Medium-term Plan and Programme Budget of the United Nations Conference on Trade and Development, a report on the above-mentioned proposals, exploring ways and means, within the existing financial regulations and rules of the United Nations, of utilizing these savings during the biennium 1998-1999, and to submit it to the General Assembly at the first part of its resumed fifty-second session for its consideration;

Section 11B. International Trade Centre UNCTAD/WTO

55. Notes with concern that the arrangements entered into by the Secretary-General with the Director-General of the World Trade Organization in the exchange of correspondence of September 1995 have not yet been transmitted to the General Assembly, and, in this regard, considers that the agreement between the secretariats of the United Nations and the former General Agreement on Tariffs and Trade is still in force until the Assembly reviews the agreement between the United Nations and the World Trade Organization;

Section 12. Environment

56. Decides to keep under review the level of resources for the United Nations Environment Programme, and requests the Secretary-General to submit proposals in this regard, taking into account General Assembly resolution 51/177 of 16 December 1996 and the decreasing trend in extrabudgetary resources;

57. Takes note of paragraphs IV.47 and IV.48 of the first report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 1998-1999, and requests the Secretary-General to act accordingly;

Section 13. Human settlements

58. Decides to keep under review the level of resources for the United Nations Centre for Human Settlements (Habitat), and requests the Secretary-General to submit proposals in this regard, taking into account General Assembly resolution 51/177 and the decreasing trend in extrabudgetary resources;

59. Takes note of paragraphs IV.54 and IV.55 of the first report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 1998-1999, and requests the Secretary-General to act accordingly;

Section 14. Crime control

60. Notes the establishment of the Centre for International Crime Prevention, and also notes that the Centre, together with the United Nations International Drug Control Programme, will form the new Office for Drug Control and Crime Prevention;

61. Endorses the proposal of the Secretary-General to strengthen the capacity of the new Centre for International Crime Prevention;

62. Stresses the need to promote the fundamental principles of the rule of law and the need to strengthen further international cooperation between States and between regional organizations, international organizations and agencies and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, as well as its financing;

63. Approves the establishment of two new posts at the P-5 and P-4 levels for the Centre for International Crime Prevention and the redeployment of one D-1 post from the United Nations Office at Vienna to the Centre to strengthen its capacity to address issues related to terrorism in all its forms and manifestations;

Section 15. International drug control

64. Decides that the consolidation of the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme should not undermine the critical importance of the comprehensive programme on drug control, which should be fully implemented in accordance with the medium-term plan for the period 1998-2001, and that adequate resources for this purpose should be provided;

65. Emphasizes that the realignment of the Centre for International Crime Prevention with the United Nations International Drug Control Programme should result in better coordination between these entities and should produce important synergies, while safeguarding the multidisciplinary aspects of drug control policy;

Sections 16, 17, 18, 19 and 20. Regional commissions

66. Concurs with the observation of the Advisory Committee on Administrative and Budgetary Questions on the use of short-term consultants and experts by the Economic Commission for Africa as reflected in paragraph V.19 of its first report, calls upon the Commission to take deliberate management action to ensure an effective transfer of knowledge and expertise from short-term consultants and experts to Commission staff, and encourages other regional commissions to take similar action;

67. Requests the Secretary-General to review the format of presentation of the programmes of activities of the regional commissions with a view to delineating more clearly substantive activities vis-a-vis programme support and harmonizing the budget presentation, and to present more clearly the description of activities and services provided by the regional commissions in order to permit a quantitative and qualitative monitoring of the progress of programme implementation;

Section 16. Economic and social development in Africa

68. Welcomes the restructuring and reorientation of programmes undertaken by the Economic Commission for Africa and, in particular, the decentralization of the activities of the Commission to subregional development centres, and, in this regard, stresses the need for additional resources from all sources of funding to strengthen the subregional centres and the capacity of the Commission to give appropriate guidance as a focal institution for these activities;

69. Expresses its concern that the Economic Commission for Africa has, in the course of the past few years, suffered greatly from a persistently high vacancy rate in critical areas, and requests the Secretary-General to ensure that all posts budgeted for the biennium 1998-1999 are filled;

70. Requests the Secretary-General to redeploy to the subregional centres any savings realized during the biennium as a result of reform measures and efficiency gains from within the Economic Commission for Africa;

Section 19. Economic and social development in Latin America and the Caribbean

71. Notes the initiative of the Secretary-General to present a new pilot management project aimed at improving the decision-making process of the Economic Commission for Latin America and the Caribbean through decentralization of authority in certain areas of human resources and budget management;

72. Requests the Secretary-General to submit details of the new pilot management project to the Economic Commission for Latin America and the Caribbean at its twenty-seventh session for its final approval, as provided for in paragraph 4 of Commission resolution 563(PLEN.21) and recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph V.66 of its first report;

73. Also requests the Secretary-General to ensure that all activities included in subprogramme 2 benefit all members of the region;

Section 22. Human rights

74. Notes that the proposed programme budget for the biennium 1998-1999 includes activities that have no specific mandates approved by the General Assembly;

75. Reaffirms the use of the contingency fund as approved in its resolution 41/213, and its resolution 42/211 of 21 December 1987;

76. Recalls paragraph 2 of section XI of its resolution 44/201 B of 21 December 1989;

77. Regrets that the report requested in the above-mentioned resolution has not yet been submitted to the General Assembly;

78. Requests the Secretary-General to submit the above-mentioned report to the General Assembly at its resumed fifty-second session;

79. Decides, pending its consideration of the above-mentioned report, to appropriate the resources requested by the Secretary-General in the proposed programme budget for the biennium 1998-1999, and, in this regard, requests the Secretary-General to ensure that no funds directly related to these non-mandated activities are committed to them;

80. Also decides to amend the narrative of section 22, as indicated in annex II to the present resolution;

Section 23. Protection of and assistance to refugees

81. Notes with concern the steady decline of regular budget and extrabudgetary resources available to the Office of the United Nations High Commissioner for Refugees;

82. Requests the Secretary-General to monitor the flow of extrabudgetary resources to the Office of the High Commissioner and, based on his findings, to review the funding of the Office from the regular budget above the current proposed level;

Section 24. Palestine refugees

83. Reaffirms its support for the programme of work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, decides to retain the eight posts proposed for abolition under this section, in the light of the difficulties facing the Agency resulting from the decrease in extrabudgetary resources, and invites the donor countries to fulfil their pledges to the Agency and to increase their contributions to it in order to support the full implementation of its programme of work;

Section 25. Humanitarian assistance

84. Requests the Secretary-General to submit a report on the legislative basis and methodology for charging programme support costs for voluntary contributions, in cash or in kind;

85. Notes that the operational demining activities, as well as the Mine Action Service financed from the Voluntary Trust Fund for Assistance in Mine Clearance, will be transferred to the Department of Peacekeeping Operations, and stresses that humanitarian mine-clearance activities should be conducted under the responsibility of the Emergency Relief Coordinator;

Section 26. Communications and public information

86. Notes the transformation of the Department of Public Information into an Office of Communications and Public Information;

87. Decides that no action shall be taken on the proposal for abolition of the fifty-one local-level posts in the United Nations information centres and on the question of integration of the information centres with the United Nations Development Programme, including review of earlier cases, reiterates its request to the Secretary-General in paragraph 11 of its resolution 51/138 B of 13 December 1996 to continue the integration exercise in a cost-effective manner and, whenever feasible, on a case-by-case basis, taking into account the views of the host country and ensuring that the information functions and the autonomy of the information centres are not adversely affected, and requests the Secretary-General to report thereon to the General Assembly at its fifty-third session;

88. Also decides to establish a P-4 post in the Media Division for a Portuguese-language radio producer;

89. Requests the Secretary-General to submit to the Committee for Programme and Coordination at its thirty-eighth session a new programme narrative for section 26, in the light of the recommendations of the Committee on Information regarding the conclusions and recommendations of the Task Force on the Reorientation of United Nations Public Information Activities;

Section 27A. Office of the Under-Secretary-General for Management

90. Decides that the staffing component of the Management Policy Office shall comprise one D-2, one D-1, three P-5 and two General Service posts;

91. Requests the Secretary-General to reflect in the budget performance report those expenditures related to compensation paid to staff as a result of judgments of the United Nations Administrative Tribunal;

92. Decides that the General Service post in the secretariat of the Fifth Committee and the Committee for Programme and Coordination currently funded from extrabudgetary resources shall henceforth be financed through the United Nations regular budget;

93. Also decides to undertake during its resumed fifty-second session a thorough review of the working methods of the Fifth Committee, with a view to rationalizing them and initiating efficiency measures that may enable the Committee to accomplish its tasks on time without resorting to extra meetings at night and on weekends;

Section 27B. Office of Programme Planning, Budget and Accounts

94. Decides to establish two P-4 and two P-3 posts in the Office of Programme Planning, Budget and Accounts;

95. Requests the Secretary-General to consult with the Member States not acceding to section 18 (b) of the Convention on the Privileges and Immunities of the United Nations on appropriate administrative arrangements for managing the Tax Equalization Fund and to report to the General Assembly on the outcome of such consultations;

Section 27C. Office of Human Resources Management

96. Endorses the restoration of one P-4 post and one General Service post in the Examinations and Tests Section as recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph VIII.34 of its first report on the proposed programme budget;

97. Notes the overall increase in allocations for staff training, and requests the Secretary-General to pursue this policy in future programme budgets, taking into account the growing number of persons to be trained;

98. Requests the Secretary-General to deploy all necessary human and financial resources to maintain the teaching at all levels of the official and working languages of the Secretariat and to maintain the training of the Organization's translators and revisers;

Section 27D. Support services

99. Recognizes the importance of the security system and guards in the United Nations, and requests the Secretary-General to keep under review the level of resources allocated to this function;

100. Decides that all procurement-related functions should be performed only by United Nations staff, taking into account the provisions of General Assembly resolution 51/243;

Section 27H. Administration, Nairobi

101. Requests the Secretary-General to bring the financial arrangements of the United Nations Office at

Nairobi into line with those of similar United Nations administrative offices and to provide the United Nations Centre for Human Settlements (Habitat) with the capacity to improve its financial and administrative management;

Section 30. Special expenses

102. Requests the Secretary-General to apportion general operating expenses relating to the bank charges among the various sources of funds to which financial interests are credited, on a pro rata basis;

Section 31. Capital expenditures: construction, alteration, improvement and major maintenance

103. Notes with concern the high proportion of projects deferred from the previous biennium in the total proposed requirements for alteration, improvement and major maintenance, and emphasizes that such deferral eventually proves expensive for the Organization because of the negative effect it has on fixed assets;

104. Endorses the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph XI.4 of its first report to the effect that the Secretary-General should indicate in the next programme budget the value of United Nations-owned buildings and submit a comparison between United Nations and normal standards for the cost of maintenance vis-a-vis the value of buildings;

Section 34. Development account

105. Notes that arrangements and procedures for utilization of the development account are to be formulated, and calls upon the Secretary-General to report on the issue before the end of March 1998;

106. Decides that the amount of 362,000 United States dollars saved as a result of the abolition of the High-level Advisory Board on Sustainable Development shall be transferred to the development account.

ANNEX I

A. Staffing table for 1998 and 1999

	1998	1999
Professional and higher categories		
Deputy Secretary-General	1	1
Under-Secretary-General	25	25
Assistant Secretary-General	18	18
D-2	76	75
D-1	257	253
P-5	672	671
P-4/3	2,154	2,142
P-2/1	439	436
Total	3,642	3,621
General Service category		
Principal level	269	269
Other levels	2,746	2,732
Total	3,015	3,001
Other categories		
Security Service	171	171
Local level	1,590	1,576
Field Service	187	187
Trades and Crafts	187	185
Total	2,135	2,119
Grand total	8,792	8,741

B. Staffing table for the International Civil Service Commission, the Joint Inspection Unit and conference and security services at Vienna, 1998-1999

	International Civil Service Commission	Joint Inspection Unit	Conference services, Vienna	Security services, Vienna
Professional and higher categories				
D-2	1	1		
D-1	3		1	-
P-5	3	2	9	1
P-4/3	10	5	66	1
P-2/1	3	2	1	-
Total	20	10	77	2
General Service category				
Principal level	2	1	6	1
Other levels	22	8	86	82
Total	24	9	92	83
Grand total	44	19	169	85

ANNEX II

Changes to the programme narratives of the proposed programme budget for the biennium 1998-1999, as reflected in the conclusions and recommendations of the Committee for Programme and Coordination at its thirty-seventh session, and additional modifications

1. At the end of paragraph 1.41, add:

"The primary function of the Office of External Relations is outreach, promotion and maintenance of the relations of the United Nations in civil society, including non-governmental organizations, the business world, academic institutions, foundations, professional associations, parliamentarians, trade unions and the religious community. Its work is complementary to that of the Office of Communications and Public Information. While the latter disseminates information to the press and other media and the general public, as well as providing services to non-governmental organizations associated with it, the Office of External Relations focuses on an in-depth relationship between key institutions of civil society and the Secretary-General. It chairs an inter-departmental working group that provides advice to the Secretary-General on his relationship with non-governmental organizations. It works closely with the speech writers and the Spokesman for the Secretary-General and confers with the Protocol and Liaison Service in connection with requests and visits by leaders of civil society, but does not undertake protocol functions. In close cooperation and coordination with the Office of Communications and Public Information, the Office of External Relations develops a communication strategy and core message that is consistent, compelling and well coordinated."

2. In paragraph 2.50, after the second sentence, insert:

"The functions of the proposed liaison office at Addis Ababa would be:

"(a) To facilitate the exchange of information and the coordination of initiatives and efforts in the areas of preventive diplomacy and peacemaking, as well as in the democratization process in Africa:

"(i) Following closely the deliberations of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity and advising Headquarters of political initiatives of concern to the United Nations discussed by the Mechanism;

"(ii) Carrying out liaison with the Division for Conflict Resolution of the Organization of African Unity and the Department of Political Affairs at large, with a view to enhancing cooperation on specific political issues of priority concern to the United Nations and the Organization of African Unity;

"(iii) Supporting the activities of joint United Nations/Organization of African Unity special representatives;

"(b) To coordinate the implementation of the programmes of cooperation between the United Nations system and the Organization of African Unity agreed to at the annual meetings between their secretariats;

"(c) To perform such representational functions as may be required and necessary at relevant meetings of the Organization of African Unity at Addis Ababa."

3. In paragraph 2.120:

(a) The second sentence should read: "Since the end of the cold war, developments have taken place in a number of important areas in the field of arms control and disarmament.";

(b) In the last sentence, delete "and the need for their further integration into the broader international efforts to enhance peace and security".

4. In paragraph 2.124, at the end of the sixth sentence, add "in the field of arms control and disarmament".

5. Paragraph 3.10 should read:

"The Department must maintain a capacity to discharge effectively those tasks assigned to it, in accordance with the Charter of the United Nations and taking into account the important contribution that regional arrangements and agencies, within their respective mandates, scope and composition, can make to peacekeeping, in accordance with Chapter VIII of the Charter."

6. In paragraph 3.19 (b), replace "disarmament, demobilization and reintegration of armed forces" with "disarmament and demobilization".

7. In paragraph 6.58, after "Reports of International Arbitral Awards" insert", the update of summaries of judgments, advisory opinions and orders of the International Court of Justice".

8. In paragraph 11A.46, second sentence, after "certain developing countries" insert ", such as landlocked and small island developing countries,".

9. In paragraph 11A.60, add an additional subparagraph reading:

"(d) The capacity of island developing countries to alleviate special development constraints relating to the high transport costs will have been improved."

10. In paragraph 13.22, fourth sentence, replace "partners" with "local authorities, non-governmental organizations, the private sector".

11. Paragraph 14.2 (b) (ii) should read:

"Supporting the strengthening of the capacity of Governments, at their request, to improve their legislation and criminal justice systems;".

12. Paragraph 14.2 (c) (iii) should read:

"Elaborating and assisting Member States in the implementation of effective strategies and practical arrangements for consistent and efficient cooperation against major forms of criminality, such as organized transnational crime, including drug trafficking, corruption, terrorism in all its forms and manifestations, the smuggling of illegal migrants, trafficking in women and children, environmental offences, the laundering of the proceeds of crime, fraudulent operations and other forms of economic crime;"

13. In paragraph 15.8, delete "and help to set the agenda for international drug control for the following decade".

14. After paragraph 15.8, add a new paragraph reading:

"The Programme will provide services to the Commission on Narcotic Drugs, as the preparatory body of the special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to be held in June 1998."

and renumber the subsequent paragraphs accordingly.

15. After former paragraph 15.12, add a new paragraph reading:

"At the 1998 session of the Commission on Narcotic Drugs, at least five days will be devoted to the preparation of the special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities."

and renumber the subsequent paragraphs accordingly.

16. In former paragraph 15.18 (a) (i), delete "Prepare for and participate in the high-level segment of the Economic and Social Council" and replace "on drug control" by "devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities".

17. In former paragraph 15.18 (a) (ii), add a new subparagraph reading:

"c. Documents for the preparatory process of the special session of the General Assembly;"

18. After former paragraph 15.18 (c), add a new subparagraph reading:

"(d) The Programme will compile the recommendations presented to the Commission on Narcotic Drugs, as the preparatory body of the special session, by the organs, organizations and specialized agencies of the United Nations system, as well as by multilateral development banks, on the issues to be addressed by the special session."

19. In former paragraph 15.28 (a) (ii) a., after "Action Plan on Drug Abuse Control;" delete "and" and, at the end of the paragraph, add "and documentation for the preparatory process of the special session".

20. At the end of former paragraph 15.28 (b) (iii), add ", including public relations material to promote the special session of the General Assembly devoted to the combat against the illicit production, sale, demand,

traffic and distribution of narcotic drugs and psychotropic substances and related activities".

21. In former paragraph 15.36, second sentence, item (c), replace "special session of the General Assembly on international drug control" with "special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities".

22. In former paragraph 15.37 (a) (ii) a., after "Global Programme of Action;" delete "and" and after "1988 Convention;" add "and report of the Commission on Narcotic Drugs, as the preparatory body of the special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, containing the recommendations for the special session".

23. In former paragraph 15.37 (a) (ii) c., after "bodies of the Commission;" delete "and" and after "its subsidiary bodies;" add "and documents on possible results of the special session of the General Assembly, in particular with possible measures to strengthen the implementation of the international drug conventions".

24. In former paragraph 15.42, first sentence, after "will focus" insert "in 1998 on the preparation of a draft of a declaration of the United Nations on the principles for the reduction of the demand, which could be approved at the special session of the General Assembly in June 1998. Furthermore, activities will focus".

25. In paragraph 19.58 (c), after "SIECA" insert ", CARICOM".

26. In paragraph 22.1:

(a) After the first sentence, insert a new sentence reading: "It is based on the Vienna Declaration and Programme of Action.";

(b) In the second sentence, delete "at the national level", after "protection of" insert "all" and after "realization of" insert "all".

27. In paragraph 22.3:

(a) In the first sentence, replace "new global and integrated approach" with "global, integrated and balanced approach" and delete "and the Centre for Human Rights has been reorganized";

(b) In the third sentence, replace "It will be implemented through a new management structure" with "It will be implemented in accordance with General Assembly resolution 52/121 of 12 December 1997 through a new management structure";

(c) Delete the last sentence.

28. In paragraph 22.4, first sentence, replace "By providing high-quality research and analysis, the programme of work will aim" with "The programme will provide high-quality research and analysis. The programme of work will also aim".

29. After paragraph 22.4, add a new paragraph reading:

"The programme will support the United Nations human rights bodies and organs and facilitate their deliberations by ensuring and enhancing their effective functioning and the analytical capacity of the treaty bodies."

and renumber the subsequent paragraphs accordingly.

30. In former paragraph 22.5, second sentence, after "human rights activities;" delete "effective".

31. Former paragraph 22.24 should read:

"Resource requirements for the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1998-1999 will be submitted when the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families enters into force."

32. In former paragraph 22.29, after "coordination of" insert "human rights" and after "New York-based organizations and departments" insert "in accordance with relevant mandates".

33. In former paragraph 22.33, delete "monitoring".

34. Replace former paragraph 22.37 with two new paragraphs reading:

"The primary objectives of this subprogramme will include promotion and protection of the right to development. In this regard, the objectives will be to develop an integrated and multidimensional strategy for the implementation, coordination and promotion of the right to development in accordance with the Declaration on the Right to Development and subsequent mandates and the Vienna Declaration and Programme of Action aimed at facilitating action to be taken by relevant bodies of the United Nations system, including treaty bodies, international development and financial institutions and non-governmental organizations, for the implementation of the right to development as an integral part of fundamental human rights, ensuring the realization of the right to development across the human rights programme and by specialized agencies and United Nations treaty bodies; to promote national implementation of the right to development through coordination with State-appointed officials; to identify obstacles at the national and international levels; and to promote awareness about the content and importance of the right to development, including through information and educational activities.

"With regard to research and analysis, the objectives will be to strengthen respect for human rights by increasing knowledge, awareness and understanding of human rights issues through data collection, research and analysis. These objectives will be pursued within the framework of the indivisibility, interdependence and interrelatedness of all human rights and will be aimed at facilitating the implementation of standards, the work of treaty bodies, special rapporteurs and other bodies and the preparation of new standards; ensuring the recognition at the national and international levels of economic, social and cultural rights; promoting democracy and strengthening national human rights institutions and procedures for the rule of law; contributing to the elimination of racism, racial discrimination, xenophobia and new forms of discrimination; strengthening the recognition of the human rights of women and children; and protecting vulnerable groups such as minorities, migrant workers and indigenous people."

and renumber the subsequent paragraphs accordingly.

35. Former paragraph 22.40 (c) (i) should read:

"Participation in the work of the Administrative Committee on Coordination in accordance with relevant mandates";

36. Former paragraph 22.53 should read:

"The focus of activities is to assist countries, at the request of the Governments concerned, in promoting and protecting the enjoyment of human rights through advisory services and technical cooperation projects and to provide support to human rights fact-finding procedures and field activities."

37. In former paragraph 22.55:

(a) At the end of the first sentence, add ", taking duly into account the principles of impartiality, objectivity and non-selectivity in the use of information";

(b) The fourth sentence should read: "Currently there are 42 mandates: 16 are country- or territory-oriented, 12 are thematic and 14 are entrusted to the Secretary-General."

38. Former paragraph 22.57 (a) (ii) should read:

"Parliamentary documentation:

"Fourteen reports to the General Assembly;

"Forty-six reports to the General Assembly and the Commission on Human Rights;

"Forty-nine reports to the Commission on Human Rights";

39. In former paragraph 22.57 (c) (i), after "coordination" add ", in accordance with General Assembly resolution 48/141,".

40. At the end of former paragraph 22.5 (c) (ii), add ", taking duly into account the principles of impartiality, objectivity and non-selectivity".

41. In paragraph 23.3, first sentence:

(a) Under item (a), replace "forced population movements as well as finding solutions" with "forced population displacement as well as finding comprehensive solutions";

(b) Insert a new item (d) reading: "the provision of humanitarian assistance for the care and maintenance of refugees in an appropriate manner, on the basis of the principle of international burden sharing and solidarity, with due attention being given to the prolonged presence of refugees, in particular in the developing countries;" and renumber the subsequent items accordingly.

42. At the end of former paragraph 23.7, add a new sentence reading: "Decentralization as well as delegation of authority and distribution of resources, where applicable, to regional offices would lead to better performance and provide the flexibility needed."

43. In former paragraph 23.10 (c) (vi), after the second sentence, insert a new sentence reading: "These solutions should be realistic and based on specific situations."

44. In former paragraph 23.11, first sentence, after "local settlement" insert, "resettlement".

45. In paragraph 26.39 (a) (i) a., replace "UN Chronicle (six issues annually, in English and French)" with "UN Chronicle (four issues annually, in all languages)".

ANNEX III

Changes to be made in the programme narratives contained in the report of the Secretary-General entitled "United Nations reform: measures and proposals"

1. Replace paragraphs 2B.1 and 2B.2 of the report of the Secretary-General of 11 September 1997 entitled "United Nations reform: measures and proposals" with the following new paragraphs based on pro-

gramme 26 of the medium-term plan for the period 1998-2001, and renumber the subsequent paragraphs accordingly:

- "2B.1 The mandate for the programme on disarmament stems from the Charter of the United Nations and from the aims and purposes proclaimed by the General Assembly. The implementation of the programme should be guided by the priorities established in the relevant General Assembly resolutions and decisions. The new Department for Disarmament Affairs will be responsible for implementing the programme.
- "2B.2 The first objective of the programme is to provide organizational and substantive secretariat support to multilateral bodies entrusted with deliberation and/or negotiations on disarmament issues, including the meeting of States parties and other international meetings related to multilateral disarmament agreements.
- "2B.3 The second objective is to follow and assess current and future trends in the field of disarmament and international security in order to assist Member States, and to enable the Secretary-General also to assist them, in their search for agreement. Apart from substantive issues involved in the deliberative and/or negotiating process, this activity should address the challenges arising from the implementation of the relevant General Assembly resolutions as well as relevant treaties.
- "2B.4 The third objective will be to support and promote regional disarmament efforts and initiatives using approaches freely among the States of the region and taking into account the legitimate requirements of States for self-defence and specific characteristics of each region. Regional solutions will be more vigorously pursued as regional conflicts increasingly pose a threat to peace and security. Regional dialogue on crucial disarmament and security issues will be advanced through, inter alia, the organization of conferences.
- "2B.5 The fourth objective consists in providing impartial, factual information on the disarmament efforts of the United Nations to Member States, parliamentarians, research and academic institutions and specialized non-governmental organizations through the disarmament information programme and by providing Member States with full access to all relevant databases, including those on disarmament. This would include, as appropriate, organizing open-ended conferences, seminars and workshops for informal exchanges of views on arms control, disarmament and international security issues. The disarmament fellowship programme will continue to be pursued with the primary objective of promoting further the disarmament expertise of Member States, in particular in the developing countries. Member States will be assisted in addressing specific disarmament concerns through the provision of training and advisory services.

"2B.6 The fifth objective would be to continue to inform the public on an objective and updated basis of United Nations disarmament activities. In that context, the three regional centres for peace and disarmament established in Nepal, Peru and Togo should be utilized. Those centres should address the important security problems in their respective regions and subregions in a balanced manner.

"2B.7 This programme is expected to enable Member States to conduct deliberations and negotiations on disarmament issues in a smooth and efficient manner; to facilitate the task of the Secretary-General in the conduct of his relations with Member States on disarmament matters; to contribute to an integrated approach to issues relating to the maintenance of peace and security; and to facilitate the exchange of ideas between governmental and non-governmental sectors with a view to promoting a better understanding of United Nations endeavours in the field of disarmament."

2. In paragraph 14.1, last sentence, after "terrorism" insert "in all its forms and manifestations".

3. In paragraph 14.2, first sentence, replace "especially organized crime . . . and violence" by "in particular, organized transnational crime, economic crime, corruption, terrorism in all its forms and manifestations, environmental offences and illicit traffic in children and women".

4. In paragraph 14.3, first sentence, delete "national" and "the transition to".

5. At the end of paragraph 14.4, add "in all its forms and manifestations".

6. Paragraph 22.2 should read:

"The programme aims at a major strengthening of coordination for human rights throughout the United Nations system leading to a comprehensive and integrated approach to the promotion and protection of human rights based on the contributions of each of the United Nations organs, bodies and specialized agencies whose activities deal with human rights and on improved inter-agency cooperation and coordination. The coordinating role of the Office of the United Nations High Commissioner for Human Rights also implies that the New York Office should be strengthened."

7. Delete paragraphs 22.3 and 22.4 and renumber the subsequent paragraphs accordingly.

8. In paragraph 25.2 (b), delete ", notably the Security Council".

9. In subprogramme 2 (Complex emergencies), second sentence, replace "to include . . . operations" with "in accordance with the medium-term plan for 1998-2001 and subsequent legislative mandates".

10. In paragraph 25.7, at the end of the fourth sentence, add "in accordance with resolution 51/243 on gratis personnel".

11. In paragraph 26.3, at the end of the second sentence, add ", as well as the views of the host Government".

12. In paragraph 27A.9, first sentence, replace "The Unit . . . public sector" with "The Unit will also be responsible for ensuring that the Organization has the best possible managerial policies in place".

13. In paragraph 27A.10, second sentence, delete "national".

ANNEX IV

Section 7A. Economic and social affairs

A. Breakdown of resources by subprogramme

(Thousands of United States dollars)

	1998-1999 revised estimates
A. Policy-making organs	3,607.4
B. Executive direction and management	3,223.4
C. Programme of work	
Policy coordination and inter-agency support	9,746.4
Gender issues and advancement of women	7,350.2
Social policy and development	12,758.3
Sustainable development	11,716
Statistics	23,683.8
Population	8,322.2
Global development trends, issues and policies	10,139.3
Public economics and public administration	10,191.9
Desertification (1998 only)	1,580.8
D. Programme support	
Subtotal	110,427.7
Financial implications	(362.3)
Fifth Committee adjustments	312.5
Recosting	
1998-1999 initial appropriation	109,262.3

B. Breakdown of resources by subprogramme and object of expenditure

(see next page)

Appropriations

In his proposed programme budget for the biennium 1998-1999 [A/52/6/Rev.1], the Secretary-General proposed expenditures amounting to \$2,583 million and income totalling \$40.4 million, as well as staff assessment income of \$329.1 million, resulting in a net estimate of \$2,213.5 million. The proposed budget represented a decrease of \$20.3 million or 0.8 per cent from the revised 1996-1997 budget.

Extrabudgetary resources for 1998-1999 were estimated at \$4,350,129,500, comprising \$361,444,000 for support services, \$306,921,700 for substantive services and \$3,681,763,800 for operational projects.

ACABQ, in its first report on the proposed budget [A/52/7/Rev.1], stated that many uncertainties remained with regard to the proposed programme budget, chief among which was the impact the Secretary-General's reform proposals would have on the 1998-1999 estimates once those proposals had been acted on by the Assembly. It submitted its preliminary recommendations on the initial overall level of the programme budget in chapter II of its report and would revert to the proposed programme budget when it further examined the Secretary-General's proposals for reform and the related revised estimates, including his proposed measures to deal with the impact of fluctuations of currency and inflation and the re-

port of the task force on the reorientation of UN public information activities.

In a September report [A/52/303], the Secretary-General presented revised estimates to reflect the changes that would be required to the proposed programme budget for the biennium 1998-1999 in order to implement the reforms. Those changes amounted to \$2,583 million, plus an additional requirement of \$8,500 for the establishment of a Decolonization Unit in the Department of Political Affairs.

In October, the ACABQ Chairman, in an oral report to the Fifth Committee, said that if the reform proposals were accepted by the Assembly, including the proposal to create a dividend account of \$12.7 million (see below), the level of the estimate proposed by the Secretary-General for 1998-1999 would remain unchanged at \$2,583 million. Since ACABQ's first report covered only the initial estimates, and in view of the ongoing discussion in the Assembly of the reform proposals, ACABQ would submit its recommendations, together with its views on the overall level of resources for 1998-1999, at a later stage. The net reduction of \$123.9 million reflected in the 1998-1999 proposed budget was a combination of additions and deletions from the 1996-1997 revised appropriations, particularly the deletion of special missions funded from the regular budget, which in 1996-1997 had cost \$49.8 million.

In a December report [A/C.5/52/34], the Secretary-General presented revised estimates to reflect the new costing assumptions, which reflected anticipated increases due to inflation and adjustments for changes in exchange rates, as well as adjustments arising from his report on UN reform measures [A/52/303 & Add.1], statements of programme budget implications on the situations in Afghanistan, Central America and Haiti, the report of the International Law Commission and revised estimates in respect of matters of which the Security Council was seized [A/C.5/52/24]. That resulted in estimated 1998-1999 appropriations of \$2,522,588,200 and income of \$356,051,300.

ACABQ, in a December report [A/52/7/Add.1], recommended revised estimates based on the 1998-1999 proposed programme budget and the Secretary-General's September report on UN reform measures. The appropriation as recommended by ACABQ totalled \$2,630,898,200 compared to the initial total of \$2,582,999,800 and total estimated income of \$416,755,900, resulting in a net budget of \$2,214,142,300.

The Fifth Committee, in its report [A/52/744], recommended approval of a gross appropriation of \$2,532,331,200 and an estimate for income (other than income derived from staff assessment) of

B. Breakdown of resources by subprogramme and object of expenditure

(Thousands of United States dollars)

	Posts	Other staff costs	Non-staff compensation	Consultants and experts	Travel	Contractual services	General operating expenses	Hospitality	Supplies and materials	Furniture and equipment	Grants and contributions	Total
A. Policy-making organs	—	—	142.0	—	3,07.9	—	—	—	—	—	—	3,218.9
B. Executive direction and management	2,582.9	—	—	—	221.6	—	—	—	—	—	399.0	3,203.5
C. Programme of work												
Policy coordination and inter-agency support	9,065.8	194.7	—	117.8	179.4	21.2	—	—	—	—	80.9	9,659.8
Gender issues and advancement of women	7,133.2	—	—	255.8	163.0	40.1	—	3.2	—	—	—	7,595.3
Social policy and development	11,755.3	118.1	—	468.7	192.0	59.2	—	—	—	—	55.4	12,648.7
Sustainable development	10,915.1	—	—	469.5	191.8	42.1	—	—	—	—	—	11,618.5
Statistics	21,621.6	284.0	—	385.7	153.3	385.1	—	—	—	—	619.9	23,449.6
Population	7,980.2	—	—	81.6	101.3	94.1	—	—	—	—	—	8,257.2
Global development trends, issues and policies	9,617.7	33.2	—	223.3	78.3	107.6	—	—	—	—	—	10,060.1
Public economics and public administration	9,492.8	—	—	335.9	200.7	45.2	—	—	—	—	—	10,074.6
Desertification (1998 only)	1,206.1	4.8	—	227.2	126.7	—	56.1	3.1	7.8	4.3	—	1,636.1
D. Programme support	4,227.0	557.1	—	—	—	89.4	1,810.9	16.8	237.8	901.0	—	7,840.0
TOTAL	95,597.7	1,191.9	142.0	2,565.5	4,685.0	884.0	1,867.0	23.1	245.6	905.3	1,155.2	109,262.3

\$363,840,300. The net expenditure for the biennium 1998-1999 was estimated at \$2,168,490,900.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/744], adopted **resolutions 52/221 A-C** without vote [agenda item 116].

A

Budget appropriations for the biennium 1998-1999

The General Assembly

Resolves that for the biennium 1998-1999:

1. Appropriations totalling 2,532,331,200 United States dollars are hereby approved for the following purposes:

Section	United States dollars
PART I. Overall policy-making, direction and coordination	
1A. Overall policy-making, direction and coordination	41,454,500
1B. General Assembly affairs and conference services	436,829,200
Total, PART I	478,283,700
PART II. Political affairs	
2A. Political affairs	42,061,500

Sect/on	United States dollars
2B. Disarmament	13,310,600
3. Peacekeeping operations and special missions	146,760,600
4. Peaceful uses of outer space	3,967,300
Total, PART II	206,100,000
PART III. International justice and law	
5. International Court of Justice	20,479,300
6. Legal affairs	
Total, PART III	53,514,700
PART IV. International cooperation for development	
7A. Economic and social affairs	109,262,300
8. Africa: New Agenda for Development	5,385,200
11A. Trade and development	96,296,900
11B. International Trade Centre UNCTAD/WTO	19,812,700
12. Environment	8,807,400
13. Human settlements	12,790,300
14. Crime control	5,413,600
15. International drug control	14,825,500
Total, PART IV	272,593,900
PART V. Regional cooperation for development	
16. Economic and social development in Africa	87,926,400
17. Economic and social development in Asia and the Pacific	56,167,500
18. Economic development in Europe	44,875,400
19. Economic and social development in Latin America and the Caribbean	87,906,900

Section	United States dollars
20. Economic and social development in Western Asia	49,925,000
21. Regular programme of technical cooperation	43,567,700
Total, PART V	370,368,900
PART VI. Human rights and humanitarian affairs	
22. Human rights	42,201,500
23. Protection of and assistance to refugees	46,005,900
24. Palestine refugees	21,221,800
25. Humanitarian assistance	17,933,700
Total, PART VI	127,362,900
PART VII. Public information	
26. Communications and public information	138,040,400
Total, PART VII	138,040,400
PART VIII. Common support services	
27. Administrative services	446,190,700
Total, PART VIII	446,190,700
PART IX. Internal oversight	
28. Internal oversight	
Total, PART IX	18,359,600
PART X. Jointly financed administrative activities and special expenses	
29. Jointly financed administrative activities	5,627,400
30. Special expenses	
Total, PART X	58,464,400
PART XI. Capital expenditures	
31. Construction, alteration, improvement and major maintenance	
Total, PART XI	34,550,300
PART XII. Staff assessment	
32. Staff assessment	315,436,700
Total, PART XII	315,436,700
PART XIII. Development account	
34. Development account	
Total, PART XIII	13,065,000
Total, EXPENDITURE SECTIONS	2,532,331,200

2. The Secretary-General shall be authorized to transfer credits between sections of the budget, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions;

3. The total net provision made under the various sections of the budget for contractual printing shall be administered as a unit under the direction of the United Nations Publications Board;

4. In addition to the appropriations approved under paragraph 1 above, an amount of 250,000 dollars is appropriated for each year of the biennium 1998-1999 from the accumulated income of the Library Endowment Fund for the purchase of books, periodicals,

maps and library equipment and for such other expenses of the Library at the Palais des Nations as are in accordance with the objects and provisions of the endowment.

B

Income estimates for the biennium 1998-1999

The General Assembly

Resolves that for the biennium 1998-1999:

1. Estimates of income other than assessments on Member States totalling 363,840,300 United States dollars are approved as follows:

Income section	United States dollars
1. Income from staff assessment	325,486,700
2. General income	33,743,600
3. Services to the public	
Total, INCOME SECTIONS	363,840,300

2. The income from staff assessment shall be credited to the Tax Equalization Fund in accordance with the provisions of General Assembly resolution 973(X) of 15 December 1955;

3. Direct expenses of the United Nations Postal Administration, services to visitors, catering and related services, garage operations, television services and the sale of publications, not provided for under the budget appropriations, shall be charged against the income derived from those activities.

C

Financing of appropriations for the year 1998

The General Assembly

Resolves that for the year 1998:

1. Budget appropriations consisting of 1,266,165,600 United States dollars, being half of the appropriations of 2,532,331,200 dollars approved for the biennium 1998-1999 by the General Assembly under paragraph 1 of resolution A above, and 61,209,000 dollars, being the decrease in revised appropriations for the biennium 1996-1997 approved by the Assembly in its resolution 52/213 A of 22 December 1997, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations of the United Nations as follows:

(a) 13,938,300 dollars, consisting of 19,176,800 dollars, being the net of half of the estimated income other than staff assessment approved for the biennium 1998-1999 under resolution B above, less 5,238,500 dollars, being the decrease in income other than staff assessment for the biennium 1996-1997;

(b) 109,278 dollars, being the contributions of new Member States for 1995;

(c) 1,190,909,022 dollars, being the assessment on Member States in accordance with its resolution 52/215 A of 22 December 1997 on the scale of assessments for the years 1998 and 1999;

2. There shall be set off against the assessment on Member States, in accordance with the provisions of General Assembly resolution 973(X) of 15 December 1955, their respective share in the Tax Equalization Fund in the total amount of 139,281,750 dollars, consisting of:

(a) 162,743,350 dollars, being half of the estimated staff assessment income approved for the biennium 1998-1999 under resolution B above;

(b) Less 23,461,600 dollars, being the decrease in income from staff assessment for the biennium 1996-1997 approved by the Assembly in its resolution 52/215 A.

Also on 22 December, by **decision 52/456**, the Assembly decided that the Fifth Committee should continue consideration of the item and relevant reports at its resumed fifty-second session in 1998.

Other questions relating to the 1998-1999 programme budget

Working Capital Fund

In December, the General Assembly established the Working Capital Fund for the 1998-1999 biennium at \$100 million, the same level as during 1996-1997. As in the past, the Fund was to be used to finance appropriations pending the receipt of assessed contributions, to pay for unforeseen and extraordinary expenses, as well as for miscellaneous and self-liquidating purchases and advance insurance premiums, and to enable the Tax Equalization Fund to meet current commitments pending the accumulation of credits.

GENERAL ASSEMBLY ACTION

On 22 December, [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/744], adopted **resolution 52/224** without vote [agenda item 116].

Working Capital Fund for the biennium 1998-1999

The General Assembly
Resolves that:

1. The Working Capital Fund shall be established for the biennium 1998-1999 in the amount of 100 million United States dollars;

2. Member States shall make advances to the Working Capital Fund in accordance with the scale adopted by the General Assembly for contributions of Member States to the budget for the year 1998;

3. There shall be set off against this allocation of advances:

(a) Credits to Member States resulting from transfers made in 1959 and 1960 from the surplus account to the Working Capital Fund in an adjusted amount of 1,025,092 dollars;

(b) Cash advances paid by Member States to the Working Capital Fund for the biennium 1996-1997 in accordance with General Assembly resolution 50/218 of 23 December 1995;

4. Should the credits and advances paid by any Member State to the Working Capital Fund for the biennium 1996-1997 exceed the amount of that Member State's advance under the provisions of paragraph 2 above, the excess shall be set off against the amount of the contributions payable by the Member State in respect of the biennium 1998-1999;

5. The Secretary-General is authorized to advance from the Working Capital Fund:

(a) Such sums as may be necessary to finance budgetary appropriations pending the receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose;

(b) Such sums as may be necessary to finance commitments that may be duly authorized under the provisions of the resolutions adopted by the General Assembly, in particular resolution 52/223 of 22 December 1997 relating to unforeseen and extraordinary expenses; the Secretary-General shall make provision in the budget estimates for reimbursing the Working Capital Fund;

(c) Such sums as may be necessary to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities that, together with net sums outstanding for the same purpose, do not exceed 200,000 dollars; advances in excess of the total of 200,000 dollars may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions;

(d) With the prior concurrence of the Advisory Committee, such sums as may be required to finance payments of advance insurance premiums where the period of insurance extends beyond the end of the biennium in which payment is made; the Secretary-General shall make provision in the budget estimates of each biennium, during the life of the related policies, to cover the charges applicable to each biennium;

(e) Such sums as may be necessary to enable the Tax Equalization Fund to meet current commitments pending the accumulation of credits; such advances shall be repaid as soon as credits are available in the Tax Equalization Fund;

6. Should the provision in paragraph 1 above prove inadequate to meet the purposes normally related to the Working Capital Fund, the Secretary-General is authorized to utilize, in the biennium 1998-1999, cash from special funds and accounts in his custody, under the conditions approved by the General Assembly in its resolution 1341(XIII) of 13 December 1958, or the proceeds of loans authorized by the Assembly.

Contingency fund

The contingency fund, created to accommodate additional expenditures relating to each biennium that were derived from legislative mandates not provided for in the proposed programme budget, was established by General Assembly resolution 41/213 [YUN 1986, p. 1024].

The Fifth Committee, on 18 December, considered a report [A/C.5/52/35] of the Secretary-General containing a consolidated statement of all programme budget implications and revised estimates subject to the criteria for the use of the contingency fund, as set out in Assembly resolution 42/211 [YUN 1987, p. 1098]. The amount of \$245,200 fell within the available balance of \$18,754,800. The Committee approved the required amount under section 6 (Legal affairs).

In **resolution 52/222, section VI**, adopted on 22 December, the Assembly noted that a balance

of \$18,754,800 remained in the contingency fund.

Establishment of a development account

The Secretary-General, in his proposals for UN reform [A/51/950 & Add.5], stated that the Organization was spending too high a percentage if its regular budget on administration and other overhead costs. He therefore set a goal to reduce such costs by one third and reallocate that "dividend" to economic and social activities, reducing those non-programme costs from 38 to 25 per cent. He proposed the creation of a development account to be funded from the resulting savings. That goal was expected to be achieved in the biennium starting 1 January 2002. Non-programme costs in the revised estimates for the 1998-1999 biennial budget were some \$50 million less than in the original 1996-1997 budget. The Secretary-General proposed that, effective 1 January 1998, the development account be initially established at \$12.7 million.

ACABQ, in its first report [A/52/7/Rev.1] on the 1998-1999 programme budget, requested a detailed report, which would define administrative expenses and non-programme costs and provide technical justification that they represented 38 per cent of the budget; indicate a plan and timetable for phasing in the reductions until the end of 2001; indicate measures to be taken to effect the reduction and its impact on support and other services to programmes and UN operations; show how to ensure it did not have an adverse effect on the control and oversight capacity of the Organization; and describe the procedures for redeploying the savings and determining how they would be spent. In its second report [A/52/7/Add.1], ACABQ recommended an appropriation of \$12.7 million in respect of the development account, to be placed provisionally in a new section 34 of the 1998-1999 programme budget as the Assembly had not yet acted on the recommendation. It stated that there were a number of issues that had to be examined, including those raised in its first report.

The General Assembly, in **resolution 52/12 B** of 19 December, decided to establish in the 1998-1999 programme budget a development account to be funded from savings from possible reductions in administration and other overhead costs, without affecting full implementation of mandated programmes. It requested the Secretary-General to submit a report by the end of March 1998, identifying the sustainability of the initiative, the modalities of implementation, the specific purposes and associated performance criteria for the use of such resources. The Assembly, in **resolution 52/220** of 22 December, decided

that the amount of \$362,000 saved as a result of the abolition of the High-level Advisory Board on Sustainable Development should be transferred to the development account.

Also on 22 December, the Assembly, in **resolution 52/221 A**, approved an amount of \$13,065,000 under section 34 (Development account) of the 1998-1999 programme budget.

In response to ACABQ's request in its first report, the Secretary-General on 22 December submitted a report [A/52/758] on the reduction and refocusing of non-programme costs. The report clarified issues related to the definition of administrative expenses and other overhead costs and provided an outline of the magnitude and planning of anticipated reductions, with the intention of delivering some \$200 million to be placed at the disposal of the Assembly. It also presented non-programme costs for the 1996-1997 biennium and for the proposed 1998-1999 programme budget and targets for 2000-2001 and for the biennium starting 1 January 2002. The total non-programme costs for 1996-1997 stood at \$849 million, or 38 per cent of the computation base, and was used as base 100 for all future computations. By 1 January 2002, the accrued savings would total \$182.2 million, to which would be added \$12.7 million as proposed by the Secretary-General in the 1998-1999 budget, thus representing a total of some \$195 million to be available to the development account by 2002.

Revised estimates resulting from Economic and Social Council decisions

In a November report [A/C.5/52/17], the Secretary-General indicated that the decisions adopted by the Economic and Social Council during its sessions in 1997 did not give rise at that time to a need for additional appropriations under the programme budgets for 1996-1997 or 1998-1999. However, proposed requirements of \$219,000 for travel and \$952,800 for conference servicing relating to the Committee on Economic, Social and Cultural Rights were recommended, pending a decision by the Council at its resumed substantive session in December. In that event, the Secretariat would submit an addendum with respect to any additional requirements.

The Council, by decision 1997/321 of 18 December, postponed consideration of the item to its 1998 organizational session and requested the Secretariat to provide additional information on the programme budget implications.

The General Assembly, in **resolution 52/222, section IV**, of 22 December, took note of the report of the Secretary-General.

Subvention to UNIDIR

In November [A/C.5/52/14], the Secretary-General transmitted to the General Assembly for approval the recommendation of the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR) for a subvention of \$213,000 from the regular UN budget to the Institute's 1998 work programme.

The Assembly approved the subvention on 22 December in **resolution 52/222, section I**.

Extension of the premises of the International Court of Justice

The Secretary-General reported [A/C.5/52/16] that increases in the UN contribution for office accommodation for the International Court of Justice at the Peace Palace in the Hague, Netherlands, owing to increases in the rate of inflation, were approved over the years by the General Assembly by supplementary agreements to the 1946 Agreement between the Carnegie Foundation and the United Nations. In January, the Carnegie Foundation informed the Secretary-General that enlarged premises had been put at the disposal of the Court from 1 January 1997, which would result in amendments to the Agreement relating to the annual contribution payable by the United Nations to the Foundation. The proposed amendment would change that contribution from its current figure of 100,000 to 1,843,582 Netherlands guilders (f.) net and introduce a qualification that the agreed amount was "subject to annual increases relating only to inflation". Requirements of \$253,300 had been estimated for the 1996-1997 biennium for the enlarged premises. The total estimated contribution requested by the Carnegie Foundation, including that for new accommodation, would be increased to 3,826,585 per biennium in 1998-1999. Provisions of \$2,178,500 before recosting had been made under section 5 of the proposed 1998-1999 programme budget for that purpose. A draft supplementary agreement was submitted for approval.

ACABQ [A/52/7/Add.5] considered the report of the Secretary-General and reiterated its view that the inflation rate applicable to the annual contribution paid by the United Nations to the Carnegie Foundation should be subject to review by the Committee and approval by the Assembly each time an increase was requested. It recommended approval of the draft supplementary agreement.

GENERAL ASSEMBLY ACTION

On 22 December, the General Assembly, by **resolution 52/222, section VII**, took note of the report of the Secretary-General and the recommendations of ACABQ and approved the draft

supplementary agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace in The Hague.

Unforeseen and extraordinary expenses

Under very specific circumstances, the Secretary-General was authorized by the General Assembly, in biennial resolutions, to enter into commitments for activities of an urgent nature, without reverting to the Assembly for approval of the required resources.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/744], adopted **resolution 52/223** without vote [agenda item 116].

Unforeseen and extraordinary expenses for the biennium 1998-1999

The General Assembly

1. Authorizes the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1998-1999 to meet unforeseen and extraordinary expenses arising either during or subsequent to the biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

(a) Such commitments, not exceeding a total of 5 million United States dollars in any one year of the biennium 1998-1999, as the Secretary-General certifies relate to the maintenance of peace and security;

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of ad hoc judges (Statute of the International Court of Justice, Article 31), not exceeding a total of 300,000 dollars;

(ii) The calling of witnesses and the appointment of experts (Statute, Article 50) and the appointment of assessors (Statute, Article 30), not exceeding a total of 50,000 dollars;

(iii) The maintenance in office for the completion of cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of 40,000 dollars;

(iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7), not exceeding a total of 180,000 dollars;

(v) The work of the Court or its Chambers away from The Hague (Statute, Article 22), not exceeding a total of 50,000 dollars;

(c) Such commitments, not exceeding a total of 500,000 dollars, in the biennium 1998-1999, as the Secretary-General certifies are required for inter-organizational security measures pursuant to section IV of General Assembly resolution 36/235 of 18 December 1981;

2. Resolves that the Secretary-General shall report to the Advisory Committee and to the General Assembly at its fifty-third and fifty-fourth sessions all commitments made under the provisions of the present resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the Assembly in respect of such commitments;

3. Decides that, for the biennium 1998-1999, if a decision of the Security Council results in the need for the Secretary-General to enter into commitments relating to the maintenance of peace and security in an amount exceeding 10 million dollars in respect of the decision, that matter shall be brought to the General Assembly, or, if the Assembly is suspended or not in session, a resumed or special session of the Assembly shall be convened by the Secretary-General to consider the matter.

Contributions

Unpaid assessed contributions from Member States to the UN budget totalled \$2 billion at the end of 1997. That represented a slight decrease from the \$2.1 billion at the end of 1996 and an improvement from the 1995 figure of \$2.3 billion. The absolute level of unpaid regular budget assessments was reduced to \$473 million at the end of 1997, a reduction of \$91 million compared to 1995. A higher percentage of assessments were in arrears and remained uncollected.

On the other hand, the number of Member States paying their regular budget assessment in full continued to climb. At the end of 1997, 100 Member States had paid their assessments in full. There was also a substantial decrease in the number of Member States owing more than their 1997 assessments at year end, down from 75 in 1994 to 50 in 1997. Nevertheless, the number of Member States making no regular budget payment climbed to 17 from a low of 12 in 1996.

Aggregate peacekeeping assessments outstanding at the end of 1997 totalled \$1,574 million, a decrease of \$150 million since 1995. The overall improvement included an increase of \$124 million for the United States and a decrease of \$269 million for the Russian Federation.

Assessments

In 1997, the General Assembly continued its comprehensive review of all aspects of the methodology for determining the scale of assessments and in doing so considered various proposals and recommendations contained in the reports of Committee on Contributions at its special and regular sessions of 1996 [YUN 1996, pp. 1289 & 1292].

GENERAL ASSEMBLY ACTION

On 3 April [meeting 95], the General Assembly, on the recommendation of the Fifth Committee [A/51/747/Add.1], adopted **resolution 51/212 B** without vote [agenda item 119].

Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Recalling its previous resolutions and decisions on the scale of assessments, in particular resolutions 48/223 B and C of 23 December 1993,

Having considered the reports of the Committee on Contributions,

Reaffirming the fundamental principle that the expenses of the Organization should be apportioned broadly according to capacity to pay,

1. Requests the Committee on Contributions to submit to the General Assembly at its fifty-second session eight proposals for a scale of assessments for the period 1998-2000 as follows:

(a) A proposal based on the methodology used for the scale of assessments for the period 1995-1997;

(b) A proposal to include the following elements and criteria:

- (i) The scale to be based on estimates of gross national product, as a first approximation of the capacity to pay, and subject to adjustment for factors identified by the General Assembly;
 - (ii) A statistical base period of six years;
 - (iii) Uniform exchange rates, in accordance with the criteria contained in paragraph 3 (b) of General Assembly resolution 46/221 B of 20 December 1991;
 - (iv) The debt adjustment approach used in the preparation of the scale of assessments for the period 1995-1997;
 - (v) A low per capita income allowance formula with a per capita income limit of the average world per capita income for the statistical base period and a gradient of 85 per cent;
 - (vi) A minimum assessment rate of 0.001 per cent;
 - (vii) A ceiling rate of 25 per cent;
 - (viii) The phase-out of the scheme of limits in accordance with General Assembly resolutions 48/223 B of 23 December 1993 and 49/19 B of 23 December 1994;
 - (ix) The scale of assessments to be expressed to three decimal places of a percentage point;
 - (x) In phasing out the scheme of limits, the allocation of additional points resulting therefrom to developing countries benefiting from its application to be limited to 15 per cent of the effect of the phase-out;
 - (xi) Individual rates of assessment for the least developed countries not to exceed the current level of 0.01 per cent;
- (c) A proposal to include the following elements and criteria:
- (i) Use of gross national product instead of net national income;
 - (ii) A statistical base period of six years;
 - (iii) The debt adjustment approach and low per capita income allowance formula used in the preparation of the scale of assessments for the period 1995-1997;

- (iv) A floor rate of 0.001 per cent and a ceiling rate of 25 per cent;
- (v) The scale of assessments to be expressed to three decimal places of a percentage point;
- (vi) Market exchange rates to be used for the purpose of the scale, except where this causes excessive fluctuations or distortions in the income of some Member States, when price-adjusted rates of exchange or other appropriate conversion rates, such as uniform exchange rates, in accordance with the criteria contained in paragraph 3 (b) of General Assembly resolution 46/221 B, are to be employed;
- (vii) Individual rates of assessment for the least developed countries not to exceed the current level of 0.01 per cent;
- (viii) The scheme of limits to be phased out in accordance with paragraph 1 (f) of General Assembly resolution 48/223 B, and the allocation of additional points resulting therefrom to developing countries benefiting from its application to be limited to 15 per cent of the effect of the phase-out;
- (d) A proposal to include the following elements and criteria:
 - (i) The scale to be based on data on gross national product;
 - (ii) A statistical base period of three years, with automatic annual updating;
 - (iii) A ceiling rate of 20 per cent;
 - (iv) A minimum assessment rate of 0.001 per cent;
 - (v) The scale of assessments to be expressed to three decimal places of a percentage point;
 - (vi) Use of market exchange rates, except where this causes excessive fluctuations or distortions in the income of some Member States, when price-adjusted rates of exchange or other appropriate conversion rates are to be employed;
 - (vii) A low per capita income relief gradient of 75 per cent;
 - (viii) Non-eligibility of permanent members of the Security Council for relief based on low per capita income;
 - (ix) The scheme of limits to be phased out in 1998 and the allocation of additional points resulting therefrom to developing countries benefiting from its application to be limited to 15 per cent of the effect of the phase-out;
 - (e) A proposal to include the following elements and criteria:
 - (i) The scale to be based on data on gross national product, as a first approximation of capacity to pay;
 - (ii) A statistical base period of six years;
 - (iii) Uniform exchange rates, in accordance with the criteria contained in paragraph 3 (b) of General Assembly resolution 46/221 B;
 - (iv) Debt adjustment to be based on actual principal payments;
 - (v) A low per capita income allowance formula with a per capita income limit of the average world per capita income for the statistical base period and a gradient of 75 per cent;
 - (vi) A minimum assessment rate of 0.001 per cent;
 - (vii) A ceiling rate of 25 per cent;
- (viii) Individual rates of assessment for the least developed countries not to exceed the current level of 0.01 per cent;
- (ix) The effect of the scheme of limits to be phased out in equal instalments by the year 2000 and the allocation of additional points resulting therefrom to developing countries benefiting from its application to be limited to 15 per cent of the effect of the phase-out;
- (x) Non-eligibility of permanent members of the Security Council for a low per capita income allowance in calculating the scale of assessments for the regular budget;
- (f) A proposal to include the following elements and criteria:
 - (i) Use of data on gross national product;
 - (ii) A statistical base period of three years, with automatic annual recalculation;
 - (iii) Exchange rates in accordance with the following criteria:
 - a. Market exchange rates obtained from the International Monetary Fund for all Member States that are members of the Fund;
 - b. Exchange rates based on the technical advice of the International Monetary Fund for Member States that are not members of the Fund;
 - c. United Nations operational rates for Member States for which the criteria in subparagraphs (iii) a and b above are not applicable;
 - d. Price-adjusted rates of exchange or other appropriate conversion rates where the use of rates consistent with the criteria in subparagraphs (iii) a to c above would cause excessive fluctuations or distortions in the income of some Member States;
 - e. The Committee on Contributions to provide detailed explanations for exchange rates not based on the criteria in subparagraphs (iii) a to c above;
 - (iv) No adjustment for external debt;
 - (v) A low per capita income allowance formula with a per capita income limit of the average world per capita income for the statistical base period and a gradient of 75 per cent;
 - (vi) The scale of assessments to be expressed to three decimal places of a percentage point;
 - (vii) A minimum assessment rate of 0.001 per cent;
 - (viii) A maximum assessment rate of 25 per cent;
 - (ix) No maximum assessment rate for the least developed countries;
 - (x) The scheme of limits to be fully phased out as at 1 January 1998;
 - (g) A proposal to include the following elements and criteria:
 - (i) Estimates of gross national product, as a first approximation of capacity to pay, and subject to adjustment for factors identified by the General Assembly, as recommended by the Committee on Contributions in paragraph 28 of its report;
 - (ii) A statistical base period of three years;
 - (iii) Conversion rates as recommended by the Committee on Contributions in paragraph 38 of its report;

- (iv) The debt adjustment approach proposed by the Committee on Contributions in paragraph 41 of its report;
 - (v) A low per capita income allowance formula with a per capita income limit of the average world per capita income for the statistical base period and a gradient of 85 per cent below the limit, the additional points resulting therefrom to be absorbed progressively by countries with a per capita income above the limit, using a gradient of 25 per cent;
 - (vi) No floor rate;
 - (vii) A ceiling rate of 25 per cent;
 - (viii) The remaining effect of the scheme of limits to be phased out completely with effect from 1 January 1998, in accordance with paragraph 1 (f) of General Assembly resolution 48/223 B;
 - (ix) The scale of assessments to be expressed to four decimal places of a percentage point;
 - (x) Individual rates of assessment for the least developed countries not to exceed the current level of 0.01 per cent;
 - (h) A proposal to include the following elements and criteria:
 - (i) The scale to be based on data on gross national product;
 - (ii) A statistical base period of nine years;
 - (iii) The debt adjustment approach used in the preparation of the scale of assessments for the period 1995-1997;
 - (iv) The low per capita income allowance formula used in the preparation of the scale of assessments for the period 1995-1997, but excluding automatic application of the surtax for countries that cross the threshold until 10 years after the country has crossed the threshold;
 - (v) A minimum assessment rate of 0.001 per cent;
 - (vi) A ceiling rate of 25 per cent;
 - (vii) The scale of assessments to be expressed to three decimal places of a percentage point;
 - (viii) Market exchange rates to be used for the purpose of the scale, except where this causes excessive fluctuations or distortions in the income of some Member States, when price-adjusted rates of exchange or other appropriate conversion rates, such as uniform exchange rates, in accordance with the criteria contained in paragraph 3 (b) of General Assembly resolution 46/221 B, are to be employed;
 - (ix) A maximum individual rate of assessment of 0.01 per cent for the least developed countries;
 - (x) The scheme of limits to be phased out, in accordance with paragraph 1 (f) of General Assembly resolution 48/223 B, and the allocation of additional points resulting therefrom to developing countries benefiting from its application to be limited to 15 per cent of the effect of the phase-out;
- and to make appropriate recommendations thereon;

2. Decides that, notwithstanding the provisions of paragraph 1 above, the Member State that is the subject of General Assembly decision 50/471 B of 23 December 1995 should not be subject to any increase in its rate of assessment for the period 1998-2000 as a result of the gradual phasing out of the scheme of limits during that period;

3. Requests the Committee on Contributions to keep a number of issues relating to the scale methodology under review.

Committee on Contributions. The fifty-seventh session of the Committee on Contributions was held in New York from 27 May to 20 June 1997 [A/51/11 & Corr.1,2]. Responding to the General Assembly request in resolution 50/207 B [YUN 1996, p. 1291], the Committee reviewed the procedural aspects of consideration of requests for exemption under Article 19 of the Charter of the United Nations, whereby a Member would lose its vote in the Assembly if the amount of its arrears should equal or exceed the amount of its contributions due for the preceding two full years. The Committee reviewed proposals corresponding to the elements and criteria outlined in **resolution 51/212 B** and reached agreement on several elements of a scale methodology, including a base period of six years, debt burden adjustment and the scheme of limits. However, no consensus was reached on all the major elements of the scale. Nevertheless, the Committee felt that tentative progress made on some of the outstanding issues could be helpful to the Assembly in deciding on its approach for the scale of assessments for 1998-2000.

In reviewing the procedural aspects of consideration of requests for exemption under Article 19, the Committee recalled that the determination of which Member States fell under Article 19 was made at the beginning of each year, while the Committee normally met in June. Member States requesting exemption under Article 19 were, therefore, liable to lose their right to vote until action was taken by the Committee and the Assembly, regardless of the outcome of their request. The problem had been exacerbated by the frequency of resumed sessions of the Assembly. Various suggestions were made for dealing with the problem of timing of the application, including automatic interim exemptions pending action by the Committee and Assembly; adjusting the period for calculating the application of Article 19 to a period closer to the annual sessions of the Committee; and holding special sessions of the Committee early in the year. The Committee urged that the fullest possible information be provided by Member States concerned when requesting exemptions. Relevant information would also be sought from the Secretariat. Also discussed by the Committee was the possibility of establishing guidelines for granting exemptions under Article 19. It agreed that the particular circumstances of each Member State concerned had to be considered when it reviewed such requests. It should draw on its review of other cases

and endeavour to apply precedents as appropriate. Requests for extension of exemptions should be fully reviewed on their own merits.

The Committee took up the cases of Liberia, Tajikistan and the Comoros. It agreed that as a result of the devastating impact of the protracted civil war and the serious economic problems facing the country, Liberia's failure to pay the amount necessary to avoid the application of Article 19 was due to conditions beyond its control. It therefore recommended that Liberia should be allowed to vote through the fifty-second session of the Assembly. In the case of Tajikistan, the Committee noted that its economic problems were still very serious and, taken with the political situation, the impact on government revenues was severe and there was evidence of the Government's difficulty in meeting national and international payment obligations. The Committee agreed that Tajikistan's failure to pay the amount necessary to avoid loss of its vote was due to conditions beyond its control and noted with appreciation its payment of approximately \$100,000 in April. The Committee recommended to the Assembly that Tajikistan be permitted to vote through the fifty-second session. The Committee also recommended to the Assembly that, because of the severe economic, social and political impact of the mercenary invasion and its aftermath, the failure of the Comoros to pay was beyond its control and that it be permitted to vote through the fifty-second session.

The Committee noted that, at the conclusion of the fifty-first session, 17 Member States would be in arrears in the payment of their contributions under Article 19 of the Charter and would have no vote in the Assembly: Bosnia and Herzegovina, Central African Republic, Chad, Congo, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Iraq, Kyrgyzstan, Republic of Moldova, Sao Tome and Principe, Seychelles, Somalia, Togo and Yugoslavia. The Committee also noted that four Members were in arrears but were allowed to vote pursuant to resolutions 50/207 B and 51/212 A [YUN 1996, pp. 1291 & 1295]: Comoros, Liberia, Rwanda and Tajikistan. The Committee further noted that 11 Member States had availed themselves, under resolution 49/19 B [YUN 1994, p. 1353], of the opportunity of paying the equivalent of \$3.5 million in currencies other than United States dollars.

GENERAL ASSEMBLY ACTION

On 15 September, the General Assembly, by **decision 51/454 B**, deferred until its fifty-second session consideration of the observations contained in the report of the Committee on Contributions concerning the procedural aspects of

consideration of requests for exemption under Article 19 of the Charter. It also decided that the failure of the Comoros, Liberia and Tajikistan to pay the amount necessary to avoid the application of Article 19 was due to conditions beyond their control and that they should be permitted to vote through the fifty-second session of the Assembly and that any further extension should be subject to review by the Committee on Contributions.

On 22 December [meeting 79], the Assembly, on the recommendation of the Fifth Committee [A/52/745], adopted **resolutions 52/215 A-D** without vote [agenda item 120].

Scale of assessments for the apportionment of the expenses of the United Nations

A

The General Assembly,

Recognizing the obligation of Member States, under Article 17 of the Charter of the United Nations, to bear the expenses of the Organization as apportioned by the General Assembly,

Reaffirming the fundamental principle that the expenses of the Organization should be apportioned among Member States, broadly according to their capacity to pay, in accordance with rule 160 of its rules of procedure,

Having considered the report of the Committee on Contributions on the work of its fifty-seventh session,

1. Decides that the scale of assessments for the period 1998-2000 shall be based on the following elements and criteria:

- (a) Data on the gross national product;
- (b) A statistical base period of six years;
- (c) Conversion rates as recommended by the Committee on Contributions;
- (d) A debt-burden adjustment in 1998 based on actual principal repayments and in 1999 and 2000 on the debt-adjustment approach employed in the scale of assessments for the period 1995-1997;
- (e) A low per capita income adjustment, with a per capita income limit of the average world per capita income for the statistical base period and a gradient of 80 per cent;
- (f) A minimum assessment rate of 0.001 per cent;
- (g) A ceiling rate of 25 per cent;
- (h) Individual rates of assessment for the least developed countries not to exceed the current level of 0.01 per cent;
- (i) The phasing out of the scheme of limits in accordance with General Assembly resolution 48/223 B of 23 December 1993;
- (j) In phasing out the scheme of limits before the year 2001, the allocation of additional points resulting therefrom to developing countries benefiting from its application limited to 15 per cent of the effect of the phase-out;
- (k) The limitation referred to in paragraph 2 of General Assembly resolution 51/212 B of 3 April 1997;

2. Resolves that the scale of assessments for the contributions of Member States to the regular budget of the United Nations for the years 1998, 1999 and 2000 shall be as follows:

Member State	1998	1999 (Percentage)	2000	Member State	1998	1999 (Percentage)	2000
Afghanistan	0.004	0.003	0.003	Gabon	0.018	0.015	0.015
Albania	0.003	0.003	0.003	Gambia	0.001	0.001	0.001
Algeria	0.116	0.094	0.086	Georgia	0.058	0.019	0.007
Andorra	0.004	0.004	0.004	Germany	9.630	9.808	9.857
Angola	0.010	0.010	0.010	Ghana	0.007	0.007	0.007
Antigua and Barbuda	0.002	0.002	0.002	Greece	0.368	0.351	0.351
Argentina	0.768	1.024	1.103	Grenada	0.001	0.001	0.001
Armenia	0.027	0.011	0.006	Guatemala	0.019	0.018	0.018
Australia	1.471	1.482	1.483	Guinea	0.003	0.003	0.003
Austria	0.935	0.941	0.942	Guinea-Bissau	0.001	0.001	0.001
Azerbaijan	0.060	0.022	0.011	Guyana	0.001	0.001	0.001
Bahamas	0.015	0.015	0.015	Haiti	0.002	0.002	0.002
Bahrain	0.018	0.017	0.017	Honduras	0.004	0.003	0.003
Bangladesh	0.010	0.010	0.010	Hungary	0.119	0.120	0.120
Barbados	0.008	0.008	0.008	Iceland	0.032	0.032	0.032
Belarus	0.164	0.082	0.057	India	0.305	0.299	0.299
Belgium	1.096	1.103	1.104	Indonesia	0.173	0.184	0.188
Belize	0.001	0.001	0.001	Iran (Islamic Republic of)	0.303	0.193	0.161
Benin	0.002	0.002	0.002	Iraq	0.087	0.045	0.032
Bhutan	0.001	0.001	0.001	Ireland	0.223	0.224	0.224
Bolivia	0.008	0.007	0.007	Israel	0.329	0.345	0.350
Bosnia and Herzegovina	0.005	0.005	0.005	Italy	5.394	5.432	5.437
Botswana	0.010	0.010	0.010	Jamaica	0.006	0.006	0.006
Brazil	1.514	1.470	1.471	Japan	17.981	19.984	20.573
Brunei Darussalam	0.020	0.020	0.020	Jordan	0.008	0.006	0.006
Bulgaria	0.045	0.019	0.011	Kazakhstan	0.124	0.066	0.048
Burkina Faso	0.002	0.002	0.002	Kenya	0.007	0.007	0.007
Burundi	0.001	0.001	0.001	Kuwait	0.154	0.134	0.128
Cambodia	0.001	0.001	0.001	Kyrgyzstan	0.015	0.008	0.006
Cameroon	0.014	0.013	0.013	Lao People's Democratic Republic	0.001	0.001	0.001
Canada	2.825	2.754	2.732	Latvia	0.046	0.024	0.017
Cape Verde	0.001	0.002	0.002	Lebanon	0.016	0.016	0.016
Central African Republic	0.002	0.001	0.001	Lesotho	0.002	0.002	0.002
Chad	0.001	0.001	0.001	Liberia	0.002	0.002	0.002
Chile	0.113	0.131	0.136	Libyan Arab Jamahiriya	0.160	0.132	0.124
China	0.901	0.973	0.995	Liechtenstein	0.005	0.006	0.006
Colombia	0.108	0.109	0.109	Lithuania	0.045	0.022	0.015
Comoros	0.001	0.001	0.001	Luxembourg	0.066	0.068	0.068
Congo	0.003	0.003	0.003	Madagascar	0.003	0.003	0.003
Costa Rica	0.017	0.016	0.016	Malawi	0.002	0.002	0.002
Côte d'Ivoire	0.012	0.009	0.009	Malaysia	0.168	0.180	0.183
Croatia	0.056	0.036	0.030	Maldives	0.001	0.001	0.001
Cuba	0.039	0.026	0.024	Mali	0.003	0.002	0.002
Cyprus	0.034	0.034	0.034	Malta	0.014	0.014	0.014
Czech Republic	0.169	0.121	0.107	Marshall Islands	0.001	0.001	0.001
Democratic People's Republic of Korea	0.031	0.019	0.015	Mauritania	0.001	0.001	0.001
Democratic Republic of the Congo	0.008	0.007	0.007	Mauritius	0.009	0.009	0.009
Denmark	0.687	0.691	0.692	Mexico	0.941	0.980	0.995
Djibouti	0.001	0.001	0.001	Micronesia (Federated States of)	0.001	0.001	0.001
Dominica	0.001	0.001	0.001	Monaco	0.003	0.004	0.004
Dominican Republic	0.016	0.015	0.015	Mongolia	0.002	0.002	0.002
Ecuador	0.022	0.020	0.020	Morocco	0.041	0.041	0.041
Egypt	0.069	0.065	0.065	Mozambique	0.002	0.001	0.001
El Salvador	0.012	0.012	0.012	Myanmar	0.009	0.008	0.008
Equatorial Guinea	0.001	0.001	0.001	Namibia	0.007	0.007	0.007
Eritrea	0.001	0.001	0.001	Nepal	0.004	0.004	0.004
Estonia	0.023	0.015	0.012	Netherlands	1.619	1.631	1.632
Ethiopia	0.007	0.006	0.006	New Zealand	0.221	0.221	0.221
Fiji	0.004	0.004	0.004	Nicaragua	0.002	0.001	0.001
Finland	0.538	0.542	0.543	Niger	0.002	0.002	0.002
France	6.494	6.540	6.545	Nigeria	0.070	0.040	0.032

Member State	1998	1999 (Percentage)	2000
Norway	0.605	0.610	0.610
Oman	0.050	0.051	0.051
Pakistan	0.060	0.059	0.059
Palau	0.001	0.001	0.001
Panama	0.016	0.013	0.013
Papua New Guinea	0.007	0.007	0.007
Paraguay	0.014	0.014	0.014
Peru	0.085	0.095	0.099
Philippines	0.077	0.080	0.081
Poland	0.251	0.207	0.196
Portugal	0.368	0.417	0.431
Qatar	0.033	0.033	0.033
Republic of Korea	0.955	0.994	1.006
Republic of Moldova	0.043	0.018	0.010
Romania	0.102	0.067	0.056
Russian Federation	2.873	1.487	1.077
Rwanda	0.002	0.001	0.001
Saint Kitts and Nevis	0.001	0.001	0.001
Saint Lucia	0.001	0.001	0.001
Saint Vincent and the Grenadines	0.001	0.001	0.001
Samoa	0.001	0.001	0.001
San Marino	0.002	0.002	0.002
Sao Tome and Principe	0.001	0.001	0.001
Saudi Arabia	0.594	0.569	0.562
Senegal	0.006	0.006	0.006
Seychelles	0.002	0.002	0.002
Sierra Leone	0.001	0.001	0.001
Singapore	0.167	0.176	0.179
Slovakia	0.053	0.039	0.035
Slovenia	0.060	0.061	0.061
Solomon Islands	0.001	0.001	0.001
Somalia	0.001	0.001	0.001
South Africa	0.365	0.366	0.366
Spain	2.571	2.589	2.591
Sri Lanka	0.013	0.012	0.012
Sudan	0.009	0.007	0.007
Suriname	0.004	0.004	0.004
Swaziland	0.002	0.002	0.002
Sweden	1.099	1.084	1.079
Syrian Arab Republic	0.062	0.064	0.064
Tajikistan	0.008	0.005	0.004
Thailand	0.158	0.167	0.170
The former Yugoslav Republic of Macedonia	0.005	0.004	0.004
Togo	0.002	0.001	0.001
Trinidad and Tobago	0.018	0.017	0.016
Tunisia	0.028	0.028	0.028
Turkey	0.440	0.440	0.440
Turkmenistan	0.015	0.008	0.006
Uganda	0.004	0.004	0.004
Ukraine	0.678	0.302	0.190
United Arab Emirates	0.177	0.178	0.178
United Kingdom of Great Britain and Northern Ireland	5.076	5.090	5.092
United Republic of Tanzania	0.004	0.003	0.003
United States of America	25.000	25.000	25.000
Uruguay	0.049	0.048	0.048
Uzbekistan	0.077	0.037	0.025
Vanuatu	0.001	0.001	0.001
Venezuela	0.235	0.176	0.160
Viet Nam	0.010	0.007	0.007

Member State	1998	1999 (Percentage)	2000
Yemen	0.010	0.010	0.010
Yugoslavia	0.060	0.034	0.026
Zambia	0.003	0.002	0.002
Zimbabwe	0.009	0.009	0.009
TOTAL	100.000	100.000	100.000

3. Resolves also that:

(a) Notwithstanding the terms of regulation 5.5 of the Financial Regulations of the United Nations, the Secretary-General shall be empowered to accept, at his discretion and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the calendar years 1998, 1999 and 2000 in currencies other than United States dollars;

(b) In accordance with regulation 5.9 of the Financial Regulations of the United Nations, States which are not Members of the United Nations but which participate in certain of its activities shall be called upon to contribute towards the 1998, 1999 and 2000 expenses of the Organization on the basis of the following rates:

Non-member State	Percentage
Holy See	0.001
Nauru	0.001
Switzerland	1.215
Tonga	0.001

These rates represent the basis for the calculation of the flat annual fees to be charged to non-member States in accordance with General Assembly resolution 44/197 B of 21 December 1989.

B

The General Assembly,

Recalling its resolution 50/207 B of U April 1996,

1. Reaffirms the obligation of Member States under Article 17 of the Charter of the United Nations to bear the expenses of the Organization as apportioned by the General Assembly, and urges all Member States to pay their assessed contributions in full, on time and without imposing conditions, to avoid the financial difficulties being experienced by the Organization;

2. Takes note of the observations of the Committee on Contributions concerning the procedural aspects of the consideration of requests for exemption under Article 19 of the Charter;

3. Calls upon Member States requesting exemption under Article 19 of the Charter to provide the Committee with the fullest possible information for its review of such requests, bearing in mind the observations in paragraphs 14 and 15 of the report of the Committee;

4. Requests the Committee to keep under review the procedural aspects of the consideration of requests for exemption under Article 19 of the Charter, and to make recommendations thereon, as appropriate;

5. Also requests the Committee to review current procedures for the application of Article 19 of the Charter, including the possibility of calculating and applying it at the beginning of each calendar year and at the beginning of the peacekeeping financial period on 1 July of each year, and to make recommendations thereon, as appropriate, to the General Assembly before the end of its fifty-third session.

The General Assembly,

Recalling its resolutions 48/223 C of 23 December 1993, 49/19 A of 29 November 1994 and 51/212 B of 3 April 1997,

Recalling also the sections of the reports of the Committee on Contributions on its thorough and comprehensive review of all aspects of the methodology for preparation of the scale of assessments with a view to making it stable, simpler and more transparent while continuing to base it on reliable, verifiable and comparable data,

Having considered the report of the Committee on the work of its fifty-seventh session,

Notes the intention of the Committee on Contributions to review all elements of the scale methodology, including the base period, conversion rates, low per capita income adjustment (including the issue of discontinuity) and annual recalculation, and requests the Committee to take into account the views expressed by Member States.

D

The General Assembly

Decides, without prejudice to rule 160 of the rules of procedure of the General Assembly, to consider reviewing the scale of assessments for the years 1999 and 2000 during its resumed fifty-second session, in the light of all relevant factors, including the periodic reports of the Secretary-General on the status of contributions, and to make a determination in this respect early enough to refer this matter to the Committee on Contributions during the fifty-second session of the General Assembly.

Throughout the year, the Secretary-General reported to the President of the Assembly on payments made by certain Member States to reduce their arrears below the amount specified in Article 19, so they could continue to vote in the Assembly. On 21 January [A/51/780], 43 Member States were in arrears under Article 19. By 15 September, that number was reduced to 14 [A/51/780/Add.1-8]. As at 16 September, the Secretary-General reported [A/52/350], 12 Member States remained below the gross amount owed for the preceding two full years (1995-1996). Of those, 5 later made the necessary payments between 29 September and 28 October [A/52/350/Add.1-5].

Accounts and auditing

The General Assembly, at its resumed fifty-first session, continued consideration of the financial reports and audited financial statements for the biennium 1994-1995 on the United Nations itself, its peacekeeping operations and UN funds and programmes, as well as the reports and audit opinions of the Board of Auditors, the con-

cise summary of principal findings, conclusions and recommendations of the Board and the report of ACABQ [YUN 1996, p. 1296].

GENERAL ASSEMBLY ACTION

On 3 April [meeting 95], the General Assembly, on the recommendation of the Fifth Committee [A/51/849], adopted **resolution 51/225** without vote [agenda item 111].

Financial reports and audited financial statements, and reports of the Board of Auditors

The General Assembly,

Having considered, for the period ended 31 December 1995, the financial reports and audited financial statements of the United Nations, including United Nations peacekeeping operations, the International Trade Centre and the United Nations University, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Institute for Training and Research, the voluntary funds administered by the United Nations High Commissioner for Refugees, the Fund of the United Nations Environment Programme, the United Nations Population Fund, the United Nations Habitat and Human Settlements Foundation, the Fund of the United Nations International Drug Control Programme and the United Nations Office for Project Services, the reports and audit opinions of the Board of Auditors, the concise summary of principal findings, conclusions and recommendations of the Board of Auditors and the report of the Advisory Committee on Administrative and Budgetary Questions,

A

Taking note of the reports of the Secretary-General on measures taken or to be taken to implement the current recommendations of the Board of Auditors and of the responses of the executive heads of the United Nations organizations and programmes to the recommendations of the Board,

Taking note also of the reports of the Secretary-General on accounting standards and on the inventory control system for non-expendable property at Headquarters,

Expressing deep concern about the persistence of problems and defects observed by the Board of Auditors in the financial administration and management of the United Nations,

Noting with concern the observation by the Board of Auditors that there had been no significant improvement in effective budgetary control with regard to trust funds despite the fact that the Board had drawn attention to this problem in its report for the biennium ended 31 December 1993,

Emphasizing the need to improve implementation of the recommendations of the Board of Auditors, as approved by the General Assembly,

Commending the Board of Auditors for carrying out its reviews in a comprehensive and efficient manner, in line with regulation 12.5 of the Financial Regulations of the United Nations,

1. Accepts the financial reports and audited financial statements and the audit opinions and reports of the Board of Auditors regarding the aforementioned

organizations, subject to the provisions of the present resolution;

2. Also accepts the concise summary of principal findings, conclusions and recommendations of the Board of Auditors, subject to the provisions of the present resolution;

3. Notes with serious concern that the Board of Auditors has qualified its audit opinion on the financial statements of the United Nations Development Programme, the United Nations Population Fund, the United Nations International Drug Control Programme, the United Nations Environment Programme, the United Nations Habitat and Human Settlements Foundation and the United Nations Conference on Human Settlements (Habitat II);

4. Requests the Secretary-General and the executive heads of the United Nations funds and programmes mentioned in paragraph 3 above to take steps to rectify the situation in order to avoid another qualification during the next audit;

5. Reiterates its request that the Board of Auditors continue its audit coverage of all peacekeeping operations;

6. Approves all the recommendations and conclusions of the Board of Auditors and the comments thereon contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution;

7. Requests the Board of Auditors to indicate more clearly in its future reports those recommendations which have not been fully implemented and to point out, with greater precision, incidences of malpractice and violations of rules and regulations;

8. Also requests the Board of Auditors to submit to the General Assembly at its fifty-second session proposals for improving the implementation, by the Secretary-General and the executive heads of the United Nations funds and programmes, of the recommendations of the Board, as approved by the Assembly, and for possible changes in reporting on the progress of such implementation;

9. Notes with concern the delays in the submission to the General Assembly, through the Advisory Committee, of the reports of the Board of Auditors and the reports of the Secretary-General on the implementation of the recommendations of the Board, and requests the Secretary-General to ensure that the necessary financial and administrative support is provided to assure the timeliness of the transmission of those reports in the future;

10. Requests the Secretary-General and the executive heads of the United Nations funds and programmes to provide timely responses to the recommendations of the Board of Auditors, and reiterates its request that the reports on measures taken or to be taken in response to the recommendations of the Board include timetables for their implementation;

11. Notes with deep concern the incidents of fraud and presumed fraud reported by the Board of Auditors;

12. Requests the Secretary-General and the executive heads of the organizations concerned to take the disciplinary measures necessary in cases of proven fraud and to enhance the individual accountability of United Nations personnel, including through stronger managerial control;

13. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to enhance accountability;

14. Notes with satisfaction the improvement in internal audit functions and structures in the United Nations, including the level of professional expertise, and requests the executive heads of those funds and programmes which continue to suffer deficiencies in this regard to take appropriate corrective measures;

15. Emphasizes the need for greater transparency and stricter controls for trust funds, including by ensuring, in particular, that expenditure from trust funds is not incurred without receipt of the corresponding income or on the basis of reimbursement to other accounts or the regular budget;

16. Welcomes the efforts made by organizations in the biennium 1994-1995 to comply with the United Nations common accounting standards;

17. Notes, however, that further work needs to be done in the biennium 1996-1997 to bring the financial statements fully in line with the United Nations common accounting standards, and requests the Secretary-General and the executive heads of the United Nations organizations and programmes to pursue their efforts to ensure full compliance with those standards, regarding, in particular, disclosure of valuation of property and cash held in non-convertible currencies, calculation and disclosure of end-of-service liability for termination benefits and better disclosure of delays in the collection of assessed contributions;

18. Takes note of the recommendations of the Board of Auditors concerning budgetary assumptions used in the preparation of biennial programme budgets and the comments of the Secretary-General and the Advisory Committee thereon, and requests them to keep the matter under review;

19. Takes note also of the comments of the Board of Auditors on the need to improve performance reporting, and concurs with the recommendation of the Advisory Committee that the Secretary-General should work towards improving the format of reports, in particular by providing more up-to-date information relating to actual expenditure figures;

20. Stresses the importance of the timely completion of the self-evaluation of subprogrammes, and requests the Secretary-General to ensure better coverage and monitoring of self-evaluations;

21. Requests the Board of Auditors, the Office of Internal Oversight Services and the Joint Inspection Unit to maintain and enhance, whenever possible, their co-operation, while respecting the clear distinction between internal and external oversight responsibilities;

22. Regrets that there was a steady decline in net income from revenue-producing activities during the biennium 1994-1995;

23. Also regrets that the United Nations Postal Administration and the services to visitors incurred net losses during the biennium 1994-1995, and requests the Secretary-General to take all necessary measures to redress the situation and to report thereon to the General Assembly;

24. Decides to consider the other substantive findings and recommendations of the Board of Auditors under the relevant agenda items, and decides also to consider in future, where appropriate, the substantive

findings and recommendations of the Board under the relevant agenda items;

B

Expressing concern at the failure of some implementing and executing agencies to comply with funding and project agreements concluded with United Nations funds and programmes,

1. Notes with deep concern the serious irregular financial practices in the United Nations Centre for Human Settlements and the decision by the management of the United Nations Habitat and Human Settlements Foundation to divert \$900,000 from Foundation funds in order to meet the financing requirements for the preparatory activities of the United Nations Conference on Human Settlements (Habitat II);

2. Draws the attention of the Commission on Human Settlements to those irregularities with a view to its requesting immediate corrective action at its sixteenth session;

3. Notes the actions taken by the Office of the United Nations High Commissioner for Refugees and the Executive Committee of the Programme of the High Commissioner at its forty-seventh session with regard to the implementation of the recommendations of the Board of Auditors;

4. Welcomes initiatives taken by the Office of the United Nations High Commissioner for Refugees to improve the procedure for selecting implementing partners and auditing their activities, and emphasizes the need for improvement by other funds and programmes in the process of selecting implementing and executing partners;

5. Notes with grave concern the serious problems identified with regard to the United Nations Development Programme reserve for field accommodation;

6. Notes the actions taken by the Administrator and the Executive Board of the United Nations Development Programme at the first regular session of 1997 of the Executive Board of the United Nations Development Programme and of the United Nations Population Fund with regard to the implementation of the recommendations of the Board of Auditors;

7. Notes also the actions taken by the Executive Director and the Executive Board of the United Nations Children's Fund at the first regular session of 1997 of the Executive Board with regard to the implementation of the recommendations of the Board of Auditors;

8. Takes note of the recommendation that the United Nations Children's Fund review its policy of recording cash assistance in connection with programme expenditures for consistency with financial regulations and programme management procedures, and notes the finding that financial control over cash assistance was not being fully achieved;

9. Takes note also of decision 19/26, adopted by the Governing Council of the United Nations Environment Programme on 7 February 1997, on the report of the Board of Auditors, and the Council's request that the Executive Director implement the necessary corrective actions recommended by the Board before the end of the biennium 1996-1997;

10. Notes with great concern the serious problems in the United Nations Environment Programme reported by the Board of Auditors, including the fact that eight out of twelve projects audited had suffered cost

overruns and nine had undergone time overruns because of difficulties in identifying consultants;

11. Draws the attention of the Governing Council of the United Nations Environment Programme to those irregularities with a view to its requesting immediate corrective action at its next scheduled sessions;

12. Notes the actions taken by the Executive Director of the United Nations Population Fund and the Executive Board of the United Nations Development Programme and of the United Nations Population Fund with regard to the implementation of the recommendations of the Board of Auditors.

At the fifty-second session of the Assembly, the Fifth Committee considered the financial reports and audited financial statements on the United Nations Institute for Training and Research (UNITAR) [A/52/5/Add.4] and voluntary funds administered by the Office of the United Nations High Commissioner for Refugees (UNHCR) [A/52/5/Add.5] for the financial period ended 31 December 1996. In July 1997, the Secretary-General transmitted to the Assembly a concise summary of the Board's principal findings, conclusions and recommendations [A/52/261]. In September, he reported the responses [A/52/381] of the executive heads of UNITAR and UNHCR on measures taken to implement the Board's recommendations.

In an October report [A/52/518], ACABQ submitted its comments on those reports. Concerning UNHCR, the Committee welcomed the introduction of a new section in the reports highlighting recommendations not fully implemented. It recommended that the Executive Committee of UNHCR examine the issue of the timely submission of audit certificates with a view to providing further policy directive, in particular with regard to government implementing partners. It pointed to the need to isolate the reasons for delays and lack of compliance with the audit requirements so that corrective measures might be taken. UNHCR should assess the capacity of implementing partners before agreement was reached with them. The proposal to establish a database of implementing partners should facilitate efforts to ascertain capacity. ACABQ requested the High Commissioner to take into account the Board's recommendations concerning asset management, bearing in mind the need to establish a fully integrated system to enable the tracking of assets. The High Commissioner should look into the system developed by the UN Department of Peacekeeping Operations to determine its adaptability for use by UNHCR. ACABQ recommended that UNHCR take immediate steps to review its contracting policy regarding the use of consultants, prepare more precise terms of reference and establish and maintain an updated roster. Action should also be taken to en-

sure that travel claims were submitted and settled in a more timely manner. The Advisory Committee requested the Board to monitor the implementation of the arrangement under the memorandum of understanding signed between UNHCR and the Office of Internal Oversight Services regarding resources to ensure adequate audit coverage and to report on its adequacy and functioning.

With respect to the Board's observations on UNITAR, ACABQ requested the United Nations to review the matter of clearing outstanding charges of some \$283,215 incurred on UNITAR's behalf at UN Headquarters to ascertain if the amount in question constituted an outstanding debt of UNITAR towards the United Nations and to seek the advice of the Office of Legal Affairs in order to settle it.

In December, the Secretary-General transmitted to the Assembly, pursuant to a request by ACABQ, the report of the Board of Auditors on all aspects of its updated special audit of the Integrated Management Information System project [A/52/755].

GENERAL ASSEMBLY ACTION

On 22 December, [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/732], adopted **resolution 52/212 A** without vote [agenda item 113].

Financial reports and audited financial statements, and reports of the Board of Auditors

The General Assembly,

Having considered, for the year ended 31 December 1996, the financial report and audited financial statements of the United Nations Institute for Training and Research and the related report of the Board of Auditors, the audited financial statements of the voluntary funds administered by the United Nations High Commissioner for Refugees and the related report of the Board of Auditors, the report on measures taken or to be taken by the United Nations Institute for Training and Research and the Office of the United Nations High Commissioner for Refugees in response to the recommendations of the Board of Auditors, the concise summary of principal findings, conclusions and recommendations contained in the reports of the Board of Auditors and the report of the Advisory Committee on Administrative and Budgetary Questions,

Taking into account the views expressed by delegations and the Board of Auditors during the debate in the Fifth Committee on the financial reports and audited financial statements and the reports of the Board of Auditors on the aforementioned organizations,

Taking note of the measures taken by the Executive Director of the United Nations Institute for Training and Research and the United Nations High Commissioner for Refugees to implement the current recommendations of the Board of Auditors,

Commending the Board of Auditors for carrying out its reviews in a comprehensive and efficient manner,

Recognizing the difficult conditions under which the Office of the High Commissioner does its work,

Noting the observation of the Board of Auditors, in paragraphs 25 to 30 of its report, that the administrative expenditures from the General Fund of the United Nations Institute for Training and Research have been increasing even as its total income has been decreasing over the last several years,

Expressing concern that the headquarters of the United Nations High Commissioner for Refugees selected for submission of quotations vendors from a very narrow geographical base,

1. Accepts the financial reports and audited financial statements and the audit opinions and reports of the Board of Auditors on the United Nations Institute for Training and Research and the voluntary funds administered by the United Nations High Commissioner for Refugees;

2. Also accepts the concise summary of principal findings, conclusions and recommendations of the Board of Auditors and the comments thereon contained in the report of the Advisory Committee on Administrative and Budgetary Questions, with the exception of the request in paragraph 17 of the report;

3. Requests the Board of Auditors to further improve its reports by including short executive summaries, highlighted text boxes and a more concise narrative;

4. Also requests the Board of Auditors to monitor compliance with the relevant provisions on consultants in General Assembly resolution 51/226, section VI, of 3 April 1997;

5. Welcomes the introduction of a new section, pursuant to section A, paragraph 7, of General Assembly resolution 51/225 of 3 April 1997, in the reports of the Board of Auditors, highlighting the previous recommendations which had not been fully implemented;

6. Requests the Executive Director of the United Nations Institute for Training and Research and the United Nations High Commissioner for Refugees to complete the implementation of the recommendations of the Board of Auditors;

7. Endorses the request of the Advisory Committee that the Executive Director of the Institute and the High Commissioner consult with the Board of Auditors on the implications of submitting biennial reports instead of annual reports, and to report thereon to the General Assembly at its fifty-third session;

8. Reiterates its request that the Office of the United Nations High Commissioner for Refugees comply fully with the United Nations system accounting standards;

9. Expresses concern at the observations made by the Board of Auditors, in paragraphs 79 to 98 of its report, regarding the use of consultants, and endorses its recommendations thereon;

10. Recommends, in accordance with the relevant recommendations in the report of the Advisory Committee, that the Office of the High Commissioner take immediate steps to improve its contracting policy, to prepare more precise terms of reference and to establish and maintain an updated central roster;

11. Requests the Office of the High Commissioner fully to observe and implement the established proce-

ture for procurement, including procurement of goods and services from as wide a geographical basis as possible, and the provisions of General Assembly resolution 51/231 of 13 June 1997.

On the same date, by **decision** 52/456, the Assembly decided that the Fifth Committee should continue its consideration of the item at the resumed fifty-second session in 1998.

Improving implementation of Board recommendations

In a 26 December note [A/52/753], the Secretary-General transmitted to the General Assembly, pursuant to its **resolution** 51/225, the proposals of the Board of Auditors for improving the implementation of its recommendations.

To enhance the effective monitoring of the rate of implementation, the Board recommended that the United Nations, including the United Nations Joint Staff Pension Fund (UNJSPF) and UN funds and programmes, should provide in their reports timetables for implementation of the Board's recommendations. The progress reports should indicate individual officers accountable for implementation, and well-substantiated explanations should be provided in cases where the recommendation was not implemented in full and on time. Measures taken or envisaged for full implementa-

tion should be specified, accompanied by a revised implementation timetable and the designation of the official responsible. If the failure to implement a recommendation was attributable to negligence and mismanagement, the Administration should invoke sanctions against the responsible officer. To assist ACABQ in its oversight role, the United Nations and its funds and programmes, as well as the secretariat of UNJSPF, should establish a mechanism to strengthen oversight of the implementation of audit recommendations. The mechanism could be either a special committee comprising senior officials or a focal point for audit and oversight matters, which would submit quarterly reports on implementation for review. In addition, all progress reports should be submitted to the Assembly on an annual basis.

Financial Regulations and Rules

In December [A/52/727], the Secretary-General submitted to the General Assembly for approval the revised text of paragraph 5 of the additional terms of reference governing the audit of the United Nations contained in the annex to the Financial Regulations of the United Nations. The revised text governed the content of the audit opinion.

Chapter III

United Nations staff

In 1997, the General Assembly considered a number of questions related to the conditions of service of United Nations staff members, some of which resulted from the Secretary-General's proposals for UN reform. The Assembly established the post of Deputy Secretary-General as an integral part of the Office of the Secretary-General. It also considered the draft Code of Conduct for United Nations staff submitted by the Secretary-General. In other action, the Assembly agreed on measures to make the process of the selection and appointment of the Secretary-General more transparent and recommended uniform terms and term limits for heads of programmes, funds and other bodies of the Assembly and the Economic and Social Council. During the year, the Assembly, the Security Council and the Economic and Social Council were seized with the problem of the safety and security of UN personnel on peacekeeping and humanitarian missions. The Economic and Social Council requested the Secretary-General to commission a study on the subject.

The International Civil Service Commission made recommendations to the Assembly on matters related to the conditions of service of United Nations staff, including the base/floor salary scale, staff assessment and performance management, the education grant, appointments of limited duration and the non-pensionable component of salaries. The Assembly reviewed the implementation of the first cycle of the new performance appraisal system in the Secretariat and encouraged the Secretary-General to refine and simplify it. The Assembly requested the Secretary-General to phase out the acceptance of certain types of gratis personnel.

The principal of the United Nations Joint Staff Pension Fund stood at \$14 billion at the end of 1997. In December, the Assembly admitted the International Seabed Authority to membership in the Fund as of 1 January 1998.

Appointments and terms of office

Secretary-General

The General Assembly, in **resolution 51/241, section XIX**, of 31 July on strengthening the

United Nations system (see PART FIVE, Chapter I), stated that the process of selecting the Secretary-General of the United Nations should be more transparent. The duration of the term or terms of appointment, including the option of a single term, should be considered before the appointment of the next Secretary-General. Due regard should continue to be given to regional rotation and gender equality. The Assembly should make full use of its power of appointment and, in that regard, the President of the Assembly might consult with Member States to identify potential candidates endorsed by a Member State and forward those results to the Security Council. To ensure a smooth transition, the Secretary-General should be appointed no later than one month before the date on which the term of the incumbent expired.

Establishment of the post of Deputy Secretary-General

The General Assembly, in **resolution 52/12 B** of 19 December on a programme of UN reform (see PART FIVE, Chapter I), decided to establish the post of Deputy Secretary-General as an integral part of the Office of the Secretary-General, with responsibilities delegated by the Secretary-General and for a term of office coinciding with that of the incumbent. The Secretary-General would make the appointment, following consultations with Member States and in accordance with Article 101 of the Charter.

The post of Deputy Secretary-General was formally established on 22 December by **resolution 52/220**.

Heads of programmes, funds and other UN bodies

The General Assembly, in **resolution 51/241, section XXI**, of 31 July, affirmed its role in approving appointments and extensions of terms of office. It stated that uniform terms of office of four years, renewable once, should be introduced for the executive heads of programmes, funds and other bodies of the Assembly and the Economic and Social Council.

Specialized agencies were encouraged to consider uniform terms and term limits for their executive heads.

Conditions of service

International Civil Service Commission

The International Civil Service Commission (ICSC), a 15-member body, was established by the General Assembly in resolution 3357(XXIX) [YUN 1974, p. 875] to regulate and coordinate the conditions of service of the UN common system of salaries and allowances. Thirteen organizations had accepted the statute of the Commission: the United Nations; the International Labour Organization; the Food and Agriculture Organization of the United Nations; the United Nations Educational, Scientific and Cultural Organization; the World Health Organization; the International Civil Aviation Organization; the Universal Postal Union; the International Telecommunication Union; the World Meteorological Organization; the International Maritime Organization; the World Intellectual Property Organization; the United Nations Industrial Development Organization; and the International Atomic Energy Agency. Two other organizations—the International Fund for Agricultural Development and the World Trade Organization—had not fully accepted the statute, but participated fully in the Commission's work.

In 1997, the Commission held its forty-fifth (Paris, 21 April-2 May) and forty-sixth (New York, 14-25 July) sessions. It examined issues that derived from decisions and resolutions of the General Assembly, as well as from its own statute. A summary of the Commission's deliberations, recommendations and decisions was provided in its twenty-third annual report [A/52/30], on which the Assembly acted in December (**resolution 52/216**).

Noblemaire principle

Under a standing mandate from the General Assembly [YUN 1992, p. 1055], the Commission continued to review the relationship between the net remuneration of UN staff in the Professional and higher categories and that of the current comparator, the United States federal civil service employees in comparable positions in Washington, D.C., and to clarify outstanding difficulties in making comparisons with the German civil service. ICSC reported to the Assembly that the margin between the United Nations and the United States staffs' net remunerations would be 115.7 for 1997; the comparator had not implemented its pay reforms. Preliminary estimates showed no significant changes from results

reported in 1995 with regard to the German/United States total compensation comparison.

The Secretary-General, in a 2 December note [A/C.5/52/28], transmitted to the Assembly a statement by the Administrative Committee on Coordination (ACC) on UN conditions of service, adopted at its second regular session (New York, 31 October), which acknowledged the complexity of changing comparators and proposed that the margin be used as the mechanism by which the Noblemaire principle would be applied effectively. Given that the gap between the remuneration levels of the German and the United States federal civil services was some 11 per cent, ACC requested the Assembly to revise the margin from its current range of 110-120 to 120-130 and to invite ICSC to propose adjustments in 1998 to bring the UN common system remuneration within the revised range.

The Assembly, by **resolution 52/216** (see below), reconfirmed the continued application of the Noblemaire principle, reaffirmed the need to ensure competitiveness, recognized that the process of changing comparators was complex, acknowledged its option of margin management and decided to keep the question under review.

Functioning of ICSC

ICSC considered a request by the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA) for the establishment of a tripartite working group to review the functioning of the Commission. After consultation, the Commission agreed to establish the Working Group on the Consultative Process and Working Arrangements and accepted the draft arrangements for its functioning. Arrangements were made and representatives named to participate in the first meeting of the Working Group scheduled for 7 July. On 2 July, the Federation of International Civil Servants' Associations sought a postponement. That request was later joined by CCISUA. The Commission agreed that the first meeting of the Working Group should be held in early 1998, on the understanding that all parties agreed on the date and the facilitator at least two months prior to the actual meeting.

Remuneration issues

Emoluments of top-echelon officials

Secretary-General and UNDP Administrator

On 18 December [A/52/7/Add.8], the Advisory Committee on Administrative and Budgetary

Questions (ACABQ) reviewed the salaries and retirement benefits of the Secretary-General and the Administrator of the United Nations Development Programme (UNDP). It recommended that the revised salary and retirement allowance of the Secretary-General and the revised salary and pensionable remuneration of the UNDP Administrator should be set at their 1 November 1998 levels effective 1 January 1998.

Deputy Secretary-General

In connection with the establishment of the post of Deputy Secretary-General (see above), the Secretary-General proposed that the salary be set at mid-point between that of the Secretary-General and that of the UNDP Administrator, with a representation allowance of \$15,000 per year [A/C.5/52/36].

ACABQ, in a 2 December report [A/52/7/Add.1], pointed out the two options facing the Assembly in the establishment of the post of Deputy Secretary-General: create a new grade level and request ICSC to make recommendations regarding salary and other conditions of service; or set the salary and emoluments at those of an Under-Secretary-General, but with a special non-pensionable allowance in recognition of the special responsibilities of the position, in addition to the existing representation allowance of an Under-Secretary-General. The incumbent would have the grade of Under-Secretary-General but the title of Deputy Secretary-General and a new grade level would not be created.

The General Assembly, in **resolution 52/220** of 22 December, approved the second option.

Judges of the International Criminal Tribunals

The General Assembly, by resolutions 51/214 B and 51/215 B of 13 June, requested the Secretary-General to report on the conditions of service for judges of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) (see PART FOUR, Chapter II) no later than 30 November. The Assembly deferred consideration of the pension entitlements for the members of those Tribunals, pending receipt of the Secretary-General's reports, and decided to consider those questions in the context of the 1998 budget proposals for the Tribunals.

The Secretary-General submitted an October report [A/52/520] containing the requested information, as well as conclusions and recommendations. He proposed that the annual pension entitlement for a judge who served a full four-year term should be \$22,000 and increased to a maxi-

mum of \$33,000 for a judge who was re-elected. The Secretary-General recalled that ACABQ had stated its intention to revert to the matter in the light of experience gained and newly available information. He urged that the Assembly, on the basis of article 13, paragraph 4, of the Statute of ICTY, which provided that the terms and conditions of service should be those of the members of the International Court of Justice (ICJ), adopt the proposed conditions with effect from 17 November 1993 for ICTY judges. He also urged the Assembly, on the basis of article 12, paragraph 5, of the Statute of ICTR, which provided that the terms and conditions of service should be those of ICTY, to adopt the proposed conditions with effect from 26 June 1995 for the judges of ICTR.

ACABQ, having considered the Secretary-General's report, was of the view that, since a comprehensive review of the emoluments and pension entitlements of members of ICJ was to be submitted by the Secretary-General to the Assembly at its fifty-third (1998) session, in accordance with Assembly resolution 50/216 [YUN 1995, p. 1409], the review of the pension scheme of the judges of the Tribunals should be postponed until that report was taken up by the Committee in 1998 [A/52/696].

The Assembly, in resolutions 52/217 and 52/218 of 22 December, agreed with ACABQ's recommendations.

Other remuneration issues

Structure of salary scale and common staff assessment scale

ICSC reviewed the base/floor salary scale introduced by the General Assembly in resolution 44/198 [YUN 1989, p. 886] with effect from 1 July 1990. It provided a minimum level of remuneration for the UN system staff and served as a reference point for calculating certain separation payments as well as mobility and hardship allowances. The Commission was informed that, for 1997, the UN net base salary was \$57,198; the equivalent in the comparator was \$58,970, or 3.1 per cent higher. It was also informed that an upward adjustment by that percentage would be required. ICSC recommended that a revised base/floor salary scale for the Professional and higher categories be approved for implementation with effect from 1 March 1998, and that the revised rates of staff assessment be introduced on that date.

Post adjustment

In response to a 1996 General Assembly request [YUN 1996, p. 1318] to study the methodology

for establishing a single post adjustment index reflecting prices in Geneva, while excluding those in the contiguous area of France, the Commission, in 1997, requested its Advisory Committee on Post Adjustment Questions (ACPAQ) to consult with the administrations of the Geneva-based organizations on the legal, administrative and technical issues involved. ACPAQ reported that all the Geneva-based organizations were in favour of maintaining the status quo. However, the Commission noted that a number of new facts had emerged and identified four possible approaches to respond to the Assembly's request. While it was technically feasible to construct a single post adjustment index based on prices of goods and services in Geneva and the neighbouring areas of France, each of the four approaches had legal problems, including: a lack of compatibility with the Geneva organizations' rules and regulations, which their governing bodies would need to discuss; and the potential for selective implementation, which would result in the break-up of the common system. The Commission suggested that the Assembly might wish to request the Geneva-based organizations to bring the matter to the attention of their governing bodies, and ask the Commission to study the savings that could be realized from implementation of a single post adjustment for Geneva, the expenditures associated with transitional measures, and the estimated costs of litigation before pursuing the matter further.

Methodologies for salary surveys

In response to resolution 51/216 [YUN 1996, p. 1318], ICSC attempted to resolve inconsistencies between the General Service methodology, based on the Flemming principle, and that used for the determination of Professional salaries—the Noblemaire principle. It examined the overlap in remuneration between the two categories; the need for a broad cross-section of economic sectors; the criteria for the differentiation of labour markets at non-Headquarters duty stations; the benefit utilization criteria; and the interim adjustment process. ICSC concluded that the inconsistencies between the two principles resulted from the difference in their objectives, that the overlap was not a problem as long as it did not exceed generally acceptable levels, and that the Commission would keep that aspect under review during surveys. The Commission further decided to implement the revised methodology for non-Headquarters staff as of 1 January 1998, and to apply, in the next round of Headquarters surveys of General Service salaries, the current methodology using average salary data and the

seventy-fifth percentile method and to test the minimum/maximum salaries approach.

Non-pensionable component

ICSC reviewed the criteria for establishing the non-pensionable component on the basis of the recommendations of the Working Group established for that purpose, with participation from members of the United Nations Joint Staff Pension Board. The Commission decided that the main criteria should be based on benefits and allowances that were regular, recurring and predictable; the ceiling for the non-pensionable component should be reduced from 25 to 20 per cent of net salary; the threshold for establishing the component should be the same at all duty stations—10 per cent of net salary with no established minimum; and transitional measures would apply as usual. The Standing Committee of the Pension Board concurred with the Commission's decisions regarding changes to the procedures.

Dependency allowances

Having reviewed the basis and methods for establishing the dependent children's allowance, ICSC concluded that the basis for calculating the allowance for staff in the General Service category should continue to reflect a combination of local practice and a social benefit policy; the methodology for determining the allowance should not be incorporated into survey methodologies; and the floor formula should be revised to 2.5 from the current 3 per cent from the midpoint of the local salary scale. General Service children's allowance amounts in effect as at 31 December 1997 would continue in effect until the scale of net salaries was revised as a result of either a comprehensive salary survey or an interim adjustment with effect from 1 January 1998. On the occasion of either of those two adjustments, the revised floor formula would be applied. If the children's allowance resulting from that application were equal to or higher than that in effect on 31 December 1997, the revised children's allowance would be used. However, if it were lower, the allowance in effect on 31 December would continue to be used until either a comprehensive salary survey, an interim adjustment or a calculation based on local practice produced a children's allowance that was equal or higher. The Commission agreed to review the matter further in 1999.

Education grant

As requested by the General Assembly in resolution 47/216 [YUN 1992, p. 1055], ICSC reviewed the operation of the education grant on the basis of

the revised methodology adopted in that resolution. The Commission had identified the following issues for consideration: capital assessment fees; the boarding element, including that at designated duty stations; the trigger point for an adjustment of maximum allowable expenses; allowable items of expenditure and the currency of payment; and procedures for handling exceptional situations. The Commission decided that those methodological changes should be taken into account beginning with the 1998 biennial review. The Commission also decided to request the Assembly to delegate authority to the ICSC Chairman to approve a special measure allowing the reimbursement of admissible expenses in cases where a duty station in the United States dollar area/outside the United States had experienced an exceptional increase in fees between two reviews of the level of the grant. It urged organizations to harmonize practices in respect of allowable and non-allowable expenses and currency of payment and to collect data on tuition fees from schools in the United States dollar area/outside the United States at the time of the biennial reviews.

Mission subsistence allowance

The General Assembly, in **resolution 51/218 E, section IV**, of 17 June on administrative and budgetary aspects of financing UN peacekeeping operations, requested the Secretary-General to phase out over six months the supplement to the mission subsistence allowance to senior officials and asked ICSC to develop a proposal to provide a post allowance and separate maintenance allowance for those personnel who left their families at their home duty stations while on mission assignment.

The Commission was unable to conduct a detailed study and decided to defer the matter to its next session. It requested its secretariat to look into the matter further, focusing particularly on the applicability of the mission subsistence allowance to other organizations in the common system, its relationships to post adjustment and to the daily subsistence allowance, and applicability to General Service staff.

Death and disability benefits

The General Assembly, in **resolution 51/218 E, section II**, of 17 June, established uniform and standardized rates for the payment of death or disability awards for troops in the service of UN peacekeeping operations: a one-time lump-sum award of \$50,000 for service-incurred death, and a lump-sum award for service-incurred disability, calculated as a percentage of the death award ac-

cording to the degree of loss of function, based on an established schedule. In September [A/52/369], the Secretary-General detailed proposals for implementing those rates, including administrative and payment arrangements. In October [A/52/538], he reported on progress made on clearing the backlog of death and disability claims.

On 18 December, the Assembly, in **resolution 52/177**, authorized the Secretary-General to implement those administrative and payment arrangements and requested him to settle claims no later than three months from the date of their submission (see also PART ONE, Chapter I).

Payment of honoraria

In a November report [A/52/699], the Secretary-General submitted the results of an interim study of the question of honoraria payable to members of organs and subsidiary organs of the United Nations. The Secretary-General proposed revising the rates of honoraria to reflect a 25 per cent increase over those in effect since 1 January 1981. The new rates would take effect from 1 January 1998 and would apply to the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Under the new rates, the honoraria would increase from \$5,000 to \$6,250 for chairmen (presidents); from \$4,000 to \$5,000 for the Vice-Chairman of the International Narcotics Control Board; from \$3,000 to \$3,750 for other members; and from \$2,500 to \$3,125 as the additional amount payable to members of the International Law Commission when acting as rapporteurs. The total of the proposed increases for the 1998-1999 biennium was \$182,500.

In December [A/52/7/Add.7], ACABQ stated that it would be more appropriate if the question of honoraria was considered in the context of the Secretary-General's comprehensive report on the issue to be submitted to the General Assembly at its fifty-third (1998) session.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/52/735], adopted **resolution 52/216** without vote [agenda item 121].

United Nations common system: report of the International Civil Service Commission

The General Assembly,

Having considered the reports of the International Civil Service Commission,

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Reaffirming the central role of the Commission in the regulation and ordination of the conditions of service of the common system,

Taking note of the statement of the Administrative Committee on Coordination,

I

Conditions of service of staff in the Professional and higher categories

A. Examination of the Noblemaire principle and its application

Recalling section I.B of its resolution 44/198 of 21 December 1989 and section LA of its resolution 51/216 of 18 December 1996, by which it reaffirmed that the Noblemaire principle should continue to serve as the basis of comparison between United Nations emoluments and those of the highest-paying national civil service,

Recalling also its resolutions related to the study by the Commission of all aspects of the Noblemaire principle,

1. Reconfirms the continued application of the Noblemaire principle;

2. Reaffirms the need to continue to ensure the competitiveness of the conditions of service of the common system;

3. Takes note with appreciation of the study by the Commission to identify the highest-paying national civil service;

4. Takes note of the findings and recommendations of the Commission outlined in paragraph 47 of the addendum to its twenty-first annual report;

5. Notes that it has not been possible to narrow existing differences on the scope of the study or the applicability of the Master Standard without substantially modifying the approved methodology;

6. Takes note of the findings of the Commission outlined in paragraph 54 (c) of its twenty-third annual report;

7. Recognizes that the actual process of changing comparators is a complex one, with implications for pensions, the currency of record and the location of the base of the United Nations remuneration system;

8. Acknowledges its option of margin management;

9. Takes note of the observation of the Commission in paragraph 47 (c) of the addendum to its twenty-first annual report and the views expressed thereon by Member States;

10. Requests the Commission to continue to monitor the situation and to report to the General Assembly when appropriate, and decides to keep these questions under review;

B. Evolution of the margin

Recalling the standing mandate from the General Assembly, in which the Commission is requested to continue its review of the relationship between the net remuneration of the United Nations staff in the Professional and higher categories in New York and that of the United States federal civil service employees in comparable positions in Washington, D.C. (referred to as "the margin"),

Notes that the margin between net remuneration of officials in the Professional and higher categories of the United Nations in New York and that of officials in comparable positions in the United States federal civil service for 1997 is 115.7;

C. Base/floor salary scale

Recalling section I.H of its resolution 44/198, by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service (the federal civil service of the United States of America),

Approves, with effect from 1 March 1998, the revised base scale of gross and net salaries for staff in the Professional and higher categories, contained in annex I to the present resolution, and the consequential amendment to the Staff Regulations of the United Nations, as reflected in annex II to the present resolution;

D. Post adjustment at Geneva

Recalling section I.B of its resolution 50/208 of 23 December 1995 related to the establishment in 1996 of a single post adjustment index in respect of staff members whose duty station is Geneva,

Recalling also section LE of its resolution 51/216, in which it reiterated its request to the Commission urgently to complete its study regarding the methodology for establishing a single post adjustment index for Geneva and to complete the study needed to implement the single post adjustment at the earliest date, and no later than 1 January 1998,

1. Welcomes with appreciation the extensive information provided by the Commission and the organizations of the common system, as contained in the report of the Commission;

2. Notes that a number of elements have been raised that had not previously been reported upon, or discussed by the General Assembly;

3. Requests the Commission to review those elements, *inter alia*, the possibility for staff members of the common system (a) to reside in France, (b) to travel to France and (c) to transport goods between France and Switzerland, and the way in which transitional measures would be introduced under any option proposed by the Commission and approved by the General Assembly, so as to make the application of the post adjustment system more equitable for all staff members whose duty station is Geneva, and to report thereon to the Assembly at its fifty-third session;

4. Invites the executive heads of the organizations of the common system to bring this matter to the attention of their governing bodies with a view to considering changes as necessary to their staff regulations and rules;

II

Remuneration of the General Service and other locally recruited categories of staff

A. Methodologies for surveys of best prevailing conditions of employment at headquarters and non-headquarters duty stations

Recalling section III of its resolution 47/216 of 23 December 1992, in which it endorsed the reaffirmation by

the Commission of the Flemming principle as the basis for determining the conditions of service of the General Service and related categories,

Recalling also section II of its resolution 51/216, in which it requested the Commission, as part of its review of the methodologies for salary setting for staff in the General Service and other locally recruited categories, *inter alia*:

(a) To resolve, to the extent possible, inconsistencies between the methodologies applied pursuant to the Flemming principle and the one applied pursuant to the Noblemaire principle, *inter alia*, by examining the question of overlap in remuneration between the two categories,

(b) To study the feasibility of increasing the weight of public-sector employers in the salary surveys at headquarters duty stations,

(c) To submit a report based on the review of the methodologies to the General Assembly at its fifty-second session,

1. Reaffirms that the Flemming principle should continue to serve as the basis for determining the conditions of service of the General Service and related categories;

2. Endorses the conclusions of the Commission, and the refinements and modifications to the methodologies set out in paragraphs 126 to 131 of its report, noting that the revisions to the methodologies will be implemented as from 1 January 1998;

3. Notes that, at the conclusion of the next round of headquarters General Service salary surveys, the Commission will continue to review all aspects of the methodologies for salary setting for staff in the General Service and other locally recruited categories;

B. Non-pensionable component

Noting that the review of the non-pensionable component was carried out by the Working Group established by the Commission with the participation of the representatives of the United Nations Joint Staff Pension Board and that the Standing Committee of the Pension Board concurred with the Commission's decisions regarding changes to the procedures used for determining it,

Endorses the modifications decided on by the Commission regarding the various aspects of the non-pensionable component and transitional measures as outlined in paragraph 139 of its report;

C. Review of the basis for the dependent children's allowance

Noting that the floor amount for the children's allowance for the staff in the General Service and related categories is currently based on 3 per cent of the mid-point of the local salary scale,

Taking note of the views expressed by Member States,

1. Endorses the conclusions and decisions of the Commission as contained in paragraph 150 of its report;

2. Welcomes the intention of the Commission to review this question further in its 1999 work programme;

III

Conditions of service applicable to all categories of staff

A. Education grant: review of the methodology for determining the level of the grant

Recalling section IV of its resolution 47/216 and section IV of its resolution 51/216, in which it endorsed the revised methodology for the determination of the education grant,

Acknowledging that the methodology for determining the level of the education grant introduced in 1992 has functioned reasonably well,

Noting the review of the methodology by the Commission based on the experience of its application during the past three reviews of the level of the grant,

1. Endorses the modifications to the methodology by the Commission, as contained in paragraph 163 of its report, and notes that the revised methodology will be taken into account beginning with the 1998 biennial review of the education grant;

2. Decides to delegate to the Chairman of the Commission the authority requested in paragraph 164 of the report of the Commission;

B. Performance management

Recalling section I.C of its resolution 51/216 and its request to the Commission to provide general comments on the concept of performance awards or bonuses to the General Assembly at its fifty-second session,

Recognizing the differing organizational strategies and cultures prevailing in the common system, and considering that a flexible approach to performance management would be desirable,

1. Welcomes the comprehensive information on performance management provided by the Commission in paragraphs 167 to 219 of its report and, in particular, the guidance and recommendations contained in paragraphs 213 and 219;

2. Decides to consider the report of the Secretary-General on a system of performance awards or bonuses under agenda item 153, entitled "Human resources management";

3. Invites the executive heads of the organizations of the common system to develop their performance management programmes within the parameters set by the Commission in paragraphs 213 and 219 of its report;

C. Appointments of limited duration

Recalling section V of its resolution 51/216, in which it requested the Commission to continue its work on the issue of appointments of limited duration without delay,

Endorses the principles and guidelines for the use of appointments of limited duration, and the decisions of the Commission as contained in paragraph 249 of its report;

D. Standards of travel and per diem

Recalling its decision 51/465 of 3 April 1997, in which it requested the Commission to review, at the earliest opportunity, taking into account the reports of the Advisory Committee on Administrative and Budgetary Questions and the Joint Inspection Unit, the question of travel entitlements of staff of the common system,

Having considered paragraphs 250 to 276 of the report of the Commission,

- 1. Takes note of the observations of the Commission as contained in paragraph 275 (a) of its report;
- 2. Invites the Commission to continue its consideration of this question;

E. Mission subsistence allowance

Recalling section IV of its resolution 51/218 E of 17 June 1997, in which it requested the Commission to develop a proposal to provide a post allowance and separate maintenance allowance for those personnel who leave their families at their home duty station while they are on mission assignment,

Notes the intention of the Commission to address this matter in 1998, and requests it to submit a report on the question to the General Assembly at its fifty-third session;

F. Staff participation in the work of the Commission

Recalling its resolution 51/216,

- 1. Recalls its request to the Coordinating Committee for International Staff Unions and Associations of the United Nations System and the Federation of International Civil Servants' Associations to resume their participation in the work of the Commission in a spirit of cooperation and non-confrontation;
- 2. Takes note with appreciation of the progress made in this regard through the establishment by the Commission of the Working Group on the Consultative Process and Working Arrangements, comprising members of the Commission and representatives of the organizations and staff bodies, which will meet in January 1998;

G. New directions in human resources management

Recalling section IX of its resolution 51/216, in which it requested the Commission to take the lead in analysing new approaches in the human resources management field so as to develop standards, methods and arrangements that will respond to the specific needs of the organizations of the common system, and to report to the General Assembly thereon at its fifty-third session,

- 1. Welcomes the initiative taken by the Commission to hold a forum on new directions in human resources management in 1997;
- 2. Also welcomes the intention of the Commission to submit in 1998 a comprehensive report on new approaches to human resources management;

H. Gender balance in the common system

Recalling section VI of its resolution 47/216, in which it urged the organizations of the common system to introduce a coherent plan for improving the status of women in each organization,

- 1. Notes the intention of the Commission to submit in 1998 a report on the representation of women, which will include ways of improving the situation;
- 2. Also notes the intention of the Commission to continue to report on a regular basis both on the extent of implementation of previous recommendations in this area and on new initiatives proposed or introduced by the organizations to enhance the status of women in the common system.

ANNEX I (see next page)

ANNEX II
Amendments to the Staff Regulations
of the United Nations

Regulation 3.3

Replace the second table in paragraph (b) (i) with the following:

Total assessable payments (United States dollars)	Staff assessment rates used in conjunction with gross base salaries (percentage)	
	Staff member with a dependent spouse or a dependent child	Staff member with neither a dependent spouse nor a dependent child
First 15,000 per year	9.0	11.8
Next 5,000 per year	18.1	24.5
Next 5,000 per year	21.5	27.0
Next 5,000 per year	24.9	31.5
Next 5,000 per year	27.5	33.4
Next 10,000 per year	30.1	35.7
Next 10,000 per year	31.8	38.2
Next 10,000 per year	33.5	38.8
Next 10,000 per year	34.4	39.8
Next 15,000 per year	35.3	40.8
Next 20,000 per year	36.1	44.2
Remaining assessable payments	37.0	47.4

By resolution 52/222, section III, of 22 December, the Assembly approved a gross budget for ICSC for the biennium 1998-1999 in the amount of \$11,475,800.

Other staff matters

Personnel policies

Human resources management issues

The General Assembly, at its resumed fifty-first session, continued consideration of the agenda item on human resources management, including reports submitted by the Joint Inspection Unit (JIU) in 1996 on "The application of UN recruitment, placement and promotion policies (Part II-Placement and promotions)"; "Comparison of methods of calculating equitable geographic distribution within the UN common system"; and "Management-Staff Union relationships in the UN system". It also considered reports submitted by the Secretary-General on the implementation of his strategy for the management of the Organization's human resources and other human resources management issues and on the ratio between career and fixed-term appointments [YUN 1996, p. 1325].

ANNEX I

**Salary scale for the Professional and higher categories showing
annual gross salaries and net equivalents after
application of staff assessment**

(United States dollars)

(Effective 1 March 1998)

Level	Steps													
	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV
Under-Secretary-General														
USG Gross	147,420													
Net D	102,130													
Net S	91,883													
Assistant Secretary-General														
ASG Gross	133,994													
Net D	93,671													
Net S	84,821													
Director														
D-2 Gross	109,741	112,164	114,591	117,016	119,442	121,869								
Net D	78,390	79,919	81,447	82,975	84,504	86,032								
Net S	72,056	73,338	74,615	75,890	77,167	78,443								
Principal Officer														
D-1 Gross	97,119	99,168	101,216	103,261	105,310	107,358	109,407	111,476	113,552					
Net D	70,324	71,633	72,942	74,249	75,558	76,867	78,176	79,485	80,793					
Net S	65,012	66,156	67,299	68,440	69,583	70,726	71,869	72,976	74,068					
Senior Officer														
P-5 Gross	85,685	87,516	89,347	91,192	93,046	94,898	96,751	98,605	100,457	102,310	104,164	106,016	107,869	
Net D	62,983	64,168	65,352	66,537	67,721	68,905	70,089	71,274	72,457	73,641	74,826	76,009	77,194	
Net S	58,486	59,570	60,653	61,705	62,740	63,773	64,807	65,842	66,875	67,909	68,944	69,977	71,011	
First Officer														
P-4 Gross	70,619	72,382	74,141	75,913	77,700	79,483	81,269	83,054	84,839	86,623	88,406	90,197	92,003	93,811
Net D	53,196	54,353	55,507	56,660	57,817	58,971	60,126	61,281	62,436	63,590	64,744	65,901	67,055	68,210
Net S	49,523	50,584	51,643	52,700	53,758	54,814	55,871	56,928	57,985	59,041	60,096	61,150	62,158	63,166
Second Officer														
P-3 Gross	57,720	59,351	60,984	62,613	64,246	65,889	67,542	69,197	70,851	72,506	74,159	75,824	77,500	79,176
Net D	44,669	45,754	46,839	47,923	49,008	50,093	51,178	52,263	53,348	54,434	55,518	56,603	57,687	58,772
Net S	41,685	42,683	43,682	44,679	45,678	46,675	47,670	48,667	49,662	50,658	51,654	52,648	53,640	54,632
Associate Officer														
P-2 Gross	46,458	47,883	49,305	50,728	52,149	53,572	54,996	56,453	57,915	59,372	60,830	62,291		
Net D	37,035	38,006	38,976	39,946	40,916	41,886	42,857	43,826	44,798	45,768	46,737	47,709		
Net S	34,741	35,622	36,500	37,380	38,258	39,138	40,017	40,909	41,804	42,696	43,588	44,482		
Assistant Officer														
P-1 Gross	35,382	36,718	38,051	39,386	40,719	42,052	43,388	44,722	46,081	47,449				
Net D	29,317	30,251	31,183	32,116	33,048	33,979	34,914	35,845	36,777	37,710				
Net S	27,655	28,515	29,372	30,230	31,087	31,944	32,804	33,661	34,508	35,353				

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

*This scale will be implemented in conjunction with a consolidation of 3.1 per cent of post adjustment. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations, effective 1 March 1998. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the consolidated post adjustment indices.

GENERAL ASSEMBLY ACTION

On 3 April [meeting 95], the General Assembly, on the recommendation of the Fifth Committee [A/51/653/Add.2], adopted **resolution 51/226** without vote [agenda item 120].

Human resources management

The General Assembly,
Recalling Articles 8, 97, 100 and 101 of the Charter of the United Nations,

Reaffirming its resolutions 47/226 of 8 April 1993 and 49/222 A and B of 23 December 1994 and 20 July 1995, as well as its other relevant resolutions and decisions,

Bearing in mind the views expressed by Member States on human resources management questions in the Fifth Committee during the fifty-first session of the General Assembly,

Having considered the relevant reports on human resources management questions submitted by the Secretary-General to the General Assembly at its fifty-first session,

Having considered also the relevant reports of the Joint Inspection Unit,

Having heard the views expressed by the staff representative in the Fifth Committee in accordance with General Assembly resolution 35/213 of 17 December 1980,

Reaffirming that the staff of the Organization is an invaluable asset of the United Nations, and commending its contribution to furthering the purposes and principles of the United Nations,

Paying tribute to the memory of all staff members who have lost their lives in the service of the Organization,

1. Reiterates its full support for the Secretary-General as the chief administrative officer of the Organization, and underlines its full respect for his prerogatives and responsibilities under the Charter of the United Nations;

2. Reaffirms its support for the integrity and independence of the international civil service, and notes the efforts of the Secretary-General to preserve these;

I. Implementation of the Secretary-General's strategy for the management of the human resources of the Organization

Recalling the Secretary-General's strategy for the management of the human resources of the Organization,

Welcoming the adoption by the Secretary-General of the concept of an integrated approach to human resources planning and management, as reflected in his strategy,

Reaffirming the importance of the staff-management consultative process to the functioning and activities of the Secretariat,

1. Notes the steps taken to implement a number of elements of the strategy for the management of the human resources of the Organization as set out in the report of the Secretary-General;

2. Regrets with deep concern that further progress in the implementation of the adopted strategy has not been achieved, and urges the Secretary-General to take the necessary action to ensure its full implementation

and to report thereon to the General Assembly at its fifty-third session;

3. Regrets the unsuccessful efforts to develop a management environment and culture in the Organization that enables staff members to contribute their maximum potential, effectiveness and efficiency;

4. Calls upon the Secretary-General to pursue the full implementation of his strategy as soon as possible, bearing in mind the provisions of the present resolution;

5. Notes, in this connection, the phasing-in of performance management, including the introduction in 1996 of a new performance appraisal system;

II. Role of the Office of Human Resources Management of the Secretariat

Reaffirming its resolution 48/218 A of 23 December 1993, in particular the request therein for a mechanism ensuring that programme managers are accountable for the effective management of the human resources allocated to them,

Noting with appreciation that the Joint Inspection Unit in its report of 5 November 1996 has dealt with recruitment, placement and promotion policies in a comprehensive manner,

Reiterating the authority and responsibility of the Office of Human Resources Management of the Secretariat to enforce recruitment, placement and promotion policies throughout the Secretariat,

Taking note of the reports of the Secretary-General on staff representational activities,

1. Recognizes the role of the Office of Human Resources Management as the primary representative of the Secretary-General in establishing human resources policies and guidelines, and strongly requests the Secretary-General to maintain its central policy authority;

2. Requests the Secretary-General to enhance managerial accountability with respect to human resources management decisions, including imposing sanctions in cases of demonstrated mismanagement of staff and wilful neglect of or disregard for established rules and procedures, while safeguarding the due process rights of all staff members, including managers;

3. Also requests the Secretary-General to issue specific administrative instructions to establish clearly the responsibility and accountability of programme managers for proper use of human resources, as well as sanctions in accordance with staff rule 112.3 for any financial loss suffered by the United Nations as a result of gross negligence, including improper motivation, wilful violation of or reckless disregard for the Staff Regulations and Rules and established policies regulating recruitment, placement and promotion;

4. Deplores the high number of exceptions to the established procedures for the recruitment, placement and promotion of staff, in particular in the Office of Human Resources Management;

5. Requests the Secretary-General to announce all vacancies so as to give equal opportunity to all qualified staff and to encourage mobility, it being understood that the discretionary power of the Secretary-General of appointment and promotion outside the established procedures should be limited to his Executive Office and the under-secretary-general and assis-

tant secretary-general levels, as well as special envoys at all levels;

6. Welcomes the intention of the Secretary-General to streamline administrative procedures and eliminate duplication, in relation to human resources management, through delegation of authority to programme managers, and requests him to ensure, before delegating such authority, that well-designed mechanisms of accountability, including the necessary internal monitoring and control procedures, as well as training, are put in place, and to report thereon to the General Assembly at its fifty-third session;

7. Requests the Secretary-General to expedite the simplification and streamlining of all personnel rules and procedures in order to make them transparent and easier to apply, and to report thereon to the General Assembly at its fifty-third session;

8. Reaffirms the need for the Secretary-General to use, to the fullest extent possible, the staff-management consultative mechanisms set out in staff rule 108.2 and to strengthen the staff-management dialogue in the United Nations and all its funds and programmes, and requests him to report thereon to the General Assembly at its fifty-third session;

9. Requests the Secretary-General to ensure in his proposed programme budget for the biennium 1998-1999 provision to the Office of Human Resources Management of the level of resources commensurate with the mandate set out above;

10. Recalls that the functions of staff representatives are official;

11. Also recalls that elected staff representatives are staff members of the United Nations;

12. Recognizes the fact that staff representatives are entitled to an opportunity for career advancement, decides that the period of their continuous release shall not exceed four years, and also decides to limit such release to elected staff representatives only, on either a full-time or a part-time basis;

13. Requests the Secretary-General to submit to the General Assembly a report on the practice of Member States relative to the financing of national staff representation and on the proportion of staff representation;

III. Human resources planning, recruitment, status of women and career development

Recalling Articles 8 and 101 of the Charter of the United Nations,

A. Human resources planning

Emphasizing the importance of human resources planning to both recruitment and career development,

1. Takes note of the preliminary work in human resources planning, especially in the projection of recruitment needs at the entry level from 1997 to 2001, and requests that these activities be continued and expanded;

2. Requests the Secretary-General, in accordance with relevant staff regulations and rules, to use, to the fullest extent possible, existing mechanisms, such as agreed termination or granting leave without pay, to create opportunities for upward mobility for existing staff and for recruiting new staff;

B. Recruitment

Stressing the vital importance of the recruitment of new staff to meet the needs of the Organization,

1. Reaffirms that no post should be considered the exclusive preserve of any Member State or group of States, including at the highest level;

2. Recognizes that the system of desirable ranges is the mechanism for the recruitment of staff in posts subject to geographical distribution, in accordance with Article 101, paragraph 3, of the Charter of the United Nations;

3. Requests the Secretary-General to take every available measure to ensure, at the senior and policy-making levels of the Secretariat, the equitable representation of Member States, in particular of developing countries and Member States with inadequate representation at those levels, in accordance with the relevant resolutions of the General Assembly, and to include relevant information thereon in future reports on the composition of the Secretariat;

4. Also requests the Secretary-General, in this regard, to exercise flexibility in the application of desirable ranges in individual recruitment cases, bearing in mind all parts of the present resolution;

5. Further requests the Secretary-General to ensure that the highest standards of efficiency, competence and integrity serve as the primary criteria in the recruitment of staff;

6. Requests the Secretary-General, while ensuring that the highest standards of efficiency, competence and integrity serve as the primary criteria in the recruitment of staff, to ensure also that the search for and the selection of candidates are conducted in accordance with the guiding principles of achieving equitable geographical distribution and providing equal opportunity for men and women to participate in any capacity and under conditions of equality in the work of the Secretariat;

7. Reaffirms that secondment from government service is consistent with Articles 100 and 101 of the Charter and beneficial to both the Organization and Member States, and urges the Secretary-General to pursue this practice on a wider scale, as appropriate;

8. Notes the efforts of the Secretary-General to conduct a targeted search for candidates from Member States that are unrepresented or under-represented and below the mid-point of their desirable ranges, and requests that he continue to expand these efforts;

9. Requests the Secretary-General to restrict the practice of making temporary appointments against regular budget posts or extrabudgetary posts of one year or more to temporary needs, for example, replacement of staff on field mission assignment and authorized leave;

10. Also requests the Secretary-General to take effective measures to prevent the placement of staff members against higher-level unencumbered posts for periods longer than three months, and further requests the Secretary-General to issue vacancy announcements within a three-month period;

11. Further requests the Secretary-General to instruct all programme managers to inform the Office of Human Resources Management of all vacancies immediately and of all foreseen vacancies six months before the posts become vacant;

12. Notes that the posts subject to the desirable range formula are limited to the current level of 2,700 posts;

13. Requests that the Secretary-General not include staff members recruited against support account posts in the desirable range calculation;

14. Also requests the Secretary-General to continue to apply the requirements of Article 101, paragraph 3, of the Charter to recruit staff on as wide a geographical basis as possible to all posts outside the desirable ranges;

15. Reaffirms the policy of the Secretary-General that appointment to P-1 and P-2 posts and to posts requiring special language competence shall be made exclusively through competitive examinations and that appointment to posts at the P-3 level shall normally be made through competitive examinations;

16. Requests the Secretary-General to continue to hold national competitive examinations for posts at the P-2 and P-3 levels as a useful tool for selecting the best qualified candidates from inadequately represented Member States; special attention should be paid to the prospects of staff for promotion to the P-3 level and to the need to conduct such examinations with maximum efficiency and economy;

17. Invites the Member States concerned to participate in those examinations;

18. Requests the Secretary-General not to decrease the proportion of entrance-level posts at the P-1 to P-3 levels for budgetary purposes;

19. Also requests the Secretary-General, notwithstanding the provisions of section V of the present resolution, to offer or to continue to offer probationary appointments to all staff members who have passed a competitive recruitment examination and to consider all such staff members for conversion to permanent appointment after completion of the period of probationary service;

20. Further requests the Secretary-General, in the case of staff recruited through competitive examinations, to ensure that only those who meet the highest standards of efficiency, competence and integrity established in the Charter are granted permanent appointments;

21. Requests the Secretary-General to complete the realignment with the national competitive examination of the competitive examination for promotion to the Professional category of staff members from other categories, in particular regarding academic qualifications;

22. Also requests the Secretary-General to make proposals on the introduction of a probationary period for successful candidates in the competitive examinations for promotion to the Professional category of staff members from other categories;

23. Further requests the Secretary-General to report on the question of geographical imbalance resulting from promotions, through the competitive examination for promotion to the Professional category of staff members from other categories, to posts subject to geographical distribution;

24. Urges the Secretary-General to take all necessary measures, including instructions to department heads, as needed, to place all successful candidates from the national competitive examinations within one year, subject to the availability of posts;

25. Requests the Secretary-General to accord priority consideration to successful candidates from the na-

tional competitive examinations who have not been placed within one year for all other vacancies, including those of short duration;

26. Also requests the Secretary-General to extend to consultants and to personnel provided on a non-reimbursable basis the current practice of barring interns from applying for or being appointed to posts in the Secretariat for a period of six months after the end of their internships, and decides that persons on short-term appointments filling regular budget posts or extrabudgetary posts of one year or more cannot apply for or be appointed to their current post within six months of the end of their current service;

27. Further requests the Secretary-General to ensure that persons serving in peacekeeping or other field missions become eligible for consideration for internal vacancies in the Secretariat after having served for at least twelve months; should they be considered for appointment, established recruitment criteria and relevant rules shall apply;

28. Requests the Secretary-General to resume normal recruitment activities at all levels as soon as possible;

C. Status of women in the Secretariat

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibility for administrative, budgetary and human resources management matters, including, in this context, the question of the representation of women in the Secretariat,

Welcoming the achievement of the goal of a 35 per cent overall participation rate of women in posts subject to geographical distribution,

Noting with concern that the goal set in its resolution 45/239 C of 21 December 1990 of a 25 per cent participation rate of women in posts at the D-1 level and above by 1995 is still far from being achieved,

Recalling its resolution 51/67 of 12 December 1996, including the reaffirmation of the goal of a 50/50 gender distribution by the year 2000,

Concerned that this goal may not be met, especially at the policy-making and decision-making levels of D-1 and above,

Noting that the overall percentage of representation of women in all Professional posts was 33.66 as at 31 December 1996,

Reaffirming that the Secretary-General, in his efforts to achieve this goal, should take into account the principle that the paramount consideration shall be the necessity of securing the highest standards of efficiency, competence and integrity, with full respect for the principle of equitable geographical distribution,

1. Urges the Secretary-General fully to implement and monitor the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000);

2. Requests the Secretary-General to continue his work to create a gender-sensitive work environment, through the implementation of all appropriate human resources management policies and procedures, ensuring that managers are evaluated on their activities in this regard in the context of the performance appraisal system;

3. Also requests the Secretary-General to develop a family leave programme for United Nations staff with-

out creating supplementary leave entitlements, and to report thereon to the General Assembly as soon as possible;

4. Decides to consider, in the context of its consideration of the proposed programme budget for the biennium 1998-1999, the structure and source of funding for the Focal Point for Women, and requests the Secretary-General to make proposals in this regard with a view to ensuring the provision of an adequate level of resources commensurate with its mandate;

5. Requests the Secretary-General to take appropriate measures, as soon as possible, to allow the mandate of the Focal Point for Women to be fulfilled;

6. Encourages the Secretary-General, consistent with Article 101 of the Charter of the United Nations, to appoint more women at the D-1 level and above so as to reduce the gender gap and to reach the mandated General Assembly target of 25 per cent women in senior decision-making-level positions as soon as possible;

7. Urges the Secretary-General, consistent with Article 101 of the Charter, to increase the number of women employed in the Secretariat from developing countries, in particular those which are unrepresented or under-represented and from countries that have a low representation of women, including countries with economies in transition;

8. Strongly encourages Member States to support the efforts of the United Nations and the specialized agencies to increase the percentage of women in Professional posts, especially at the D-1 level and above, by identifying and regularly presenting more women candidates and by encouraging women to apply for posts in the Secretariat of the United Nations and the specialized agencies;

D. Career development

Recognizing that career development is an indispensable part of effective human resources management,

Noting with concern the absence of progress in developing a fully integrated career development system,

1. Regrets that the Secretary-General has not yet established a career development policy in the Secretariat, and requests him to establish such a policy as soon as possible and to report thereon to the General Assembly at its fifty-third session;

2. Requests the Secretary-General to meet the goals and objectives set by the General Assembly in various resolutions by establishing, as a matter of priority, a comprehensive career development and promotion system;

3. Also requests the Secretary-General to report to the General Assembly at its fifty-third session on how linguistic qualifications are taken into account in the performance appraisal system and the recruitment and promotion policy, including for language staff;

4. Further requests the Secretary-General to report to the General Assembly on the feasibility of holding the national competitive examinations in the six official languages, without prejudice to the mandatory knowledge of English and French as working languages;

5. Requests the Secretary-General to make proposals aimed at ensuring that nationals of Member States whose mother tongue is not an official or working language of the United Nations are not placed at a disad-

vantage when taking the national competitive examinations;

6. Also requests the Secretary-General to pursue the development and implementation of the managed re-assignment programmes for entry-level and other staff as outlined in his report on the implementation of his strategy, and to budget the required posts accordingly;

7. Notes that only modest progress has been made towards achieving greater staff mobility for internationally recruited staff as called for in the strategy, and reiterates the importance of making substantive progress towards that objective;

8. Regrets that the report on mobility requested in section V, paragraph 2, of resolution 49/222 A has not yet been submitted to the General Assembly, and requests the Secretary-General to submit that report to the Assembly at its fifty-third session;

9. Notes with concern the fact that delays in completion of performance appraisal reports have an adverse effect on staff members being considered by the appointment and promotion bodies, and requests the Secretary-General to take steps to ensure that the managers preparing these reports are held accountable for any such delays;

10. Requests that, to the extent possible for a fair evaluation of staff members, the recruitment and promotion procedure not be postponed to the detriment of staff members for want of performance appraisal reports;

11. Requests the Secretary-General to utilize the performance appraisal system to foster staff-management dialogue, including the identification of staff development and career opportunities, and to report to the General Assembly at its resumed fifty-first session on the findings of the review of the first cycle of the performance appraisal system;

12. Stresses the fact that the new performance appraisal system is only one of the elements of a comprehensive career development plan in the Secretariat;

13. Notes with appreciation the strengthened training programmes, inter alia, people management training, upgrading of substantive skills, information technology, communications and training in all six official languages on an equal basis, and requests the Secretary-General to continue to invest in the Organization's future capacity by sustaining and expanding these programmes in order to meet organizational needs and individual career development aspirations;

14. Welcomes the intention of the Secretary-General to strengthen further the professional training of the staff, so as to foster management capacity and to ensure that staff continue to receive necessary refresher training over the course of their careers;

IV. Redeployment

1. Notes the impact of the economy measures on the personnel policies of the Organization;

2. Recognizes the need to maintain an adequate environment in the Secretariat and to sustain the morale of staff members;

3. Reiterates its request contained in paragraph 12 of its resolution 51/221 B of 18 December 1996, and decides to consider the report on the situation of staff members on the redeployment list as a matter of priority during the next part of its resumed fifty-first session;

4. Recognizes that measures related to personnel matters invoked in order to obtain savings should not entail changes in the Staff Regulations and Rules without the prior approval of the General Assembly;

V. Ratio between career and fixed-term appointments

Taking note of the report of the Secretary-General on the ratio between career and fixed-term appointments,

1. Underlines the importance of the concept of career service for staff members performing continuing core functions;

2. Requests the Secretary-General to make efforts to achieve the level of 70 per cent of permanent appointments in posts subject to geographical distribution and to report thereon to the General Assembly at its fifty-third session;

3. Decides that five years of continuing service as stipulated in its resolution 37/126 of 17 December 1982 do not confer the automatic right to a permanent appointment, and also decides that other considerations, such as outstanding performance, the operational realities of the organizations and the core functions of the post, should be duly taken into account;

• 4. Endorses in principle the introduction of a dual-track system of career and non-career appointments, and requests the Secretary-General to submit to the General Assembly at its fifty-third session detailed proposals for the implementation of that system, including a definition of continuing core functions with a full explanation of the manner in which such a definition would be applied and the text of any necessary amendments to the Staff Regulations and Rules that would be required in order to implement the new system;

VI. Consultants

Having considered the summary of the principal findings, conclusions and recommendations of the Board of Auditors and the related comments of the Advisory Committee on Administrative and Budgetary Questions,

Noting with deep concern that, despite repeated recommendations by the Board, serious irregularities persist in the identification, terms of reference, hiring, remuneration and management of consultants, including lack of geographical balance,

1. Expresses its concern about the practice of using consultants to carry out functions assigned to established posts, and requests the Secretary-General to refrain from this practice;

2. Notes with concern the observations of the Board of Auditors that a number of findings warrant further investigation with a view to taking appropriate action against personnel responsible for such malpractice, and requests the Secretary-General to take appropriate action in this regard and to report to the General Assembly at its fifty-second session;

3. Requests the Secretary-General and the executive heads of the United Nations organizations and programmes to ensure selection of consultants on a more competitive basis and to keep the instances of recourse to sole candidates to a strict minimum, each such case being formally approved at an appropriate level of authority, on an exceptional basis, prior to engagement;

4. Also requests the Secretary-General to prepare, no later than the end of 1997, comprehensive policy guidelines on the terms of reference (including objectives, targets and output delivery dates), selection, hiring and renewal of consultants and ensuring transparency and objectivity in the selection process, and to submit those guidelines to the Advisory Committee on Administrative and Budgetary Questions for review before their consideration by the General Assembly at its fifty-second session under the item entitled "Financial reports and audited financial statements, and reports of the Board of Auditors";

5. Further requests the Secretary-General to revise the assessment form on consultants to make it more detailed and more clearly indicative of the quality of the consultant's work and his or her ability to undertake future assignments;

6. Endorses the recommendations made by the Board of Auditors in its report, and requests the Secretary-General to implement them;

7. Also endorses the recommendation of the Advisory Committee that the Secretariat resume the past practice of submitting, on a biennial basis and in conjunction with the report requested by the Committee on the hiring of retired staff, a report on the hiring and use of consultants, following the format of past reports on the subject;

VII. Reporting to the General Assembly

Requests the Secretary-General to submit to the General Assembly, under the appropriate agenda items, reports on the following questions:

(a) As soon as possible

A family leave programme for United Nations staff;

(b) At its resumed fifty-first session

The findings of the review of the first cycle of the performance appraisal system;

(c) At its fifty-second session

(i) The appropriate action taken against personnel responsible for mal practices identified by the Board of Auditors;

(ii) Comprehensive policy guidelines on consultants, to be submitted through the Advisory Committee on Administrative and Budgetary Questions;

(d) At its fifty-third session

(i) Information on measures taken to ensure equitable representation of Member States at the senior and policy-making levels of the Secretariat, to be included in the report on the composition of the Secretariat;

(ii) The full implementation of the strategy for the management of the human resources of the Organization;

(iii) Delegation of authority;

(iv) The simplification and streamlining of all personnel rules and procedures;

(v) Staff-management consultative mechanisms;

(vi) The practices of Member States relative to national staff representation;

(vii) Proposals on the introduction of a probationary period for successful candidates in the competitive examination for promotion to the Professional category of staff members from other categories;

- (viii) The question of geographical imbalance resulting from promotions of successful candidates in the competitive examination for promotion to the Professional category of staff members from other categories;
- (ix) Career development policy;
- (x) Linguistic qualifications in the context of the performance appraisal system and the recruitment and promotion policy;
- (xi) The feasibility of holding the national competitive examinations in the six official languages, including proposals to ensure that nationals of Member States whose mother tongue is not an official language of the United Nations are not placed at a disadvantage;
- (xii) Mobility;
- (xiii) The efforts made by the Secretary-General to achieve the level of 70 per cent of permanent appointments in posts subject to geographical distribution;
- (xiv) Detailed proposals for the implementation of a dual-track system of career and non-career appointments;
- (xv) The hiring of retirees and the hiring and use of consultants.

The Secretary-General, in a 3 May letter [A/51/893], assured the Assembly President of his full commitment to implement **resolution 51/226**, particularly concerning irregular or "back door" recruitment practices and the assurance of broader and fairer competition for all UN employees. However, he had been advised that, in applying the six-month rule regarding short-term appointments, staff hired against the support account posts and staff of the international tribunals, who could not have been hired for more than six months prior to 3 April 1997, would be treated unfairly retroactively as though they had been improperly recruited. To achieve the objective of closing "back door" recruitment and avoid exposing the Organization to successful challenges in the Administrative Tribunal, it would seem necessary to ensure that the provisions regarding short-term appointments were not applied retroactively to "regularly" recruited staff currently holding such appointments. It was in the best interests of the Organization to apply them to the staff concerned recruited after 3 April 1997. On 29 May [A/51/913], the Assembly President transmitted a letter of 28 May from the Chairman of the Fifth Committee stating that the Committee had requested that the Secretary-General implement **resolution 51/226** as adopted, on the understanding that it would not be done retroactively.

Staff redeployment

On 3 April 1997, the General Assembly, in **resolution 51/226**, reiterated its 1996 request to the

Secretary-General, made in resolution 51/221 B [YUN 1996, p. 1324], to report to the Fifth Committee during the resumed fifty-first session on progress achieved in the placement of the staff on the redeployment list [*Ibid.*, p. 1323] and decided to consider the report as a matter of priority. It recognized that measures related to personnel matters to obtain savings should not entail changes in the Staff Regulations and Rules without the Assembly's prior approval.

In response to that request, the Secretariat informed the Fifth Committee that, in 1997, 24 staff members had been transferred or reassigned to established positions (16 in the Professional and 8 in the General Service categories). One General Service staff member had taken agreed termination. Consequently, as of May, 12 staff members (6 in the Professional and 6 in the General Service categories) were placed in temporary functions; the Secretariat was committed to placing those 12 staff members in established positions.

The Assembly, by **decision 51/471** of 13 June, took note of the information on the status of redeployed staff members.

Appointments of limited duration

In response to General Assembly resolution 51/216 [YUN 1996, p. 1318], ICSC continued its review of appointments of limited duration on which it had previously given provisional approval, on a pilot project basis, for use in the United Nations and UNDP. The Working Group established by ICSC to explore the different aspects of the issue proposed a framework entailing guiding principles, guidelines and a basis for remuneration structures.

The Commission agreed that appointments of limited duration were appropriate as long as they did not interfere with the existence of the international civil service, endorsed the Working Group's recommended principles and guidelines for such appointments, and decided that, until a definitive review had been undertaken, the provisional schemes should remain in pilot status. It stressed the need for strict observation of a four-year limit for such appointments and decided that it should be kept fully informed of developments in regard to such appointments. It also decided that the managed renewable term contracts in the International Telecommunication Union should remain in pilot status.

The Assembly, in **resolution 52/216** of 22 December, endorsed the principles and guidelines for appointments of limited duration and the related ICSC decisions.

Geographical distribution

The Secretary-General, in a February report [A/51/705/Add.1], submitted his response to the JIU report on methods of calculating equitable geographical distribution within the UN system [YUN 1996, p. 1326]. He shared the Inspectors' view that the ideas expressed in the report should prepare the groundwork for further discussions and progress on the matter of managing geographical distribution. He also concurred with the emphasis on the importance of a system-wide coordination of efforts to implement the principle of geographical distribution. However, the Secretary-General felt that consideration should be given to increasing the weight of the demographic factor to a level to be agreed upon by Member States and that any new system of desirable ranges should be flexible and meet a number of operational requirements. The proposals regarding the introduction of a new post-weighting principle should be examined at the technical and political levels, as changing the existing methodology would involve far-reaching modifications of quotas and desirable ranges. Furthermore, any principle adopted should not confront the Secretariat with a more rigid system that did not lend itself to practical implementation.

As to the recommendation regarding the application of equitable geographical distribution to smaller organizations within the common system, the Secretary-General welcomed it in principle but pointed out that there might be some impediments to its actual implementation, since many staff members in smaller organizations had permanent appointments and, staff members on fixed-term appointments were entitled to consideration for a career appointment after five years of continuous good service.

Performance appraisal system

The General Assembly, in **resolution 51/226** of 3 April 1997, requested the Secretary-General to report at its resumed fifty-first session on the findings of the review of the first cycle of the performance appraisal system (PAS), which had been formally established in 1995 [YUN 1995, p. 1416]. The Assembly expressed concern that delays in the completion of performance appraisal reports had an adverse effect on staff members being considered for promotion and requested the Secretary-General to ensure that managers were held accountable for such delays. He was also asked to utilize PAS to foster staff-management dialogue, including the identification of staff development and career opportunities.

Responding to the Assembly's request, the Secretary-General submitted a 4 August report

[A/C.5/51/55], describing the objectives of the system, its development and training, implementation status and feedback and proposed modifications.

PAS implementation commenced in 22 departments and offices throughout the Secretariat in 1996. Delays in some departments were due to financial measures instituted in 1995, ongoing restructuring and changes in leadership. Monitoring reports indicated that the majority of departments and offices had completed end-of-year appraisals or were in the process of doing so. Terms of reference had been established for the three monitoring bodies—the departmental Management Review Committees, the Joint Monitoring Committees and the Global Joint Monitoring Committees. At the end of the first full year of implementation, feedback was sought from managers, as well as from staff associations, Secretariat-wide, including during the twenty-first session of the Staff Management Coordination Committee, held in June 1997.

In general, feedback indicated that while the value of the PAS was recognized, significant obstacles had been encountered, particularly the processes, which were perceived to be complex and burdensome. However, the experience had served to focus attention and to promote discussion of the principles of performance management and of individual and managerial accountability. Therefore, while recognizing the sound principles on which the system was based, significant improvements were recommended, including: reduction of steps in the process; clearly written forms and guidelines that would be made available in English, French and Spanish; development of a user-friendly electronic version; development of a performance management handbook with guidance in setting goals for varied categories; change in the planning cycle from one to two years, with mid-year reviews every six months and yearly appraisals; using the existing narratives "fully meets expectations" and "frequently exceeds expectations" for appraisals rather than numerical ratings; introduction of incentives and rewards linked to PAS (see below); strengthening links between staff development, career support and PAS; and enhancement of training for managers and supervisors to strengthen skills in team building, work planning and provision of feedback and appraisal.

The Assembly, by **decision 51/469 B** of 15 September, requested the Secretary-General to submit an evaluation of PAS in 1998.

Performance management

In accordance with General Assembly resolution 51/216 [YUN 1996, p. 1318], ICSC undertook an

in-depth review of performance management in the United Nations, noting the principles and associated guidelines it had developed in 1994. The Commission was of the view that the recognition of superior performance by whatever means (cash or non-cash awards) could not be seen in isolation from ongoing improvement of performance at all levels. Therefore, as important as the institution of bonus/award schemes, was the establishment of an environment in which learning, innovation and creativity were encouraged and nurtured, as well as the management of the minority of staff who were not making an effective contribution.

ICSC, noting that different organizational strategies and cultures called for a flexible approach to performance management, decided that its 1994 recommendations on cash awards should be replaced by a system in which: cash awards did not exceed 10 per cent of the mid-point of the base/floor salary for Professional staff and 10 per cent of the mid-point of the net salary for General Service staff; performance awards and bonuses should not be payable to more than 30 per cent of the workforce and non-cash awards should be subsumed within the ceiling, with symbolic awards, letters of appreciation and the like being considered in addition to the ceiling; the amounts should be differentiated according to performance level, with higher amounts payable to those rated as outstanding; the overall cost of the programme should not exceed 1.5 per cent of projected remuneration costs; and the basis for determining an award should be the ratings derived from PAS. The Commission also decided that any pay-based approach to performance recognition should be introduced on a pilot basis. To complement its 1994 recommendations on underperformance, ICSC requested organizations to present biennial reports on their performance management schemes, including cash awards, using a format to be developed by the ICSC secretariat, which would complete and circulate to organizations and staff a portfolio of best practice in performance management.

The Secretary-General, in response to Assembly resolution 51/216 [YUN 1996, p. 1318], submitted an October report [A/52/439] on a system of performance awards and bonuses. He said that the introduction of performance management was a key part of his human resource management strategy, of which PAS was an important tool. The Secretary-General emphasized that, while the recognition of individual meritorious performance and special achievements was essential, the pursuit and recognition of overall enhanced performance, including managerial performance,

efficiency and staff motivation, should continue to take precedence. Optimizing organizational and individual performance required the establishment of an effective performance management system. The introduction of PAS was a significant step in that direction; however, it was still in its initial stage and was not yet in a position to support a system of monetary awards. The Secretary-General therefore proposed a step-by-step approach, in full consultation with staff. While working to firmly institutionalize PAS, the Organization should begin introducing a range of non-monetary awards for individuals and teams, in line with those suggested by ICSC. In addition, steps should be taken to deal with underperformance. It was important that development of performance awards and bonuses should not be considered as a substitute for fair and adequate compensation and salary levels, which would ensure competitive conditions of service, enabling the United Nations to attract and retain staff of the highest calibre.

Family leave programme

The General Assembly, in **resolution 51/226** (see above), requested the Secretary-General to develop a family leave programme for UN staff without creating supplementary leave entitlements and to report to the Assembly as soon as possible. In October [A/52/438], the Secretary-General stated that approaches taken by the comparator (the United States civil service) and the World Bank had been reviewed, as had previous discussions in ICSC and the Consultative Committee on Administrative Questions. The Staff-Management Coordination Committee recommended several provisions, which the Secretary-General endorsed, including: use of uncertified sick leave within current provisions up to a maximum of seven days to attend to family-related emergencies, or for paternity leave in case of birth or adoption of a child; authorization of partial conversion of maternity leave to paternity leave in dual-career families where both parents were staff members; inclusion of a provision authorizing special leave without pay as parental leave for up to two years, possibly extended for an additional two years in exceptional circumstances, with all guarantees of reabsorption; and inclusion of a provision allowing staff special unpaid leave, including travel time, in the case of the death of an immediate family member, or of a serious family emergency. None of those provisions would apply to staff appointed under the 200 series who were not entitled to uncertified sick leave.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/739], adopted **resolution 52/219 without vote** [agenda item 153].

Human resources management

The General Assembly,

Having considered the reports of the Secretary-General on a family leave programme, on the implementation of the performance appraisal system, on a system of performance awards or bonuses and on amendments to the Staff Rules,

I. Family leave programme

Recalling paragraph 3 of section III.C of its resolution 51/226 of 3 April 1997, in which it requested the Secretary-General to develop a family leave programme for United Nations staff without creating supplementary leave entitlements, and to report thereon to the General Assembly as soon as possible,

1. Takes note of the report of the Secretary-General;
2. Approves the recommendations of the Secretary-General in relation to the family leave programme, as contained in paragraph 12 of his report;

H. Implementation of the performance appraisal system

Having reviewed the report of the Secretary-General on the implementation of the performance appraisal system and the relevant section of the report of the Advisory Committee on Administrative and Budgetary Questions,

1. Takes note of the report of the Secretary-General;
2. Encourages the Secretary-General to continue his efforts to refine and simplify the performance appraisal system, in particular its administrative aspects;
3. Reiterates that it is important that the performance appraisal system be implemented consistently throughout the Secretariat so as to achieve an effective and fair performance management and staff development tool, and requests the Secretary-General to monitor the application of the system and to report thereon to the General Assembly;

III. System of performance awards or bonuses

Having reviewed the report of the Secretary-General on a system of performance awards or bonuses,

1. Approves, and urges the Secretary-General to adopt a step-by-step approach to, the introduction, in full consultation with the staff, of a system of performance awards or bonuses, taking into account the comments and recommendations of the International Civil Service Commission on this matter, as contained in its report;
2. Requests the Secretary-General to keep under review the introduction of the system of performance awards or bonuses and to report to the General Assembly, in accordance with the step-by-step approach, at its fifty-third session;
3. Also requests the Secretary-General to submit to the General Assembly at its fifty-third session for decision policy proposals to deal systematically and effectively with underperformance, taking into account the comments and recommendations made by the Commission in paragraph 213 of its report;

IV. Amendments to staff rules

Having reviewed the report of the Secretary-General on amendments to the Staff Rules,

Takes note of the amendments to the 100 and 200 series of the Staff Rules contained in the report of the Secretary-General;

V. Implementation of General Assembly resolution 51/226

1. Decides that the restrictions contained in paragraph 26 of section III.B of resolution 51/226, which preclude staff appointed for less than one year against regular budget posts or extrabudgetary posts of one year or longer from applying for or being appointed to their current post within six months of the end of their current service, shall apply to staff appointed after 3 April 1997 only;

2. Decides also that persons eligible to be considered for internal vacancies within the Secretariat after twelve months of service, as provided for in paragraph 27 of section III.B of resolution 51/226, shall be staff appointed in the Professional category or above under the 100 or 300 series of the Staff Rules to serve against peacekeeping support account posts at Headquarters or in peacekeeping or other field missions, and decides further that such eligibility shall be limited to vacant posts at the P-4 level and above;

3. Decides to continue consideration of the note by the Secretariat on the implementation of General Assembly resolution 51/226, as well as the application of the provisions of the preceding paragraphs, at the first part of its resumed fifty-second session.

Also on 22 December, the Assembly, by **decision 52/456**, decided that the Fifth Committee should continue its consideration of human resources management at the resumed (1998) fifty-second session.

Gratis personnel

In a February report [A/51/813], ACABQ submitted its comments on the Secretary-General's 1996 report on gratis personnel [YUN 1996, p. 1327]. It welcomed the broader approach taken by the Secretary-General on the issue but noted that no mention was made of gratis military services provided for military operations in the field. It pointed out also that there were areas other than those specifically mentioned in General Assembly resolutions where gratis personnel had been accepted by the Secretary-General. ACABQ indicated it would continue to keep under review type I gratis personnel (those found mostly in technical cooperation areas, trust fund activities and programmes funded by voluntary contributions) in the context of its examination of the 1998-1999 proposed programme budget. However, the growth in numbers and scope of type II gratis personnel, who were mainly involved in mandated operations, raised important policy and management issues, including accountability and financial and legal issues. In that regard,

ACABQ was of the view that gratis personnel should not be sought for positions kept vacant solely for financial reasons, nor should type II gratis personnel be accepted in excess of the needs of the Organization. Approved positions should be filled in the traditional manner in full compliance with personnel policies and procedures, and type II gratis personnel should be limited to two situations—in cases of urgency, prior to the preparation and/or approval of the budget of a start-up or expanded operation or in the provision of expertise in very specialized functions that were not available in the Secretariat.

ACABQ also recommended that the proposed guidelines annexed to the Secretary-General's report for the acceptance of gratis personnel should be redrafted to reflect its observations and recommendations, and that the draft guidelines should be submitted to the Assembly through ACABQ before administrative instructions were promulgated. The Secretary-General was asked to report annually on the use of gratis personnel, indicating their nationality and summarizing the duration of service and functions. ACABQ further recommended that, following a decision by the Assembly, current arrangements outside the new procedures should be phased out expeditiously.

GENERAL ASSEMBLY ACTION (April)

In April [meeting 95], the General Assembly, on the recommendation of the Fifth Committee [A/51/848], adopted **decision 51/466** without vote [agenda items 116, 120, 137, 139 & 140].

Gratis personnel provided by Governments and other entities

At its 95th plenary meeting, on 3 April 1997, the General Assembly, on the recommendation of the Fifth Committee:

(a) Decided to defer until the second part of its resumed fifty-first session consideration of the report of the Secretary-General on the gratis personnel provided by Governments and other entities and the related report of the Advisory Committee on Administrative and Budgetary Questions;

(b) Requested the Secretary-General, on an interim basis, and pending consideration of this question and a final decision thereon:

- (i) Not to expand the number of gratis personnel currently implementing mandated activities mentioned in paragraphs 24 to 40 of his report;
- (ii) In the case of new and/or expanded needs implying urgent requirements for expertise not available within the Organization, to resort to the use of gratis personnel with due regard to the importance of maintaining as wide a geographical basis as possible, for a very limited and specified period, and, in order to ensure transparency, to approach all Member States on the possibility of providing that expertise on a temporary basis;

- (iii) To review the proposed guidelines annexed to his report and to submit a report thereon to the General Assembly before 12 May 1997 for its consideration during the second part of its resumed fifty-first session;
- (iv) To update the information provided in his report, including data on the nationality of gratis personnel and detailed descriptions of the functions entrusted to them, and to report on any change in the use of gratis personnel after 31 October 1996 to the General Assembly at the second part of its resumed fifty-first session;
- (v) To submit a comprehensive report before 12 May 1997 on the methodology and rate to be applied to the administrative support costs mentioned in paragraphs 51 to 66 of his report, including their legislative basis, and, in the interim, to maintain the status quo in this regard.

In a 6 May report [A/51/688], the Secretary-General outlined the methodology used for, and the level of, the application of administrative support costs. He stated that, since support costs arose with respect to the acceptance of gratis personnel, the difficulty was how much and where to provide for those costs. The question had arisen in relation to type II gratis personnel because voluntary contributions had always been related primarily to supplementary or non-assessed activities, but in the context of type II gratis personnel, voluntary contributions were linked to activities approved by the Assembly in assessed budgets, both regular and peacekeeping. He said that any change in the established policies for acceptance of voluntary contributions and for the charging of administrative support costs related to voluntary contributions, including gratis personnel, would require a decision by the Assembly, which would be dependent on a resolution concerning conditions under which the Secretary-General might accept gratis personnel in the first instance.

The Secretary-General provided information on type I and type II gratis personnel as of 31 March by department/office and nationality [A/51/688/Add.2]. Similar information was also presented for the Department of Peacekeeping Operations. He reported that, between 31 October 1996 and 31 March 1997, there was a net reduction of 30 in the number of gratis personnel. While the number of type I gratis personnel had decreased by 36 (from 238 to 202), the number of type II personnel had increased by 6 (from 328 to 334). He also submitted revised guidelines [A/51/688/Add.3] for the acceptance of gratis personnel.

GENERAL ASSEMBLY ACTION (September)

On 15 September [meeting 107], the General Assembly, on the recommendation of the Fifth

Committee [A/51/922/Add.2], adopted **resolution 51/243** without vote [agenda item 112].

Gratis personnel provided by Governments and other entities

The General Assembly,

Taking note of the reports of the Secretary-General on gratis personnel provided by Governments and other entities and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Expressing serious concern at the impact on the geographical balance in some parts of the Secretariat of the presence of gratis personnel, in particular in the Department of Peacekeeping Operations,

Recognizing that the use of gratis personnel, other than those performing supplementary activities, should be on an exceptional and temporary basis and for specialized functions only,

1. Emphasizes that gratis personnel are not a substitute for staff to be recruited against authorized posts for the implementation of mandated programmes and activities;

2. Reaffirms that the programme of work and mandates approved by Member States must be financed in the manner determined by the General Assembly, based upon proposals of the Secretary-General;

3. Decides that gratis personnel should not be sought for financial reasons;

4. Decides also that the Secretary-General can accept type II gratis personnel only in the following circumstances:

(a) After the approval of a budget, to provide expertise not available within the Organization for very specialized functions, as identified by the Secretary-General, and for a limited and specified period of time;

(b) To provide temporary and urgent assistance in the case of new and/or expanded mandates of the Organization, pending a decision by the General Assembly on the level of resources required to implement those mandates;

5. Decides further, in this regard, that the relevant budget resolutions and procedures relating to unforeseen and extraordinary expenditures, peacekeeping operations and tribunals will govern the acceptance of the gratis personnel referred to in paragraph 4 above;

6. Requests the Secretary-General to report on a quarterly basis to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, for appropriate action, on the acceptance of the gratis personnel referred to in paragraph 4 above, with a view to ensuring compliance with the provisions of the present resolution;

7. Emphasizes that the relevant General Assembly resolutions and financial regulations and rules should be fully respected when accepting gratis personnel in accordance with the provisions of the present resolution;

8. Emphasizes also that it is necessary that fully substantiated and comprehensive proposals on the total requirements from all sources of funding be presented so as to enable the General Assembly to decide on the level of resources required to implement fully all mandated programmes and activities, and requests the Secretary-General to present all future budgets and

budget outlines in that manner, in accordance with Assembly resolution 41/213 of 19 December 1986;

9. Requests the Secretary-General to phase out expeditiously type II gratis personnel who fall outside the scope of paragraph 4 above and to report thereon to the General Assembly at the main part of its fifty-second regular session;

10. Also requests the Secretary-General to report to it at the main part of its fifty-second regular session, through the Advisory Committee, for appropriate action, on the methodology to be applied to, and the level of, administrative support costs and, in the interim, to maintain the status quo in this regard;

11. Further requests the Secretary-General to revise the draft guidelines set out in his reports on gratis personnel in accordance with the provisions of the present resolution and taking into account the following principles, and to submit them to the General Assembly, through the Advisory Committee, for its approval at the main part of its fifty-second regular session:

(a) Gratis personnel should be subject to the criteria laid down in Article 100 and in paragraphs 1 and 3 of Article 101 of the Charter of the United Nations;

(b) In the performance of their duties, gratis personnel should have the same obligations and responsibilities as are applicable to staff members;

(c) Gratis personnel should carry out their functions in accordance with all applicable regulations, rules and procedures of the Organization;

(d) The selection process for gratis personnel should be transparent and conducted on as wide a geographical basis as possible, and, if there is a need for gratis personnel as provided for in the present resolution, all Member States should be informed;

12. Requests the Secretary-General to report annually on the use of gratis personnel, indicating, inter alia, their nationality, the duration of their service and the functions performed;

13. Also requests the Secretary-General, in the context of the consideration by the General Assembly of the question of gratis personnel provided by Governments and other entities, to report on the impact of the implementation of paragraphs 4 (b) and 9 above and to submit proposals in this regard to the Assembly at the main part of its fifty-second regular session, through the Advisory Committee, for appropriate action;

14. Decides to consider the question at the main part of its fifty-second regular session.

In response to the Assembly's request in resolution 51/243, the Secretary-General, on 21 November [A/52/709 & Corr.1], submitted revised guidelines for type II gratis personnel, setting out the conditions under which they might be accepted and outlining further conditions for their employ, including selection, functions, duration of functions, status, remuneration, annual leave, standards of conduct, accountability, performance of services, third-party claims and agreement with the United Nations. He also submitted a quarterly report [A/52/699] on the acceptance of type II gratis personnel and his annual report on the use of gratis personnel, both types I and II.

On 8 December [A/52/710], the Secretary-General discussed the phased plan of action to reduce and eliminate to the extent possible the use of gratis personnel in the Secretariat, in response to General Assembly **resolution 51/243** of 15 September. He stated that he would ensure that type II gratis personnel were accepted only under the conditions set out in that resolution, while other gratis personnel would be phased out in accordance with the terms of existing agreements. Regarding the impact of the phasing out of type II gratis personnel upon the functioning of the International Tribunals for the former Yugoslavia and Rwanda, it had been proposed that functions being performed by such personnel be covered by temporary posts within the 1998 budget proposals, with complete phasing out by 30 June 1998. As for the Department of Peacekeeping Operations, additional posts would be requested under the support account for peacekeeping operations for the period 1 July 1998 to 30 June 1999, following a review and in-depth evaluation of the use of those resources. Because the immediate large-scale withdrawal of such personnel would seriously jeopardize the ability of the Department to carry out its functions, the phasing-out process was to be completed by 31 December 1999.

Staff composition

On 6 November, the Secretary-General submitted to the General Assembly his annual report [A/52/580 & Corrs.1-3] on staff composition of the UN Secretariat, by nationality, gender, grade and type of appointment. As at 30 June 1997, the staff totalled 14,136, of whom 8,605 were paid from the regular budget and 5,531 from extrabudgetary sources. There were 4,217 in the Professional category and above, 9,161 in the General Service and related categories and 758 project personnel.

Staff in posts subject to geographical distribution numbered 2,461. As at 30 June, 25 Member States were unrepresented, compared with 23 at 30 June 1996, and 20 were under-represented, compared with 22 the year before. Changes in representation derived not only from staff appointments and separations from service, but also from such factors as adjustments in desirable ranges resulting from an increase or decrease in the number of posts subject to geographical distribution, changes in the number of Member States, variations in assessed contributions or population of individual Member States, and changes in the status of some staff members. The report also provided information on groupings of Member States, representation of developing and other countries among staff at the senior lev-

els, representation of women and recruitment activities.

Between 1 July 1996 and 30 June 1997, 93 appointments were made to posts subject to geographical distribution. Of those, 1 (1.1 per cent) was a national of an unrepresented Member State; 15 (16.1 per cent) were nationals of under-represented Member States; 66 (77.1 per cent) of within-range Member States; and 11 (11.8 per cent) of over-represented Member States.

Status of women in the Secretariat

The General Assembly, in **resolution 51/226, section III C**, of 3 April (see above), decided to consider, within the context of the proposed budget for the 1998-1999 biennium, the structure and source of funding for the Focal Point for Women and requested the Secretary-General to make proposals for ensuring that the appropriate level of resources was commensurate with its mandate. It further requested him to take measures to allow the mandate of the Focal Point to be fulfilled. In addition, the Assembly requested the Secretary-General to continue to create a gender-sensitive work environment and to develop a family leave programme for UN staff.

In a 26 February report [E/CN.6/1997/7] to the Commission on the Status of Women (see PART THREE, Chapter X), the Secretary-General provided statistics and described developments that had taken place. He said that, in spite of the recruitment freeze, the percentage of women in posts subject to geographical distribution had made a slight gain. Since assuming office as Secretary-General, he had stated his commitment to the mainstreaming of a gender perspective in all policies and programmes and had appointed a Special Adviser on Gender Issues and the Advancement of Women.

In a 30 September report [A/52/408], the Secretary-General provided statistics as at 30 June 1997 and described measures undertaken to achieve gender equality in the Secretariat. The percentage of women in posts subject to geographical distribution stood at 36.6, compared to 25.7 in 1987, an increase of 11.1 per cent. However, only 1 of the 18 Under-Secretaries-General was a woman and only 2 of the 12 Assistant Secretaries-General were female. In 1997, 20 per cent of the D-2 posts were women, compared with 19.7 per cent the previous year. At the D-1 and P-5 levels, the percentages were 22 and 33, respectively, compared with 19.3 and 27.8 in 1996.

The Secretary-General said that strategies to ensure that the gains made with regard to gender balance were preserved and strengthened continued to be implemented throughout the Secretariat. However, policies and mechanisms to trans-

late commitment into practice needed further refinement to provide managers and staff with more effective tools for achieving and monitoring the established goals. A policy to ensure the achievement of gender balance required the strengthening of three areas: recruitment and promotion, monitoring and accountability, and the retention of women. He recommended that at least 50 percent of all recruitment in the Professional category should be women in all categories of posts, irrespective of type and duration of appointment; where there was no pool of viable internal women candidates, executive searches should be undertaken for all posts at the D-1 and D-2 levels; OHRM should maintain a skill database of all staff and build a pool of women candidates for senior-level positions; and in the selection of candidates for temporary assignment to encumbered higher posts, due regard should be given to the need to broaden the experience of women staff members. The Secretary-General also recommended that heads of departments should have primary responsibility for ensuring gender balance in their departments and offices, and that they inform OHRM of every vacancy foreseen six months in advance to ensure a timely search for female candidates.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/52/637], adopted **resolution 52/96** without **vote** [agenda item 105].

Improvement of the status of women in the Secretariat

The General Assembly,

Recalling Articles 1 and 101 of the Charter of the United Nations, as well as Article 8, which provides that the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs,

Recalling also the goal, contained in the Platform for Action adopted by the Fourth World Conference on Women, of the achievement of overall gender equality, particularly at the Professional level and above, by the year 2000,

Recalling further its resolution 51/67 of 12 December 1996 and section C of its resolution 51/226 of 3 April 1997 on the status of women in the Secretariat,

Welcoming the achievement of the interim goal set in its resolution 45/125 of 14 December 1990 of a 35 per cent overall participation rate of women in posts subject to geographical distribution,

Concerned that the interim goal set in its resolution 45/239 C of 21 December 1990 of a 25 per cent participation rate of women in posts at the D-1 level and above is still far from being achieved and that the representation of women at that level remains unacceptably low,

1. Welcomes the report of the Secretary-General and the recommendations contained therein;

2. Reaffirms the goal of 50/50 gender distribution by the year 2000 in all categories of posts within the United Nations system, especially at the D-1 level and above, with full respect for the principle of equitable geographical distribution, in conformity with Article 101 of the Charter of the United Nations, and also taking into account the lack of representation or underrepresentation of women from certain countries, in particular from developing countries as well as countries with economies in transition;

3. Welcomes the personal commitment of the Secretary-General to meeting that goal and his assurance that gender balance will be given the highest priority in his continuing efforts to bring about a new management culture in the Organization;

4. Calls upon the Secretary-General to implement fully and to monitor the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) in order to achieve the goal of 50/50 gender distribution by the year 2000, especially at the D-1 level and above;

5. Encourages the Secretary-General to appoint more women as special representatives and envoys and to pursue good offices on his behalf in matters related to peacekeeping, preventive diplomacy and economic and social development, as well as to appoint more women to other high-level positions;

6. Requests the Secretary-General to ensure that individual managers are held accountable for implementing the strategic plan within their areas of responsibility;

7. Also requests the Secretary-General to continue his work to create a gender-sensitive work environment supportive of the needs of his staff, both women and men, including through the development of policies for flexible working time, workplace possibilities, family leave, childcare and elder-care needs, as well as through training, particularly at senior levels, and the implementation of all appropriate administrative procedures, in particular the special measures outlined in his report, and through further development of a policy against sexual harassment;

8. Further requests the Secretary-General to enable the Focal Point for Women in the Office of the Special Adviser on Gender Issues and Advancement of Women to effectively monitor and facilitate progress on the implementation of the strategic plan, including by ensuring access to the information required to carry out that work;

9. Strongly encourages Member States to support the efforts of the United Nations and the specialized agencies to achieve the goal of 50/50 gender distribution, especially at the D-1 level and above, by identifying and regularly submitting more women candidates and encouraging more women to apply for those positions within the Secretariat, the specialized agencies and the regional commissions;

10. Requests the Secretary-General to report on the implementation of the present resolution, including by providing statistics on the number and percentage of women in all organizational units and at all levels throughout the United Nations system, to the Commission on the Status of Women at its forty-second session and to the General Assembly at its fifty-third session.

Multilingualism

The Secretary-General, in response to General Assembly resolution 50/11 [YUN 1995, p. 1416], submitted a 6 November report [A/52/577] on efforts to promote multilingualism in the Secretariat. He said that he was committed to promoting the learning by staff of all official and working languages of the Secretariat and to ensuring adequate human and financial resources for doing so. He described the language training opportunities provided at Headquarters and all duty stations and the monetary incentives offered to staff to encourage the learning and use of official languages. The Secretary-General stated that the national competitive examination could be taken in either of the two working languages (English and French) and, for certain posts, specific language requirements were included as a job specification in the vacancy announcement. Linguistic proficiency was also one of the criteria used in the selection, assignment or promotion of staff. The end of the freeze of vacant posts in April had allowed management to resume the recruitment of translators. A programme was also in place for the further training of translators after recruitment, and translators were given the opportunity throughout their careers to expand or improve their language skills. The Secretariat also applied strictly the simultaneous distribution of documents in all official languages, including the electronic versions, which became accessible at the same time in all languages immediately following the release of their hard-copy equivalents. Interpretation services and conference facilities were accorded to regional and other groupings on an "as available" basis. Interpretation service was also provided on the same basis for other informal meetings, such as briefings for delegations and bodies. Meanwhile, the Dag Hammarskjöld Library continued to recognize and respond to the need for an equitable representation of and access to information in all the official languages of the Organization. The promotion of multilingualism remained an organizational imperative.

GENERAL ASSEMBLY ACTION

On 25 November [meeting 55], the General Assembly adopted **resolution 52/23** [draft: A/52/L.35 & Add.1] without vote [agenda item 23].

Multilingualism

The General Assembly,
Recalling its resolution 50/11 of 2 November 1995 on multilingualism,

1. Takes note of the report of the Secretary-General;
2. Requests the Secretary-General to submit to it at its fifty-fourth session a comprehensive report on the implementation of resolution 50/11;

3. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Multilingualism".

On 22 December, the Assembly, in **resolution 52/220**, requested the Secretary-General to deploy all necessary human and financial resources to maintain the teaching at all levels of the official and working languages of the Secretariat and to maintain the training of the Organization's translators and revisers.

Staff rules and regulations

In November [A/52/574], the Secretary-General submitted to the General Assembly amendments to the Staff Rules under the 100 series, amending the mobility and hardship allowance to reflect the terms of resolution 51/216 [YUN 1996, p. 1318], which set a five-year limit on payment of the non-removal element at one duty station, with a possible extension of two years in exceptional circumstances. Another amendment dealt with special leave requested by staff members and sick leave modifications. Maternity leave was also revised.

Amendments to rules in the 200 series concerned the mobility and hardship allowance and special leave without pay on the death of a family member or in time of serious family emergency. Other amendments related to the cancellation of the group life insurance plan effective 1 February 1998 to ensure that staff in the 200 series participated in the same scheme as those serving under the 100 series; revised medical care entitlements to conform to existing terms for staff in the 100 series; and changes in special and maternity leave to apply the amendments enumerated above to staff in the 200 series.

The General Assembly, in **resolution 52/219, section IV**, took note of the amendments to the 100 and 200 series of the Staff Rules.

Code of Conduct

In his proposals for United Nations reform announced in January (see PART FIVE, Chapter I), the Secretary-General said that the commitment to excellence from managers and staff included adherence to the highest standards of conduct. In that regard, he announced that a draft Code of Conduct had been completed and was to be reviewed by staff representatives before submission to the General Assembly.

In October, the Secretary-General submitted to the Assembly his proposals for implementing the UN Code of Conduct [A/52/488] through revisions to article I of the Staff Regulations and the related changes he intended to make to chapter I of the Staff Rules. The provisions contained in

those Regulations and Rules would govern the conduct and performance of staff, ensure their accountability, set forth in concrete terms their rights and obligations, and would apply to all UN staff members without exception.

The Code of Conduct was divided in four parts. The first reiterated provisions from the Charter and the 1946 Convention on Privileges and Immunities of the United Nations, contained in Assembly resolution 22 A (I) [YUN 1946-47, p. 100]; the second dealt with the status of UN staff; the third dealt with the core values expected from international civil servants and set out the basic rights and obligations of staff; and the fourth dealt with expected performance to ensure that staff were accountable for their performance and provided that learning and development programmes would be made available to staff.

The Assembly, in **resolution 52/12 B** of 19 December, noted that the Secretary-General had submitted the draft Code of Conduct for United Nations Staff and agreed to expedite its consideration.

Privileges and immunities

In 1997, the issue of privileges and immunities of UN personnel, including attacks on them in peacekeeping and humanitarian operations, was considered by the General Assembly, the Security Council and the Economic and Social Council. In his report on the work of the Organization [A/52/1], the Secretary-General drew the attention of Member States to growing threats to the security of UN staff. He said that events over the past five years had exposed UN staff to an exponential increase in risks and deliberate violence. Since 1 September 1996, 21 civilian staff members had lost their lives in the performance of their duties. Hostage-taking continued to be a threat, while those detained or missing were of equal concern as well as those who had been attacked, harassed, injured, beaten or raped. Adequate funds had to be found for measures to ensure the safety of UN personnel.

SECURITY COUNCIL ACTION

On 12 March [meeting 3750], the Security Council met to consider the issue of attacks on UN personnel. Following consultations among its members, the President made the following statement [S/PRST/1997/13] on behalf of the Council:

The Security Council recalls its resolution 868(1993) and expresses its grave concern at the recent increase in attacks and the use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations, includ-

ing murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts. The Council is also gravely concerned at attacks on and violations of United Nations premises. The Council is concerned that these attacks and the use of force have in some instances been carried out by certain groups with the deliberate goal of disrupting negotiating processes and international peacekeeping activities and hampering humanitarian access.

The Council reiterates its condemnation of such acts. It emphasizes the unacceptability of any acts endangering the safety and security of United Nations and associated personnel, as well as personnel of international humanitarian organizations. The Council urges all Member States and others concerned to prevent and bring to an end all such acts. It stresses that the perpetrators of such acts bear responsibility for their actions and should be prosecuted.

The Council reaffirms the importance of ensuring the safety and security of United Nations and associated personnel as well as the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations. In this context, it emphasizes that the host country and others concerned must take all appropriate steps to ensure the safety and security of United Nations personnel and premises. It reiterates that the cooperation of all Member States and others concerned is indispensable for the mandates of United Nations operations to be carried out and demands that they respect fully the status of United Nations and associated personnel.

The Council supports all efforts effectively to promote and protect the safety and security of United Nations and associated personnel. In this context, the Council recalls the Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly on 9 December 1994.

The Council pays tribute to all military, police and civilian staff of the United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations, for their courageous efforts to achieve peace and to alleviate the suffering of the people living in conflict areas.

In a statement of 19 June [S/PRST/1997/34], the Council called on parties to the Convention on the Safety of United Nations and Associated Personnel, adopted in Assembly resolution 49/59 [YUN 1994, p. 1289], to ensure the safety and security of UN personnel as well as personnel of humanitarian organizations and encouraged States to consider ways to strengthen their protection.

GENERAL ASSEMBLY ACTION

At its resumed fifty-first session, the General Assembly considered the 1996 report [YUN 1996, p. 1332] of ACC on privileges and immunities of UN officials and their security and safety for the period 1 July 1995 to 30 June 1996.

On 3 April [meeting 95], the Assembly, on the recommendation of the Fifth Committee [A/51/

643/Add.2], adopted **resolution 51/227** without vote [agenda item 120].

Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations

The General Assembly,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Also recalling that, under Article 100 of the Charter, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Further recalling the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative owing to the growing number of assignments entrusted by Member States to the organizations of the United Nations system,

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Mindful of the responsibility of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the immediate provision by Member States of adequate information concerning the arrest and detention of staff members and, more particularly, of their granting access to them,

Bearing in mind the responsibility of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

Recalling the relevant conventions and also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel, and its resolution 51/137 of 13 December 1996,

1. Takes note of the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations, as well as their security and safety, and of the statement made to the Fifth Committee by the United Nations Security Coordinator on 15 October 1996;

2. Expresses its deep appreciation to United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff, for their efforts to contribute to achieving peace and security and to alleviating the suffering of the people living in areas of conflict;

3. Deplores the risks confronting United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations as well as their security and safety;

5. Also requests the Secretary-General to pay special attention to Member States' restrictions, which may impede the ability of officials of the United Nations and the specialized agencies and related organizations to carry out their functions, and to report thereon to the General Assembly at its fifty-third session.

ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, by **decision 1997/247** of 22 July, took note of resolution 1997/25 of 11 April of the Commission on Human Rights (see PART TWO, Chapter II) and endorsed its request to the Secretary-General to report to the General Assembly on the situation of United Nations and other personnel who were imprisoned, missing or held in a country against their will, on new cases that had been successfully settled and on the implementation of measures referred to in the Commission's resolution. He was also asked to commission a study on the safety and security problems faced by UN personnel.

Reports of Secretary-General. In response to the Assembly's request, the Secretary-General submitted a 24 September report [A/C.5/52/2] on behalf of and with the approval of ACC containing updated information about respect for the privileges and immunities of officials, as well as their security and safety, for the period 1 July 1996 to 30 June 1997. The Secretary-General said that 22 civilian staff members of different UN organizations and agencies had lost their lives in the performance of their duties during the period, while others were subject to attack, injury, abuse, harassment and rape. In view of the deteriorating security situation, it had become necessary to relocate and even evacuate dependants and/or staff from Burundi, the Central African Republic, all locations in the former Zaïre

(Democratic Republic of the Congo), the Republic of the Congo, Sierra Leone and Tajikistan. To further improve staff security and security management in the field, the UN Security Coordinator convened an ad hoc inter-agency meeting on security (Rome, 6-8 May) to review the security measures that continued to be of concern (see PART FIVE, Chapter IV). The arrest and detention of staff members continued to be a major issue throughout the reporting period, particularly in Rwanda where numerous locally recruited staff members continued to be detained. Arrests and detentions of staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East had declined.

The report also discussed the issue of taxation of UN officials by host countries and restrictions on their local travel.

The Secretary-General, responding to Economic and Social Council **decision 1997/247**, submitted a 30 October report [A/52/548 & Corr.1] on the situation of UN personnel and their families. There were still 98 unresolved cases of staff members detained, imprisoned, missing or presumed dead. One staff member, held hostage in Indonesia since January 1996, was released in May of that year. Since 1992, 131 UN staff members had died while performing their duties, 68 of whom died of gunshot wounds although no one had yet been indicted or brought to trial. From 1 January to 1 March 1997, there were nine fatal casualties. Between January 1994 and 11 March 1997, 35 abductions and hostage-takings took place.

GENERAL ASSEMBLY ACTION

On 12 December [meeting 70], the General Assembly, on the recommendation of the Third Committee [A/52/644/Add.2], adopted resolution **52/126** without vote [agenda item 112 (b)].

Protection of United Nations personnel

The General Assembly,

Recalling its resolutions 51/137 of 13 December 1996 and 51/227 of 3 April 1997, and taking note of Commission on Human Rights resolution 1997/25 of 11 April 1997,

Mindful that, owing to the growing number of assignments entrusted to the United Nations system by Member States, special attention for the safety and security of United Nations and other personnel acting under the authority of United Nations operations is required,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, and, in that context, welcoming the statement by

the President of the Security Council on 12 March 1997 on the security of United Nations operations,

Guided by the relevant principles on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel,

Noting that since its adoption on 9 December 1994, only forty-three Member States have signed the Convention on the Safety of United Nations and Associated Personnel and only fourteen have ratified it,

1. Takes note with appreciation of the report of the Secretary-General on the situation of United Nations personnel and their families and of the developments indicated therein;

2. Urges all States:

(a) To respect and ensure respect for the human rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel, as well as the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

(b) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant above-mentioned conventions and applicable international humanitarian law;

3. Calls upon all States:

(a) To consider becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate and unconditional access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization concerned to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

4. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to ensure, when those human rights, privileges and immunities are violated, that such personnel are restored to their organization and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To consider ways and means, until the Convention on the Safety of United Nations and Associated

Personnel has entered into force, to strengthen the protection of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(c) To take the necessary measures, falling within his responsibilities, to ensure that security matters are an integrated part of the planning for an operation and that such precautions extend to all United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(d) To take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed and suitably trained so as to enhance their security and effectiveness in accomplishing their functions;

(e) To take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the scope of that mandate and the standards, including those contained in relevant domestic and international law, they are required to meet;

(f) To make available to the Commission on Human Rights at its fifty-fourth session the independent study that was requested at its fifty-third session on the safety and security problems faced by United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(g) To submit to the General Assembly at its fifty-third session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on cases that have been successfully settled and on the implementation of the measures referred to in the present resolution.

On 16 December [meeting 73], the Assembly adopted resolution **52/167** [draft: A/52/L.45/Rev.1] without vote [agenda item 20].

Safety and security of humanitarian personnel

The General Assembly,

Reaffirming its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations,

Deeply concerned by the growing number of complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in the last few years, which have dramatically increased the loss of human lives, suffering of victims, flows of refugees and internally displaced persons, as well as material destruction, which disrupt the development efforts of countries affected, particularly those of developing countries,

Conscious of the need for the international community to assist and protect the affected civilian popula-

tion, including refugees and internally displaced persons, in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations,

Conscious also of the great importance of humanitarian and other recovery and rehabilitation assistance in post-conflict situations, the voluntary return and reintegration of refugees and internally displaced persons, the return to civilian life of former combatants and the re-establishment of respect for human rights, the need to ensure a smooth transition from relief to rehabilitation and the promotion of economic and social development,

Taking note of the statement by the President of the Security Council of 19 June 1997, and the views expressed during the open debate at the 3778th meeting of the Security Council on 21 May 1997, on protection for humanitarian assistance to refugees and others in conflict situations,

Noting the role that a permanent international criminal court could play in bringing to justice those responsible for serious violations of international humanitarian law, and commending in this respect resolution 51/207 of 17 December 1996 on the establishment of a permanent international criminal court,

Aware that humanitarian operations are generally implemented through close cooperation among Governments and the United Nations, its agencies, other international organizations and non-governmental organizations,

Commending the courage of those who take part in humanitarian operations, often at great personal risk,

Deploping the rising toll of casualties among humanitarian personnel in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, as well as the physical violence and harassment to which those participating in humanitarian operations are too frequently exposed,

1. Strongly stresses the urgent need to ensure respect for and promotion of principles and norms of international humanitarian law, including those related to the safety and security of humanitarian personnel, both international and local;

2. Strongly condemns any act or failure to act which obstructs or prevents humanitarian personnel from discharging their humanitarian functions, or which entails their being subjected to threats, the use of force or physical attack frequently resulting in injury or death;

3. Calls upon all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, in countries where humanitarian personnel are operating, in conformity with the relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

4. Calls upon all Governments and parties in countries where humanitarian personnel are operating to take all possible measures to ensure that the lives and well-being of humanitarian personnel are respected and protected;

5. Reaffirms the necessity for all humanitarian personnel to respect the national laws of the countries in which they are operating;

6. Urges all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and to take all appropriate measures, in accordance with international law and national legislation, to ensure that the perpetrators of such acts are prosecuted;

7. Welcomes the opportunity to discuss the respect for and security of humanitarian personnel at the First Periodical Meeting on International Humanitarian Law, to be held at Geneva in January 1998, and invites all States parties to the Geneva Conventions of 12 August 1949 to take an active part in that meeting;

8. Encourages all States to become parties to and to fully respect the provisions of the relevant international instruments, including the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,

9. Requests the Secretary-General to present a report to the General Assembly at its fifty-third session on the safety and security situation of all humanitarian personnel and measures to be taken to improve it, taking into account the views of Governments, the Inter-Agency Standing Committee, other relevant humanitarian actors, as well as the United Nations Security Coordinator.

Travel-related matters

At the resumed fifty-first session, the Fifth Committee had before it the 1992 [YUN 1992, p. 1075] and 1993 [YUN 1993, p. 1237] reports of the Secretary-General on the review of the travel and related entitlements for members of organs, subsidiary organs and staff members of the United Nations; the 1992 report of the Secretary-General on the granting of travel assistance to least developed and other developing countries that were members of the United Nations Commission on International Trade Law [YUN 1992, p. 1075]; the 1995 report of the Secretary-General on lump-sum options for travel by air in lieu of provision by the Organization of travel tickets and related entitlements on home leave, education grant and family visits [YUN 1995, p. 1421]; two 1996 reports of the Secretary-General on standards of accommodation for air travel [YUN 1996, p. 1339]; and the 1995 JIU report on efficiency and travel cost [YUN 1995, p. 1422], together with related comments of the Secretary-General and those of ACC and ACABQ [YUN 1996, p. 1339].

GENERAL ASSEMBLY ACTION

On 3 April [meeting 95], the General Assembly, on the recommendation of the Fifth Committee [A/51/750/Add.1], adopted **decision 51/465** without vote [agenda item 116].

Travel and related expenses

At its 95th plenary meeting, on 3 April 1997, the General Assembly, on the recommendation of the Fifth Committee:

(a) Took note of the reports of the Secretary-General on standards of travel and other entitlements and the related reports of the Advisory Committee on Administrative and Budgetary Questions;

(b) Took note also of the report of the Joint Inspection Unit, as well as the comments of the Secretary-General and the Administrative Committee on Coordination thereon;

(c) Requested the International Civil Service Commission to review, at the earliest opportunity, taking into account the relevant reports of the Advisory Committee and the Joint Inspection Unit, the question of travel entitlements of staff of the United Nations common system and to report thereon to the General Assembly during the next part of its resumed fifty-first session.

In response to the Assembly's request, ICSC reviewed the travel entitlements of staff of the UN common system. It considered the continuing need for certain travel allowances and policies, in particular the rule permitting business class travel if scheduled flying time exceeded a certain number of hours, stopovers and rest periods, and the supplemental daily assistance allowance. It also examined whether the lump-sum option for home leave was reasonable.

The Commission reported to the Assembly that, because of the diverse mandates and different travel programmes and requirements of the organizations, it was neither desirable nor feasible to impose a uniform approach. Travel policy should be left to the legislative/governing bodies and heads of individual organizations. However, broad guidance could be provided to ensure greater uniformity of travel standards. In that regard, ICSC considered that for flights of six or more hours it was reasonable to consider upgrading from economy to business class; the duration of flight should be defined as the scheduled flying time, including refueling stops or the time required to change planes; and the practice regarding stopovers for journeys of 10 (or 12) hours should be discontinued on the understanding that staff members would be allowed a rest stop of no less than 24 hours upon reaching their destination. The Commission decided to resume consideration of issues related to the daily subsistence allowance, travel and home leave and family visits at a later date.

The Assembly, in **resolution 52/216** of 22 December (see above), noted the observations of ICSC and invited it to continue to consider the question.

UN Joint Staff Pension Fund

During 1997, the number of participants in the United Nations Joint Staff Pension Fund (UNJSPF) decreased from 67,997 to 67,740, or by 0.037 per cent; the number of periodic benefits in award increased from 41,433 to 43,149, or by 4.1 per cent. On 31 December, the breakdown of the periodic benefits in award was as follows: 13,803 retirement benefits, 8,587 early retirement benefits, 6,338 deferred retirement benefits, 6,214 widows' and widowers' benefits, 7,391 children's benefits, 768 disability benefits and 48 secondary dependants' benefits. In the course of the year, 5,962 lump-sum withdrawal and other settlements were made.

The Fund was administered by the 33-member United Nations Joint Staff Pension Board, which did not meet in 1997 due to the biennialization of the work of the Fifth Committee. Instead, its Standing Committee met on behalf of the Pension Board (New York, 30 June-2 July) and issued a report [A/52/278] on a number of matters related to the administration and operation of the Fund, revised budget estimates for the 1996-1997 biennium, budget estimates for the 1998-1999 biennium and the authorization for contributions to the Emergency Fund.

ACABQ, on 23 October [A/52/519], submitted its comments on the Standing Committee's report. It recommended that the appropriations for the Fund's administrative expenses be approved in the amounts of \$45,426,800 for 1996-1997 and \$50,069,500 for 1998-1999. The Emergency Fund for the 1998-1999 biennium would amount to \$200,000. The General Assembly acted on those recommendations in December (see below).

Pension Fund investments

The market value of UNJSPF assets as at 31 December was \$18,526 million, an increase of \$1,613 million over the previous year. The total investment return for the year was 10 per cent, which, after adjusting for inflation, represented a "real" rate of return of 8.1 per cent. Investment income from interest and dividends amounted to \$618 million in 1997. New funds that became available for investment (contributions plus investment income, less benefit payments and administrative expenses) totalled \$857 million. The Fund's investment income during the biennium amounted to \$1,655,924,487, comprising \$1,227,887,984 in interest and dividends and \$428,036,503 in net profit on sales of investments. After deduction of investment management costs amounting to \$29,883,419, net investment income was \$1,626,041,068.

The Fund remained one of the most diversified pension funds in the world, with a portion of its assets exposed to currencies other than the United States dollar, which was the Fund's unit of account.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/744], adopted **resolution 52/222, section V**, without vote [agenda item 116].

Administrative Expenses of the United Nations Joint Staff Pension Fund

[The General Assembly . . .]

Having considered the report of the Standing Committee of the United Nations Joint Staff Pension Board to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. Concurs with the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the administrative expenses of the United Nations Joint Staff Pension Fund;

2. Approves expenses, chargeable directly to the Fund, totalling 50,069,500 dollars net for the biennium 1998-1999 and an increase in expenses of 4,031,300 dollars net for the biennium 1996-1997, for the administration of the Fund;

3. Also approves an addition to the regular budget of the United Nations for the biennium 1998-1999 in the amount of 2,224,900 dollars for the United Nations share of mainframe computer services utilized by the Fund and an amount of 108,600 dollars to be added to the United Nations share of the costs of external audit of the Fund;

4. Authorizes the United Nations Joint Staff Pension Board to supplement the voluntary contributions to the Emergency Fund for the biennium 1998-1999 by an amount not exceeding 73,000 dollars, so that the resources available to the Emergency Fund for the biennium 1998-1999 would amount to 200,000 dollars after taking into account a voluntary contribution received by the Fund as a bequest from a retired participant;

Admission of the International Seabed Authority

The General Assembly, by **decision 52/402** of 24 November, agreed to an 18 September request [A/52/233 & Add.1] of Jamaica, later joined by Guyana, to include the item on the admission of the International Seabed Authority to membership of UNJSPF in the agenda of the Assembly.

Jamaica, in an explanatory memorandum, recalled that the International Seabed Authority, with headquarters in Jamaica, was an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea [YUN 1982, p. 178]. In 1996, the Assembly of the Authority had decided that it

would be in its own interest to join UNJSPF and had requested its Secretary-General to apply for membership. The Standing Committee of the UNJSPF Board had also agreed to recommend its admission with effect from 1 January 1998.

On 22 December, the Assembly, by **decision 52/458**, approved the admission of the International Seabed Authority to membership in UNJSPF, in accordance with Article 3 of the Regulations of the Fund, with effect from 1 January 1998.

Administration of justice

In its annual note [A/INF/52/5] to the General Assembly, the United Nations Administrative Tribunal reported that it had delivered 60 judgments during the year. They related to cases brought by staff against the Secretary-General or the executive heads of other UN bodies to resolve disputes involving terms of appointment and related issues and regulations.

The Tribunal met in plenary in New York on 24 November and held two panel sessions (Geneva, 30 June-1 August; New York, 27 October-26 November).

Reform of the internal justice system

The Secretary-General, in a 9 September note [A/52/142], requested that the item "Amendment to article 13 of the statute of the United Nations Administrative Tribunal" be included in the provisional agenda of the fifty-second session of the General Assembly. In an explanatory memorandum of 17 September [A/52/142/Add.1], the Secretary-General informed the Assembly that he had received a letter from the President of the International Court of Justice (ICJ), which stated that, in the Court's review of the existing appeals system, it had been noted that in Assembly resolution 50/54 [YUN 1995, p. 1422] the procedure for ICJ review of Administrative Tribunal judgments had been abolished.

When ICJ decided to modify the appeals system currently available to the staff of its Registry to permit them to appeal to the Administrative Tribunal, it had adopted an amendment to article 11 of the Staff Regulations for the Registry. As the statute of the Tribunal did not provide for the exercise of its competence in respect of the staff of the Registry, the amendment was subject to modification by the Assembly. Therefore, an amendment to article 11 of the Tribunal's statute was submitted to the Assembly for its approval.

On a second issue, the Secretary-General pointed out that the competence of the Administrative Tribunal in UNJSPF cases was not reflected in the statute of the Tribunal even though the

competence was approved by the General Assembly in resolution 955(X) [YUN 1955, p. 369] and appeared as a provision in the Pension Fund Regulations. An amendment to article 13 of the Tribunal's statute would bring the statute into conformity with an earlier Assembly decision urging the Tribunal's jurisdiction in UNJSPF cases.

On a third matter, the United Nations had recently finalized relationship agreements with a number of international organizations and entities that had expressed interest in an arrangement allowing extension of the competence of the UN Administrative Tribunal to their staff. As the Administrative Tribunal of the International Labour Organization did have such competence, the Secretary-General felt that it would be useful to amend article 13 of the statute of the UN Administrative Tribunal to allow for similar jurisdiction.

GENERAL ASSEMBLY ACTION

On 17 and 18 September [meetings 1 & 2], the General Committee decided to include in the agenda the item "Amendment to article 13 of the statute of the United Nations Administrative Tribunal".

On 15 December, [meeting 72], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/52/654], adopted **resolution 52/166** without vote [agenda item 155].

Amendment to article 13 of the statute of the United Nations Administrative Tribunal

The General Assembly,

Having considered the note by the Secretary-General dated 17 September 1997 entitled "Amendment to article 13 of the statute of the United Nations Administrative Tribunal",

Noting the proposal of the International Court of Justice referred to in that note that the statute of the Tribunal should be modified to provide for the exercise of its competence in respect of the staff of the Registry of the International Court of Justice,

Recognizing that the competence of the Tribunal in United Nations Joint Staff Pension Fund cases, as approved by the General Assembly in resolution 955(X) of 3 November 1955, is not reflected in the statute of the Tribunal,

Noting the proposal of the Secretary-General, set out in the note, to amend the statute of the Tribunal by providing that its competence may be extended to international organizations and entities participating in the common system of conditions of service,

Desiring to amend the statute of the Tribunal in accordance with the proposals referred to in the note by the Secretary-General,

Convinced of the desirability of reviewing more generally the provisions of the statute of the Tribunal at an early date,

1. Decides to amend article 13 of the statute of the United Nations Administrative Tribunal, with effect from 1 January 1998, as follows:

(a) The following new paragraphs shall be added as paragraphs 1, 2 and 4:

"1. The competence of the Tribunal shall be extended to the staff of the Registry of the International Court of Justice upon the exchange of letters between the President of the Court and the Secretary-General of the United Nations establishing the relevant conditions.

"2. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund arising out of the decision of the United Nations Joint Staff Pension Board submitted to the Tribunal by:

"(a) Any staff member of a member organization of the Pension Fund which has accepted the jurisdiction of the Tribunal in Pension Fund cases who is eligible under article 21 of the regulations of the Fund as a participant in the Fund, even if his employment has ceased, and any person who has acceded to such staff member's rights upon his death;

"(b) Any other person who can show that he is entitled to rights under the regulations of the Pen-

sion Fund by virtue of the participation in the Fund of a staff member of such member organization.

"4. The competence of the Tribunal may also be extended, with the approval of the General Assembly, to any other international organization or entity established by a treaty and participating in the common system of conditions of service, upon the terms set out in a special agreement between the organization or entity concerned and the Secretary-General of the United Nations. Each such special agreement shall provide that the organization or entity concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization or entity and shall include, inter alia, provisions concerning its participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.";

(b) The text of former article 13 shall become paragraph 3 of amended article 13;

2. Also decides to include in the provisional agenda of its fifty-third session an item entitled "Review of the statute of the Administrative Tribunal of the United Nations".

Chapter IV

Institutional and administrative matters

During 1997, the United Nations continued to review a number of institutional and administrative matters. The General Assembly held its fifty-second session and its resumed fifty-first session. It also convened its tenth emergency special and nineteenth special sessions. The Assembly granted observer status to the Andean Community.

During the year, the Security Council held 117 formal meetings to deal with regional conflicts, peacekeeping operations and a wide variety of other issues related to the maintenance of international peace and security.

The Economic and Social Council held its 1997 organizational session in January, February and May, and its substantive session in June, July, October and December, adopting resolutions on a wide range of economic, social and related issues. It also granted consultative status to a number of non-governmental organizations.

Other UN bodies concerned with administrative and coordination matters included the Administrative Committee on Coordination, the Committee for Programme and Coordination and the Joint Inspection Unit.

The Committee on Conferences examined requests for changes to the calendar of conferences and meetings for 1997. It recommended measures to improve the utilization of conference-servicing resources, including the introduction of new technologies, and to limit and control documentation, particularly in the light of the UN reform process. In the area of information systems and telecommunications, the Economic and Social Council adopted a resolution on the need to harmonize and improve UN informatics systems. Progress was reported in the implementation of the Integrated Management Information System.

Institutional machinery

General Assembly

The General Assembly met throughout 1997; it concluded its fifty-first session and held the major part of its fifty-second session. The fifty-

first session was resumed in plenary meetings on 12, 13 and 27 March, 3, 18 and 25 April, 20-22 May, 13, 17 and 20 June, 16 and 31 July, 4 August and 15 September. The fifty-second session opened on 16 September and continued until its suspension on 22 December. The tenth special session was convened on 24 April and resumed in July and November to discuss the item "Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory" (see PART ONE, Chapter VI). The nineteenth special session, convened for an overall review and appraisal of Agenda 21, was held from 23 to 28 June (see PART THREE, Chapter I).

Organization of Assembly sessions

Reform measures

The General Assembly, in **resolution 51/241** of 31 July on the strengthening of the UN system (see PART FIVE, Chapter I), decided on a number of issues relating to its work, including the timing of its plenary meetings; the general debate; time limits for statements outside the general debate; the agenda; organization of work; the General Committee; subordinate machinery; and the role of the General Assembly President.

In related action, the Assembly, in **resolution 52/220** of 22 December, decided to undertake during its resumed fifty-second (1998) session a thorough review of the working methods of the Fifth (Administration and Budgetary) Committee, with a view to rationalizing them and initiating efficiency measures that might enable the Committee to accomplish its tasks on time without resorting to extra meetings at night and on weekends.

Rules of procedure

On 15 December [meeting 72], the General Assembly, on the recommendation of the Sixth (Legal) Committee [A/52/652], adopted **resolution 52/163** without vote [agenda item 151].

Amendment to rule 103 of the rules of procedure of the General Assembly

The General Assembly,
Recalling its resolution 2837(XXVI) of 17 December 1971, in particular paragraph 42 of annex II thereto, entitled "Conclusions of the Special Committee on the

Rationalization of the Procedures and Organization of the General Assembly", which has been reproduced as annex V to the rules of procedure of the General Assembly,

Taking into account the increasing workload of the Main Committees of the General Assembly,

Considering that all regional groups should be represented in the Bureau of each of the Main Committees,

1. Decides to amend the first sentence of rule 103 of the rules of procedure of the General Assembly to read: "Each Main Committee shall elect a Chairman, three Vice-Chairmen and a Rapporteur";

2. Also decides that this amendment shall take effect as from the fifty-third session of the General Assembly.

7997 sessions

On 19 September, by **decision 52/401**, the General Assembly, on the recommendation of the General Committee [A/52/250], adopted a number of provisions concerning the organization of the fifty-second session.

The Committee's recommendations concerned rationalization of work; closing date of the session; schedule of meetings; the general debate; explanations of vote, right of reply, points of order and length of statements; records of meetings; concluding statements; resolutions; documentation; questions related to the programme budget; special conference; observances and commemorative meetings; and meetings of subsidiary organs. The Committee also made observations on the organization of future sessions of the Assembly and recommendations concerning the agenda. It was informed that, during its fiftieth session, the Assembly had held 28 meetings between February and September 1996, which was more than a quarter of the total of 100 plenary meetings held between September and December 1995. In 1997, there was a slight improvement, as the Assembly had held 17 plenary meetings between January and September, excluding plenary meetings of the tenth emergency special session (5 meetings) and the nineteenth special session (11 meetings). With the exception of the meetings of the nineteenth special session, those meetings were not envisaged in the calendar of meetings and therefore ad hoc arrangements were required to provide adequate secretariat services, at the expense of other requirements.

By **decision 52/403 A** of 16 September, the Assembly authorized the Executive Board of the United Nations Development Programme and of the United Nations Population Fund to meet until 19 September. By **decision 52/403 B** of 19 September, it authorized the Committee for Programme and Coordination, the Committee on Conferences, the Committee on Relations with the Host Country, the Committee on the Exercise

of the Inalienable Rights of the Palestinian People and the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to meet during the main part of its fifty-second session. On 7 October, the Assembly, by **decision 52/403 C**, authorized the Committee on Information to meet in New York during the main part of its fifty-second session. On 24 November, the Assembly, by **decision 52/403 D**, granted similar authorization to the High-level Open-ended Working Group on the Financial Situation of the United Nations and the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

Credentials

The Credentials Committee, at its meetings on 17 and 19 September and 5 December [A/52/719], examined the credentials of Cambodia and Afghanistan. The Committee reported that it had received separate sets of credentials presenting two delegations to represent Cambodia at the fifty-second session: one signed by King Norodom Sihanouk, presenting a delegation headed by Unq Hout, who was identified as "First Prime Minister of Foreign Affairs and International Cooperation"; and the other addressed to the Secretary-General by Prince Norodom Ranariddh, presenting a delegation headed by the Prince, who was identified as "First Prime Minister of the Kingdom of Cambodia". On 19 September, the Committee decided to defer a decision on the credentials of Cambodia on the understanding that no one would occupy the seat of that country at the fifty-second session.

Concerning Afghanistan, two sets of credentials were received: a communication signed by Professor Burhan-u-ddin Rabbani, "President of the Islamic State of Afghanistan", presenting a delegation whose head was identified as "Permanent Representative"; and the other signed by Alhaj Mulia Mohammad Rabbani, "Head of the Government of the Islamic State of Afghanistan", presenting a delegation whose head was identified as "Designate Permanent Representative". The Committee deferred a decision on the credentials of the representatives of Afghanistan on the understanding that the current representatives accredited to the United Nations would continue to participate in the work of the Assembly.

On 5 December, the Committee had before it a memorandum by the Secretary-General indicating that, as at 5 December, 144 Member States had submitted formal credentials of their repre-

sentatives. Information concerning representatives of 39 other Member States had been communicated by means of cable, facsimile, letter or note verbale.

The Committee adopted a resolution accepting the credentials received and recommended to the Assembly a draft resolution for adoption. On 18 December, the Assembly, by **resolution 52/178**, approved the report of the Credentials Committee.

Agenda

At its resumed fifty-first session, the General Assembly took a number of actions relating to its agenda, which were listed in **decision 51/402 B**. On 31 January, on the proposal of the Secretary-General, the Assembly included in its agenda an item on financing the Military Observer Group of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala. At the same meeting, the Assembly, also on a proposal of the Secretary-General, reopened consideration of the sub-item on the appointment of members of the Advisory Committee on Administrative and Budgetary Questions (ACABQ).

On 27 March, the Assembly, on a proposal of the Secretary-General, included in its agenda an additional item on the election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. It also reopened consideration of the sub-item on the appointment of members of the Committee on Contributions.

Similarly, on 18 April, the Assembly reopened consideration of the sub-items on the appointment of ACABQ members and of members of the International Civil Service Commission; and on the special session for the purpose of an overall review and appraisal of the implementation of Agenda 21.

On 21 May, the Assembly, on the recommendation of the General Committee, included in the agenda an additional item on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons. On a proposal of the Second (Economic and Financial) Committee Chairman, it reopened for consideration the sub-item on implementation of the decisions and recommendations of the United Nations Conference on Environment and Development.

The Assembly, on 17 June, on the recommendation of the General Committee, included in

the agenda an additional item on United Nations reform: measures and proposals. On 15 September, on a proposal of the Secretary-General, it reopened for consideration, the item on election of judges of the International Tribunal on the former Yugoslavia.

On 19 September, by **decision 52/402 A**, the Assembly, on the recommendation the General Committee [A/52/250], adopted the agenda [A/52/251] and the allocation of agenda items for the fifty-second session to the plenary or appropriate Main Committee [A/52/252]. The Assembly also deferred consideration of the following items: question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India; and question of East Timor. On 29 October, on the proposal of the Secretary-General, it included in its agenda an additional item on financing the United Nations Observer Mission in Angola. On 24 November, on the recommendation of the General Committee [A/52/250/Add.1], it included an item on the admission of the International Seabed Authority to membership in the United Nations Joint Staff Pension Fund.

By **decision 52/459** of 22 December, the Assembly decided to retain 62 items and sub-items for consideration during its fifty-second session.

The Assembly, on 18 December, deferred consideration of the item entitled "Implementation of the resolutions of the United Nations" (**decision 52/433**) and included it in the provisional agenda of its fifty-third session.

First Committee

The item on the rationalization of work and reform of the agenda of the First Committee was included in the agenda of the fifty-second session in accordance with General Assembly decision 50/421 [YUN 1995, p. 1428]. Following an exchange of views on the item, the Committee Chairman submitted on 12 November a draft decision, later revised [A/C.1/52/L.51/Rev.1], by which the Committee would have, as from the fifty-third (1998) session, conducted and concluded its substantive work with the most efficient use of time not exceeding five weeks, while combining the existing phases in the programme of work. The Chairman of the Committee would have conducted consultations on the subject and reported to the Assembly at its fifty-third session.

On 17 November, the Chairman withdrew the draft decision.

The Assembly, by **decision 52/416 A** of 9 December, took note of the report of the First Committee [A/52/612].

Second, Third and Fifth Committees

The Secretariat submitted the draft biennial programme of work of the Second (Economic and Financial) Committee for 1998-1999 [A/C.2/52/L.45], which the Assembly approved by decision 52/452 of 18 December.

The Secretariat also presented measures on the organization of work and the draft biennial programme of work of the Third (Social, Humanitarian and Cultural) Committee for 1998-1999 [A/C.3/52/L.77]. Those measures related to guidelines on time-limits of statements, draft resolutions on reports of treaty bodies and reports of the Secretary-General on the status of treaties, and draft proposals from subsidiary organs of the Economic and Social Council. On 12 December, by decision 52/428, the Assembly approved the organization of work of the Third Committee and its 1998-1999 programme of work.

On 22 December, the Assembly, by decision 52/457, approved the biennial programme of work [A/C.5/52/L.16] of the Fifth (Administrative and Budgetary) Committee for 1998-1999.

Security Council

In 1997, the Security Council held 117 formal meetings, adopted 54 resolutions and issued 57 presidential statements. It considered 32 agenda items (see APPENDIX IV). In September [A/52/392 & Corr.1], the Secretary-General, in accordance with Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Council, notified the General Assembly of 30 matters relative to the maintenance of international peace and security that the Council had discussed since his previous annual notification [YUN 1996, p. 1344] and listed 97 matters that the Council had not discussed since then. On 22 October, the Assembly, by decision 52/404, took note of the Secretary General's report.

Documentation

Council report to Assembly

The Security Council President, in June [S/1997/451], stated that the Council had reviewed and agreed to change the format of its annual report to the General Assembly beginning with the 1997/98 report. It would continue to be submitted in a single volume covering the period from 16 June of one year to 15 June of the next, with the draft being submitted by 30 August following the period covered by the report. For each subject dealt with by the Council, the report would include a descriptive list of the Council's decisions,

resolutions and presidential statements for the year preceding the period covered; for the period covered by the report, a description in chronological order of the Council's consideration of the matter in question and of actions taken by it on that item, including decisions, resolutions and presidential statements, and a list of communications received by the Council and reports of the Secretary-General; and factual data, including dates of formal meetings and informal consultations. The report would also include information regarding the work of the Council's subsidiary organs, including the sanctions committees; information on the documentation and working methods and procedures of the Council; matters brought to the Council's attention but not discussed; appendices, as in the current report, but also resolutions, decisions and presidential statements adopted or voted on during the year in question; and information about meetings with troop-contributing countries. Attached, as an addendum, would be brief assessments on the work of the Council by past Presidents of the Council, under their own responsibility and following consultations with Council members, for the month during which they presided and which should not be considered as representing the views of the Council. The Council would continue to consider and review ways to improve its documentation and procedure, including the provision of special reports.

The General Assembly, by decision 52/406 of 29 October, took note of the report of the Security Council for the period from 16 June 1996 to 15 June 1997 [A/52/2].

Membership

In 1997, the General Assembly continued to consider expanding the membership of the Security Council, and received the report [A/51/47 & Corr.1] of its Open-ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, established by Assembly resolution 48/26 [YUN 1993, p. 212] (see PART FIVE, Chapter I).

On 15 September, the Assembly, by **decision 51/476**, took note of the Working Group's report and decided that it should continue its work and report before the end of the Assembly's fifty-second session.

Economic and Social Council

In 1997, the Economic and Social Council held its organizational session on 23 January and 4-7 February and its resumed organizational session

on 1 and 2 May both in New York. It held its substantive session from 30 June to 25 July in Geneva and its resumed substantive session on 8 October and 16 and 18 December in New York.

On 23 January, the Council elected five members to its Bureau—the President for 1997 and four Vice-Presidents (see APPENDIX III). On the same date, it adopted the agenda of its organizational session [E/1997/2 & Add.1]. By decision 1997/201 of 7 February, it approved the provisional agenda for the 1997 substantive session.

On 30 June, the Council, by decision 1997/214, adopted the agenda of its 1997 substantive session [E/1997/100] and approved the programme of work of the session [E/1997/L.15]. On 7 and 10 July, the Council, by the same decision, approved requests by non-governmental organizations (NGOs) to be heard by the Council [E/1997/80 & Add.1,2].

(For agenda lists, see APPENDIX IV.)

Sessions and segments

During its 1997 sessions, the Economic and Social Council adopted 67 resolutions and 122 decisions. By decision 1997/204 of 7 February, the Council decided that the high-level segment of its substantive session should be held from 30 June to 2 July; that statements made during that segment should be limited to 7 minutes; and that the operational activities segment should be held from 3 to 8 July, the coordination segment from 9 to 11 July, and the general segment from 14 to 25 July. The high-level segment took place from 2 to 4 July.

The Secretariat submitted, in response to General Assembly resolution 51/211 A [YUN 1996, p. 1372], a January note [E/1997/8] on the venues of sessions of the Council's subsidiary organs. The note stated that no waiver of the rule that subsidiary bodies should meet at their headquarters had been requested for a session of a functional commission of the Council in many years. Regular sessions of the regional commissions were held away from their established headquarters on occasion, but such sessions were usually approved by the Council and the Assembly after being examined by the Committee on Conferences. The only exception to the headquarters rule was the Executive Board of the United Nations Development Programme (UNDP), which held its annual session alternately in New York and Geneva, pursuant to Assembly resolution 40/243 [YUN 1985, p. 1256]. None of the other subsidiary bodies of the Council, including its standing committees and groups of experts, had requested to meet other than at their established headquarters in recent memory. By decision 1997/206 of 7 February, the Council took note of the Secretariat's note.

The 1997 work of the Economic and Social Council was summarized in its report to the Assembly [A/52/3/Rev.1 & Add.1]. By decisions 52/429 of 12 December, 52/451 of 18 December, and 52/454 and 52/455 of 22 December, the Assembly took note of various chapters of that report.

1998 and 1999 sessions

On 24 July, by decision 1997/301, the Economic and Social Council approved the calendar of conferences and meetings for 1998 and 1999 in the economic, social and related fields [E/1997/L.18 & Add.1].

By decision 1997/302 of the same date, the Council decided to convene a two- or three-day session, immediately following its 1998 organizational session, to consider further the integrated and coordinated implementation of and follow-up to the major UN conferences and summits. At its 1998 substantive session, the Council would pay special attention to the comprehensive review of the task forces of the Administrative Committee on Coordination (see below) and to enhancing the dialogue between the Council and its subsidiary bodies, the UN funds and programmes and the organizations of the UN system, in particular within the context of the forthcoming reviews of the UN conferences. On 18 December, by decision 1997/319, the Council decided that the 1998 high-level segment would be devoted to the theme "Market access: developments since the Uruguay Round, implications, opportunities and challenges, in particular for developing countries and the least developed among them, in the context of globalization and liberalization"; that the coordination segment would be devoted to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action [YUN 1993, p. 908]; and that the operational activities segment would consider the theme "Advancement of women: implementation of the Platform for Action of the Fourth World Conference on Women [YUN 1995, p. 1170] and the role of operational activities in promoting, in particular, capacity-building and resource mobilization for enhancing the participation of women in development".

Work programme

On 7 February, the Economic and Social Council considered its basic programme of work for 1997 and 1998 [E/1997/1]. By decision 1997/202, the Council took note of the list of questions for inclusion in the programme of work for 1998.

Restructuring issues

The Economic and Social Council, by decision 1997/311 of 25 July, decided to continue consideration of General Assembly resolution 50/227 [YUN 1996, p. 1249] on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields at its 1997 and future substantive sessions. By decision 1997/310 of the same date, it took note of the summary of the review exercise of the subsidiary bodies of the Council submitted by its Vice-President. On 18 December, by decision 1997/322, the Council decided to convene informal consultations in 1998 to continue the review of its subsidiary bodies, as mandated by Assembly resolution 50/227 and subsequent resolutions (see PART FIVE, Chapter I).

Coordination, monitoring and cooperation

Institutional mechanisms

Activities of ACC

In 1997, the Administrative Committee on Coordination (ACC) continued to pursue issues related to the strengthening and reform of the UN system [E/1998/21] (see PART FIVE, Chapter I). It reported that it had given special attention to the implications for the system of the establishment within the United Nations itself, at the Secretariat level, of Executive Committees in the four core areas of peace and security, economic and social affairs, development cooperation, and humanitarian affairs, with human rights being approached as a fifth core area, as well as a cross-cutting issue. ACC agreed that inter-agency coordination and cooperation should be based on a renewed effort to elaborate common policy objectives and on the effective pooling of capabilities and resources throughout the system. A new and more comprehensive approach to the concept of security, fully encompassing its economic and social components, and a clear sense of the contribution and capacities of each organization should be the basis for rationalizing the division of labour within the system and enhancing its overall impact. Other issues identified by ACC as requiring common attention were linkages with civil society and the sharing of experience at the inter-agency level on cooperation with the private sector, managerial improvements within the UN common system, in particular in relation to existing rigidities in personnel policies and prac-

tices, and the need to ensure that new programmes were matched by adequate resources.

ACC agreed that the integrated and coordinated follow-up to international conferences and summits should be actively pursued in the broader context of UN system reform and of the system's effort to advance the global agenda in a coherent and effective way. It called on UN agencies and bodies to utilize national-level mechanisms and frameworks to support the development of national strategies and action plans, based on national priorities, for implementing conference outcomes in an integrated manner. ACC adopted a statement outlining a strategic and systematic approach to information and communication technologies and information management among UN organizations (see PART ONE, Chapter VIII). It also reviewed preparations for and follow-up to the special session of the General Assembly to review the implementation of Agenda 21 (see PART THREE, Chapter I).

ACC reviewed and coordinated preparations for the 1998 commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year Review of the Vienna Declaration and Programme of Action (see PART TWO, Chapter I). It agreed to consider establishing an inter-agency enterprise liaison service as a common clearing-house mechanism for cooperation with the business community. ACC recommended that all UN system organizations consider further issues related to accountability, representation and criteria for assessing competence, and ways to promote capacity-building of civil society groups at the national and local levels. The UN Staff College, ACC agreed, should develop specific programmes to help enhance staff capacity for working more closely with civil society.

As to peace-building in crisis situations, ACC agreed that peace-building required integrated and coordinated actions to ensure the prevention of conflict or its resolution on a lasting basis. It called for a stronger commitment by bilateral and other donors to peace-building requirements and stressed the need to harmonize resource mobilization to ensure adequate funding for immediate rehabilitation and for long-term recovery and development. It endorsed the recommendation of its Consultative Committee on Programme and Operational Questions for the elaboration of a strategic framework for response to and recovery from crisis.

ACC continued to consider African economic recovery and development as a priority concern (see PART THREE, Chapter III). It also continued to review UN system assistance to countries invoking Article 50 of the UN Charter, concerning

economic problems suffered by a State as a result of the imposition of sanctions on another State.

ACC reviewed the Graça Machel study on the situation of children affected by armed conflict [YUN 1996, p. 663] and requested that the study's relevant recommendations be integrated into activities related to the coordinated follow-up to UN global conferences, and pursued as part of peace-building, conflict-resolution and national reconciliation activities of the UN Special Initiative on Africa (see PART THREE, Chapter III). It agreed that UN system organizations should develop inter-agency guidelines for activities related to children affected by armed conflict. Regarding HIV/AIDS, ACC reviewed the work of the Joint and Co-Sponsored Programme on HIV/AIDS and called for the further strengthening of inter-agency collaboration in combating the epidemic (see PART THREE, Chapter XIII).

Other issues considered by ACC included security of UN system staff (see below), conditions of service and application of the Noblemaire principle (see PART FIVE, Chapter III) and its programme of work for 1998.

During the year, ACC held two regular sessions (Geneva, 10-11 April, and New York, 31 October). Its principal subsidiary bodies met as follows:

Organizational Committee (Geneva, 20-22 and 24 March, and New York, 2-4 September and 6 October); Consultative Committee on Administrative Questions (Personnel and General Administrative Questions) (Paris, 14-17 April, New York, 9-11 and 14 July); Consultative Committee on Administrative Questions (Financial and Budgetary Questions), eighty-sixth (Vienna, 10-14 February) and eighty-seventh (New York, 25-29 August) sessions; Consultative Committee on Programme and Operational Questions, tenth (Geneva, 3-7 March) and eleventh (New York, 26-26 September) sessions.

Bodies on specific subjects met as follows:

Information Systems Coordination Committee, fifth session (New York, 1-3 December); Joint United Nations Information Committee, twenty-third session (Turin, Italy, 1-3 July); Subcommittee on Oceans and Coastal Areas, fifth session (Washington, D.C., 7-10 January); Ad Hoc Inter-Agency Meeting on Security (Rome, 6-8 May); Subcommittee on Nutrition, twenty-fourth session (Kathmandu, Nepal, 17-21 March); Subcommittee on Statistical Activities, thirty-first session (Geneva, 16-18 September); Subcommittee on Drug Control, fifth session (Vienna, 29 September-1 October); Subcommittee on Water Resources, eighteenth session (Vienna, 1-3 October); Inter-Agency Committee on Sustainable Development, ninth (New York, 20-21 February), and tenth (Geneva, 17-18 September) meetings; and the Inter-Agency Committee on Women and Gender Equality, second session (New York, 5-6 March).

The Subcommittee on Rural Development was dissolved and successor arrangements, jointly proposed by the Food and Agricultural Organization of the United Nations and the International Fund for Agricultural Development, were constituted to cover specific and related issues.

Report for 1996

ACC's annual overview report [E/1997/54] for 1996 was considered on 11 June by the Committee for Programme and Coordination [A/52/16], which agreed that ACC should continue to strengthen its role as a policy- and action-oriented instrument for launching and monitoring joint initiatives to accomplish common policy objectives. It should focus on the strategic objectives established in the Charter, by the General Assembly and in the medium-term plans of the organizations of the system. CPC underscored the need for resource mobilization to ensure the success of the UN System-wide Special Initiative on Africa and requested that the linkages between the Special Initiative and the UN New Agenda for the Development of Africa in the 1990s be clearly brought out (see PART THREE, Chapter III). Taking note of ACC's promotion of a coordinated system-wide approach to the follow-up to major international conferences through ad hoc inter-agency task forces, CPC requested that the results of the assessment of the work of the task forces to be carried out by ACC in 1997 (see below) should be included in ACC's next annual overview report.

The Economic and Social Council, by **decision** 1997/300 of 24 July, took note of the annual overview report of ACC for 1996.

Programme coordination

In 1997, the Committee for Programme and Coordination (CPC) held an organizational meeting on 12 May and its thirty-seventh session [A/52/16] from 9 June to 3 July, all in New York.

CPC considered the impact of UN reform on the Economic Commission for Latin America and the Caribbean (see PART THREE, Chapter V). It examined the proposed programme budget for the 1998-1999 biennium, discussed in-depth evaluations of the programme on statistics and of the Department of Humanitarian Affairs and considered the triennial review of the in-depth evaluation of the UN programme on social development and the review of the United Nations Environment Programme and the administrative practices of its secretariat, including the United Nations Office at Nairobi (see PART THREE, Chapter VII). Coordination issues considered included ACC's annual report, reports of the Joint Inspection Unit, the revised System-wide Plan of Action for African Economic Recovery and De-

velopment and implementation of the UN System-wide Special Initiative on Africa (see PART THREE, Chapter III).

On 24 July, the Economic and Social Council, by **decision** 1997/300, took note of CPC's report on its thirty-seventh session.

Joint Inspection Unit

The Joint Inspection Unit (JIU), in its twenty-ninth annual report [A/52/34] to the General Assembly, gave an overview of its activities from 1 July 1996 to 30 June 1997. The report examined measures to enhance JIU's functioning, relations and cooperation with participating organizations and other oversight bodies and follow-up on JIU reports and recommendations. JIU, the Board of Auditors and the Office of Internal Oversight Services (OIOS) agreed to hold regular substantive meetings to compare their respective programmes of work to prevent potential duplication and overlapping in their oversight functions. A first meeting to discuss organizational and procedural issues was held in May. JIU and OIOS agreed that one way to facilitate the procedure for ascertaining compliance of programme managers with approved recommendations of external oversight bodies, was for OIOS to use pertinent JIU reports while conducting audits, inspections, evaluations and/or investigations in the various services of the Secretariat.

Concerning follow-up on its reports and recommendations, JIU concluded that, while most of its participating organizations had procedures for processing JIU reports up to the stage of submitting them to their respective legislative organs, those procedures fell short of the measures called for in the JIU statute, and organizations did not have a system of follow-up on JIU recommendations. In that regard, JIU submitted a proposal entitled "Towards a more effective system of follow-up on reports of the Joint Inspection Unit" for consideration and action by the respective legislative organs of its participating organizations. The proposals established conditions for effective follow-up by JIU, the executive heads of participating organizations and legislative organs, and procedures, including tracking and reporting on steps taken to assure active consideration of JIU reports, and measures taken to implement approved/accepted recommendations and determine their impact.

Other coordination matters

Follow-up to international conferences

ACC consideration. At its first regular session of 1997 (Geneva, 10-11 April) [ACC/1997/4], ACC re-

viewed progress in promoting system-wide coordinated follow-up to international conferences through its three thematic ad hoc task forces (Task Force on Basic Social Services for All, Task Force on the Enabling Environment for Economic and Social Development, and Task Force on Employment and Sustainable Livelihoods) and the Inter-Agency Committee on Women and Gender Equality. ACC endorsed the recommendation of its Consultative Committee on Programme and Operational Questions (CCPOQ) to hold a workshop to review the outputs of the task forces and other bodies, as well as arrangements to ensure coherence and inter-linkages among them, with particular reference to the guidance provided to the resident coordinator system; and develop proposals for submission to the second regular 1997 session of ACC on requirements for continued coordination and sustainability of the follow-up to the international conferences. ACC endorsed proposed arrangements for inter-agency follow-up to the United Nations Conference on Human Settlements (Habitat II) [YUN 1996, p. 992] and the World Food Summit [ibid., p. 1129], which would focus especially on country-level action and coordinated headquarters' support for that action.

Economic and Social Council consideration.

The Secretary-General, in response to Economic and Social Council resolution 1996/36 [YUN 1996, p. 1260] and General Assembly resolutions 51/171 [ibid., p. 1131] and 51/177 [ibid., p. 1002], submitted a June report [E/1997/73] on integrated and coordinated implementation and follow-up of major UN conferences and summits. The report examined action taken at the intergovernmental level and progress achieved at the inter-agency level, through ACC, and at the country level. It stated that the structure of the Assembly's agenda and the work of its Second and Third Committees had not made it possible to consider conference follow-up issues as interlinked and contributing to an integrated framework. Therefore, ways had to be found to maximize synergies between the follow-up to individual conferences at the level of the Assembly. The Economic and Social Council's 1996 work on poverty eradication as a cross-cutting theme had provided guidance to the UN system for improving coordination of poverty eradication activities at the field and headquarters levels. The Council's functional commissions had placed their work within the context of coordinated follow-up to major conferences, and interaction among them had taken place through the exchange of inputs and dialogue with the Council. However, significant overlap and duplication in some aspects of their work remained. To deal with the difficulties of grappling with

follow-up and monitoring measures, intergovernmental work had to benefit from inputs from the country level, the UN system, Governments and civil society, as well as experts and practitioners in the areas concerned. The report contained a summary of the main outcomes of the Council's functional commissions in 1997 regarding follow-up to conferences.

All concerned inter-agency bodies under ACC had contributed to the coordinated follow-up to the recent UN conferences. The CCPOQ work programme included issues relevant to conference follow-up, such as coordination of poverty alleviation activities. The three ad hoc inter-agency task forces (see above) were given the task of providing UN resident coordinators and country-level teams with coherent system-wide guidance and support to assist countries to translate the outcome of conferences into coherent national policies and programmes. The report analysed the follow-up work of ACC's standing consultative committees and its task forces.

At the country level, progress had been made in all regions where resident coordinators had organized or were in the process of establishing thematic groups involving national and local authorities, NGOs and concerned UN organizations.

ECONOMIC AND SOCIAL COUNCIL ACTION

The Economic and Social Council, by **decision** 1997/228 of 21 July, decided that every effort should be made to ensure that there was no overlap in the work of its functional commissions engaged in the follow-up to UN conferences.

On 25 July [meeting 42], the Council adopted **resolution** 1997/61 [draft: E/1997/L.57] without **vote** [agenda item 5].

Integrated and coordinated implementation and follow-up of the major United Nations conferences and summits

The Economic and Social Council,

Recalling General Assembly resolutions 45/264 of 13 May 1991 on restructuring and revitalization of the United Nations in the economic, social and related fields, 46/235 of 13 April 1992, 48/162 of 20 December 1993 and 50/227 of 24 May 1996 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields and 51/240 of 20 June 1997 on the Agenda for Development, as well as agreed conclusions 1995/1 of 28 July 1995 of the Council on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields, and its resolution 1996/36 of 26 July 1996 on follow-up to the major international United Nations conferences and summits, including the implementation of their respective programmes of action,

Recognizing the efforts made by the Secretary-General, through the Administrative Committee on Coordination, to establish coordinating inter-agency

mechanisms in support of integrated and coordinated follow-up of the major international conferences and summits,

Recognizing also that coordinated follow-up implies that the major conferences should be viewed as inter-linked and as contributing to an integrated framework of and a global partnership for development and that, in this context, the major cross-cutting themes established in the world conferences need to be identified and built upon,

Taking note of the report of the Secretary-General on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits and of the report of the Director-General of the Food and Agriculture Organization of the United Nations on the outcome of the World Food Summit, held at Rome from 13 to 17 November 1996, including action to be taken to follow-up the outcome at all appropriate levels,

1. Stresses the need further to promote integrated and coordinated implementation and follow-up of the major international conferences in the economic, social and related fields;

2. Reaffirms that system-wide gender mainstreaming must form an integral part of the implementation of the decisions of recent United Nations conferences and summits;

3. Welcomes the decision taken by the Administrative Committee on Coordination to integrate the follow-up of the World Food Summit and the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, within the context of integrated and coordinated implementation and follow-up of United Nations conferences;

4. Requests all organizations of the United Nations system to integrate further the results of the major international conferences and summits into their programmes of work, to promote the effective implementation of the goals and commitments established by the United Nations conferences and to continue to contribute relevant information, analyses and assessments thereon in support of the Council's own thematic and action-oriented reviews; in this context, consideration may be given to the possibility of preparing, on the basis of national reporting, a country-wide compendium of best practices as regards the implementation of the goals and commitments at the field level;

5. Reaffirms the need to continue to ensure the harmonization and coordination of the agendas and programmes of work of the functional commissions by promoting a clearer division of labour among them and by providing clear policy guidance to them, decides that, to this end, the Council could periodically organize meetings on specific issues to allow for more dialogue with the chairpersons and the secretariats, as appropriate, of the functional commissions, other subsidiary and related bodies and the relevant executive boards and that the Bureau should also assist the Council in identifying economic, social and related issues for discussion at its sessions and should maintain contacts with the bureaux of the functional commissions and other subsidiary bodies, thus allowing for better interaction between the Council and those bodies and assisting the Council in fulfilling its role, and stresses that the Secretariat should assist the Council by ensuring that all functional commissions are made aware of the

relevant recommendations of the Council and of the relevant work of other functional commissions so that they are well focused and supportive of each other's programmes of work;

6. Stresses the importance of ensuring that reports on conference follow-up submitted to the Council and its functional commissions draw on the experience gained at all levels, and, for this purpose, also stresses the need to enhance cooperation in the preparation of such reports between relevant departments of the Secretariat and the United Nations funds and programmes;

7. Decides to take appropriate measures to ensure that the regional commissions, within their respective mandates and priorities, can carry out their important role in assisting countries in each region in the integrated implementation of the recommendations of the major United Nations conferences and summits, as well as measures to ensure the active participation of the regional commissions relating to the implementation at the regional level of the results of major United Nations conferences; to this end, the Council shall continue to enhance coordination with and among the regional commissions, inter alia, by ensuring more effective participation by them in the substantive work of the Council in relation to conference follow-up;

8. Stresses the need for the Administrative Committee on Coordination to ensure that the highest priority continues to be given to the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

9. Also stresses the need for the Committee to ensure that there is effective inter-agency support for the work of the intergovernmental bodies dealing with conference follow-up, including the Council and its functional commissions, that there is regular updating and feedback on the incorporation of the work of the task forces at the country level and that the Council is kept fully informed of the work and decisions of the Committee concerning integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

10. Encourages the Committee to include in its comprehensive review of the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits information on the progress made in the area of statistics and indicators, taking into account the work done by the Statistical Commission as well as other ongoing work, in particular the work being done in developing countries;

11. Calls upon the organizations of the United Nations system to continue to give priority attention to the provision of effective support to the resident coordinators, including the full utilization and implementation of the outputs of the task forces;

12. Stresses the need for a partnership with the organizations of civil society in the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits;

13. Reiterates the importance of the provisions on the mobilization of resources contained in its agreed conclusions 1995/1 for the effective implementation of the results of the major international conferences in the economic, social and related fields;

14. Decides to include the item entitled "Integrated and coordinated implementation and follow-up of the major United Nations conferences and summits" in the agenda of its substantive session on an annual basis, and requests the Secretary-General, in cooperation with organizations of the United Nations system, to submit to it a report on the progress achieved by the United Nations system at the intergovernmental, inter-agency and country levels, with specific recommendations on ways to enhance the integrated and coordinated implementation and follow-up of the major United Nations conferences and summits.

On the same date, the Council, by **decision 1997/302**, decided to convene a two- or three-day session in 1998 to consider further the theme of integrated and coordinated implementation and follow-up of the major UN conferences and summits.

Further ACC consideration. At its second regular session of 1997 (New York, 31 October) [ACC/1997/20], ACC reviewed the work of the ad hoc inter-agency task forces and agreed that conference follow-up needed to be placed in the broader context of UN system reform and efforts to enhance its capacity to pursue the global agenda in a coherent and effective way. It called on UN organizations to make optimal use of the strengths, advocacy role and resources of civil society in the follow-up to the conferences, to maintain the momentum created, and to continue to provide coordinated support to Governments in adopting integrated and mutually supportive policies for implementing the goals of recent global conferences, from the United Nations Conference on Environment and Development in 1992 [YUN 1992, p. 670] to the World Food Summit in 1996 [YUN 1996, p. 1129]. ACC emphasized the importance of mainstreaming human rights, environmental, gender, population and children-related matters, as well as the use of information and communication technologies, in further normative, policy, programme and project work. It called on UN system members to utilize national-level mechanisms and frameworks, including the country strategy notes and UN development assistance frameworks, and to support the development of national strategies and action plans. The outputs of the ad hoc task forces should be widely disseminated and put to full use, particularly at the country level, including dissemination and replication of best practices. UN bodies were called on to contribute to the preparatory process for the closing events of the decade and to give attention to the activities to be undertaken beyond the year 2000. It was proposed that ACC issue a statement at its next session.

It was decided that ACC's review of integrated and coordinated follow-up to the global conferences would be based on the conclusions and rec-

ommendations of CCPOQ and the Inter-agency Committee on Sustainable Development (IACSD), the notes and overview prepared by the convenors of the task forces, and any additional information provided by their participants. ACC stressed the need to include human rights as an integral component of the coordinated follow-up to global conferences at the country, regional and global levels and called on UN organizations and bodies to continue to collaborate with the United Nations High Commissioner for Human Rights in preparing for the five-year review of the implementation of the Vienna Declaration and Programme of Action and the fiftieth anniversary of the Universal Declaration on Human Rights in 1998 (see PART TWO, Chapter I).

The UN and other organizations

Cooperation with organizations

Agency for Cultural and Technical Cooperation

The Secretary-General reported in August [A/52/299 & Add.1, 2] on cooperation between the United Nations and the Agency for Cultural and Technical Cooperation (ACTC), as requested by the General Assembly in resolution 50/3 [YUN 1995, p. 1443]. On 25 June 1997, a cooperation agreement between the two organizations aimed at strengthening relations through consultations, particularly in political, economic, social, scientific and cultural areas, was signed by their Secretaries-General. The agreement also provided for the implementation of projects of mutual interest, the setting up of commissions, committees or other technical or advisory bodies, cooperation between the secretariats and the exchange of information and documentation. UNDP and the United Nations Children Fund (UNICEF) had signed cooperation agreements with ACTC on enhancing collaboration, particularly in support of field-level activities, and a framework agreement between ACTC and the Office of the United Nations High Commissioner for Human Rights was signed on 8 September. The report outlined cooperation activities undertaken or planned by the organizations of the UN system.

GENERAL ASSEMBLY ACTION

On 17 October [meeting 34], the General Assembly adopted **resolution 52/2** [draft: A/52/L.1] without vote [agenda item 22].

Cooperation between the United Nations and the Agency for Cultural and Technical Cooperation

The General Assembly,

Recalling its resolution 33/18 of 10 November 1978, by which it granted observer status to the Agency for Cultural and Technical Cooperation,

Recalling also its resolution 50/3 of 16 October 1995, by which it noted the complementarity of the activities of the Agency for Cultural and Technical Cooperation and the United Nations and invited the Secretary-General of the United Nations, in consultation with the Secretary-General of the Agency for Cultural and Technical Cooperation, to promote cooperation between the two organizations,

Recalling further the Articles of the Charter of the United Nations which encourage the promotion of the purposes and principles of the United Nations through regional cooperation,

Noting the desire of the two organizations to consolidate, develop and tighten the ties that exist between them in the political, economic, social and cultural fields,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Agency for Cultural and Technical Cooperation,

Noting with satisfaction the encouraging progress achieved in cooperation between the United Nations, its specialized agencies and other United Nations bodies and programmes and the Agency for Cultural and Technical Cooperation,

Convinced that strengthening cooperation between the United Nations and the Agency for Cultural and Technical Cooperation is consistent with the purposes and principles of the United Nations,

Considering that the Agency for Cultural and Technical Cooperation brings together a considerable number of States Members of the United Nations, among which it promotes multilateral cooperation in areas of interest to the United Nations,

1. Takes note with satisfaction of the report of the Secretary-General on cooperation between the United Nations and the Agency for Cultural and Technical Cooperation;

2. Commends the Agency for Cultural and Technical Cooperation for its continuing efforts to encourage multilateral cooperation among countries that use French as a common language, particularly in the areas of conflict prevention, strengthening of the rule of law, economic, social and cultural development and promotion of new information technologies, and requests United Nations bodies to give it their support;

3. Welcomes the involvement of the countries that use French as a common language, through the Agency for Cultural and Technical Cooperation, in United Nations activities, including the preparation for, conduct of and follow-up to world conferences organized under United Nations auspices;

4. Notes with satisfaction that the Agency for Cultural and Technical Cooperation is participating more frequently in the work of the United Nations, to which it makes a valuable contribution;

5. Welcomes in particular the five cooperation agreements concluded in 1995 and 1996 between the United Nations, the United Nations Development Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for

Human Rights on the one hand and the Agency for Cultural and Technical Cooperation on the other;

6. Welcomes also the high-level meetings held periodically between the Secretary-General of the United Nations and the Secretary-General of the Agency for Cultural and Technical Cooperation and between senior secretariat officials of both organizations, and encourages their participation in major meetings of both organizations;

7. Notes with satisfaction the outcome of the meeting held in Paris on 29 September 1997 between those responsible for electoral assistance at the United Nations and at the Agency for Cultural and Technical Cooperation, and encourages cooperation between the two organizations in this area;

8. Recommends to the United Nations and the Agency for Cultural and Technical Cooperation that they intensify their consultations with a view to ensuring greater coordination in the area of conflict prevention, support for the rule of law and democracy and promotion of human rights;

9. Invites the Secretary-General to include the Agency for Cultural and Technical Cooperation in the periodic meetings he holds with the heads of regional organizations, taking into account the role played by the Agency in the area of conflict prevention and support for democracy and the rule of law;

10. Requests the Secretary-General, acting in cooperation with the Secretary-General of the Agency for Cultural and Technical Cooperation, to encourage the holding of periodic meetings between representatives of the United Nations Secretariat and representatives of the secretariat of the Agency for Cultural and Technical Cooperation in order to promote the exchange of information and the identification of new areas of cooperation;

11. Expresses its appreciation to the Secretary-General of the United Nations and the Secretary-General of the Agency for Cultural and Technical Cooperation for their sustained efforts to strengthen cooperation and coordination between the United Nations and the Agency for Cultural and Technical Cooperation, thereby serving the mutual interests of the two organizations in the political, economic, social and cultural fields;

12. Invites the Secretary-General to take the necessary steps, in consultation with the Secretary-General of the Agency for Cultural and Technical Cooperation, to continue to promote cooperation between the two organizations;

13. Invites the specialized agencies and other programmes and organizations of the United Nations system, particularly the United Nations Development Programme, to collaborate to this end with the Secretary-General of the Agency for Cultural and Technical Cooperation by undertaking new joint initiatives in the areas of poverty elimination, micro-financing, energy, sustainable development, education, training and the development of new information technologies;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its fifty-fourth session the item entitled "Cooperation

between the United Nations and the Agency for Cultural and Technical Cooperation".

Economic Cooperation Organization

In an August report [A/52/313], the Secretary-General described cooperation between the United Nations and the Economic Cooperation Organization (see PART THREE, Chapter V). The General Assembly took action on the report by **resolution 52/19**.

Inter-Parliamentary Union

The Secretary-General submitted a September report [A/52/456] on cooperation between the United Nations and the Inter-Parliamentary Union (IPU), in response to General Assembly resolution 51/7 [YUN 1996, p. 1354]. Cooperation between the two organizations had strengthened since the conclusion of the 1996 cooperation agreement between them [ibid.]. Areas of cooperation included the promotion of peace and security and representative democracy, and follow-up to major UN conferences. The United Nations had been receiving increasing support from IPU in providing technical assistance and advisory services to parliamentarians, sometimes in the context of peacekeeping operations. In 1997, IPU was implementing projects or supporting national parliaments in Cape Verde, the Gambia, Haiti, the Lao People's Democratic Republic, Rwanda, South Africa, Viet Nam and Yemen. UNDP provided funding and support to IPU projects to assist parliamentarians as part of its promotion of good governance.

GENERAL ASSEMBLY ACTION

On 28 October [meeting 37], the General Assembly adopted **resolution 52/7** [draft: A/52/L.9] without vote [agenda item 29].

Cooperation between the United Nations and the Inter-Parliamentary Union

The General Assembly,

Recalling its resolution 51/7 of 25 October 1996, in which it welcomed the conclusion of the cooperation agreement between the United Nations and the Inter-Parliamentary Union as an important step for increased and strengthened cooperation between the two organizations,

Having considered the report of the Secretary-General and debated the initial aspects of the cooperation resulting from the agreement,

1. Notes with appreciation the increased cooperation between the United Nations and the Inter-Parliamentary Union;

2. Recommends that this cooperation be further strengthened, at a time when the United Nations is preparing to meet the challenges of the twenty-first century;

3. Requests the Secretary-General to submit a further report to the General Assembly at its fifty-third

session on various aspects of cooperation between the United Nations and the Inter-Parliamentary Union in implementation of the cooperation agreement;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".

League of Arab States

As requested in General Assembly resolution 51/20 [YUN 1996, p. 1355], the Secretary-General, in September, reported on cooperation between the United Nations and the League of Arab States (LAS) [A/52/378]. The Secretaries-General of the two organizations continued to hold consultations, in particular on questions concerning Iraq, the Libyan Arab Jamahiriya, Somalia, and the situation in the Middle East.

A general meeting on cooperation between the secretariats of the UN system and LAS and its specialized organizations was held (Geneva, 2-4 July). The meeting agreed that both organizations should further investigate ways to assist the development and enhancement of the League's capabilities in preventive diplomacy and peace-making, taking into consideration its efforts to evolve suitable mechanisms for the resolution of regional conflict. Recognizing the need for enhanced consultation between the two secretariats, in particular for strengthening their capacity in early warning, preventive action and peacemaking, the meeting agreed that permanent contacts and consultations between the UN Department of Political Affairs and the LAS Department of International Political Affairs could improve awareness of intentions and activities by both organizations. In addition, the two secretariats agreed to further consolidate and strengthen cooperation in a wide range of economic and social areas.

GENERAL ASSEMBLY ACTION

On 22 October [meeting 35], the General Assembly adopted **resolution 52/5** [draft: A/52/L.3 & Corr.1] without vote [agenda item 33].

Cooperation between the United Nations and the League of Arab States

The General Assembly,

Recalling its previous resolutions on the promotion of cooperation between the United Nations and the League of Arab States,

Having considered the report of the Secretary-General on cooperation between the United Nations and the League of Arab States,

Recalling the decision of the Council of the League of Arab States that it considers the League a regional organization within the meaning of Chapter VIII of the Charter of the United Nations,

Noting the desire of both organizations to consolidate, develop and enhance further the ties existing be-

tween them in the political, economic, social, humanitarian, cultural and administrative fields,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace", in particular section VII, concerning cooperation with regional arrangements and organizations, and the "Supplement to An Agenda for Peace",

Convinced that the maintenance and further strengthening of cooperation between the United Nations system and the League of Arab States contribute to the promotion of the purposes and principles of the United Nations,

Convinced also of the need for more efficient and co-ordinated utilization of available economic and financial resources to promote common objectives of the two organizations,

Welcoming the results of the general meeting on cooperation between representatives of the secretariats of the organizations of the United Nations system and of the General Secretariat of the League of Arab States and its specialized organizations, held in Geneva from 2 to 4 July 1997,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Commends the continued efforts of the League of Arab States to promote multilateral cooperation among Arab States, and requests the United Nations system to continue to lend its support;

3. Takes note of the conclusions and recommendations adopted at the general meeting on cooperation held in Geneva between representatives of the secretariats of the organizations of the United Nations system and of the General Secretariat of the League of Arab States and its specialized organizations, which were contained in the final document transmitted by the Secretariat of the United Nations to all United Nations organizations that had participated in the meeting and to the General Secretariat of the League of Arab States;

4. Expresses its appreciation to the Secretary-General for the follow-up action taken by him to implement the proposals adopted at the meetings between the representatives of the secretariats of the United Nations and other organizations of the United Nations system and the General Secretariat of the League of Arab States and its specialized organizations, including the latest meeting, held in Geneva in 1997;

5. Requests the Secretariat of the United Nations and the General Secretariat of the League of Arab States, within their respective fields of competence, to intensify further their cooperation towards the realization of the purposes and principles of the Charter of the United Nations, the strengthening of international peace and security, economic development, disarmament, decolonization, self-determination and the eradication of all forms of racism and racial discrimination;

6. Requests the Secretary-General to continue his efforts to strengthen cooperation and coordination between the United Nations and other organizations and agencies of the United Nations system and the League of Arab States and its specialized organizations in order to enhance their capacity to serve the mutual interests of the two organizations in the political, economic, social, humanitarian, cultural and administrative fields;

7. Calls upon the specialized agencies and other organizations and programmes of the United Nations system:

(a) To continue to cooperate with the Secretary-General and among themselves, as well as with the League of Arab States and its specialized organizations, in the follow-up of multilateral proposals aimed at strengthening and expanding cooperation in all fields between the United Nations system and the League of Arab States and its specialized organizations;

(b) To maintain and increase contacts and improve the mechanism of consultation with the counterpart programmes, organizations and agencies concerned regarding projects and programmes, in order to facilitate their implementation;

(c) To associate whenever possible with organizations and institutions of the League of Arab States in the execution and implementation of development projects in the Arab region;

(d) To inform the Secretary-General, not later than 10 June 1998, of the progress of their cooperation with the League of Arab States and its specialized organizations, in particular the follow-up action taken on the multilateral and bilateral proposals adopted at the previous meetings between the two organizations;

8. Also calls upon the specialized agencies and other organizations and programmes of the United Nations system to intensify cooperation with the League of Arab States and its specialized organizations in the following priority sectors, namely energy, rural development, desertification and green belts, training and vocational training, technology, environment and information and documentation;

9. Requests the Secretary-General of the United Nations, in cooperation with the Secretary-General of the League of Arab States, to encourage periodic consultation between representatives of the Secretariat of the United Nations and the General Secretariat of the League of Arab States to review and strengthen coordination mechanisms with a view to accelerating implementation of, and follow-up action on, multilateral projects, proposals and recommendations adopted at the meetings between the two organizations;

10. Recommends that a sectoral meeting on trade and development between the United Nations and the League of Arab States be held at the headquarters of the League of Arab States in Cairo during 1998;

11. Decides that, in order to enhance cooperation and for the purpose of review and appraisal of progress, a general meeting between the United Nations system and the League of Arab States should take place once every two years, and inter-agency sectoral meetings should be organized regularly on areas of priority and wide importance in the development of the Arab States, on the basis of agreement between the counterpart programmes of the United Nations system and the League of Arab States and its specialized organizations;

12. Recommends that the next general meeting on cooperation between the representatives of the secretariats of organizations of the United Nations system and of the General Secretariat of the League of Arab States and its specialized organizations be held during 1999;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the implementation of the present resolution;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the League of Arab States".

Organization of African Unity

The Secretary-General submitted a September report [A/52/347] on cooperation between the United Nations and the Organization of African Unity (see PART ONE, Chapter II). The General Assembly took action on the Secretary-General's report in **resolution 52/20**.

Organization of Islamic Conference

In response to General Assembly resolution 51/18 [YUN 1996, p. 1357], the Secretary-General, in September [A/52/377], reported on cooperation between the United Nations and the Organization of the Islamic Conference (OIC). During the period under review, regular consultations were held and information exchanged between the secretariats of the UN and OIC with regard to the ongoing peacemaking efforts of the two organizations, particularly in Afghanistan, Tajikistan and Somalia. At a 2 May meeting in New York, the Secretaries-General of both organizations expressed interest in expanding cooperation in all areas of mutual interest and agreed that concrete proposals would be presented.

The Secretary-General's report summarized action taken by UN organizations and agencies serving as focal points for cooperation with OIC to follow up the recommendations of earlier meetings and described cooperation between the two organizations in economic and social development.

GENERAL ASSEMBLY ACTION

On 22 October [meeting 35], the General Assembly adopted **resolution 52/4** [draft: A/52/L.2] without vote [agenda item 31].

Cooperation between the United Nations and the Organization of the Islamic Conference

The General Assembly,

Recalling its resolutions 37/4 of 22 October 1982, 38/4 of 28 October 1983, 39/7 of 8 November 1984, 40/4 of 25 October 1985, 41/3 of 16 October 1986, 42/4 of 15 October 1987, 43/2 of 17 October 1988, 44/8 of 18 October 1989, 45/9 of 25 October 1990, 46/13 of 28 October 1991, 47/18 of 23 November 1992, 48/24 of 24 November 1993, 49/15 of 15 November 1994, 50/17 of 20 November 1995 and 51/18 of 14 November 1996,

Having considered the report of the Secretary-General on cooperation between the United Nations and the Organization of the Islamic Conference,

Taking into account the desire of both organizations to continue to cooperate closely in the political, eco-

conomic, social, humanitarian, cultural and technical fields and in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights and economic and technical development,

Recalling the Articles of the Charter of the United Nations that encourage the activities through regional cooperation for the promotion of the purposes and principles of the United Nations,

Noting the strengthening of cooperation between the United Nations, its funds and programmes and specialized agencies and the Organization of the Islamic Conference, its subsidiary organs and its specialized and affiliated institutions,

Noting also the encouraging progress made in the nine priority areas of cooperation, as well as in the identification of other areas of cooperation,

Convinced that the strengthening of cooperation between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its organs and institutions contributes to the promotion of the purposes and principles of the United Nations,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace", in particular section VII, concerning cooperation with regional arrangements and organizations, and the "Supplement to An Agenda for Peace",

Noting with appreciation the determination of both organizations to strengthen further the existing cooperation by developing specific proposals in the designated priority areas of cooperation, as well as in the political field,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Notes with satisfaction the active participation of the Organization of the Islamic Conference in the work of the United Nations towards the realization of the purposes and principles of the Charter of the United Nations;

3. Requests the United Nations and the Organization of the Islamic Conference to continue to cooperate in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights, social and economic development and technical cooperation;

4. Welcomes the efforts of the United Nations and the Organization of the Islamic Conference to strengthen cooperation between the two organizations in areas of common concern and to review the ways and means for enhancing the actual mechanisms of such cooperation;

5. Welcomes also the efforts of the secretariats of the two organizations to strengthen information exchange, coordination and cooperation between them in areas of mutual interest in the political field and their ongoing consultations with a view to developing the modalities of such cooperation;

6. Welcomes further the periodic high-level meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of the Islamic Conference, as well as between senior secretariat officials of the two organizations, and encourages

their participation in important meetings of the two organizations;

7. Recommends that, in accordance with its resolution 50/17, in order to enhance cooperation and for the purpose of review and appraisal of progress, a general meeting between representatives of the secretariats of the United Nations system and the Organization of the Islamic Conference should take place in 1998;

8. Also recommends that, in accordance with resolution 50/17, coordination meetings of focal points of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its specialized institutions should be held concurrently with the general meeting in 1998;

9. Encourages the specialized agencies and other organizations of the United Nations system to continue to expand their cooperation with the subsidiary organs and specialized and affiliated institutions of the Organization of the Islamic Conference, particularly by negotiating cooperation agreements, and invites them to multiply the contacts and meetings of the focal points for cooperation in priority areas of interest to the United Nations and the Organization of the Islamic Conference;

10. Urges the United Nations and other organizations of the United Nations system, especially the lead agencies, to provide increased technical and other forms of assistance to the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions in order to enhance cooperation;

11. Expresses its appreciation to the Secretary-General for his continued efforts to strengthen cooperation and coordination between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions to serve the mutual interests of the two organizations in the political, economic, social and cultural fields, and expresses the hope that he will continue to strengthen the mechanisms of coordination between the two organizations;

12. Requests the Secretary-General to report to the General Assembly at its fifty-third session on the state of cooperation between the United Nations and the Organization of the Islamic Conference;

13. Decides to include in the provisional agenda of its fifty-third session the item entitled "Cooperation between the United Nations and the Organization of the Islamic Conference".

Organization for the Prohibition of Chemical Weapons

The General Assembly, in resolution 51/230, invited the Secretary-General to conclude with the Director-General of the Organization for the Prohibition of Chemical Weapons an agreement to regulate the relationship between the organizations and to present the negotiated draft to the Assembly for approval (see PART ONE, Chapter VII).

Latin American Economic System

The Secretary-General submitted a September report [A/52/376] on cooperation between the United Nations and the Latin American Economic System (see PART THREE, Chapter V). The General Assembly took action thereon in **resolution 52/3**.

Organization for Security and Cooperation in Europe

The Secretary-General reported in October [A/52/450] on cooperation between the United Nations and the Organization for Security and Cooperation in Europe (see PART ONE, Chapter V). The General Assembly, in **resolution 52/22**, took action on that report.

Southern African Development Community

In September [A/52/400], the Secretary-General reported to the General Assembly on cooperation between the United Nations and the Southern African Development Community (see PART THREE, Chapter V). The Assembly, in **resolution 52/204**, took action on that report.

Granting of observer status

By a 28 August letter to the Secretary-General [A/52/232], Bolivia, Colombia, Ecuador, Peru and Venezuela requested the inclusion in the agenda of the General Assembly's fifty-second session of an item entitled "Observer status for the Andean Community in the General Assembly". They stated that the Andean Community, comprising Bolivia, Colombia, Ecuador, Peru and Venezuela, was a free trade area; it had a common external tariff, in which four of its five members participated, and had begun deregulating air transport services, as well as roadway, maritime and multimodal transport. It was negotiating with other integration movements in the region to create a free trade area and had a relationship of cooperation with the European Union.

GENERAL ASSEMBLY ACTION

On 22 October [meeting 35], the General Assembly adopted **resolution 52/6** [draft: A/52/L.5 & Add.1] without vote [agenda item 158].

Observer status for the Andean Community in the General Assembly

The General Assembly,

Considering the importance of the Andean Community in the promotion of the balanced and harmonious development of the member countries on the basis of equity, through economic and social integration and cooperation, with a view to the gradual formation of a Latin American common market,

Considering also the need, frequently noted by the United Nations, to promote and support the economic development of the member countries,

Recalling its resolution 50/227 of 24 May 1996 on the restructuring and revitalization of the United Nations in the economic, social and related fields,

Wishing to promote cooperation between the United Nations and the Andean Community,

1. Decides to invite the Andean Community to participate in the sessions and the work of the General Assembly in the capacity of observer;
2. Requests the Secretary-General to take the necessary action to implement this resolution.

Participation of organizations in UN work

Intergovernmental organizations

On 7 July, the Economic and Social Council, by **decision 1997/215**, having considered the application of the International Centre for Genetic Engineering and Biotechnology, decided that the organization might participate on a continuing basis, without the right to vote, in the deliberations of the Council on questions within the scope of its activities.

Non-governmental organizations

In July, the Economic and Social Council considered a draft resolution [E/1997/L.51] on the participation of non-governmental organizations (NGOs) in the work of the General Assembly, by which NGOs in consultative status with the Council would be invited to attend open plenary meetings of the Assembly, its main committees and special sessions, and to make available documents and statements prepared by them in connection with those meetings. The Council would have requested the Secretary-General to prepare for the Assembly's fifty-second session an interim report on existing arrangements and practices relating to NGO participation and to propose, in a final report to the Assembly's fifty-third (1998) session, procedures defining any further participation by NGOs.

On 25 July, the Council, by **decision 1997/312**, deferred consideration of the draft, pending the outcome of the Assembly's deliberations. It decided to consider the text not later than its 1998 organizational session and recommended that the Assembly give early consideration to the question.

On 19 December, the Assembly, by **decision 52/453**, requested the Secretary-General to prepare for consideration at its fifty-third session, a report on existing arrangements and practices for the interaction of NGOs in all UN system activities; the legal and financial implications of modifications in the current arrangements for

NGO participation with a view to its enhancement; and the question of the participation of NGOs from all regions, in particular from developing countries.

On 18 April, the Assembly invited NGOs identified in Agenda 21, and with consultative status with the Economic and Social Council and on the Roster, to participate in plenary meetings of the nineteenth special session of the Assembly (**decision 51/467**).

Committee on NGOs

The Committee on NGOs, at its 1997 session (New York, 5-16 May and 12 June) [K/1997/90 & Corr.1], considered a number of applications for consultative status with the Economic and Social Council that had been deferred from its 1996 session, as well as new applications. It also considered questions related to the enlargement of the Committee, strengthening of the NGO Section of the Secretariat, meetings of the Committee, procedures for considering applications for consultative status, revision of the application questionnaire, and the request for a special report regarding an incident at the UN Office in Geneva involving the International Association of Educators for World Peace, an NGO on the Roster. The Committee also considered implementation of Council decision 1997/302 on NGOs on the Roster for the purposes of the work of the Commission on Sustainable Development (see PART THREE, Chapter I). It recommended two draft resolutions and three draft decisions for adoption by the Council and adopted one decision that it brought to the Council's attention. By decision 1997/315 of 25 July, the Council took note of the Committee's report.

On 7 February, the Council, by decision 1997/209, approved special consultative status for the National Society for Human Rights. On 23 July, it granted general consultative status to 9 NGOs and special consultative status to 115, and added 20 organizations to its Roster (decision 1997/295).

The Council, by decision 1997/296 of 23 July, authorized the Committee to hold a resumed session in January 1998 to complete the work of its 1997 session. By decision 1997/297 of the same date, it authorized the Committee to hold a maximum of three sessions within a total duration of three weeks in 1998 and in subsequent years, unless otherwise recommended by the Committee. It also authorized the Committee to hold informal meetings prior to each session to clarify matters arising from applications for consultative status, and to meet for five days prior to its 1998 session to consider enlargement of the Committee and issues related to its methods of work (see below).

Enlargement of the Committee on NGOs

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 40], the Economic and Social Council, on the recommendation of the Committee on NGOs [E/1997/90 & Corr.1], adopted resolution 1997/57 without vote [agenda item 13].

Enlargement of the Committee on Non-Governmental Organizations

The Economic and Social Council,

Recalling its decision 1995/304 of 26 July 1995, in which it decided, *inter alia*, to increase, on the basis of equitable geographical representation, the current membership of the Committee on Non-Governmental Organizations and to implement that decision after the completion of its review of arrangements for consultation with non-governmental organizations,

Considering that, consistent with the practice of the Economic and Social Council and its subsidiary bodies in these matters, it would be desirable to receive the views of the Committee on this question,

Recognizing that the Committee is at present undertaking a review of its methods of work, that this review could have implications for its enlargement, and that it is therefore not yet in a position to present its final views to the Council,

1. Requests the Committee on Non-Governmental Organizations to present its views on the enlargement of the Committee to the Council;
2. Decides to take a decision on this matter in 1998.

Committee documentation

In 1997, the Economic and Social Council considered the question of issuing the Committee's documentation in all six official languages, which it had deferred from 1996 by decision 1996/13 [YUN 1996, p. 1368].

In a January 1997 note [E/1997/9], the Secretary-General stated that translating the Committee's 1997 pre-session documentation would increase the workload of the Arabic, Chinese and Russian Translation Services by some 25 per cent over their maximum capacity. The issuance of the documentation in all official languages could not be undertaken without additional resources under the 1996-1997 programme budget and the same problem would arise in proposed programme budgets for future bienniums, entailing significant budgetary requirements. The Secretary-General therefore proposed a restructuring of the Committee's documentation to reduce it to a volume that could be issued in all official languages without recourse to additional resources.

The Council, by decision 1997/210 of 7 February, decided that the Committee's documentation should be issued in all six official languages; that for new applications for consultative status, new requests for reclassification of consultative status and the quadrennial reports of NGOs, only summaries would be issued in all official lan-

guages; that the Committee should provide guidance to the Secretariat for the preparation of the summaries; and that the complete submissions from NGOs would be distributed to Committee members and other Member States in the language of submission.

Requests for hearings

The Committee on NGOs met in New York on 12 June [E/1997/80] to hear requests from NGOs in general consultative status to address the Economic and Social Council in connection with items on its agenda. The Committee recommended that five NGOs be heard by the Council at its 1997 substantive session.

Participation of NGOs not in consultative status

By decision 1997/298 of 23 July, the Economic and Social Council, as an interim measure, invited those NGOs accredited to the Fourth World Conference on Women [YUN 1995, p. 1168] or the World Summit for Social Development [ibid., p. 1113] to attend the forty-second (1998) session of the Commission on the Status of Women or the thirty-sixth (1998) session of the Commission for Social Development, provided they had started the process of applying for consultative status with the Council in accordance with resolution 1996/315 [YUN 1996, p. 1368]. It also invited NGOs accredited to the International Conference on Population and Development [YUN 1994, p. 955] to attend the thirty-first (1998) session of the Commission on Population and Development, provided that they had applied for consultative status. The Council requested the Secretary-General to draw the attention of NGOs accredited to those conferences to the Council's decision and to the process established under Council resolution 1996/31 [YUN 1996, p. 1360] on the consultative relationship between the United Nations and NGOs.

Strengthening the Secretariat NGO section

ECONOMIC AND SOCIAL COUNCIL ACTION

On 23 July [meeting 40], the Economic and Social Council, on the recommendation of the Committee on NGOs [E/1997/90 & Corr.1], adopted resolution 1997/58 without vote [agenda item 13].

Strengthening of the Non-Governmental Organizations Section of the United Nations Secretariat

The Economic and Social Council,

Noting that growing interest in the work of the United Nations on the part of non-governmental organizations has led to a very large increase in the number of applications for consultative status with the Economic and Social Council,

Noting also that the increase in the number of non-governmental organizations entails a consequent increase in the number of quadrennial reports to be considered by the Committee on Non-Governmental Organizations,

Recognizing the need for further improvements in the working methods of the Committee,

Recalling that in its resolution 1996/31 of 25 July 1996, the Council placed additional responsibilities on the Non-Governmental Organizations Section of the Secretariat,

Recognizing the efforts of the staff of the Section to respond to the vastly increased demands placed upon it in recent years,

1. Requests the Secretary-General to submit a report to the General Assembly at its fifty-second session setting out specific proposals to ensure that the current and foreseeable workload of the Non-Governmental Organizations Section of the Secretariat can be met effectively and efficiently;

2. Recommends that the General Assembly, taking into account the report of the Secretary-General and measures taken by the Committee on Non-Governmental Organizations to improve its methods of work and to deal with this workload, provide the necessary human, financial and technical resources to the Section to enable it to carry out its responsibilities, as set out in Council resolution 1996/31, efficiently, effectively and expeditiously.

UN resources for NGO activities

The Joint Inspection Unit (JIU), in its review of resources allocated by the UN system to activities by NGOs [A/51/655-E/1996/105], examined the allocation of funds by the UN system to NGOs for programme and project implementation, the status of allocation of resources by UN organizations, accountability for funds provided to NGOs by the UN system and reporting of agencies to their legislative bodies on resources allocated, and capacity-building through financial and management support for national NGOs.

JIU concluded that there was need for a better accounting and reporting procedure by the UN system for resources devoted to NGOs. The system's working relationship with NGOs could be improved by introducing more precise criteria for selection, efficiency and accountability of NGOs through the elaboration of appropriate guidelines. Financial management should be strengthened by computerizing resources devoted to NGOs, and a systematic reporting procedure on the disbursement of funds should be established. In addition, more national NGOs should be involved as implementing partners within the framework of capacity-building.

The Secretary-General, in an April note [A/52/114-E/1997/46], transmitted the comments of ACC on the JIU report.

On 24 July, the Economic and Social Council, by decision 1997/299, took note of the ACC com-

ments. The General Assembly, by **decision 52/446** of 18 December, took note of the JIU report and the ACC comments.

Relations with civil society

ACC, at its second regular session (New York, 31 October) [ACC/1997/20], discussed relationships between the United Nations and civil society, including the private sector. ACC noted that the association of UN institutions with non-State actors was in many cases long-standing. However, changing times required a more systematic and mutually beneficial approach.

ACC reaffirmed the importance that the UN system attached to cooperation with non-State actors and indicated that it looked forward to intensifying and refining that relationship. It encouraged the secretariats of the UN system to enhance information exchange on the policies, directives and practices of cooperation with civil society partners to identify and build on best practices. The Committee agreed that the UN system had an important role to play as catalyst at the national level and proposed that further consideration be given to accountability, representation and criteria to assess competence and ways of supporting capacity-building of civil society groups in national development, humanitarian assistance and peace-building. Policies and modalities of non-State participation in the work of the UN system should be the subject of inter-agency exchanges of information, ACC stated. The participation of civil society, including NGOs, should take place within the framework of ACC guidelines, and more systematic consultation with non-State actors in preparing substantive and coordination reports, particularly concerning follow-up to recent global conferences, should be encouraged. ACC concurred that the UN Staff College should develop programmes to enhance staff capacity to work with civil society and that implications for secretariat resources should be reviewed and innovations explored. ACC encouraged more systematic exchange of information and sharing of experience at the inter-agency level on the way policies and practices governing dialogue and cooperation with the business community were evolving in UN organizations. Periodic assessments could be made by ACC of the evolution of those partnerships and their implications for the system as a whole, including the feasibility of inter-agency collaborative projects. The proposal to establish an inter-agency enterprise liaison service as a common clearing house for cooperation with the business community needed further study. ACC requested further information on the "issue management system" advocated by the Secretary-General in

his reform programme (see PART FIVE, Chapter I).

Conferences and meetings

In 1997, the Committee on Conferences held an organizational session on 1 April, its substantive session on 25, 26, and 28 August and its resumed substantive session on 21 October [A/52/32/Rev.1]. It examined requests for additions and changes to the approved calendar of conferences and meetings for 1997 [A/AC.172/1997/2] and adopted a draft biennial calendar for 1998-1999. It considered improved use of conference-servicing resources and reviewed the proposed programme budget for 1998-1999.

The Committee approved requests from the Governing Council of the United Nations Environment Programme to convene a one-day session of the High-Level Committee of Ministers and Officials in New York on 28 June, and from the United Nations Conference on Trade and Development to convene a Meeting of Governmental Experts from Landlocked and Transit Developing Countries, Representatives of Donor Countries and Financial and Development Institutions in New York from 18 to 20 June, rather than in Geneva.

The Committee recommended that the General Assembly adopt the biennial calendar of conferences and meetings for 1998-1999 and authorize the Committee to make adjustments to the calendar for 1998 as a result of action by the Assembly. It noted that the Secretariat had taken into account the arrangements referred to in Assembly resolution 51/211 A [YUN 1996, p. 1372] regarding the inclusion in the list of official holidays of the two Muslim Holy Days—Id al-Fitr and Id al-Adha—and that no sessions were scheduled to open or close on 29 January or 7 April 1998 and no meetings would be held on those days. The Committee noted that the convening in 1998 in Rome of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court would be held in accordance with Assembly resolution 40/243 [YUN 1985, p. 1256], by which the host Government would defray additional costs involved. The Committee decided to add the meetings of the treaty bodies negotiated under UN auspices to the calendar of conferences, and that the list of meetings of the specialized agencies and the International Atomic Energy Agency should be presented together with the UN calendar. The Committee recommended that, when planning

the calendar, simultaneous peak periods at the various duty stations should be avoided. Having considered the draft biennial calendar of conferences and meetings of the subsidiary bodies of the Economic and Social Council for 1998-1999 [E/1997/L.18 & Add.1], the Committee recommended its adoption, as amended, and that the Council continue its consideration of the biennialization of those meetings. The Committee urged the Council to continue to review its calendar in the context of its final review of the mandates, composition, functions and working methods of its functional commissions and expert groups and bodies.

With regard to General Assembly resolution 40/243 [YUN 1985, p. 1256], which stated that no subsidiary organ of the Assembly should meet at Headquarters during a regular session of the Assembly unless so authorized, the Committee recommended that the Assembly authorize the following bodies to meet in New York during the fifty-second session: Committee on Relations with the Host Country; Committee on the Exercise of the Inalienable Rights of the Palestinian People; Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East; Executive Board of UNDP/United Nations Population Fund; Committee on Conferences; and the Committee on Programme and Coordination. The Committee also recommended that the Assembly grant waivers to the rule regarding subsidiary bodies authorized to meet away from their established headquarters solely on the basis of the UN calendar of conferences and meetings as recommended by the Committee on Conferences. The Assembly should invite all its subsidiary bodies so authorized to keep under review the exception to the Headquarters rule and to report any changes to the Assembly through the Committee.

Intergovernmental meetings

At the request of the host Governments of several intergovernmental conferences in 1997, the main documents of those meetings were transmitted to the Secretary-General for circulation to the General Assembly, the Security Council or both, as follows:

Sixty-fifth (Tripoli, Libyan Arab Jamahiriya, 24-28 February) and sixty-sixth (Harare, Zimbabwe, 28-31 May) ordinary sessions of the Organization of African Unity (OAU) Council of Ministers [S/1996/176-A/52/465]; thirty-third ordinary session of the Assembly of Heads of State and Government of OAU (Harare, 2-4 June) [A/52/465]; Commonwealth Heads of Government Meeting (Edinburgh, United Kingdom, 24-27 October) [A/52/556-S/1997/834]; eighteenth meeting of the Conference of Heads of Government of the Caribbean Community (Montego Bay, Jamaica,

29 June-4 July) [A/52/284]; Annual Coordination Meeting of the Ministers of Foreign Affairs of the Organization of the Islamic Conference (New York, 2 October) [A/52/529-S/1997/820]; sixty-third session of the Ministerial Council of the Gulf Cooperation Council (Riyadh, Saudi Arabia, 31 May) [A/52/168-S/1997/429]; eighteenth session of the Supreme Council of the Gulf Cooperation Council (Kuwait, 20-22 December) [S/1998/9]; Eleventh Summit of the Heads of State and Government of the Rio Group (Asuncion, Paraguay, 23-24 August) [A/52/347]; Meeting of Ministers of Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries (New York, 25 September) [A/52/447-S/1997/775]; First Meeting of Ministers of Culture of the Movement of Non-Aligned Countries (Medellin, Colombia, 4-5 September) [A/52/432]; twenty-first annual meeting of Ministers for Foreign Affairs of the Group of 77 (New York, 26 September) [A/52/460]; twenty-eighth South Pacific Forum (Rarotonga, Cook Islands, 17-19 September) [A/52/413]; and Ninth Summit of the South Asian Association for Regional Cooperation (Male, Maldives, 12-14 May) [A/52/222].

Use of conference services

In response to General Assembly resolution 51/211 A [YUN 1996, p. 1372], the Secretary-General submitted a 10 July report [A/52/215 & Add.1] on the results of the review of entitlements carried out by subsidiary bodies that had not fully utilized their meeting entitlements, including the duration of sessions, and on the problems and factors involved in bodies whose utilization factor was below the benchmark figure for at least three sessions. The report contained replies from and the results of consultations with those bodies.

The Committee on Conferences requested its Chairman to continue to consult with the chairmen of those bodies with a view to making recommendations to achieve the optimum utilization of conference-servicing resources.

The Secretary-General submitted a 29 July report [A/AC.172/1997/3] to the Committee on Conferences on improved utilization of conference-servicing resources, including meeting statistics of UN organs. The report contained data on planned and actual utilization of conference resources allocated to a core sample of bodies that met in 1996, and an analysis of those statistics. In an addendum [A/AC.172/1997/3/Add.1], the Secretary-General submitted a synoptic report on meetings held during the bienniums 1994-1995 and 1996-1997, with a breakdown of meeting services and documentation costs.

The Committee on Conferences [A/52/32/Rev.1] recommended that the computation of utilization factors in future reports should be computerized and that output statistics of conference services at the various duty stations should be further standardized in terms of definition and the methodology used to compile them.

The Committee expressed concern that 32 per cent of requests for interpretation services for meetings of regional and other major groupings of Member States had been denied. It urged intergovernmental bodies to take into account, in the planning stage, meetings of their regional and other major groupings of Member States, and to dovetail such meetings with those of sessional bodies. They should also notify Conference Services well in advance of any cancellations so that resources could be reassigned to meetings of other regional and major groupings.

The Committee requested the Secretariat to continue to engage in dialogue with Member States at Headquarters, as well as at UN Offices in Geneva, Nairobi and Vienna, to enhance the coordination of conference services. It welcomed the Secretariat's initiative to arrange a video-meeting on matters relating to conference services with those Offices and requested the Secretary-General to include their input in preparing reports for substantive sessions of the Committee on Conferences.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/734], adopted **resolution 52/214 A** without vote [agenda item 119].

Pattern of conferences

The General Assembly,

Having considered the report of the Committee on Conferences,

Recalling its relevant resolutions, including resolutions 40/243 of 18 December 1985, 43/222 B of 21 December 1988, 47/202 A of 22 December 1992, 48/222 A of 23 December 1993, 49/221 A of 23 December 1994, 50/206 A of 23 December 1995 and 51/211 A of 18 December 1996,

Taking note with concern of the difficulties experienced by some Member States owing to the lack of conference services for meetings of regional and other major groupings of Member States,

1. Notes with appreciation the work of the Committee on Conferences, and takes note of its report;

2. Approves the draft biennial calendar of conferences and meetings of the United Nations for 1998-1999 as submitted by the Committee on Conferences, subject to the provisions of the present resolution;

3. Authorizes the Committee on Conferences to make adjustments in the calendar of conferences and meetings for 1998 that may become necessary as a result of actions and decisions taken by the General Assembly at its fifty-second session;

4. Requests the Secretary-General to provide all the conference services required as a result of decisions taken by the General Assembly at its fifty-second session, taking into account, as necessary, the procedures established in Assembly resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987;

5. Decides that henceforth the two holidays of Id al-Fitr and Id al-Adha shall be observed as official holidays of the United Nations at Headquarters, and at other duty stations where applicable, and that United Nations buildings at those locations shall be closed to the public on those days;

6. Decides also that no United Nations meetings shall be held on Id al-Fitr and Id al-Adha, which occur in 1998 on 29 January and 7 April, respectively, and requests the Secretary-General to ensure strict implementation of this decision and of paragraph 5 above when preparing all future draft calendars of conferences and meetings of the United Nations;

7. Expresses concern that 32 per cent of requests were denied for interpretation services for meetings of regional and other major groupings of Member States, in view of the importance of those meetings for the smooth functioning of sessional bodies, while recognizing that meetings of Charter and mandated bodies must be serviced as a priority;

8. Urges intergovernmental bodies to spare no effort at the planning stage to take into account meetings of regional and other major groupings of Member States, to make provision for such meetings in their programmes of work and to notify the conference services well in advance of any cancellations so that unutilized conference-servicing resources may, to the extent possible, be reassigned to meetings of regional and other major groupings of States;

9. Decides to include all necessary resources in the budget for the biennium 1998-1999 to provide interpretation services for meetings of regional and other major groupings of Member States upon request by those groupings, on an ad hoc basis, in accordance with established practice, and requests the Secretary-General to submit to the General Assembly at its fifty-third session, through the Committee on Conferences, a report on the implementation of this decision;

10. Emphasizes the importance of providing adequate conference-servicing resources to all United Nations conference centres;

11. Welcomes the improvement, relative to 1995, in the overall utilization factor for 1996, which exceeded the benchmark of 80 per cent, in particular at Geneva and Vienna;

12. Notes with concern the underutilization of conference facilities at the United Nations Office at Nairobi;

13. Calls for better utilization of conference facilities at the United Nations Office at Nairobi;

14. Encourages all the subsidiary bodies of the Governing Council of the United Nations Environment Programme, the Commission on Human Settlements and other United Nations bodies to hold their meetings at the United Nations Office at Nairobi to the extent possible;

15. Requests the Secretary-General to assist the aforementioned bodies in improving this situation and to report to the General Assembly at its fifty-third session, through the Committee on Conferences, on the actions taken to this end;

16. Reiterates its request to the Committee on Conferences, in consultation with the organs concerned, to examine the cases where the utilization factor has been lower than 80 per cent for at least three sessions, with a view to making appropriate recommendations in order

to achieve the optimum utilization of conference-servicing resources;

17. Reaffirms its decision that the headquarters rule shall be adhered to by all bodies;

18. Decides that waivers to the headquarters rule shall be granted solely on the basis of the calendar of conferences and meetings of the United Nations which the Committee on Conferences recommended for adoption by the General Assembly;

19. Invites all its subsidiary bodies that are authorized to meet away from their established headquarters to keep under review the exception to the headquarters rule in the light of the current situation of their work and to report any changes to the General Assembly through the Committee on Conferences;

By **decision 52/456** of 22 December, the Assembly decided that the Fifth Committee should continue to consider the pattern of conferences at the resumed fifty-second (1998) session.

Cost-accounting system

The Secretariat informed the Committee on Conferences, at its 1997 session, of the difficulties encountered in establishing a cost-accounting system for conference services. It was pointed out that the financial module of the Integrated Management Information System (IMIS), the source of the data used, was available at Headquarters only. As to cost estimates, while provision had not been made in the budget for the development of the system, efforts would be made to finance it through resources allocated for technological innovations.

The Committee supported in principle further development of the cost-accounting system for conference services and recommended that it encompass other areas of the Secretariat and reflect the experience of other duty stations. The Secretary-General was asked to report on the notional costs of conference services at the UN Offices at Geneva, Nairobi and Vienna.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/734], adopted **resolution 52/214 D** without vote [agenda item 119].

Pattern of conferences

The General Assembly,

Recalling its resolutions 50/206 D of 23 December 1995 and 51/211 C of 18 December 1996,

Stressing the need to provide Member States and United Nations bodies with more comprehensive and accurate information on the costs of meetings and documentation,

Noting the possible benefits of the cost-accounting system for the financial efficiency of the United Nations,

1. Requests the Secretary-General, as a matter of priority, to expedite the development of the cost-accounting system for conference services in 1998 and to extend it to other areas of the Secretariat, ensuring that the system reflects the experience of other duty stations;

2. Encourages the Secretary-General, to the extent possible, to utilize in-house resources to implement the cost-accounting system;

3. Requests the Secretary-General to report to the General Assembly by 31 July 1998, through the Committee on Conferences and the Advisory Committee on Administrative and Budgetary Questions, on measures taken to develop further the cost-accounting system;

Smoke-free conference rooms

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/734], adopted **resolution 52/214 E** without vote [agenda item 119].

Pattern of conferences

The General Assembly,

Recalling its decision 38/401 of 23 September 1983 concerning the prohibition of smoking in small conference rooms and the discouragement of smoking in large conference rooms,

1. Calls on representatives of Member States to abide by decision 38/401;

2. Encourages all users of United Nations conference facilities, in order to avoid involuntary exposure to passive smoking, to refrain from smoking, in particular in conference rooms.

Documents control

In response to General Assembly resolution 51/211 B [YUN 1996 p. 1374], the Secretary-General submitted an August report [A/52/291] on control and limitation of documentation.

He reported that as part of his reform measures (see PART FIVE, Chapter I), he had announced that all documents produced by the Secretariat should be no longer than 16 pages, a reduction from the former standard of 24 pages. Proposals would be made to intergovernmental bodies and subsidiary bodies of the Assembly to reduce the length of their reports from the standard 32 pages to 20 pages. At the Secretariat level, action had been taken to reduce the volume of reproduction and redistribution of printed material, the number of copies of documents kept in stock had been cut in half, and the circulation of documents in the Secretariat and their distribution in meeting rooms had been substantially curtailed. Permanent Missions at Headquarters had been asked to review their requirements for printed documents and print runs were being adjusted in accordance with feedback. Those measures had been possible due to wider access to the optical disk system. New document formats had been developed and were gradually being introduced in all languages to en-

hance readability, preserve a consistent look and produce savings in reproduction, distribution and storage costs. However, data confirmed the need for additional measures at the intergovernmental level to achieve significant progress in documentation control.

The Committee on Conferences [A/52/32/Rev.1] recommended that the Assembly invite intergovernmental bodies to reduce the length of their reports from 32 to 20 pages over a period of time rather than with a fixed deadline, and make suggestions to those bodies on how to accomplish that reduction. The Committee's Chairman was asked to write to the chairmen of those Assembly subsidiary organs entitled to written meeting records who had yet to respond to his previous letter, reminding them to consider requesting the Secretariat to issue unedited transcripts of one meeting for comparison purposes with a view to the possible substitution of such transcripts for their usual records.

Optical disk system

The Secretary-General, responding to resolution 51/211 C [YUN 1996, p. 1375], submitted an August report on access to the UN optical disk system (ODS) [A/C.5/51/56]. He stated that, since the introduction of the system in 1993, there had been exponential growth in the number of users among permanent and observer missions and government capitals. At the end of 1996, there were more than 2,300 users worldwide, with user availability to all Member States and, since 30 June 1997, permanent missions could access the system through the Internet. It was planned to place a second Web server on-line in New York. The Distribution Section of Conference Services had conducted a survey among permanent and observer missions in New York to establish new hard-copy document requirements, taking into account electronic availability on ODS. The results indicated a reduction of 14 per cent in the number of copies missions wished to have distributed to them on issuance. On the other hand, the availability of documents on ODS and access to them via the Internet had not had a discernible effect on the number of copies requested by delegations in conference rooms and at document counters at Headquarters.

CD-ROM technology was considered to be a very economical supplemental manner by which the optical disk database could be distributed to interested users around the world. A facility to produce CD-ROMs directly from ODS had been introduced and the first prototypes of CD-ROMs were expected to be ready in 1997. The CD-ROMs would have the same search and retrieval interface as the optical disk on the Internet. Users

might then choose between one or the other to access UN documents without having to learn new functions or procedures.

Development of a policy for the further expansion of ODS was in progress. The establishment and development of ODS and the use of the Internet to offer electronic access to documents and to the UN World Wide Web site were the foundation of a plan to offer information of higher quality, at a lower unit cost, to a vastly broader audience in every Member State.

The Committee on Conferences took note of the Secretary-General's report and recommended that the further development of the system should be encouraged.

GENERAL ASSEMBLY ACTION

On 15 September [meeting 107], the General Assembly, on the recommendation of the Fifth Committee [A/51/742/Add.1], adopted **resolution 51/211 F** without vote [agenda item 118].

Pattern of conferences

The General Assembly,

Recalling its resolution 51/211 C of 18 December 1996 on the pattern of conferences,

Having considered the report of the Secretary-General on access to the optical disk system,

Taking into account that only publicly available official documents and publications and other public texts of the United Nations are stored in the optical disk system,

Noting with appreciation the ongoing efforts to improve access to the optical disk system,

1. Encourages the Secretary-General to develop a policy for the further expansion of the optical disk system of the United Nations, including provisions for making it available on a fee-for-service basis to any interested party, on the understanding that access will continue to be provided free of charge to permanent and observer missions and other government offices of Member States, with a maximum of ten access passwords for each Member State, as well as provisions for making it available to all staff of the Secretariat;

2. Requests the Secretary-General, in developing such a policy, to take into account the special needs of developing countries and other special groups of potential users;

3. Calls upon the Secretary-General to ensure that access to, and the flow of information from, the optical disk system for end-users, especially in capital cities, are both continuous and uninterrupted;

4. Requests the Secretary-General to continue work on providing access to the optical disk system in the six official languages of the United Nations on an equal basis;

5. Also requests the Secretary-General to submit a report on the policy to the General Assembly for consideration at its fifty-second session.

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/734], adopted **resolution 52/214 C** without vote [agenda item 119].

Pattern of conferences

The General Assembly,

Recalling its resolutions 50/206 D of 23 December 1995, 51/211 C of 18 December 1996 and 51/211 F of 15 September 1997,

Stressing the importance of equal access to, and benefit from, the optical disk system and other new technologies in all six official languages for all Member States and the need to overcome the difficulties faced by some Member States, in particular developing countries, in acquiring the technology to access the optical disk system, as well as other available technologies,

Appreciating the actions taken by the Ad Hoc Open-ended Working Group on Informatics of the Economic and Social Council to achieve universal connectivity between the United Nations databases and those of Member States, including through their permanent missions, and the training programmes initiated to that end,

Also appreciating the efforts of the Secretary-General to incorporate new information technologies in the work of the Organization,

1. Recognizes the efforts to provide wider access to the optical disk system, while continuing to ensure the availability of hard copies of documents for Member States, in particular for developing countries;

2. Reiterates its request to the Secretary-General to ensure that the texts of all new public documents, in all six official languages, and information materials of the United Nations are made available through the United Nations Web site daily and are accessible to Member States without delay;

3. Requests the Secretary-General to issue public information material in all official languages on the United Nations Web site as soon as possible, and to report on the implementation of this decision to the General Assembly at its fifty-third session through the Committee on Information;

4. Also requests the Secretary-General to complete the task of uploading all important older United Nations documents on the United Nations Web site in all six official languages on a priority basis, so that these archives are also available to Member States through that medium;

5. Further requests the Secretary-General to continue work on providing access to the optical disk system in the six official languages on an equal basis;

Recurrent publications

The Secretary-General transmitted in August the report of JIU entitled "United Nations publications: enhancing cost-effectiveness in implementing legislative mandates" [A/51/946]. The report was prepared in response to General Assembly resolutions 50/206 C [YUN 1995, p. 1453] and 51/211 B [YUN 1996, p. 1375]. JIU reviewed aspects of UN publishing activities—the relevance, usefulness and potential for duplication of UN publications; publications' policies and practices; administrative, managerial and organizational set-up and oversight; and planning, production and sales/distribution stages of the publishing process.

The inspectors recommended that all UN legislative bodies should review and assess existing publications programmes; identify duplication within and outside of the UN system and marginal and obsolete publications; and make proposals for consolidation and/or elimination. The Secretary-General should submit to the Assembly the most updated report on publications policies (see PART ONE, Chapter VIII); review the administrative, managerial and organizational structure of publishing activities and introduce reforms at Headquarters, including consolidation of a number of existing functions and units; and strengthen the Publications Board to ensure overall control, oversight and coordination, and policy guidance. Other recommendations included: specific mandates should be the primary criterion for planning new publications, while keeping those based on general mandates to a minimum; proposed publications programmes should be screened, prior to the preparation of each biennial programme budget, for their relevance, usefulness and potential for duplication; the Secretary-General should institute a system whereby each department/office would receive a separate but consolidated budgetary line covering publishing activities; decisions by substantive legislative bodies for new publications should be taken only after careful review of information on potential duplication and financial implications; the United Nations should develop a cost-accounting system by the end of 1998 to enable it to know the full cost of publications, in addition to identifying savings potential; pending the establishment of such a system, the annual printing workload should be planned to make more rational use of internal printing capacities and outsourcing practices should be reviewed; advanced technology should be enhanced, shifting towards electronic publishing; cooperative arrangements, in particular joint publications between the United Nations and other entities, should be promoted; sales income reports should be produced and reviewed regularly and the current treatment of such income should be reviewed; and sales promotion should be strengthened to maximize financial returns.

In August, the Committee on Conferences [A/52/32/Rev.1], pending the comments of the Secretary-General on the JIU report, endorsed only those recommendations addressed directly to substantive legislative bodies. It stated that input from users of modern technology might be useful in evaluating future publications programmes.

In a 17 November note [A/52/685] containing his comments on the JIU report, the Secretary-General said that budgetary reductions in 1996

and 1997 had resulted in the termination, curtailment and deferral of a number of publications proposed in the programme budget for the 1996-1997 biennium, an indication that departments were prioritizing the publications in their programmes. That trend would continue as all UN entities worked to maximize their resources. Progress was already being made in rationalizing publications, eliminating duplication and ensuring the most cost-effective production. The Secretary-General was of the view that the current responsibilities of legislative bodies and Secretariat units in establishing free distribution lists needed to be reviewed, as did the importance of copyright enforcement.

The Assembly, in **resolution 52/214 B** (see below), deferred consideration of the JIU report and the Secretary-General's comments thereon to its resumed (1998) session.

Translation services

The Committee on Conferences considered on oral report by the Secretariat on efforts to improve the quality of translation of documents in all six official languages. The Committee expressed satisfaction with the release in April of funds appropriated in the 1996-1997 programme budget for translator posts and workstations. However, concern was expressed at the decreased level of funding in the proposed 1998-1999 programme budget for the recruitment of permanent translation staff, the higher proportion of the translation workload that was to be outsourced, and the continuing delays in the delivery of translations to delegations. The Secretariat explained that while contractual translation had been recommended as the least costly method of producing translations, careful monitoring was needed; in that regard, quality control of outsourced translations had been expanded. Remote translations arrangements with the UN Office in Vienna were already being used to expand translation capacity at Headquarters. Late delivery of translations was frequently attributable to the late submission of documents by the substantive departments.

GENERAL ASSEMBLY ACTION

On 22 December [meeting 79], the General Assembly, on the recommendation of the Fifth Committee [A/52/734], adopted **resolution 52/214 B without vote** [agenda item 119].

Pattern of conferences

The General Assembly,

Recalling its resolutions 47/202 B of 22 December 1992, 48/222 B of 23 December 1993, 49/221 B of 23 December 1994, 50/206 B and C of 23 December 1995 and 51/211 B of 18 December 1996,

Regretting the delayed issuance of the report of the Secretary-General on the report of the Joint Inspection Unit on United Nations publications,

1. Takes note of the report of the Secretary-General on the control and limitation of documentation;

2. Also takes note of the report of the Joint Inspection Unit on United Nations publications, the positive opinion of the Committee on Conferences thereon and the report of the Secretary-General thereon, and decides to consider both reports at its resumed fifty-second session;

3. Expresses deep concern about the decline in the quality of some reports and documents originating in the Secretariat;

4. Notes the decision of the Secretary-General that documents originating in the Secretariat should be no longer than sixteen pages;

5. Emphasizes that this reduction should not adversely affect either the quality of presentation or the content of the documents;

6. Stresses once again the need for strict compliance with the existing page limit for reports of subsidiary bodies;

7. Invites all intergovernmental bodies to consider, where appropriate, the possibility of reducing the length of their reports from the desired limit of thirty-two pages to twenty pages over a period of time without adversely affecting either the quality of presentation or the content of the reports;

8. Decides to keep under review the length and quality of all documents;

9. Reiterates its request to United Nations bodies and to the Secretary-General to ensure respect for equal treatment of the six official languages of the United Nations;

10. Expresses deep concern about difficulties experienced by some Member States owing to the suspension of some publications in all official languages and the delay in the translation of official documents;

11. Decides, in this regard, to request the Secretary-General to provide all necessary resources to reverse this situation;

12. Requests the Secretary-General to take steps to improve the quality and accuracy of meeting records in all six official languages through full reliance, in the preparation and translation of those records, on sound recordings and written texts of statements as they were delivered in the original languages, and to issue those records within a reasonable time-frame;

13. Also requests the Secretary-General to ensure that the summary records of the Fifth Committee, given the technical complexity of their subject matter, are prepared by experienced language staff who are thoroughly familiar with current administrative and financial developments in the Organization, and are issued within a reasonable time-frame;

14. Further requests the Secretary-General to continue to improve and accelerate the accurate translation of documents into the official languages, giving special significance to the quality of translation;

15. Stresses the need to strengthen the monitoring of contractual translations to ensure that they meet the quality requirements for United Nations documents;

16. Requests the Secretary-General to ensure that summary records are translated in all six official languages concurrently;

17. Also requests the Secretary-General to continue his efforts, where appropriate, to introduce new technologies such as machine-assisted translation and common terminology databases;

18. Expresses deep concern that the limits to self-revision have not been kept at a level that would ensure a high quality of translation;

19. Requests the Secretary-General to reinstate the post of reviser in the six official languages;

20. Reiterates its request to the Secretary-General to ensure that documentation is available in accordance with the six-week rule for the distribution of documents simultaneously in the six official languages of the General Assembly;

21. Regrets that there continue to be delays in the submission of documents to the conference services;

22. Reaffirms its decision that, if a report is issued late, the reasons for the delay should be indicated when the report is introduced;

23. Requests the Committee on Conferences to review the late issuance of documents and to suggest remedial action for consideration by the General Assembly at its fifty-third session;

24. Requests the Secretary-General to direct all departments to include, where appropriate, the following elements in reports originating in the Secretariat:

(a) A summary of the report;

(b) Consolidated conclusions, recommendations and other proposed actions;

(c) Relevant background information;

25. Decides that all documents submitted to legislative bodies for consideration and action should have conclusions and recommendations in bold print;

26. Expresses deep concern about the technical and audio quality of some conference rooms, and, in this regard, requests the Secretary-General to present proposals at the first part of the resumed fifty-second session of the General Assembly in order to ensure all necessary resources for the upgrading of those conference rooms, including the interpretation booths;

obtain such data and to promote use of the Internet as the basis for future development of information services to Member States.

The UN Secretariat and UNDP continued to operate dedicated help desk facilities for permanent and observer missions; by June 1997, all missions were provided with the means to access the Internet. As to facilitating information access and dissemination in country locations, the UNDP-financed Sustainable Development Networking Programme promoted access to and the sharing of information and expertise among all sectors of civil society. Information available on the UN Web server had been substantially revised, with a new multilingual Home Page, which included nearly all areas of interest relating to the United Nations, with links to other Web sites system-wide. Videoconferencing facilities were available at Headquarters, and UN Offices in Geneva and Vienna had acquired videoconferencing equipment. The 1998-1999 programme budget continued a proposal for providing major duty stations with a videoconferencing network.

On 18 July, the Chairman of the Working Group informed the Council that 185 missions in New York and 113 in Geneva had been connected to the UN information network and the Working Group had offered courses at both duty stations to meet the needs of the missions and the Secretariat. The UN Web Page was consulted weekly, on average, by more than a million users from 107 countries. ODS, which was linked to the Web Page, had considerably facilitated the consultation of UN documents stored in the system. The Working Group had also helped mission personnel to create their own Web pages and had observed that videoconferencing was making a considerable contribution to reducing UN expenses. To forge collaboration between the United Nations and those responsible for technological innovation, the Working Group had organized symposiums with permanent missions, the Secretariat and the private sector.

The ACC Information Systems Coordination Committee (ISCC) held its fifth session in New York from 1 to 3 December [ACC/1997/19]. It forwarded to ACC for endorsement of its system-wide applicability, the "Executive Statement on Migration to Contemporary Document Management", which while, recognizing that UN agencies were at different points in implementing electronic document management, noted that there was a need for adherence to an agreed framework for development and implementation. ISCC directed the Task Force to examine the issue and develop the strategic statement of direction for ACC. The statement outlined the opportunities presented by electronic document

UN information systems

In response to Economic and Social Council resolution 1996/35 [YUN 1996, p. 1379], the Secretary-General submitted a June report [E/1997/88] on international cooperation in the field of informatics. The report examined the work of the Ad Hoc Open-ended Working Group on Informatics on the need to harmonize and improve UN information systems for optimal utilization and accessibility by all States, actions by the Secretariat and the United Nations Development Programme (UNDP) to concerns raised by the Working Group and videoconferencing plans for the UN system.

The Working Group continued to address the need to make UN information more easily accessible electronically to all missions and to ensure that they could easily connect to the Internet to

management and the consequences of inaction. It also examined the costs involved and savings to be realized, and the high-level requirements for an electronic document management system, including the core set of metadata (information describing other data).

The General Assembly, by **decision 51/468 A** of 13 June, noted the report of the Office of Internal Oversight Services on the management of electronic mail in the Secretariat and the comments of the Secretary-General thereon [YUN 1996, p. 1378].

ECONOMIC AND SOCIAL COUNCIL ACTION

On 18 July [meeting 33], the Economic and Social Council adopted **resolution 1997/1** [draft: E/1997/L.28] without vote [agenda item 6 (c)].

The need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States

The Economic and Social Council,

Conscious of the deep interest of Member States in harnessing the benefits of new information technologies for furthering the objectives of the United Nations, including the objectives of economic and social development,

Recalling its resolutions 1991/70 of 26 July 1991, 1992/60 of 31 July 1992, 1993/56 of 29 July 1993, 1994/46 of 29 July 1994, 1995/61 of 28 July 1995 and 1996/35 of 25 July 1996 on the need to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States, with due regard to all official languages,

Recalling also that in its resolution 1996/35 it commended the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it had taken in pursuance of its mandate and requested the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item,

Welcoming the oral report presented by the Chairman of the Ad Hoc Open-ended Working Group on Informatics on the progress achieved so far by the Working Group in fulfilling its mandate,

Highly appreciative of the accomplishments of the Working Group, which include:

(a) The attainment of nearly universal connectivity between United Nations databases and those of the permanent missions of the Member States,

(b) The training of a large number of personnel of the permanent missions and the Secretariat in the use of a variety of electronic facilities and techniques,

(c) The identification and progressive elimination of several impediments to access to United Nations databases,

(d) The establishment of video conferencing facilities for use by the permanent missions and the Secretariat,

(e) The establishment of the United Nations Web page on the Internet and a connection between this facility and the United Nations optical disk system,

(f) The uploading of all resolutions and decisions of the Security Council, the General Assembly, the Economic and Social Council and the Trusteeship Council from 1946 onwards on the United Nations optical disk system and the enlargement of the database of documents on the United Nations Web page,

(g) Efforts to enable the United Nations and its Member States to reduce waste and duplication as well as expenditure on unnecessary documentation,

(h) The provision of assistance to permanent missions for creating their own Web pages on the Internet,

Deeply appreciative of the fact that the work of the Working Group has not involved any additional expenditures and that its needs have been met from within existing resources,

Highly appreciative of the fact that the work done by the Working Group has already resulted in savings for the United Nations and its Member States and has created opportunities for further savings,

Taking note with deep interest of the proposed initiatives of the Working Group, including the promotion of computer-based decision-making techniques to facilitate the drafting of resolutions and documents in ways that would accelerate the reaching of agreements in the drafting process and the employment of modern information technology for the development activities of the United Nations,

Recognizing that the work done by the Working Group will support and facilitate the successful implementation of the initiatives being taken by the Secretary-General with a view to expanding the use of information technology and the availability and transparency of information in order further to facilitate access to United Nations information in all countries,

Agreeing with the assessment in the report of the Working Group that further work needs to be done by the Working Group to fulfil its mandate,

Taking note of the report of the Secretary-General on action taken by the United Nations to implement Economic and Social Council resolution 1996/35,

1. Reiterates once again the high priority it attaches to easy, economical, uncomplicated and unhindered access for States Members of the United Nations and for observers, through, inter alia, their permanent missions, to the growing number of computerized databases and information systems and services of the United Nations;

2. Calls for the urgent and continued implementation of measures required to achieve these objectives;

3. Reaffirms the continuing need for representatives of States to be consulted closely and associated actively with the respective executive and governing bodies of United Nations institutions dealing with informatics within the United Nations system so that the specific needs of States as internal end-users can be given due priority;

4. Decides that the action programme to harmonize and improve United Nations informatics systems for optimal utilization and accessibility by all States should continue to be implemented from within existing resources and in full consultation with the representatives of States;

5. Highly commends the Ad Hoc Open-ended Working Group on Informatics for the concrete actions it has taken and for the impressive results it has produced in pursuance of its mandate;

6. Requests the President of the Economic and Social Council to convene the Working Group for one more year, from within existing resources, for the due fulfilment of the provisions of the Council resolutions on this item and for facilitating the successful implementation of the initiatives being taken by the Secretary-General with regard to the use of information technology;

7. Requests the Working Group to design an overall information management strategy for the United Nations system;

8. Requests the Secretary-General to extend full cooperation to the Working Group and to give priority to implementing its recommendations;

9. Also requests the Secretary-General to report on the follow-up action taken on the present resolution, including the findings of the Working Group, to the Economic and Social Council at its substantive session of 1998.

The General Assembly, in **resolution 51/241** of 15 September on strengthening the UN system, addressed the question of technology (see PART FIVE, Chapter I).

Telecommunications

The General Assembly, by **decision 51/470** of 13 June, took note of the Secretary-General's report on the UN telecommunications system [YUN 1994, p. 1410] and the JIU report entitled "A review of telecommunications and related information technologies in the United Nations system" [YUN 1995, p. 1455], and endorsed the Secretary-General's report on telecommunications in the UN system [YUN 1996, p. 1378].

Integrated Management Information System (IMIS)

GENERAL ASSEMBLY ACTION

The General Assembly, in April, having considered the Secretary-General's eighth (1996) progress report on the Integrated Management Information System (IMIS) and the report of the Advisory Committee on Administrative and Budgetary Questions thereon [YUN 1996, p. 1380], adopted **decision 51/464** without vote, on the recommendation of the Fifth Committee [A/51/750/Add.1] [agenda item 116].

Eighth progress report on the Integrated Management Information System project

At its 95th plenary meeting, on 3 April 1997, the General Assembly, on the recommendation of the Fifth Committee, having considered the eighth progress report of the Secretary-General on the Integrated Management Information System project and the related report of the Advisory Committee on Administrative and Budgetary Questions:

(a) Took note of the report of the Secretary-General;

(b) Endorsed the recommendations and observations of the Advisory Committee, with the exception of paragraph 12;

(c) Urged the harmonization of management systems within all organizations, agencies, funds and programmes of the United Nations, insofar as such harmonization was cost-effective;

(d) Requested the Secretary-General, in the context of the proposed programme budget for the biennium 1998-1999, to submit the resource and staffing requirements of the Integrated Management Information System project, in accordance with the Financial Regulations and Rules of the United Nations;

(e) Also requested the Secretary-General to ensure that the information requested by the Advisory Committee was included in the ninth progress report on the Integrated Management Information System project to be submitted to the General Assembly at its fifty-second session. [agenda item 116]

Report of Secretary-General (December). The Secretary-General, in December, submitted his ninth report on IMIS [A/52/711]. He updated the status of the IMIS project and described the operation of the system and work still to be done. During the year, major progress was achieved in a number of areas but data problems and implementation difficulties were also experienced. Solving those issues had entailed considerable unplanned effort, creating additional resource requirements. Areas of successful implementation included: implementing improved operations of Release 3, financial and support services applications, at Headquarters; re-engineering Release 2, staff entitlements, to take into account its integration with payroll; analysis and start of construction of Release 4, payroll; implementation of Release 1 at four additional offices (Addis Ababa, Ethiopia; Geneva; Nairobi, and Santiago, Chile); implementation at Headquarters of the travel functionalities; upgrading of the system to the latest versions of all its technical components, resolution of performance problems and installation of the new version at other offices; and increased cooperation between the user organizations for common maintenance of the system.

Difficulties related to Release 3 had led to slippage in the implementation schedule of Release 4 at Headquarters and of the system as a whole at offices away from Headquarters. The substantial additional work required for Release 2 and implementation of Release 3 at Headquarters had also led to unforeseen increased costs. Net additional requirements were estimated at \$10.4 million. The Secretariat, after reviewing its options and considering the observations of the Board of Auditors (see below), concluded that the best solution was to absorb the additional cost in the current biennium (1996-1997) by offsetting it against available under-expenditures. The over-

all development and implementation costs of the project from its inception in 1989 through completion were estimated at \$72.9 million, against an approved budget of \$62.6 million.

Board of Auditors report. In December, the Secretary-General transmitted to the General Assembly the report of the Board of Auditors [A/52/755] on all aspects of its updated special audit of the IMIS project. The Board found that the project, initially estimated to cost \$28 million (1988 estimates), was reprogrammed and re-budgeted in 1994 at \$76 million (1994 estimates). A contractor was engaged in 1991 to develop IMIS at a total price of \$17 million; by 1996, that price had increased to \$34.5 million. The Administration attributed the increase to the evolution of requirements, implementation support, training and maintenance costs not originally foreseen. The project, initially expected to be completed by January 1994, was now expected to be completed after July 1998. The Administration had paid \$2.59 million to the IMIS contractor for delays attributed to the United Nations. Of the three Releases launched, only Release 1 and 3 were operating, while Release 2, covering staff entitlements, had to be turned off in October 1996, 18 months after it had been launched. Release 4 (payroll, personnel insurance management and time and attendance records) was still under development and Release 5 (budget formulation) had been abandoned earlier. Although new tasks had been added to the IMIS contract, the list of deliverables had not been updated since September 1994, and the work plan was not updated after March 1995. As a result, the Administration was unable to use the list and the work plan to monitor IMIS implementation. It had also contracted out tasks that it should have performed itself, such as data cleaning and the operation of the Help Desk, which increased unduly the Organization's dependence on the contractor.

The Auditors recommended that the Administration: draw up a comprehensive plan, indicating time schedules and resources needed to resolve outstanding problems; analyse the reasons Release 2 did not work and formulate a timetable for activating the system; amend the IMIS contract to update the list of deliverables and the work plan and use them to monitor payments and deliverables; secure adequate in-house expertise on the logic, hard codes and other technical features and deploy sufficient manpower to reduce dependence on the contractor; and develop a comprehensive reporting system to meet the processing requirements of different users, thereby minimizing the need for ad hoc queries on the database. The Organization also needed to rectify system errors in the releases and to im-

prove the reporting system in general and in Release 3 in particular, and to facilitate the preparation of financial statements. It should also give priority to developing and implementing a plan for the long-term maintenance of the system.

Other matters

Common services

In February, the Secretary-General transmitted to the General Assembly his comments [A/52/686/Add.1] on the 1996 JIU report entitled "Common services at United Nations Headquarters" [YUN 1996, p. 1380]. The Secretary-General welcomed the thrust of the report and its recommendations. However, he noted that it did not provide practical solutions for consolidating and enhancing the efficiency of common services. JIU did not quantify the costs and benefits of its proposals nor evaluate the ongoing efforts of the United Nations and its affiliated bodies to modify their common service agreements. Neither did it answer the question of whether economies of scale could be universally realized through re-centralization and consolidation of common services at Headquarters or whether consolidation could have a negative impact on the efficiency of services. The example of information technology demonstrated that the consolidation of common services did not necessarily improve their efficiency and that flexibility was essential.

In further observations [A/51/686/Add.2] transmitted to the Assembly in March, JIU stated that the Secretary-General's reservations focused exclusively on the operational constraints that the reorganization of common services recommended by the Inspectors could entail for the providers and users of those services. No convincing example was given of such possible constraints, nor was evidence provided that such constraints would outweigh the benefits of a changeover to a more coherent and cost-effective system of common services at Headquarters. In that connection, the Inspectors found that, for the operational programmes and funds particularly, improved administrative synergies and economies of scale at their common New York Headquarters would facilitate their achievement of integrated and coherent field operations and facilities worldwide.

On 13 June, the General Assembly, by **decision 51/469 A**, noted the JIU report and the comments of the Secretary-General thereon. The Assembly also noted the JIU report entitled "United Nations system common premises and services in

thefield"andthecommentsofACCthereon[YUN 1996, p. 763].

UN insurance programmes

JIU, in comments [A/51/530 & Corr.1] on the 1996 report of the Office of Internal Oversight Services (OIOS) on the management audit of UN global cargo and motor vehicle insurance programmes, noted that the audit was confined to two major objects of insurance and recommended, taking into account the level of resources involved in insurance policies throughout the Organization, that a broader, similar management audit be conducted to cover all UN insured assets. It also recommended that ACC explore the possibilities of having common system-wide practices and procedures, including common insurance programmes; that information be provided to the Assembly regarding the extent to which the Department of Administration and Management and the Department of Peacekeeping Operations (DPKO) possessed the level of resources and expertise to properly negotiate, control and oversee the insurance programmes; and that information be provided on whether contracts signed were the result of international bidding. JIU further recommended that the Field Administration and Logistics Division of DPKO immediately advise the United Nations Angola Verification Mission to end the duplicate insurance coverage of its vehicles by terminating its local insurance coverage. JIU was of the opinion that the decision to purchase or not local insurance instead of increasing global insurance coverage should be solely guided by cost effectiveness and conform with local regulations.

The General Assembly, by **decision 51/468 B** of 13 June, took note with concern of the OIOS report. It requested the Secretary-General to entrust OIOS with a further audit covering all UN insurance programmes, including insurance contracts based on international bidding. He should explore the possibility of having common system-wide practices and procedures, including common insurance programmes, and address JIU's opinion regarding the purchase of local insurance coverage and report to the Assembly at its next session.

UN catering services

The Secretary-General transmitted in February an OIOS report [A/51/802] on the audit of Headquarters catering operations, which, since 1986, had been operated by a contractor under a profit and loss arrangement. The audit included a review of the contractual arrangement and of UN monitoring of contractor performance, as

well as an analysis of the operating statements submitted by the contractor to the United Nations. The report also discussed findings regarding catering operations at the United Nations Office at Geneva and the International Trade Centre.

OIOS found that while the current contractual arrangement had helped the United Nations to avoid further financial losses from catering operations, constituting a major improvement over the prior situation, the General Assembly's desire to make catering operations financially self-supporting was not achieved and the contract did not assure the most effective use of the Organization's resources. The contract provided for the contractor to retain, as a management fee, the excess of gross receipts over operating expenses and to absorb any losses. However, operating expenses excluded direct and indirect costs incurred by the Organization in providing and maintaining the facilities (space, utilities, major equipment). Thus, the contractor, with limited capital investment, retained a significant profit of more than \$12 million over the 1986-1996 period, while the United Nations continued to subsidize the catering operation.

OIOS recommended that the objectives of UN catering operations be clearly defined and completely outsourced, with adequate UN monitoring. All costs incurred by the United Nations should be identified and reimbursed by the contractor, a profit-sharing arrangement between the United Nations and the contractor should be implemented, and vendor selection criteria clearly established. Annual audited financial statements should be submitted by the contractor, and consumer price indicators and quality assurance indicators included in the contract. Catering committees should be reactivated and monitoring of catering operations strengthened. Regular health inspections of the facilities and health examinations of the employees as well as proper maintenance of the facilities and its major equipment should be ensured.

The Office noted that its audit recommendations had been reflected in the new request for proposal from vendors and would be taken into consideration in developing the new contract for the UN catering operation.

The Secretary-General, in his October report on procurement reform [A/52/534 & Corr.1] (see PART FIVE, Chapter I), welcomed the OIOS recommendations on Headquarters catering operations and assured the General Assembly that they were fully taken into account in the preparation of the request for proposal from vendors. Under the new catering contract, signed on 29 August,

the catering operations at Headquarters were in full compliance with those recommendations.

In **resolution 51/231** of 13 June, the General Assembly endorsed the OIOS recommendations and asked the Secretary-General to achieve consistency in policy and practice with regard to catering operations at Headquarters and in Geneva.

Outsourcing practices

OIOS report. In a February report [A/51/804], OIOS reviewed outsourcing practices at the United Nations. Its major findings were: there was a need to develop an Organization-wide policy on outsourcing, as the lack of policy guidelines contributed to the inconsistent outsourcing approaches by programme managers; although outsourcing should accomplish one or more goals, ranging from acquiring technical expertise, cost savings, efficiency and expediting a process to providing temporary assistance, few programme managers were able to identify the extent of goals achieved; there were a number of cases of non-compliance with procurement procedures, despite the fact that successful outsourcing depended on proficient management of the procurement process; there was a great need to ensure monitoring of vendor performance; and an outsourcing focal point should be established within the Department of Administration and Management. The review concluded that serious consideration should be given to expanding the use of outsourcing where justified by a cost-benefit analysis. However, it was crucial to ensure vigilant monitoring/evaluation.

On 13 June, the General Assembly, by **decision 51/468 E**, decided to revert, at its fifty-second session, to the OIOS report on outsourcing in the light of a forthcoming JIU report on the subject.

JIU report. The Secretary-General transmitted to the General Assembly a September JIU report [A/52/338] entitled "The challenge of outsourcing for the United Nations system". JIU concluded that the value of outsourcing was the alternative means it provided for achieving cost savings and/or important improvements. However, it had been used throughout the UN system in an ad hoc manner without the benefit of a defined policy.

JIU recommended that the Executive Heads of each participating organization prepare a policy statement committing their organizations to outsourcing as a means for achieving improved cost-effectiveness, including therein criteria for determining non-core activities to be considered for outsourcing, while assuring the international

character and mandate of the organization. They should also prepare administrative rules and/or procedures to guide implementation of the criteria, assure control and management over outsourced activities, and improve cost-accounting methodologies to provide a better basis for deciding on the merits of outsourcing in each instance. The structure and/or operating procedures of secretariats should be changed to facilitate the best use of outsourcing, including the designation of an official to serve as "Facilitator". Executive Heads should ensure that information on the use of outsourcing was comprehensive and transparent in programme budget submissions and performance reports and make efforts to avoid negative impact on staff affected by outsourcing. The General Assembly should request ACC to develop a system-wide definition of outsourcing, encourage increased sharing among UN system organizations of experiences in its use, and explore possibilities of joint actions to gain the advantages of economies of scale and increased bargaining power. Legislative organs should review and evaluate the implementation of the approved outsourcing policy three years after its initiation.

UN access control system

On 13 June, the General Assembly, by **decision 51/468 C**, expressed concern about the findings contained in the 1996 OIOS report on the non-implementation of the UN access control system [YUN 1996, p. 1382], which had led to a financial loss of \$1.5 million. It endorsed the OIOS recommendations and requested the Secretary-General to continue efforts to recover the financial loss.

Inter-agency security

The ACC Ad Hoc Inter-Agency Meeting on Security (Rome, 6-8 May) [ACC/1997/10] discussed security information for staff, cooperation with intergovernmental and non-governmental organizations, coordination with peacekeeping and other field missions, security training, stress and hostage crisis management, transportation of cash, residential security measures, security management in the Democratic Republic of the Congo, financial implications of field security measures, and reporting requirements and follow-up regarding cases of arrested and detained staff.

The Meeting approved a document prepared by the UN Security Coordinator describing the inter-agency security structure, security arrangements at each duty station, a summary of each staff member's individual responsibility regarding security, and detailed personal security

guidelines, including information on how to survive as a hostage and what to do in the event of an airline hijacking. The Meeting recommended that the UN Security Coordinator ensure that measures applicable to locally recruited staff were consistently implemented at all duty stations. The Security Coordinator should also ensure that designated officials considered the logistics requirements of locally recruited staff, who should be briefed by their agency representative or the field security officer at the time of their employment and on a regular basis about the extent and limits of security provided by the UN security system in the event of an emergency. A plan proposed by the UN Security Coordinator regarding coordination between UN agencies, programmes and funds and peacekeeping missions was generally acceptable. The UN Security Coordinator should prepare a security training standard to ensure that all organizations gave appropriate training to staff members before they went into the field and repeated periodically at high-risk duty stations. The training of security management teams should be a top priority.

The Meeting recommended that ACC express concern about the increased number of UN personnel killed, kidnapped, taken hostage or detained without due process of law.

ACC consideration. At its second regular session of 1997 (New York, 31 October) [ACC/1997/20], ACC adopted a statement on staff security, in which it said that there was an urgent need for the UN system and the international community to consider at what point an area or a situation had become so dangerous that UN system staff had to be withdrawn. ACC highlighted a number of issues that were of immediate concern to the safety and security of staff in crisis situations and that needed to be jointly addressed by the UN system under the auspices of the Office of the UN Security Coordinator. Recognizing that the implementation of security measures would entail additional resources, ACC stated that it would continue to give priority attention to the financing of all measures to enhance staff security.

UN premises and property

Addis Ababa conference facilities

In a May report [A/C.5/51/37/Add.1], the Secretary-General reported to the Fifth Committee on the outcome of discussions between the United Nations and the contractor of the additional conference facilities at the Economic Commission for Africa (ECA) in Addis Ababa, Ethiopia, on the settlement of time delays and

financial claims, as well as additional costs arising out of the telephone system contract. It was estimated that the total project would amount to some \$115.2 million, an increase of \$7.6 million over the approved appropriation of \$107.6 million. The Secretary-General proposed to apply the interest (\$8 million as at 31 December 1996) accrued from the construction-in-progress accounts of ECA and the Economic and Social Commission for Asia and the Pacific (ESCAP) to offset the increased costs of the Addis Ababa project.

In July [A/51/7/Add.9], the Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly authorize an additional appropriation of \$7,651,594 for the construction of conference facilities at Addis Ababa and that it be funded from the construction-in-progress accounts of ECA and ESCAP.

On 15 September, the Assembly, by **decision 51/488**, authorized the Secretary-General to settle all outstanding claims on the construction of additional conference facilities at Addis Ababa, taking into account the interests of the Organization, and to make final payments on the project from the construction-in-progress account. It requested him to issue a full report on the construction at Addis Ababa to the Assembly's fifty-second session, including information on any internal or external audits conducted on the project.

In a November report [A/52/579], the Secretary-General stated that the new conference facilities were substantially completed and handed over in April 1996. The estimated total project cost remained at \$115.2 million, pending final payment of all outstanding and anticipated claims and currency fluctuations. Construction progress had been closely monitored on a continuing basis and extensive audits had been conducted by both the Board of Auditors and OIOS. As at the end of October, the certificate of completion and making good defects in the construction had not been issued, pending rectification of defects. Progress reports would continue to be submitted until all aspects of the project, including the new telephone system, were completed.

Office accommodation at the Palais Wilson

In a November report [A/C.5/52/19], the Secretary-General informed the Fifth Committee of the offer of the Swiss Federal Council to place at the disposal of the United Nations office accommodation at the Palais Wilson, Geneva, rent-free, initially from 1998 to 2000, with the intention of maintaining that arrangement indefinitely. The United Nations Office at Geneva would pay a fixed rate of SwF 78 (\$54) per square metre per year until the year 2000 for the management of the building. It was proposed that the

Office of the United Nations High Commissioner for Human Rights would move to the Palais Wilson and the space thus released would enable the rationalization and consolidation of existing operations within the Palais des Nations or the Geneva Executive Centre and the closure of the Petit Saconnex annex.

The cost of the move to the Palais Wilson for 1998-1999 would total \$6,050,000, of which \$3,920,000 would be covered by the Swiss authorities and the balance of \$2,130,000 by the United Nations. No additional budgetary resources were requested for the 1998-1999 biennium; however, recurrent costs for maintenance and building operation would be reflected in the proposed programme budget for Administration, Geneva.

ACABQ, in an 8 December report [A/52/7/Add.4], recommended that the General Assembly encourage the Secretary-General to continue his negotiations with the Swiss authorities with regard to the offer of Palais Wilson and to report to the Assembly for a final decision.

UN Postal Administration

The Secretary-General in May transmitted the report [A/51/897] of the Office of Internal Oversight Services (OIOS) on the audit of the United Nations Postal Administration (UNPA). The audit, which covered UNPA's operations for the 1992-1993 and 1994-1995 bienniums, focused on the operation in New York and the Global Office.

OIOS found that since its inception in 1950, UNPA had been the Organization's major contributor of commercial revenue. However, that revenue had declined in recent years and UNPA was unable to meet its projected revenue targets. In the 1994-1995 biennium, it suffered a loss for the first time of \$2.2 million, which depleted 94 per cent of its reserve fund. Although the financial situation had improved significantly in 1996, the factors that led to the 1994-1995 financial situation, including a declining philatelic market, high personnel cost and ineffective marketing strategies, continued to exist, representing a threat to UNPA's long-term business success. There were internal control weaknesses in UNPA's operation in procurement, financial reporting, stamp shows, customer accounts and inventory control.

OIOS recommended that: UNPA should undertake an independent evaluation of current and alternative modes of fulfilling its mandate to determine which was the most economical and efficient, including outsourcing of operations, particularly the distribution function; pending the results of that evaluation, UNPA should reflect in

its financial statements the "full cost" of its operations, including the cost of services and facilities provided by the United Nations free of charge; UNPA should ensure proper planning of significant projects, including a feasibility study and a cost-benefit analysis, the establishment of a formal statement of user requirements and involvement of users in all critical stages of project development; UNPA should ensure that users were adequately trained on relevant functions of the new computer system, documentation of the system should be further improved and, in future projects, UNPA should ensure adequate testing prior to implementation; UNPA should ensure timely submission of its monthly financial statements to the UN Accounts Division and assess the costs of staff attending stamp shows and balance them against its strategic marketing objectives; UNPA should use its new computer system to ensure that outstanding accounts receivable were regularly analysed and followed up and appropriate provision for doubtful accounts or write-offs should be submitted to the Controller; UNPA should periodically produce sales reports, showing by customer type and market location the monthly and year-to-date actual and forecasted sales, as well as a comparison with the preceding year to verify whether actual sales met business expectations; and UNPA should ensure that access to the Operational Stockroom was limited to custodial staff and identify the value of all stamps included in the inventory accounts that were no longer available for sale and reduce the inventory account accordingly.

The General Assembly, by **decision** 51/468 H of 13 June, took note of the OIOS report and requested the Secretary-General to ensure prompt implementation of its recommendations.

International years

At a meeting of the Economic and Social Council on 21 July, the Russian Federation introduced a draft resolution [E/1997/L.32/Rev.2] entitled "Proclamation of international years". By that draft, the Council would have reaffirmed the importance of the guidelines for international years and anniversaries contained in Council resolution 1980/67 [YUN 1980, p. 1029] and recommended that the General Assembly, at its next resumed session, decide that henceforth the issue should be considered directly by the Assembly and that it delete paragraph 12 of the guidelines accordingly.

On 18 December, the Council, by **decision** 1997/320, postponed consideration of the draft resolution to its 1998 organizational session.

PART SIX

Intergovernmental organizations related to the United Nations

Chapter I

International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency (IAEA), established in 1957 to promote the peaceful uses of atomic energy, continued its efforts in 1997 to improve the impact and efficiency of its activities, which encompassed nuclear power and its fuel cycle, waste management, nuclear and radiation safety, international safeguards, and the use of nuclear techniques to improve human health, food supply and environmental protection.

The forty-first session of the IAEA General Conference (Vienna, 29 September-3 October) adopted resolutions on measures to strengthen international cooperation in nuclear safety, radiological protection and waste management; the IAEA safeguards system; and strengthening the Agency's technical cooperation activities. It also took action on a plan for producing potable water economically and on the use of isotope hydrology for water resources management. In addition, the Conference addressed the issues of implementation of nuclear inspections in Iraq, safeguards in the Democratic People's Republic of Korea (DPRK) and in the Middle East, and illicit trafficking in nuclear materials.

In 1997, IAEA membership increased to 127 with the admission of Latvia, Malta and the Republic of Moldova.

Nuclear safety

IAEA continued in 1997 to support intergovernmental efforts to strengthen nuclear safety around the world, focusing on preparing for the implementation of the 1994 Convention on Nuclear Safety [YUN 1994, p. 1417], fostering the exchange of information on safety issues, developing common safety standards, providing a variety of expert services and supporting coordinated research in member States. By the end of the year, 41 countries had ratified the Convention, which had entered into force in 1996, and 74 countries had signed it.

The Operational Safety Review Team undertook eight missions in 1997 to assess nuclear power plants in Argentina, China (2), Kazakhstan, Lithuania, Mexico, the Republic of Korea and the Russian Federation. Assessment of Safety Significant Events Teams carried out 10 missions to nuclear power plants in Bulgaria (2),

Kazakhstan, Romania, the Russian Federation (3), Sweden and Ukraine (2). The International Nuclear Event Scale (INES), which communicated information on nuclear and other radiation events to the public, received information from 59 countries on 30 events in 1997.

Nuclear power

The Agency's nuclear power programme continued to assist member States in nuclear power planning and implementation and advanced reactor technology development, and provided them with computer models to facilitate nuclear power planning and bid evaluation. The International Desalination Advisory Group (INDAG) was established following an international symposium on desalination of sea water with nuclear energy, which was held in the Republic of Korea in May to review the research, design and development aspects of that technology.

Assistance was provided to Belarus, Brazil, Bulgaria, Colombia, Croatia, Lithuania, Peru and Poland to assess the role of nuclear power in the future expansion of electricity supply systems. In addition, Viet Nam received assistance in preparing a pre-feasibility study for the introduction of nuclear power.

Nuclear fuel cycle

The Agency's 1997 programme on the nuclear fuel cycle covered five key areas: uranium supply and demand; light water reactor fuel performance at extended burn-up; the reliability of spent fuel under long-term storage; the management of spent fuel from research and test reactors; and the safe handling and storage of plutonium.

The Agency's report *Uranium 1997—Resources, Production and Demand*, known as the "Red Book", incorporated reports on uranium resources, production and demand from 59 member States and, for the first time, included reports from all uranium-producing countries. A companion report on environmental activities related to uranium production was also prepared for publication in cooperation with the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development.

The Nuclear Fuel Cycle Information System (NFCIS) database—an international directory of

existing and planned civilian nuclear fuel cycle facilities containing information on 511 facilities in 51 countries—was redesigned.

Radioactive waste management

The Agency's programme on waste safety focused on the establishment of a comprehensive set of internationally agreed safety standards, which were being prepared with the active involvement of member States and under the supervision of an international advisory committee. An important step towards reaching the goal of an international safety regime was the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, for which IAEA served as the secretariat. The Joint Convention addressed, among other things, safety requirements for the control of spent radiation sources, for discharges of radioactive materials into the environment and for the transboundary movement of spent fuel and radioactive waste.

An area of increasing interest to member States was guidance on the role of practices of quality management and quality assurance in waste management. For the first time in Latin America, a demonstration of pre-disposal waste management methods and procedures was held at a waste processing and storage facility in Santiago, Chile. Participants from Bolivia, Guatemala, Paraguay, Uruguay and the host country attended the demonstration and obtained practical experience in managing radioactive wastes.

Environment

Reflecting environmental concerns, work began on a database of worldwide discharges of radioactive materials in liquid and gaseous forms, which would supplement the existing database of solid waste disposals in the marine environment. Several reports on assessments of the radiological conditions resulting from past nuclear activities, which comprised part of the new Radiological Assessment Reports Series, were completed. They covered reviews at Bikini atoll (a former nuclear weapon testing site) in the Marshall Islands, at the Semipalatinsk test site in Kazakhstan and in the Kara Sea, where high-level radioactive waste was dumped in shallow waters.

Agency activities to protect the marine environment focused on monitoring and assessing marine radioactivity and on using nuclear and isotopic techniques to enhance understanding of the oceans and marine pollution. The analysis of sea water, sediment and biota samples collected during a 1996 expedition to the Mururoa and

Fangataufa atolls in French Polynesia was completed.

The impact of urbanization on water resources and pollution of surface waters were two new areas of study.

Food and agriculture

Among the major achievements in the food and agriculture programme were the eradication of the tsetse fly from the island of Zanzibar, United Republic of Tanzania, and progress made towards eradicating the Mediterranean fruit fly (medfly) in several member States.

About 120 new accessions were registered in the Food and Agriculture Organization of the United Nations (FAO)/IAEA database for officially released mutant varieties. By year's end, the total had reached 1,849 varieties of 164 plant species released in more than 50 countries.

An FAO/IAEA symposium on animal disease control in the twenty-first century identified a number of innovative nuclear-based technologies that would be vital in controlling and eradicating major diseases affecting livestock in the developing world.

The year 1997 was an important one for the Global Rinderpest Eradication Programme (GREP). With the 10-year period of mass cattle vaccination in countries at risk from rinderpest having ended in 1996, the process of intense disease surveillance to identify and remove the remaining pockets of disease began with the goal of completion by the year 2005. In addition to supporting diagnosis through immunoassay and molecular methods, the Agency developed a set of performance indicators that could be used by national authorities to ensure that rinderpest detection systems were in place and functioning well.

Physical and chemical sciences

IAEA activities in the physical and chemical sciences included on-line nuclear and atomic data services to member States, development of nuclear instrumentation, theoretical physics, studies on the utilization of research reactors and particle accelerators, analyses of radiochemical applications, and plasma physics applications and controlled fusion research.

Nuclear and atomic data services on the Internet registered a 27 per cent increase in data retrievals over 1996, and four new nuclear databases and an improved data library for fusion applications were added. To better serve data users who had limited access to the Internet, especially those in developing countries, the Agency began to develop CD-ROM versions of major nuclear

databases, together with user-friendly retrieval software.

Human health

The programme on human health concentrated on the development and application of new nuclear and radiation techniques, especially those suitable for the diagnosis and treatment of diseases prevalent in developing member States. Increasing emphasis was also placed on preventive medicine, such as early detection of neonatal hypothyroidism, hepatitis and other communicable diseases. In radiation therapy, there were renewed efforts to improve the quality control of cancer treatment. The thermoluminescent dosimetry (TLD) measurement system of the IAEA/World Health Organization (WHO) worldwide network for beam quality checks in radiation therapy was automated at the Agency's laboratories at Seibersdorf, Austria. In nutrition, agreement was reached with WHO on a coordinated research programme on infant monitoring to define a new growth reference for breastfed babies.

To establish a link to the international radiation measurement system, the Agency's Dosimetry Laboratory calibrated reference ionization chambers and dosimeters from 38 member States, including laboratories and hospitals. A total of 46 reference ionization chambers were calibrated at 175 calibration points for various radiation qualities.

Technical cooperation

The new strategy of the Agency's technical cooperation programme had the overall aim of improving efficiency and effectiveness. The programme went beyond technology transfer and capacity-building to directly involving the end-users of nuclear technology in solving problems of sustainable human development. Significantly more projects had strong links to national development objectives.

About 38 interregional projects were operational in 1997, with 12 completed before the end of the year. Seventeen interregional courses provided training to participants in the areas of nuclear power, nuclear safety, radiation protection and applications in agriculture, medicine and industry. Some 254 projects were operational in Africa, 250 in the East Asia and Pacific region, 105 in Western Asia, 236 in Europe and 279 in Latin America.

Delivery of technical cooperation based on disbursements amounted to \$60.5 million in 1997, up from \$59.5 million in 1996.

Agency safeguards responsibilities

A major milestone in efforts to strengthen the safeguards system was reached in May when the Board of Governors approved the Model Protocol Additional to Safeguards Agreements. The Protocol provided the legal basis necessary to enhance IAEA's ability to detect undeclared nuclear material and activities. Seven States had concluded an additional protocol; Australia was the first State to bring its additional protocol into force.

During the year, 2,499 safeguards inspections were performed, compared with 2,476 in 1996. The Agency had taken steps towards a strengthened, more efficient safeguards system especially in the light of the discoveries of undeclared nuclear material and facilities in Iraq and problems in verifying the correctness and completeness of the declaration of nuclear material by the DPRK (see PART ONE, Chapter IV).

As at 31 December 1997, 221 safeguards agreements were in force with 137 States (and with Taiwan Province of China). Safeguards agreements that satisfied the requirements of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [YUN 1968, p. 17] were in force with 123 States. NPT safeguards agreements entered into force with Algeria, Belize, the Czech Republic, Estonia and Slovenia. The Board of Governors approved a draft NPT safeguards agreement with Georgia, which had not entered into force at the end of 1997.

The 1995 Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) [YUN 1995, p. 207] entered into force on 27 March 1997 and nine States were party to it. NPT safeguards agreements were in force with seven of those States. NPT safeguards agreements were also in force with all 11 signatories of the 1985 South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty) [YUN 1985, p. 58]. Thirty-one of the 32 States party to the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) [YUN 1967, p. 13] had safeguards agreements in force which satisfied the requirements of the Treaty. Safeguards agreements pursuant to Additional Protocol I of the Treaty of Tlatelolco were in force with two of the four States outside Latin America that had jurisdiction over territories in the Treaty's zone of application. A safeguards agreement pursuant to NPT and the Treaty of Tlatelolco entered into force with Guyana and the Bahamas.

Initial inventory verifications were completed in Algeria and Uzbekistan and were nearing completion in Belarus, Kazakhstan and Ukraine by year's end. Major facilities in Argentina and Brazil were visited as part of the assessment of

the completeness and correctness of their initial reports. Preliminary agreement between China, the Russian Federation and IAEA was reached on the safeguards approach to be implemented in an enrichment plant in China that used Russian centrifuge technology; initial inventory verifications were carried out and a physical inventory verification was planned for January 1998.

Nuclear information

The range of information available on the Agency's World Wide Web site, WorldAtom, continued to expand during the year. Among additions to the site were: an image database; short previews of Agency films; and on-line versions of most major Agency publications.

The International Nuclear Information System (INIS), with 101 States and 17 international organizations participating, had a bibliographic database of about 2 million records. New retrieval software was selected to make the INIS database available on the World Wide Web. In addition, over 170 books, reports, journal issues or booklets were published.

Secretariat

At the end of 1997, the IAEA secretariat had 2,216 staff members, including 912 in the Profes-

sional and higher categories and 1,304 in the General Service category. Ninety-four nationalities were represented in posts subject to geographical distribution.

Budget

The regular budget for 1997 amounted to \$232.1 million, of which \$221.8 million was to be financed from contributions by member States on the basis of the 1997 scale of assessments, \$5.6 million from income from reimbursable work for others and \$4.7 million from other miscellaneous income. Actual expenditures from the regular budget in 1997 amounted to \$231 million, of which \$224 million was related to the Agency's programmes. The unused budget from the Agency's programmes amounted to \$2 million. A total of \$42.4 million in extrabudgetary funds was provided by member States, the United Nations, international organizations and other sources.

The target for voluntary contributions to the Technical Cooperation Fund for 1997 was established at \$68 million, of which \$47.8 million was pledged by member States.

NOTE: For further information, see The Annual Report for 1997, published by IAEA.

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Chapter II

International Labour Organization (ILO)

In 1997, the International Labour Organization (ILO) continued to promote social justice and economic stability and improve labour conditions. Established in 1919 as an autonomous institution associated with the League of Nations, ILO had three primary objectives: supporting democracy and fundamental workers' rights, including the wider observance of international labour standards; promoting employment and reducing poverty; and protecting workers.

In 1997, ILO membership remained at 174.

Meetings

The eighty-fifth session of the International Labour Conference (Geneva, 3-19 June) considered the annual report of the ILO Governing Body and the report of the Director-General. The Conference adopted the ILO 1998-1999 programme budget, including priority areas focused on the revitalization of ILO standard-setting activities, the fight against child labour and the follow-up to the 1995 World Summit for Social Development [YUN 1995, p. 1113] and to the 1995 Fourth World Conference on Women [ibid., p. 1169]. The Conference also adopted the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188), which were designed to increase the efficiency of those agencies in the functioning of labour markets and protect job seekers using their services. The Conference amended the ILO Constitution to facilitate the updating of international labour standards.

Several sectoral and other meetings were convened during 1997 in Geneva: the Symposium on Multimedia Convergence (27-29 January), the Tripartite Meeting of Experts of Future ILO Activities in the Field of Migration (21 -25 April), the Tripartite Meeting on the Effects of New Technologies on Employment and Working Conditions in the Hotel, Catering and Tourism Sector (12-16 May), the Meeting of Experts on Workers' Health Surveillance (2-9 September), the Meeting of Experts on Safety and Health in Forest Work (23-30 September), the Meeting of Experts on Labour Statistics (14-23 October), the Tripartite Meeting on the Iron and Steel Workforce of the Twenty-first Century: What it will be like and how it will work (27-31 October), the ILO/WHO Consultation on Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations

for Seafarers (25-27 November) and the Tripartite Meeting on Breaking Through the Glass Ceiling: Women in Management (15-19 December).

The Twelfth Regional Asian Meeting was convened in Bangkok, Thailand (9-11 December), and the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation Concerning the Status of Teachers was convened in Paris (15-19 September).

International standards

ILO activities concerning Conventions and Recommendations during 1997 included standard-setting and the supervision and promotion of the application of standards. Supervisory bodies were engaged in a review of existing procedures and standard-setting policy, coinciding with the implementation of simplified reporting on ratified Conventions.

Standard-setting

In June, the International Labour Conference adopted the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188).

ILO standards covered a broad spectrum of work-related issues, ranging from social security and occupational health and safety to basic workers' rights, such as the abolition of forced labour and child labour, and equality and freedom of association. During the 1996-1997 biennium, 222 new ratifications of ILO Conventions were registered, bringing the total number of ratifications to 6,477 as at 31 December 1997.

Supervision of standards

The Committee of Experts on the Application of Conventions and Recommendations, at its sixty-eighth session (Geneva, 27 November-12 December), considered 211 observations received from employers' and workers' organizations, of which 202 related to the application of ratified Conventions.

The Committee noted 32 instances in which Governments changed their law and practice to conform with ratified Conventions, following the Committee's earlier comments.

The Committee carried out a general survey on the application by member States of selected international labour standards. The survey covered reports submitted by States that had not ratified the 1983 Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168) [YUN 1983, p. 122].

The Governing Body Committee on Freedom of Association met three times in 1997 to examine the complaints of violations of freedom of association received from employers' and workers' organizations.

Employment and development

ILO activities in 1997 continued to help constituents combat unemployment and poverty through the creation of employment opportunities and the improvement of existing jobs. ILO also provided advice and guidance to constituents on employment and labour market policies, as well as on their labour market information and statistical systems. ILO activities to promote employment included the support to constituents to develop entrepreneurship through the creation of cooperatives and small and micro-enterprises, particularly by vulnerable groups.

Regarding human resources development, ILO emphasized the adaptation of training policy and delivery to the rapidly changing skill requirements and the special needs of vulnerable groups, such as the poor and workers in rural areas. It also responded to the needs of countries affected by conflict.

Working environment

During the year, ILO continued its activities to ensure that women, migrant workers, indigenous and tribal peoples, and persons with disabilities were given equality of opportunity and treatment, which was a fundamental right of all workers.

As follow-up to the Fourth World Conference on Women [YUN 1995, p. 1169], ILO launched the International Programme on More and Better Jobs for Women with the goal of demonstrating in practical ways that it was feasible to achieve more and better jobs for women by providing an opportunity for the replication of successful ILO activities on a broader scale.

Regarding child labour, a series of international conferences further raised awareness of the problem. ILO provided technical support to the Amsterdam Child Labour Conference in February, the preparatory regional consultations in Brasilia (Brazil), Lahore (Pakistan) and Pretoria (South Africa), and the International Conference on Child Labour (Oslo, Norway, October).

A new Code of Practice on Safety and Health in Forest Work was adopted in September, to provide guidance to Governments, employers, workers, forest owners, labour inspectors and machine manufacturers on making safety and health compatible with environmental protection and productivity in forestry. A critical component in the new Code was a training system that would ensure access by the entire workforce, and lead to demonstrated and certified levels of skill.

Field activities

In 1997, expenditure on operational activities, under all sources of funding, totalled \$108.4 million, compared with \$98.2 million in 1996. The three leading programmes in terms of annual expenditure were in employment and training (\$24.6 million), enterprise and cooperative development (\$23.4 million) and development policies (\$21.2 million). Another significant programme dealt with working conditions and environment (\$13.1 million). Interregional and global activities accounted for \$18.6 million. In terms of regional distribution, Africa accounted for 39 per cent of total expenditure (\$42.1 million), Asia and the Pacific for 22 per cent (\$23.5 million), and Latin America and the Caribbean for 12 per cent (\$13.3 million). Expenditure in Europe increased from \$6 million in 1996 to nearly \$7 million in 1997, and the Arab States programme increased from \$2.6 million in 1996 to \$4.1 million in 1997.

Educational activities

The Turin Centre and the International Institute for Labour Studies, both autonomous institutions, reported to the ILO Governing Body. The Centre continued to carry out training and related activities in a wide range of technical areas as an integral part of ILO technical cooperation activities. The Institute continued to carry out research and encouraged networking related to emerging labour policy issues, and acted as a catalyst for future ILO programme development. With a view to promoting the interface between ILO and the academic community, six public lectures and staff seminars were given by eminent scholars and public figures. Institute activities on labour policy issues concentrated on an analysis of the relationships between social exclusion, labour institutions and poverty, and an exploration of the changing global organization of production and its social implications at the local level.

Secretariat

As at 31 December 1997, ILO employed a total of 2,258 staff members representing 110 nationalities at the Geneva headquarters and in 40 field offices around the world. Of those, 941 were in the Professional or higher categories and 1,317 were in the General Service category. Some 600 experts undertook missions in all regions of the world under the programme of technical cooperation.

Budget

In June 1997, the International Labour Conference adopted a budget of \$481 million for the 1998-1999 biennium.

NOTE: For further information on ILO, see Report of the Director-General, Activities of the ILO, 1996-1997.

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ILO maintained regional offices in Abidjan, Côte d'Ivoire; Bangkok, Thailand; Geneva, Switzerland; and Lima, Peru.

Chapter III

Food and Agriculture Organization of the United Nations (FAO)

In 1997, the Food and Agriculture Organization of the United Nations (FAO), established in 1945 as the lead agency in the UN system for agriculture, forestry, fisheries and rural development, continued to work towards the achievement of global food security in a sustainable manner by raising levels of nutrition and standards of living, improving agricultural productivity and advancing the condition of rural populations. In order to improve food security, FAO executed projects that helped rural women gain access to land, credit and training. It also provided early warning of potential food shortages, whether caused by man-made or natural disasters, and brought food insecurity and nutrition problems to world attention through conferences, meetings and information campaigns.

During the year, Kazakhstan joined FAO, bringing the membership to 175 countries and the European Community.

The FAO Conference, the organization's governing body, held its twenty-ninth biennial session in Rome, Italy, from 7 to 18 November. The Conference reviewed the follow-up activities to the 1996 World Food Summit [YUN 1996, p. 1129], examined the global state of food and agriculture and discussed various issues related to sustainable agricultural development.

FAO launched its TeleFood campaign in 1997 as a response to the World Food Summit's commitment to halve world hunger by 2015. TeleFood's goal was to involve the general public, media, celebrities and the private sector in defeating hunger by raising awareness of the plight of the world's 800 million chronically hungry and malnourished population. The first TeleFood was broadcast on 19 October via satellite in conjunction with World Food Day 1997 and donations were collected through banks around the world. The campaign held events, concerts and other activities in more than 60 countries, reached a global television audience estimated at over 500 million people, and mobilized donations of more than \$2 million. Funds from TeleFood were used for 300 micro-projects in more than 90 countries.

World food situation

In 1997, end-of-season cereal stocks remained low at 15.7 per cent of expected annual need. That was below the 17 to 18 per cent range that FAO considered the minimum necessary to safeguard global food security. Food shortages continued to grip a number of low-income food-deficit countries, especially in sub-Saharan Africa but also in some Asian countries, mostly because of civil unrest and unfavourable weather conditions due to El Niño. The economic downturn in South-East Asia had a significant adverse impact on the food security situation of vulnerable groups. Furthermore, food aid fell in 1997, one year after the World Food Summit, and for the fourth consecutive year aggregate cereal shipments fell in 1996/97 under programme, project and emergency food aid.

FAO's Global Information and Early Warning System (GIEWS)—an international source of data and analysis of food supply/demand—continued to provide early warnings of imminent food crises in order to ensure timely interventions in countries affected by natural and/or man-made disasters. In 1997, GIEWS conducted 24 missions to assess crops and food supply and intensified its efforts to monitor the effects of El Niño on crop production. In cooperation with the World Food Programme, GIEWS continued to assess the critical food supply situation in the Democratic People's Republic of Korea, the Great Lakes region of Africa and the former Soviet republics. Nineteen emergency operations amounting to some \$1 billion were approved for food relief in affected countries.

In March, FAO convened a Technical Consultation for Food Insecurity and Vulnerability Information and Mapping Systems to review methodologies and indicators for assessing food insecurity and vulnerability and make recommendations for their improvement.

Activities

Emergency assistance

In 1997, the FAO Special Relief Operations Service (TCOR) operated 58 projects in 34 countries amounting to \$61,670,081, of which \$9,533,500

was financed from FAO's Technical Cooperation Programme, \$51,246,021 from trust funds and \$890,560 from the United Nations Development Programme (UNDP).

TCOR appealed to the international donor community for emergency assistance in agriculture and livestock for 24 countries.

Field programmes

FAO continued in 1997 to provide technical advice and support through its field programmes in all areas of food and agriculture, fisheries, forestry and rural development. Expenditure for the year totalled \$260.2 million, compared with \$244 million in 1996. Funding was provided by UNDP (\$46.6 million), trust funds from donor countries and international financing institutions (\$165.9 million), the Technical Cooperation Programme under FAO's regular budget (\$42.4 million) and FAO's Special Programme for Food Security (SPFS) (\$5.5 million). In addition, FAO's Investment Centre helped developing countries to formulate 43 agricultural and rural development projects within the scope of SPFS, which attracted \$2,827 million in investment, including contributions from international financing institutions and recipient Governments. Introduced in 1995 to tackle hunger at the grass-roots level, the main objective of SPFS was to increase rapidly the production and yield of grains such as maize and rice, improve access to water control techniques and encourage rural economic diversification through small stock improvement (chickens and goats), cash crops and vegetables.

Crops and livestock

In an effort to ensure that agricultural production kept up with expanding human needs, FAO participated in a range of activities related to the conservation and use of plant biological diversity; crop management and diversification; seed production and improvement; crop protection; agricultural engineering and prevention of food losses; and food and agricultural industries.

The International Code of Conduct on the Distribution and Use of Pesticides (1985) was amended in 1989 to include the Prior Informed Consent (PIC) clause, which maintained that pesticides restricted or banned for health or environmental reasons should not be exported without the explicit consent of the importing country. By September 1997, 22 pesticides and five industrial chemicals were subject to the PIC clause, and more than 150 countries participated in the programme.

Conducted in close collaboration with non-governmental organizations (NGOs), FAO's Inte-

grated Pest Management programmes emphasized biological control methods and training to help farmers diagnose and treat pest damage. NGOs were strong supporters of FAO's efforts to introduce responsible limits to pesticide use.

Fisheries

FAO's assistance activities for developing countries had intensified considerably over the preceding five to seven years, mainly because of the increasing importance of international trade in fishery products and as a result of strict new sanitary rules imposed by major importing countries. Trade in fish and fishery products increased during the 1996-1997 biennium, although at a slower pace than in the previous two years. The value of world exports reached \$52.5 billion in 1996, with developing countries achieving a net trade surplus of \$16.6 billion.

Food standards and nutrition

In its efforts to promote better nutrition, FAO continued in 1997 to provide member countries with advice, information and technical assistance in three broad areas: formulation and implementation of national food policies and nutrition programmes; provision of technical and legislative advice on measures to ensure the quality and safety of food; and assessment and monitoring of nutrition situations, including monitoring the effects of food and agricultural policies and development activities on nutrition. The organization also promoted community-level action programmes to analyse and deal with the causes of malnutrition.

Commodities and trade

In 1997, FAO continued to implement the Plan of Action of the 1996 World Food Summit, in which the organization committed itself to assist developing countries on trade issues, particularly in preparing for multilateral trade negotiations in agriculture, fisheries and forestry, through studies, analyses and training.

Over the preceding four years, FAO had implemented a wide range of activities to enhance the capacity of developing countries to analyse the implications of the Uruguay Round multilateral trade agreements in agriculture, forestry and fisheries and take advantage of new trading opportunities. Several regional and national workshops were held in Africa, Asia, Latin America and the Near East.

Natural resources

During 1997, FAO continued activities aimed at achieving more productive and efficient utiliza-

tion of the earth's natural resources to meet current and future food and agricultural needs in a sustainable manner, concentrating on six main areas: natural resources assessment and planning; farming systems development; plant nutrition development and management; water development, management and conservation; soil management, conservation and reclamation; and sustaining natural resource potential. The organization also promoted integrated plant nutrition systems, which used all available plant nutrients, recycled organic materials, biological nitrogen and mineral fertilizers, to achieve sustainable crop production and protect the environment.

Plant and animal genetic resources

During the year, FAO provided technical assistance in plant breeding and the safe movement of germoplasm, as well as associated legislation, regulations and systems. In the area of legal advice and legislative drafting, FAO collaborated with national authorities to review and analyse current statutory instruments governing intellectual property protection and seed production; the elaboration of draft acts and regulations; and amendments to existing legislation, including laws governing food control and trade in agricultural, forest and fishery products.

FAO facilitated negotiations for the revision of the International Undertaking on Plant Genetic Resources, in harmony with the 1992 Convention on Biological Diversity [YUN 1992, p. 683]. The aim of the negotiations was to regulate access to and benefit-sharing of plant genetic resources in food and agriculture.

FAO's governing bodies had made the Global Strategy for the Management of Farm Animal Genetic Resources a priority. The Strategy emphasized the central importance of realizing sustainable intensification of food production by basing genetic development on adapted genetic resources. In November, the Strategy was strongly supported by the Conference of the Parties to the Convention on Biological Diversity.

FAO assisted its member countries in complying with the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), specifically the intellectual property rights of plant varieties, animal breeds, related technology and germoplasm. TRIPS required all World Trade Organization members to provide plant varietal protection by patents or a sui generis system or a mixture of both.

Information

FAO continued to function as an information centre, collecting, analysing, interpreting and

disseminating information through various media, including print, radio, television, video, film and photo displays and exhibitions. Materials produced included information booklets, technical documents, reference papers and reports of meetings, training manuals and audio-visuals.

Major regular periodicals included the annual *The State of Food and Agriculture*, the *FAO Quarterly Bulletin of Statistics*, the annual *Food and Agriculture Legislation*, the forestry quarterly *Unasylva*, the quarterlies *World Animal Review* and *Plant Protection Bulletin*, and the annual *Rural Development*. FAO yearbooks were issued on rural development, trade, fertilizers, forest products, field projects, fishery statistics and animal health.

The organization compiled and coordinated an extensive range of international databases on agriculture, fisheries, forestry, food and statistics. The two most important were AGRIS (the International Information System for the Agricultural Sciences and Technology) and CARIS (the Current Agricultural Research Information System).

To meet the increasing supply and demand for agricultural data, FAO operated the World Agricultural Information Centre, which was designed to improve access to its databases, particularly to external users, via the Internet, floppy disks and CD-ROMs.

Statistical information produced by FAO's technical divisions included the Fisheries Statistical Database, the Globefish Databank and Electronic Library, the Forest Resources Information System and the Geographic Information System.

AGROSTAT PC, a user-friendly electronic version of FAO's statistical yearbooks, provided updated figures on all agriculture-related topics in six files: population, land use, production, trade, food balance sheets and forest products.

Secretariat

As at 31 December 1997, the number of staff employed at FAO headquarters was 2,355, of whom 885 were in the Professional or higher categories and 1,470 were in the General Service category. Field project personnel and those in regional and country offices numbered 1,549, with 541 in the Professional category and 1,008 in the General Service category.

Budget

The regular programme budget for the 1996-1997 biennium was \$650 million, compared with \$673 million for the previous biennium.

NOTE: For further information, see *The State of Food and Agriculture 1997*, published by FAO.

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FAO also maintained liaison offices in Brussels, Geneva, Tokyo and Washington, D.C.; regional offices in Accra, Ghana; Bangkok, Thailand; Cairo, Egypt; and Santiago, Chile; and subregional offices in Apia, Samoa; Bridgetown, Barbados; Budapest, Hungary; Harare, Zimbabwe; and Tunis, Tunisia.

Chapter IV

United Nations Educational, Scientific and Cultural Organization (UNESCO)

The United Nations Educational, Scientific and Cultural Organization (UNESCO), which was established in 1946, continued in 1997 to promote cooperation among nations in education, science, culture and communication.

The General Conference, which met biennially to decide on policy, programmes and budgetary matters, convened its twenty-ninth session (21 October-12 November) at the organization's headquarters in Paris. It adopted the programme and budget for 1998-1999 as the second phase of the implementation of the medium-term strategy for 1996-2001, which focused on programme concentration and evaluation and transdisciplinarity, as well as on the needs of four priority groups: women, youth, the least developed countries (LDCs) and Africa. The Executive Board, consisting of 58 members elected by the General Conference, held two sessions during 1997.

The membership of UNESCO increased to 186 in 1997 after the United Kingdom rejoined on 1 July.

Education

UNESCO's education activities aimed at promoting education for all (EFA) throughout a person's lifetime. It emphasized the development of flexible and diversified forms of education and training at all levels to reach those who had no access to, or were underserved by, educational opportunities to learn or upgrade skills. To achieve the goal of EFA, UNESCO assisted member States in the construction and equipment of affordable educational buildings, libraries and Centres for Education for All/Community Learning Centres, which offered formal and non-formal education including basic skills training.

Learning Without Frontiers, a global effort to rethink some of the basic assumptions and approaches underlying traditional education systems, undertook activities aimed at creatively constructing new learning systems that were more responsive to the diversity of learning needs, styles and cultures around the world.

Project 2000+ (Science and Technology Education) and the International Project on Technical and Vocational Education (UNEVOC) continued to expand in 1997. Through the network of na-

tional UNEVOC centres surveys, training workshops and seminars were organized, facilitating the access of girls and women to scientific, technical and vocational education.

During the year, UNESCO organized the fifth International Conference on Adult Education (Hamburg, Germany, 14-18 July). The Conference adopted the Hamburg Declaration and the Agenda for the Future, which presented a new vision on adult education.

In the area of preventive education against drug abuse and AIDS, activities focused on mobilizing education decision makers to formulate national action plans for integrating prevention in school curricula and teacher training. UNESCO was a key participant in the activities of the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS) and contributed to the tenth International Conference on AIDS in Africa (Abidjan, Cote d'Ivoire, 7-11 December). In cooperation with the United Nations International Drug Control Programme and the French non-governmental organization Environnement Sans Frontières, UNESCO launched an international campaign entitled "Youth mobilizing youth for a twenty-first century free of drugs".

In 1997, the Associated Schools Project network increased to 4,613 schools in 147 countries. Emphasis was placed on promoting thinking and behaviour based on common humanistic and cultural values through a comprehensive system of training and education for peace, human rights, democracy, international understanding and tolerance.

UNESCO provided support to 40 countries in elaborating educational policies and action plans, with particular attention to the needs of LDCs. The emerging States of Eastern Europe and Central Asia received technical support and access to information on rebuilding their educational systems. Assistance in the education of refugees was expanded worldwide.

The General Conference, at its twenty-ninth session, approved the establishment in Moscow of a UNESCO Institute for Information Technologies in Education to promote research into and foster mastery of the new technologies by both teachers and learners.

Sciences

Activities in the natural, social and human sciences were grouped under the major programme "The sciences in the service of development". They were designed to promote the advancement, transfer and sharing of knowledge and facilitate its application to the search for new solutions to improve the social and natural environment. Activities under the programme sought to foster synergies between the exact and natural sciences and the social and human sciences.

Natural sciences

Activities in the natural sciences focused on the advancement, sharing and transfer of scientific knowledge. UNESCO continued to enhance human resources development and capacity-building through fellowships, grants, workshops, seminars and production of training tools. Activities focused on modernizing university curricula and training teachers nationally and regionally for the basic and engineering sciences.

In 1997, UNESCO, through the International Centre for Theoretical Physics, which it operated together with the International Atomic Energy Agency, with support from the Government of Italy, provided research opportunities and advanced training in physics and applied mathematics to some 1,500 scientists from developing countries. UNESCO supported the international conference "Frontier of Quantum Physics" (Kuala Lumpur, Malaysia, 9-12 July) and organized the fourth South-North Human Genome Conference (Guadalajara, Mexico, 16-19 March). It also launched the preparatory process and set up an International Scientific Organizing Committee for the World Science Conference (Budapest, Hungary, 26 June-1 July 1999). UNESCO, the International Union of Pure and Applied Chemistry, the International Organization for Chemical Sciences in Development and the United Nations Industrial Development Organization continued to carry out the international programme "Chemistry for life".

UNESCO provided support for the training of young researchers in the fields of microbial, plant, marine, industrial and environmental biotechnologies. The UNESCO Molecular and Cell Biology Network expanded further.

Programmes in environmental sciences were aligned with the recommendations and results of the 1992 United Nations Conference on Environment and Development [YUN 1992 p. 672]. In addition, UNESCO worked intensively for the promotion of solar and other renewable energies and organized, under the World Solar Summit Process, consultations on the World Solar Programme (1996-2005). In January, UNESCO hosted

the eighth session of the Scientific and Technical Committee on the International Decade for Natural Disaster Reduction (1990-1999), proclaimed by the General Assembly in 1989 [YUN 1989, p. 355]. Activities were pursued regarding earth sciences, terrestrial ecosystems, desertification, sustainable forest management, biological diversity, oceans, coastal areas and small islands, and marine, terrestrial and freshwater resources.

The International Geological Correlation Programme continued to foster international collaboration in the earth sciences through 57 projects worldwide. UNESCO supported the organization of 24 workshops and courses at the postgraduate level in geology, geophysics, geochemistry and geodynamics. The Man and the Biosphere Programme continued to emphasize the reinforcement of the World Network of Biosphere Reserves, totalling 352 sites in 87 countries, as a means for reconciling conservation of biological diversity with regional development. The International Hydrological Programme worked closely with some 158 national committees and focal points in implementing 31 projects under its fifth phase (1996-2001).

UNESCO's Intergovernmental Oceanographic Commission (IOC) paid particular attention to the preparation of the 1998 International Year of the Ocean, proclaimed by the General Assembly in 1994 [YUN 1994, p. 951]; development of the Global Ocean Observing System; support of the Global Coral Reef Monitoring Network; implementation of the Harmful Algal Blooms programme; analysis of the ocean's role in greenhouse balances and climate change; and the application of marine research results. In addition, IOC contributed to the third Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change [YUN 1992, p. 681] (Kyoto, Japan, 1-11 December) (see PART THREE, Chapter VII), and continued cooperation with the International Hydrographic Organization in preparing global and regional bathymetric and geological/geophysical maps of the ocean floor.

The transdisciplinary project on environment and development in coastal regions and small islands, which aimed at achieving environmentally sound, socially equitable and culturally appropriate development in those areas, sponsored an interregional seminar (Essaouira, Morocco, 24-26 November). It launched a network of historic coastal towns that were cooperating to find integrated solutions to shared problems such as shortage of freshwater, degradation of cultural heritage and rapid socio-economic transformation in the coastal region.

Social and human sciences

Activities in the social and human sciences concentrated on strengthening research and training capacities, mainly through the establishment of UNESCO Chairs, networks and mechanisms for inter-university cooperation. The social science research programme Management of Social Transformations continued in its efforts to build bridges between social scientists and decision makers. The programme focused on: the management of multicultural and multi-ethnic societies; cities as arenas of accelerated social transformations; and provision of technical expertise for social assessments, poverty appraisals and policy evaluation.

The UNESCO General Conference in 1997 adopted the Universal Declaration on the Human Genome and Human Rights, the first international text to address the ethical implications of genetic research. It aimed to protect the genetic heritage of humanity and individual dignity from potential abuses while reaffirming the principle of freedom of scientific research. The General Conference also adopted the Declaration on the Responsibility of the Present Generations towards Future Generations, which affirmed the responsibility of all to preserve the environment and its biodiversity from irreversible damage and maintain and perpetuate humankind, its cultural diversity and heritage.

During the year, UNESCO carried out public information campaigns aimed at more tolerant societies, in line with the follow-up programme of the United Nations Year for Tolerance (1995), proclaimed by the General Assembly in 1993 [YUN 1993, p. 1002]. It reinforced its actions to combat intolerance and violence and continued its work against all forms of discrimination, xenophobia and racism, with special emphasis on the protection of minorities and indigenous people.

As the lead agency for the Inter-Agency Working Group on Basic Education, UNESCO continued to contribute to the UN system follow-up to the World Summit for Social Development [YUN 1995, p. 1113] and initiated activities under the First United Nations Decade for the Eradication of Poverty (1997-2006), proclaimed by the Assembly in 1995 [YUN 1995, p. 844].

Culture

Cultural activities in 1997 focused on integrating the cultural dimension into development policies and projects, protecting cultural heritage and promoting cultural identities and intercultural dialogue. The World Decade for Cultural Development (1988-1997), proclaimed by the General Assembly in 1986 [YUN 1986, p. 624], brought to fruition 150 projects through semi-

nars, research and interdisciplinary inter-agency cooperation in the fields of culture and health, culture and environment, culture and tourism, and investing in culture. UNESCO organized the International Conference on the Preservation and Development of Cultural Life in Central and Eastern European Countries (Budapest, Hungary, 23-25 January).

During the year, UNESCO's list of protected cultural and natural sites included 552 outstanding sites in 112 countries that were to be preserved as the heritage of all humankind. The sites were selected by the World Heritage Committee among sites proposed by the 152 States that were parties to the 1972 Convention for the Protection of the World Cultural and Natural Heritage [YUN 1972, p. 759]. Activities aimed at safeguarding and revitalizing sites, monuments and traditional forms of cultural expression were continued.

In the area of artistic creation, 600 participants at the World Congress on the Implementation of the Recommendation concerning the Status of the Artist (Paris, 16-20 June) analysed copyright and neighbouring rights in order to protect artistic creativity.

Communication

With the holding of the European Seminar on Promoting Independent and Pluralistic Media (Sofia, Bulgaria, 10-13 September), UNESCO completed the series of regional seminars that had been a major thrust of its programme since 1991. In addition, UNESCO and the Finnish National Commission organized a seminar on public service broadcasting: strengthening democratic voices (Tampere, Finland, 16-18 June).

A UNESCO International Clearing House on Children and Violence on the Screen was established in February at the University of Göteborg (Sweden). A study of the effects of violence on the screen on young people, completed in cooperation with the World Movement of Scout Organizations and the University of Utrecht (Netherlands), provided important data on the subject.

UNESCO continued to support the international network for the promotion of women media practitioners, as well as the establishment of women's community radio stations under the special project "Women speaking to women". The first station—Radio Muye—was officially launched in Suriname.

UNESCO, in cooperation with the Government of Monaco, National Commissions for UNESCO in Denmark, France and Germany and the Agence pour la Francophonie, organized the first International Congress on Ethical, Legal and Societal Aspects of Digital Information (INFO-ethics) (Monte Carlo, Monaco, 10-12

March). The 238 participants from 54 countries agreed on the importance of an ethical approach to cyberspace. The first World Information Report (May) and the second World Communication Report (December) provided a comprehensive overview of the development of libraries, archives, information services and the media throughout the world in the new technological environment.

The main operational tool of UNESCO's communication strategy, the International Programme for the Development of Communication, funded 44 new projects for a total of \$2.3 million. Some 160 UNESCO projects in communication, information and informatics were under way, representing a total budget of over \$30 million. The projects covered a wide range of areas such as community media, news agencies, audio-visual production, training, communication for peace and good governance, computer networks and telematics applications for education, research and environment.

The General Information Programme provided support for the regional information networks and the restoration/revival of selected libraries, such as the Bosnia and Herzegovina National and University Library in Sarajevo. The UNESCO Network of Associated Libraries expanded to include 325 libraries in 80 countries. The creation of a virtual library for the Mediterranean region was initiated.

Regarding the project "Towards a culture of peace", several forums and conferences were organized which led to the development of national culture of peace programmes in Central America and Africa. A networking and information sys-

tem linked the various organizations and individuals working on peace-building activities. Several UNESCO Chairs in areas related to the culture of peace were established, and projects on non-violence in schools and on communication for peace building in Africa were launched.

UNESCO published 151 titles and produced 10 CD-ROMs. A new greetings card operation was launched and efforts were made to rejuvenate the UNESCO Courier. The 1997 edition of the UNESCO Statistical Yearbook was finalized. The first book of a new UNESCO collection, *The Ethics of Life*, was issued.

Secretariat

As at 31 December 1997, UNESCO had a full-time staff of 2,341, of whom 1,021 were in the Professional or higher categories, drawn from 152 nationalities, and 1,320 were in the General Service category.

Budget

The General Conference of UNESCO, at its 1997 session, approved a budget of \$544,367,250 for the 1998-1999 biennium, which represented a decrease in real growth of 3.8 per cent compared to the approved budget for 1996-1997. The total assessment on member States, after deducting miscellaneous income, was \$542,267,250 and the Working Capital Fund remained at \$25,000,000.

NOTE: For further information on UNESCO's activities in 1997, see Report of the Director-General 1996-1997, published by UNESCO.

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UNESCO also maintained liaison offices in Geneva, Vienna and Washington, DC.

Chapter V

World Health Organization (WHO)

The World Health Organization (WHO), in 1997, continued its global strategy of "Health for all", the targets of which included: life expectancy at birth above 60 years; infant mortality rate below 50 per 1,000 live births; and under-five mortality rate below 70 per 1,000 live births. WHO's activities concentrated on disease prevention and control; primary health care and nutrition; the health of specific population groups; health aspects of the environment, development and lifestyle; and support for health-care organization and management worldwide.

The World Health Assembly (WHA), WHO's governing body, held its fiftieth session (Geneva, 5-14 May), at which it adopted the proposed budget for 1998-1999 and resolutions on: WHO collaborating centres, which stressed that WHO had to create the broadest possible network of "partners for health"; cloning, which affirmed that the replication of human individuals was ethically unacceptable; and the health conditions of, and assistance to, the Arab population in the occupied Arab territories, including Palestine, whereby WHO was urged to support the Ministry of Health of the Palestine Authority. Other WHA actions addressed cross-border advertising, promotion and sale of medical products through the Internet; prevention of violence; quality of biological products moving in international commerce; and strengthening health systems in developing countries.

The main recommendation of The World Health Report 1997—Conquering suffering, enriching humanity was the integration of disease-specific interventions into a comprehensive chronic disease control package incorporating prevention, diagnosis, treatment, rehabilitation and improved training of health professionals.

During the year, WHO membership increased to 191, with the admission of Andorra; there were also two associate members.

Health policy

During the year, in response to the 1995 call by WHA for a global consultative process that would involve the widest range of partners in order to develop a new global health policy for the twenty-first century, several global and regional meetings identified how countries could work better together to achieve health for all. Interna-

tional experts and a diversity of inputs were brought together, including a consultation with the Council of International Organizations of Medical Sciences (a joint United Nations Educational, Scientific and Cultural Organization/WHO body established to coordinate medical science congresses) on ethics, equity and human rights; a formal consultation with 130 international non-governmental organizations (NGOs); and a critical assessment of impediments and challenges to developing sustainable health systems. The consultations on the new global health policy had extended beyond Governments and health ministries to include the views of NGOs, UN partners (including the World Bank and the World Trade Organization (WTO)), the private sector, and academic and research institutions. Their views had been systematically analysed and were reflected in the new health policy, *Health for all in the 21st century*, to be submitted to the fifty-first WHA in 1998.

The WHO Centre for Health Development (Kobe, Japan), established in 1996 to carry out multisectoral research in support of health policy decisions, selected progressing urbanization and the ageing of societies as its initial priority areas of research.

Health of specific populations

In 1997, children under five constituted 10 per cent of the global population. A major target for WHO was that by the year 2025 there should be over 5 million fewer deaths among children under five than in 1995. By 1997, over 160 countries had received technical and/or financial support from WHO for developing and implementing national food and nutrition policies and plans. The WHO global database on malnutrition and child growth covered over 80 per cent of the world's under-five children and the data bank on breastfeeding covered 65 countries. The baby-friendly hospital initiative was being implemented in over 170 countries and over 10,700 hospitals were designated baby-friendly. Over 140 countries had national breastfeeding committees or the equivalent. Strategies to prevent malnutrition in children included supporting countries in eliminating iodine deficiency and its associated brain damage, vitamin A deficiency and its associated blindness and death, and iron deficiency anaemia.

mia with its associated mortality and morbidity; improving infant and young child feeding through promoting breastfeeding and proper timely complementary feeding; and more effectively addressing the nutritional needs of the ever-growing emergency-affected populations.

Children and young people between the ages of 5 and 19 represented almost 30 per cent of the total world population in 1997. However, few data were available in most regions of the world on the health status of that age group, on specific mortality and on the leading causes of death. Health problems of the group seemed to vary in prevalence from one country to another. They included maternity; sexually transmitted diseases, including HIV; other infectious diseases such as tuberculosis, Schistosomiasis and helminth infection; mental health; substance abuse; injuries; and suicide attempts. A first draft of the global report on alcohol and public health was prepared and work began on an international framework convention on tobacco control, which was expected to be finalized in 2000.

The Global Commission on Women's Health focused on: education for the health of girls and women; violence against women; and maternal morbidity and mortality. In 1997, WHO activities in reproductive health included the expansion of the research initiative on the role of men in reproductive health; publication of data from the WHO collaborative study of cardiovascular disease and steroid hormone contraception; the completion of data collection for a study of Norplant contraceptive implants; and the launching of several regional initiatives on female genital mutilation, acceptability of emergency contraception, increasing rates of Caesarean section and quality of antenatal care.

WHO continued to promote health care for the older population (over 65), which was increasing by 750,000 a month. Although ageing was not a disease in itself, a number of major chronic conditions accompanied it: circulatory diseases; cancer; chronic pulmonary disease; musculoskeletal conditions; dementia; and blindness and visual impairment. WHO's programme on old age and ageing emphasized health promotion, with a focus on healthy ageing. Some activities were directed towards specific aspects of the health of older people, such as preventing blindness and deafness.

Disease prevention and control

WHO estimated that of more than 50 million deaths worldwide in 1997, about one third were due to infectious and parasitic disease such as acute lower respiratory diseases, tuberculosis, diarrhoea, HIV/AIDS and malaria; 29 per cent were

due to circulatory diseases such as coronary heart disease and cerebrovascular diseases; and about 12 per cent were due to cancers.

In May, WHA acknowledged the danger of epidemics of sleeping sickness in a number of African countries, particularly in central Africa. It was hoped that by the year 2000, at least 70 per cent of all people at risk could be reached through medical surveillance, and prevalence of the disease reduced to a degree at which it was no longer a public health problem. WHO was also working to control other endemic diseases such as cholera, yellow fever, Schistosomiasis, onchocerciasis and Chagas disease.

The influenza outbreak in Hong Kong in mid-1997 was the first one in which WHO pandemic planning was used, with the step-by-step collection of information necessary to decide whether or not a new vaccine was required. The WHO Task Force of Experts on Influenza was developing a plan for the global management and control of a pandemic that included the promotion of high-growth seed virus for vaccine and the facilitation of vaccine production and distribution.

In 1997, WHO accelerated malaria control activities in 24 endemic countries in Africa. By the end of the year, the objective of 90 per cent of the affected countries having a national control plan in place was achieved.

Environment, health and development

In 1997, WHO published *Health and environment in sustainable development: five years after the Earth Summit*, which brought together quantitative data on health-and-environment issues with examples from regions and countries. Other activities had contributed to further strengthening the international and national systems for radiation emergency medical preparedness and response, the medical and epidemiological monitoring of populations affected by the Chernobyl accident, and the understanding of biological and health effects of low-dose radiation. A sanitation promotion kit was developed as the foundation of a new WHO strategy on sanitation. Country workshops and hygiene education seminars were held in all regions to promote sanitation as a major instrument to reduce diarrhoeal mortality in infants. A comprehensive guidebook was issued on the management of health-care wastes.

Twelve environmental health criteria monographs—comprehensive documents that provided internationally peer-reviewed assessment of risk to human health and environment from exposure to chemicals—were published. The International Programme on Chemical Safety chemical incidents project provided guidance to

the health sector on preparedness for and response to direct or indirect exposure of populations. A harmonized format for international exchange of data on chemical incidents was being field-tested with the assistance of a WHO collaborating centre (University of Wales Institute, Cardiff).

With regard to food and nutrition, WHO prepared a document on Food safety and globalization of trade in food in cooperation with WTO, which drew the attention of public health authorities to the implications of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures for national food legislation. A data bank was established to collect epidemiological data on food-borne disease outbreaks and a consultation was held on prevention and control of enterohaemorrhagic *E.coli* infections.

Public information and education

Communicating information around the globe from its comprehensive data banks on health and disease through print, telegraph, photographs, magnetic sound recording, television and elec-

tronic means was an essential WHO function. By connecting to the WHO Web site, users could access the WHO library database, which contained information on the work of WHO programmes relating to health and disease. Translations of WHO technical books and documents were available in over 60 languages; approximately 100 translated WHO books were issued annually by publishers and scientific institutions, national ministries and professional associations, at no additional cost to WHO.

Secretariat

At the end of 1997, WHO had a staff of 3,719, including 1,296 posts in the Professional and higher categories and 2,423 in the General Service category.

Budget

The fiftieth WHA (1997) adopted a budget of \$922,654,000 for the 1998-1999 biennium.

NOTE: For further details of WHO activities, see The World Health Report 1998, published by the organization.

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WHO also maintained regional offices in Alexandria, Egypt; Copenhagen, Denmark; Manila, Philippines; New Delhi, India; and Washington, D.C.

Chapter VI

International Bank for Reconstruction and Development (World Bank)

In 1997, the International Bank for Reconstruction and Development (World Bank) continued to promote economic and social progress in developing nations; its one overarching goal was to help its borrowers reduce poverty.

Together with one of its affiliates, the International Development Association (see PART SIX, Chapter VIII), the Bank provided loans to developing countries in fiscal 1997 (1 July 1996–30 June 1997) and addressed the specific needs of its clients as they faced the challenges of adjusting to a rapidly changing global economy. In Africa, following a request for support by its clients, the Bank initiated efforts to mainstream capacity-building activities into all of its operations and development of a partnership framework began. Successful economic development had taken a heavy toll on the environment in East Asia. The Bank increased its support for that sector with loans and related advice for water supply and sanitation, which increased for example, more than two-and-one-half times over the 1996 fiscal year level. As the reforms of the 1990s took root in South Asia, the Bank supported countries as they shifted to a second generation of reform by helping to identify policy options to promote fiscal sustainability. In Central Asia and Eastern Europe, the Bank supported innovations to generate income and create assets for the poor through social investment funds, including a project in Ukraine to protect people adversely affected by coal sector restructuring. A number of programmes to restore confidence in financial systems in the Latin American countries of Argentina, Mexico and Venezuela received Bank support. In the Middle East and North Africa region, loans to Jordan and Tunisia helped promote private sector participation in the wider world economy and facilitate initiatives such as the proposed association of Middle East and North African countries with the European Union.

One of the Bank's most significant achievements in fiscal 1997 was the initiative, in collaboration with the International Monetary Fund (IMF) and other members of the international community, to address the debt of the heavily indebted poor countries (HIPC). The Bank established the HIPC Trust Fund and allocated \$500

million as an initial contribution, while IMF established the ESAF-HIPC Trust for financing special enhanced structural adjustment facility operations under the HIPC Debt Initiative. The principal multilateral creditors and a number of bilateral donors made contributions to the debt-relief initiative, under which Uganda was the first country to be approved for assistance. Bank and Fund staff prepared debt-sustainability analyses for Bolivia, Burkina Faso, Cote d'Ivoire and several other countries that on the basis of their record performance would also be eligible for assistance. The total cost of the HIPC Debt Initiative, while tentative, was in the range of \$5.5 billion to \$8.4 billion in net present-value terms.

Another important achievement in 1997 was the Executive Board's unanimous approval in March of the Strategic Compact—a plan for fundamental reform to make the Bank more effective in delivering its regional programme and in achieving its basic mission of reducing poverty. In terms of lending effectiveness, for example, it was expected that the proportion of projects rated satisfactory would increase from 66 to 75 per cent, meaning that an extra \$2 billion a year of Bank lending would have greater impact.

The International Finance Corporation (see next chapter), another Bank affiliate, approved \$6.7 billion in financing in fiscal 1997. The Multilateral Investment Guarantee Agency, the youngest member of the World Bank Group, continued to encourage foreign direct investment in developing countries by providing viable alternatives in investment insurance against non-commercial risks, thereby creating investment opportunities in those countries. The International Centre for Settlement of Investment Disputes (ICSID), established in 1966, with close links to the World Bank, continued to facilitate the settlement of investment disputes between Governments and foreign investors in an effort to promote increased flows of international investment.

At the end of fiscal 1997, World Bank membership rose to 181, with the admission of Palau.

Lending operations

Gross disbursements by the Bank totalled almost \$14 billion in fiscal 1997, an increase of

nearly 5 per cent over fiscal 1996. Bank commitments totalled \$14.5 billion in 141 loans to 42 countries. The largest increase in commitments was in the Europe and Central Asia region, where 67 projects were approved for a total of \$5 billion, compared with 61 projects for \$4.3 billion in the previous year. The sharpest drop occurred in the Africa region, which was largely explained by greater selectivity in lending, the accelerated move by the Bank out of failed investment models, and the slow uptake of new strategies focused on decentralized implementation.

The three largest borrowers of Bank funds were China (\$2.5 billion), the Russian Federation (\$1.7 billion) and Argentina (\$1.5 billion). Seven projects in the West Bank and Gaza, totalling \$83.5 million and funded from the Trust Fund for Gaza and the West Bank, were approved. Lending for transportation projects (\$3.7 billion) led all sectors by volume, followed by agriculture (\$3.5 billion) and multisector purposes (\$2.2 billion).

Investing in human development (HD) played a crucial role in the Bank's overall strategy to reduce poverty. By the end of fiscal 1997, cumulative Bank lending for HD totalled \$41.9 billion, making the Bank the single largest external financier of HD programmes in low- to middle-income countries, with active projects in 107 countries and 516 completed projects. Disbursements to the sector increased to \$3.89 billion, a 45 per cent increase over fiscal 1996. Loans totalling \$41 billion were extended for health, nutrition and population (\$12 billion), education (\$23.7 billion) and social protection (\$5.3 billion) programmes. Assistance to the poorest countries—those with a per capita gross national product of \$785 or less—totalled \$7.4 billion. Some 29 per cent of total Bank investment lending during the year directly targeted the poor, compared to 32 per cent the year before. Those projects supported activities to increase the productivity and economic opportunities of the poor, develop their human resources and provide social safety nets. In 1992, when the United Nations Conference on Environment and Development [YUN 1992, p. 670] put environmentally sustainable development (ESD) at the forefront of global concerns, the Bank's work in ESD was only a small part of its lending portfolio (\$4.39 billion). In 1997, the Bank's ESD portfolio (\$11.6 billion) included investment programmes to reduce pollution, protect ecosystems and build capacity for environmental management.

In fiscal 1997, the Bank approved loans and credits for 43 projects totalling \$3.7 billion in sectors with the most potential for private sector in-

volvement—power, oil and gas, industry and mining, and the financial sector. In addition, many of the 54 projects, totalling \$5.2 billion, for transport, urban development, and water supply and sanitation approved in 1997 had significant private sector development impact and were expected to leverage substantial private flows.

Multilateral Investment Guarantee Agency

The Multilateral Investment Guarantee Agency (MIGA), established in 1988, continued to help promote investment for economic development in member countries, through guarantees to foreign investors against losses caused by non-commercial risks and through advisory and consultative services. MIGA had its own operating and legal staff, but drew on the Bank for administrative and other services. As at December 1997, MIGA had a total of 142 members.

In fiscal 1997, MIGA issued a record 70 guarantee contracts for \$614 million in issued coverage, facilitating an estimated \$4.7 billion in foreign investment in 25 developing countries.

Economic Development Institute

The Economic Development Institute (EDI) continued to design and deliver training programmes for Bank clients, providing policy lessons, skills building and outreach to civil society. EDI's programme of grass-roots management training provided very poor, often illiterate women in sub-Saharan Africa, South Asia and North Africa with management skills relevant to their needs. It continued to support the use of new technologies in Africa; the World Links for Development programme aimed to connect 1,000 schools in the developed world with 1,000 schools in the developing world through the Internet, with heavy concentration in Africa. In South Asia, EDI conducted workshops to strengthen financial markets, providing training in diversification of financial instruments, containment of market risk, management treasury assets and internationalization for stock exchange officials and treasury and fund managers. In the Middle East and North Africa region, EDI organized the Mediterranean Development Forum (Marrakech, Morocco, May), where policy makers, parliamentarians, NGOs, academics and journalists from around the world came together to participate in more than a dozen learning programmes on regional development issues ranging from unleashing the economic potential of the rural poor to managing reform. EDI was a partner in organizing the second Annual Bank Conference for Development Economics for Latin America and the Caribbean, which brought

together policy makers, private sector participants and leading academics to focus on international economic integration and commerce.

Scholarships

In fiscal 1997, the Joint Japan/World Bank Graduate Scholarship Programme provided funding to support graduate studies for 360 mid-career officials of member countries.

Co-financing

During the year, the Bank continued to facilitate the flow of financial resources to developing countries by carrying out activities related to co-financing, project finance and guarantees, private sector development and technical assistance financing. The absolute level of co-financing anticipated in support of Bank operations in fiscal 1997 dropped to \$7.2 billion from \$8.2 billion in fiscal 1996. Most co-financing continued to be provided by official sources (78 per cent), of which the largest amounts were provided by the Inter-American Development Bank (\$1.9 billion), the institutions of the European Union (\$1 billion) and Japan (\$582 million). The major use of co-financing continued to be for specific investment projects, particularly in the infrastructure section.

Financing activities

During fiscal 1997, the Bank raised \$15.1 billion in medium- and long-term debt in 18 different currencies. It completed \$5.1 billion in currency swaps and entered into \$1.6 billion in interest-rate swaps. After swaps, most of the year's funding was denominated in United States dollars, deutsche mark and Japanese yen.

As at 30 June 1997, short-term borrowings outstanding stood at \$7.7 billion, comprising \$2.2 billion from official sources through the Bank's central facility, \$3 billion from market funding in United States dollar discount notes, and \$2.5 billion from short-term notes issued under the Bank's global multicurrency note programme. The cost of those borrowings was 5.3 per cent, compared with 5.4 per cent at the end of fiscal 1996.

Capitalization

As at 30 June 1997, the total subscribed capital of the Bank was \$182.4 billion, or 97 per cent of authorized capital of \$188 billion. The permissible increase of net disbursements was \$92.8 billion, or 47 per cent of IBRD's lending limit.

Income, expenditures and reserves

The Bank's gross revenues totalled \$8.1 billion in fiscal year 1997, a decrease of \$595 million from 1996. Net income was nearly \$1.3 billion, up from nearly \$1.2 billion in fiscal 1996. Expenses decreased to \$6.7 billion from \$7.4 billion a year earlier. Administrative costs fell to \$651 million from \$733 million in 1996, an 11 per cent decrease. As at 30 June 1997, the Bank's reserves amounted to \$16.3 billion, and the reserves-to-loan ratio stood at 14 per cent.

Secretariat

As at 30 June 1997, World Bank regular and fixed-term staff numbered 5,443.

NOTE: For further details regarding the Bank's activities, see The World Bank Annual Report 1997.

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The World Bank also maintained offices in Paris and Tokyo.

Chapter VII

International Finance Corporation (IFC)

The International Finance Corporation (IFC), established in 1956 as an affiliate of the International Bank for Reconstruction and Development (World Bank), continued in 1997 to encourage private sector activity in developing countries. IFC's activities included financing private sector projects, assisting companies in the developing world to mobilize financing in the international financial markets, and providing advice and technical assistance to businesses and Governments.

During the 1997 fiscal year (1 July 1996-30 June 1997), IFC membership increased to 172 with the admission of Cambodia and Turkmenistan.

Financial and advisory services

In fiscal 1997, IFC's Board of Directors approved a total of \$6.7 billion in financing, of which \$3.4 billion was mobilized through loan syndications, underwriting and private placements for 276 projects in 84 countries, compared with \$4.9 billion for 264 projects in 76 countries in fiscal year 1996. The total project cost of fiscal 1997 approvals was \$17.9 billion; the ratio of IFC funding to total costs was 1 to 2.7. IFC expanded its operations to more countries, more areas and more sectors than previously. It concentrated on countries that had not benefited from private foreign investment, and had carried out first projects in Azerbaijan, Cambodia, Eritrea, Georgia, Moldova, Mongolia, Tajikistan and the former Yugoslav Republic of Macedonia.

The "Extending IFC's Reach" initiative, a three-year pilot programme to promote private investment in selected countries where difficult conditions had constrained IFC activity, was launched in fiscal year 1997. Under the initiative, IFC established the \$40 million Small Enterprise Fund, which allowed IFC to make smaller investments through simplified procedures, from which \$ 17.6 million in loans and equity financing and a broad range of technical assistance work had been approved for 16 projects. The Technical Assistance Trust Fund supported 34 technical assistance assignments, totalling some \$3.3 million, in 13 "Reach" countries.

Strong demand for technical assistance and advisory services continued throughout fiscal 1997, when IFC provided a broad range of services,

which included capital markets technical assistance; advisory work in the infrastructure area; privatization and corporate restructuring; project development facilities; and investment and project-specific advisory services.

Regional projects

IFC approved 276 projects in 84 countries and regions in fiscal 1997. In Africa, IFC continued to focus on expanding support through technical assistance services, capital markets work and direct support to small industry. In Central Asia, the Middle East and North Africa, IFC's operational activities focused on supporting efforts to liberalize economies and to foster a dynamic private sector. In Asia, IFC operational emphasis increasingly shifted to new sectors and markets and to countries with less access to private capital. In Latin America and the Caribbean, IFC continued to focus on encouraging development through domestic private investment in financial institutions and second-tier and small and medium enterprises.

In sub-Saharan Africa, IFC approved 72 projects in 24 countries, up from 71 projects in 20 countries in fiscal 1996. One of every four IFC approvals was for Africa, the highest rate for any region. As at 30 June 1997, IFC's committed portfolio included loans and investments for 255 companies in 32 countries, compared with 224 companies in 30 countries a year earlier.

In Asia, the slowdown in economic growth occurred almost exclusively in its more advanced economies. Their less affluent neighbours reported absolute and relative income gains. IFC approved 50 projects in 12 countries and four regional projects, compared with fiscal 1996 when it approved 50 projects in 12 countries and three regional projects. IFC's committed portfolio included loans to 237 companies in 18 countries compared with 213 companies in 19 countries the previous year.

In Central Asia, the Middle East and North Africa, IFC's investment strategy focused on continued investment in the infrastructure needed to support private sector development, supporting job creation and value-added manufacturing industry and developing the financial markets needed to attract and channel foreign and domestic investment. During fiscal 1997, IFC approved

41 projects in nine countries and the West Bank and Gaza as well as two regional projects, compared with 36 projects in nine countries and two regional projects in fiscal 1996. IFC's total committed portfolio included loans and investments for 123 companies in 13 countries in the region, compared with 114 in 12 countries a year earlier.

In Europe, IFC continued to work towards its central objective of advancing the private sector through environmentally sustainable investments and technical assistance programmes. IFC approved 45 projects in 15 countries and one project with a regional focus, compared with 36 projects in 13 countries and two regional projects the previous year.

In Latin America and the Caribbean, IFC continued to support environmentally responsible private sector projects. It used regional and country strategies, in coordination with the World Bank and emphasizing the evolution of private capital flows, to deploy its resources in a more focused manner. During the fiscal year, IFC approved 54 projects in 21 countries and three regional projects, compared with 61 projects in 14 countries and two regional projects in fiscal 1996. The Corporation's committed regional portfolio included loans and investments for 276 companies in 21 countries, compared with 282 companies in 21 countries a year earlier.

Foreign Investment Advisory Service

The Foreign Investment Advisory Service (FIAS), a joint venture of IFC and the World Bank, continued to advise Governments on the policies, laws, regulations, programmes and procedures needed to create an attractive investment climate and increase inflows of productive foreign direct investment (FDI). In fiscal 1997, FIAS completed 31 new advisory projects in 27 countries. It continued to work on more complex advisory proj-

ects in the area of FDI in infrastructure, backward linkages, administrative barriers to investment and promotional strategies. FIAS conducted and participated in multi-country conferences on foreign investment policy, which included a round-table discussion on outbound FDI promotion and its implication for the Asia and Pacific region and the Asian countries, and a meeting to explore the feasibility and desirability of a unified promotion strategy for members of the Association of South-East Asian Nations. It also published papers on round-table discussions on policy for promoting FDI in infrastructure in Africa and Eastern Europe.

Financial performance

In fiscal 1997, IFC's net income totalled \$432 million, a 25 per cent increase over 1996. The loan portfolio generated \$40 million, while net income from the equity/quasi-equity portfolio was \$249 million. Net income from invested net worth and treasury activities totalled \$203 million.

IFC's total committed portfolio at the end of the fiscal year was \$10.5 billion, a 7 per cent increase over 1996. The portfolio consisted of loans and equity investments in 1,047 companies in 102 countries.

Capital and retained earnings

As at 30 June 1997, IFC's net worth reached \$4.7 billion, compared with \$4.1 billion at the end of fiscal 1996.

Secretariat

As at 30 June 1997, there were 880 regular staff at IFC, drawn from 110 countries.

NOTE: For further details of IFC activities, see International Finance Corporation Annual Report 1997, published by the Corporation.

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Chapter VIII

International Development Association (IDA)

The International Development Association (IDA), an affiliate of the International Bank for Reconstruction and Development (World Bank), provided concessionary assistance to low-income developing countries to reduce poverty and improve the quality of life. In 1997, IDA assistance continued mainly to those with an annual per capita gross national product of \$785 or less (in 1996 United States dollars), for which 70 countries were eligible. IDA loans to those countries totalled \$4.4 billion.

IDA carried out a broad range of activities to reduce poverty, including projects targeted at human resource development such as education, health, safety nets, as well as improvement of water supply and sanitation, the provision of infrastructure, and agriculture and rural development. It advised governments on the best policies for attaining broad-based economic growth and reducing the vulnerability of the poor to economic shocks.

At the end of fiscal year 1997 (1 July 1996-30 June 1997), IDA membership remained at 159.

Financing

The funds used by IDA—called credits to distinguish them from World Bank loans—were derived mostly from contributions of richer member countries, as well as transfers from World Bank earnings. Such funds were replenished by an agreement among donors every three years. Credits were made only to Governments, had a 35- to 40-year maturity with a 10-year grace period on repayment of principal and were interest-free.

Fiscal 1997 was the first year of the eleventh replenishment of IDA (IDA-11). The total expected commitment authority for IDA-11 was 14.4 billion special drawing rights (SDR), including the Interim Trust Fund (ITF) administered by IDA.

IDA-11 was to provide IDA with the resources to fund credit committed during the period 1 July 1996-30 June 1999. The commitment authority for IDA-11 comprised SDR 4.7 billion from IDA-11 donor contributions, SDR 2.2 billion from donor contributions to ITF, SDR 1.3 billion from the unreleased portion of contributions carried over from the IDA-10 period, and SDR 6.2 billion from other resources. At the end of fiscal 1997, contributions from ITF totalled SDR 1.7 billion from 30 donors. IDA-11 donor contributions were to be made available in two annual tranches during fiscal 1998 and fiscal 1999. Commitment to IDA-11 was augmented by SDR 783 million in the release of donor contributions carried over from the IDA-10 period. That amount was made available when the United States paid \$700 million towards its IDA-10 contribution, which triggered the release of the corresponding amount in Germany's contribution. At the end of fiscal 1997, available resources for IDA-11 totalled SDR 5 billion. Against those resources, IDA had made commitments of SDR 3.2 billion during fiscal 1997, of which SDR 1.2 billion was funded by ITF and SDR 2 billion was funded by IDA-11 resources. Of that amount, 36 per cent went to Africa, 30 per cent to South Asia, 17 per cent to East Asia and the Pacific, 11 per cent to Europe and Central Asia, and 3 per cent to both Latin America and the Caribbean and the Middle East and North Africa. The three largest borrowers of IDA credits were India (\$903 million), Viet Nam (\$349.2 million) and China (\$325 million).

Secretariat

Though legally and financially distinct from the World Bank, the staffing and headquarters of IDA were the same as those of the Bank.

NOTE: For further details regarding IDA activities, see The World Bank Annual Report 1997.

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Chapter IX

International Monetary Fund (IMF)

During 1997, the International Monetary Fund (IMF) continued its efforts to promote exchange stability; assist in the establishment of a multilateral system of payments; make its general resources temporarily available to members experiencing balance-of-payments difficulties under adequate safeguards; and shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members. Against a background of increasing globalization, the Fund reviewed its surveillance operations, adapted its financial instruments and procedures and addressed problems of heavily indebted and low-income countries. The Fund's fiscal year covered the period from 1 May 1996 to 30 April 1997.

During 1997, IMF membership increased to 182 with the admission of Palau.

IMF facilities and policies

IMF provided financial assistance to its members through several facilities and policies to help them achieve sustainable economic growth and balance-of-payments viability and to establish normal relations with their creditors. Credit for longer periods was made available under the extended funding facility (EFF).

The Fund provided concessional financial support to low-income countries under the structural adjustment facility (SAF) and the enhanced structural adjustment facility (ESAF). In 1997, the IMF Executive Board undertook an extensive review of ESAF and continued its efforts to ensure the uninterrupted availability of financial resources for it. Together with the World Bank and other creditors, IMF made important headway in implementing the initiative to reduce the external debt burden of a number of heavily indebted poor countries.

The Fund's special facilities consisted of the compensatory and contingency financing facility (CCFF) and the buffer stock financing facility, which had not been utilized since 1983. Two countries, Algeria and Bulgaria, made use of CCFF during fiscal 1997, with drawings totalling 0.3 billion special drawing rights (SDR).

Financial assistance

During fiscal 1997, the Fund approved 28 new standby, extended and ESAF arrangements, totalling SDR 5.3 billion in new commitments (SDR 3.2 billion in standby arrangements for 11 countries; SDR 1.2 billion for five EFF arrangements; and nearly SDR 1 billion for 12 ESAF arrangements), compared with commitments of SDR 19.7 billion in fiscal 1996. Many Fund-supported arrangements approved in previous years remained in effect in fiscal 1997, including the three-year extended arrangement with the Russian Federation totalling SDR 6.9 billion, the largest such extended arrangement in the Fund's history.

As at 30 April 1997, 60 arrangements were in effect, for a total commitment of SDR 18 billion, compared with SDR 27.9 billion the previous year. They comprised 14 standby arrangements (Argentina, Bulgaria, Djibouti, Egypt, El Salvador, Estonia, Hungary, Latvia, Lesotho, Pakistan, Papua New Guinea, Romania, Venezuela, Yemen); 11 EFF arrangements (Algeria, Azerbaijan, Croatia, Gabon, Jordan, Kazakhstan, Lithuania, Moldova, Peru, Philippines, Russia); and 35 ESAF arrangements (Albania, Armenia, Azerbaijan, Bangladesh, Benin, Bolivia, Burkina Faso, Cambodia, Chad, Congo, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Kenya, Kyrgyzstan, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia, Togo, Uganda, United Republic of Tanzania, Viet Nam, Zambia).

Liquidity

The Fund's liquidity position improved significantly in fiscal 1997, reflecting a lower demand for resources, compared to the previous two consecutive years of record high demand, and an increase in the pool of currencies used by the Fund to finance purchases by members. At the end of fiscal 1997, the Fund's liquid resources amounted to SDR 62.7 billion, compared with SDR 56.4 billion a year earlier. Uncommitted and adjusted usable resources totalled SDR 43.5 billion at the end of the fiscal year, compared with SDR 33.5 billion a year earlier.

As at 30 April 1997, the Fund's liquid liabilities amounted to SDR 36.1 billion, consisting entirely of reserve tranche positions; liquid liabilities a year earlier had amounted to SDR 37.3 billion. The ratio of the Fund's uncommitted and adjusted usable resources to its liquid liabilities—the liquidity ratio—increased from 89.8 per cent at the end of fiscal 1996 to 120.5 per cent at the end of fiscal 1997.

SDR activity

In fiscal 1997, total transfers of SDRs decreased to SDR 19.8 billion, after having reached a record level of SDR 27.4 billion in fiscal 1996. The drop was due, in part, to delays in a number of large purchases by members during 1996/97, which constrained the transfer of SDRs from the General Resources Account (GRA) to participants and contributed to the inadequate availability of SDRs for members to acquire and subsequently use to fulfil their financial obligations to IMF. Another reason for the decline was the need for GRA to expand its receipts of currencies in order to facilitate harmonization of the Fund positions of creditor members, which resulted in a decrease in repurchases in SDRs. Transfers of SDRs from participants to GRA fell from SDR 7.7 billion in 1995/96 to SDR 6 billion in 1996/97, reflecting mainly a decrease in the use of SDRs for repurchases from SDR 5.6 billion in 1995/96 to SDR 4.4 billion in 1996/97. Transfers among participants and prescribed holders decreased from SDR 11.9 billion in 1995/96 to SDR 8.4 billion in 1996/97, largely due to declines in prescribed operations and transactions by agreement. Transactions by agreement were conducted for the most part with the assistance of the 12 members that had established standing arrangements with the Fund to buy or sell SDRs for one or more freely usable currencies at any time, provided that their SDR holdings remained within certain limits. Transactions by agreement decreased to SDR 7.4 billion in 1996/97 from SDR 8.9 billion in 1995/96.

Transfers of SDRs during fiscal 1997 resulted in some further redistribution of SDR holdings among the various groups of holders, with IMF playing the major role in circulating and redistributing SDRs. Because a number of large anticipated purchases by members in fiscal 1997 were delayed, the holdings of GRA at the end of fiscal 1997 amounted to SDR 1.5 billion, at the ceiling of the target range and nearly double the level of a year earlier. The SDR holdings of non-industrial countries decreased from 67.9 per cent to 60.3 per cent during fiscal 1997; those of industrial countries declined from 102.4 per cent to 99.3 per cent of net cumulative allocations in fiscal 1997, mainly because they sold more SDRs in

transactions by agreement than they acquired. The SDR holdings of prescribed holders increased from SDR 1.1 billion at the end of fiscal 1996 to SDR 1.3 billion at the end of fiscal 1997.

Policy on arrears

The level of outstanding overdue financial obligations to IMF increased slightly during fiscal 1997, from SDR 2.18 billion to SDR 2.21 billion. There was one new case of protracted arrears to the Fund in fiscal 1997.

As at 30 April 1997, four countries (Liberia, Somalia, Sudan, Zaire) were ineligible to use the general resources of the Fund. Those countries accounted for 95 per cent of total overdue obligations on that date. Declarations of non-cooperation, a further step under the strengthened cooperative arrears strategy, were in effect with respect to three countries (Liberia, Sudan, Zaire).

Technical assistance and training

In fiscal 1997, demand by members for IMF technical assistance and training services remained strong as economic and financial globalization and the transition to market-oriented policies progressed. Monetary and fiscal aspects of macroeconomic management were the focus, but related areas of statistics, financial law, Fund financial organization and operations, and information technology were also covered. The Fund provided assistance in the field through missions by Fund staff and the assignment of short- and long-term advisers. Courses were also given at headquarters and in member countries. During fiscal 1997, technical assistance and training accounted for about 14 per cent of the Fund's total administrative expenditure.

The IMF Institute provided training to 604 people through 15 courses and 3 seminars at headquarters, and to 578 people through 4 courses and 16 seminars at the Joint Vienna Institute. In addition, some 23 courses, 9 seminars and 6 instances of lecturing assistance were organized for about 1,100 participants at overseas training courses for senior officials from participating countries.

Secretariat

As at 31 December 1997, IMF employed 2,181 full-time staff from 122 countries.

Budget

The Fund's administrative budget for fiscal 1997 was \$490.5 million. For the capital budget, \$30.4 million was approved for projects beginning in fiscal 1997. Actual administrative expenses during the fiscal year totalled \$471.6 mil-

lion and capital project disbursements totalled \$151.5 million, including \$137.8 million for major building projects.

NOTE: For details of IMF activities for the 1997 fiscal year, see Annual Report of the Executive Board for the Financial Year Ended April 30, 1997.

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Chapter X

International Civil Aviation Organization (ICAO)

The International Civil Aviation Organization (ICAO) continued during 1997 to promote the safety and efficiency of civil air transport by prescribing standards and recommending procedures for facilitating civil aviation operations. Its objectives were set forth in annexes to the Convention on International Civil Aviation, adopted in Chicago, Illinois, United States, in 1944, known as the Chicago Convention. The Convention, the international agreement that regulated the safe and orderly development of air transport, established the fundamental principles of safety, efficiency and regularity of civil aviation and created ICAO to promote and administer those principles. On 4 April, ICAO marked the fiftieth anniversary of the coming into force of the Convention.

In 1997, world airline traffic and load factors were the highest ever. Domestic and international scheduled traffic of the world's airlines increased to some 344 billion tonne-kilometres. The airlines carried a total of about 1.46 billion passengers and some 26 million tonnes of freight. Both the passenger and the overall weight load factors on total scheduled services in 1997 increased by one percentage point over 1996, to 69 and 61 per cent respectively. Air freight rose by 15 per cent to 102.9 billion tonne-kilometres, and airmail traffic increased by about 3 per cent to 6 billion tonne-kilometres. Overall passenger/freight/mail tonne-kilometres increased by some 9 per cent and international tonne-kilometres by 10 per cent.

The Council of ICAO held three regular sessions in 1997. The ICAO Safety Oversight Programme and related issues were the subject of the Council's review throughout the year. In June, the Council adopted a resolution for the entry into force of article 3 bis (non-use of weapons against civil aircraft) into the Chicago Convention. In addition, it adopted amendments to eight technical annexes to the Convention and two Procedures for Air Navigation Services documents.

In May, ICAO launched and adopted its first strategic action plan, "Guiding Civil Aviation into the Twenty-First Century", to deal more effectively with the constantly evolving challenges facing civil aviation, particularly in the area of flight safety.

ICAO concluded an air traffic services route agreement with the signing of a Memorandum of Agreement by the Democratic People's Republic of Korea and the Republic of Korea, after 16 years of negotiations, providing for the use by any State of air routes between North Korean-controlled airspace and South Korean-controlled airspace, as well as a direct speech circuit between Pyongyang and Taegu Ari Control Centres, enabling communications for the first time in 52 years.

In 1997, ICAO membership remained at 185 countries.

Activities in 1997

Air navigation

ICAO continued to update and implement international specifications and regional plans with particular emphasis on communications, navigation, surveillance and air traffic management (CNS/ATM) systems. The specifications consisted of International Standards and Recommended Practices contained in 18 technical annexes to the 1944 Chicago Convention and Procedures for Air Navigation Services. Regional plans covered air navigation facilities and services required for the implementation of CNS/ATM systems and other international air navigation elements in ICAO regions.

Five air navigation panel meetings convened in Montreal in 1997 made recommendations to amend ICAO specifications. Draft amendments to align the Technical Instructions for the Safe Transport of Dangerous Goods by Air with the Tenth Edition of the United Nations Recommendations for the Transport of Dangerous Goods were developed. In addition, advance notification of revised provisions for radioactive material transport, applicable from 1 January 2001, was prepared. The panel on visual aids updated the Aerodrome Design Manual and dealt with issues concerning specifications on visual aids for surface movement guidance and control systems. The panel on weather operations completed the development of ICAO material on the required navigation performance for approach, landing and departure operations and finalized a feasibility assessment of global navigation satellite systems (GNSS) applica-

tion to those operations. Other panels dealt with issues concerning collision avoidance systems, instrument approach procedures and obstacle clearance areas.

The Seventh Africa-Indian Ocean Regional Air Navigation Meeting was convened by ICAO (Abuja, Nigeria, May) to facilitate the implementation of ICAO Safety Standards and Recommended Practices throughout the region, including solutions to alleviate the deficiencies which affected the safety, regularity and efficiency of flights in the African airspace.

During the year some project areas that were given special attention were accident investigation; accident and incident data reporting; aerodromes; aerodrome rescue and fire fighting; aeronautical information services; airborne collision avoidance systems; audio-visual aids; aviation medicine; flight safety and human factors; personnel licensing and training; and safety oversight.

Air transport

In 1997, efforts in the area of air transport were directed towards ICAO's continuing programmes of economic analysis, economic policy, forecasting and economic planning, collection and publication of air transport statistics, airport and route facility management, economic and organizational aspects of CNS/ATM systems, economic and coordination aspects of environmental protection and the promotion of greater facilitation in international air transport.

ICAO issued guidance to its contracting States for regulatory change in international air transport to adjust to an increasingly competitive airline environment while fostering fair competition. The recommendations, which stemmed from ICAO's 1994 World-wide Air Transport Conference [YUN 1994, p. 1449], were developed by the Air Transport Regulation Panel and were the conclusion of several years of work on the broad issue of the economic regulation of international air transport. A meeting of the Statistics Division (Montreal, September) proposed changes that reflected the increased need for aviation statistics to meet requirements such as evaluation of the impact of civil aviation on the environment, consumer protection, safety oversight, airspace congestion and planning for air navigation systems. The Facilitation Panel (Montreal, November), during its first meeting, recommended changes regarding the custody and care of passengers, particularly those persons who were found "inadmissible" by States. The Technical Advisory Group on Machine-Readable Travel Documents (Montreal, January) began work on specifications for "smart cards" for automated border in-

spection and initiated a draft revision of the specifications for machine-readable passports. The first meeting of the Middle East Area Traffic Forecasting Group (TFG) (Cairo, Egypt, November) was held to support air navigation systems planning in the region in accordance with the strategy for regional traffic forecasting activities adopted by the ICAO Council in 1996. The Asia/Pacific Area TFG published traffic and aircraft movement forecasts.

Six workshops in the areas of air transport regulatory policy, forecasting and economic planning, statistics and airport and route facility management, two seminars on statistics and a seminar on the economics of CNS/ATM systems and a facilitation area meeting were held during the year.

ICAO continued to provide secretariat services to three independent regional civil aviation bodies—the African Civil Aviation Commission, the European Civil Aviation Conference and the Latin American Civil Aviation Commission.

ICAO maintained its responsibilities for the administration of the Danish and Icelandic Joint Financing Agreements, to which 23 Governments were contracting parties in 1997. The two agreements, which were signed in 1956 and amended in 1982, concerned the provision in Greenland and Iceland of air traffic control, communications and meteorology facilities and services to North Atlantic flights.

The ICAO Council continued its efforts to enhance the level of implementation of its security programme through the mechanism for financial, technical and material assistance to States with regard to aviation security.

Legal matters

The thirtieth session of the Legal Committee (Montreal, 28 April-9 May) approved the text of the draft Convention for the Unification of Certain Rules for International Carriage by Air. The ICAO Secretariat Study Group on the Modernization of the "Warsaw System" held its third meeting (Montreal, 4-5 December). The Panel of Legal and Technical Experts on the Establishment of a Legal Framework with regard to GNSS, at its second meeting (Montreal, 6-10 October), agreed on the text of the draft Charter on the Rights and Obligations of States relating to GNSS Services and adopted a number of recommendations on the subjects of certification and liability.

The following ratifications, adherences or successions were registered in 1997 to the 1944 Convention on International Civil Aviation, ICAO's constituent instrument, and to conventions and protocols on international air law concluded under ICAO auspices:

Protocol relating to an Amendment to the Convention on International Civil Aviation (1947) (article 93 bis Expulsion or suspension)

Ghana, the former Yugoslav Republic of Macedonia
Protocol relating to an Amendment to the Convention on International Civil Aviation (1980) (article 83 bis Lease, charter and interchange)

Belize, Bosnia and Herzegovina, China, Ghana, Maldives, Nepal, Republic of Moldova

Protocol relating to an Amendment to the Convention on International Civil Aviation (1984) (article 3 bis Non-use of weapons against civil aircraft)

Belize, Bosnia and Herzegovina, China, Ghana, Israel, Maldives, Republic of Moldova

International Air Services Transit Agreement (Chicago, 1944)

Latvia

Convention on the International Recognition of Rights in Aircraft (Geneva, 1948)

Bahrain, Ghana, Kenya, Slovenia, Uzbekistan, Viet Nam

Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952)

Bahrain

Protocol to Amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface Signed at Rome on 7 October 1952 (Montreal, 1978)

Guatemala

Convention for the Unification of Certain Rules relating to International Carriage by Air (Warsaw, 1929)

Bosnia and Herzegovina, Cambodia, Czech Republic, Guatemala, Honduras, Latvia, Malawi, Panama, Republic of Moldova, Slovakia, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan

Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 (The Hague, 1955)

Bosnia and Herzegovina, Cambodia, Czech Republic, Lithuania, Panama, Republic of Moldova, Slovakia, Sri Lanka, the former Yugoslav Republic of Macedonia

Convention Supplementary to the Warsaw Convention for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person other than the Contracting Carrier (Guadalajara, 1961)

Ghana, Lithuania, Republic of Moldova, the former Yugoslav Republic of Macedonia, Uzbekistan

Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 (Montreal, 1975)

Bosnia and Herzegovina, Canada, Guatemala, Honduras, Kuwait, the former Yugoslav Republic of Macedonia, Uzbekistan

Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955 (Montreal, 1975)

Bosnia and Herzegovina, Canada, Honduras, Kuwait, Oman, the former Yugoslav Republic of Macedonia, Uzbekistan

Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules relating to International

Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocols Done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971 (Montreal, 1975)

Kuwait, Mexico

Additional Protocol No. 4 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air Signed at Warsaw on 12 October 1929 as Amended by the Protocol Done at The Hague on 28 September 1955 (Montreal, 1975)

Australia, Bosnia and Herzegovina, Guatemala, Kuwait, the former Yugoslav Republic of Macedonia
Convention on Offences and Certain other Acts Committed on Board Aircraft (Tokyo, 1963)

Albania, Latvia, Republic of Moldova

Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)

Republic of Moldova

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)

Republic of Moldova

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (Montreal, 1988)

Brazil, Ghana, Sri Lanka, Republic of Moldova

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)

France, Guatemala, Japan, Lebanon, Republic of Moldova, Tunisia, United Kingdom, United States

Technical cooperation

In 1997, ICAO undertook 116 technical cooperation projects in 74 countries. The organization's technical cooperation programmes, financed by the United Nations Development Programme (UNDP), trust funds, management service agreements and the Civil Aviation Purchasing Service, had total expenditures in 1997 of \$65.3 million. Some 92 per cent of that amount was provided by Governments to fund their own projects on the basis of cost sharing with UNDP.

ICAO had resident missions in 46 countries, and 74 others received assistance through fellowships and visits from experts assigned to inter-country and subcontractual arrangements. A total of 627 fellowships were awarded in 1997, of which 597 were implemented. ICAO employed 316 experts from 41 countries during all or part of 1997, of which 154 were on assignment under UNDP and 162 worked on trust fund projects (including 2 under the Associate Experts Programme). In addition, there were 84 Governments and organizations registered with ICAO in 1997 under its Civil Aviation Purchasing Service. Equipment purchases during the year totalled \$35.92 million.

Secretariat

As at 31 December 1997, 748 staff were employed in the ICAO secretariat, including 298 in the Professional and higher categories and 450 in the General Service and related categories. Of the total, 199 were employed in regional offices.

Budget

Appropriations for the ICAO budget in 1997 totalled \$52,191,000. Appropriations for 1998 were \$54,596,000.

NOTE: For further details on the activities of ICAO in 1997, see Annual Report of the Council—1997.

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Chapter XI

Universal Postal Union (UPU)

The Universal Postal Union (UPU), established in 1874 in Berne, Switzerland, under the Treaty of Berne to regulate international postal services, became a United Nations specialized agency in 1948. During 1997, UPU continued to promote a fast and reliable universal postal service at affordable prices through international collaboration among its member countries. In the light of the rapidly changing and highly competitive business environment, UPU carried out activities to promote postal development and assist postal administrations to improve the quality of their services to meet growing customer demands. The postal services of its 189 member countries remained the largest physical distribution network in the world, with some 6 million postal employees working in more than 700,000 post offices worldwide, processing and delivering an annual average of more than 400 billion mail items.

Activities of UPU organs

Universal Postal Congress

The Universal Postal Congress, UPU's supreme legislative authority, met every five years. It last met in 1994 for the twenty-first Congress, held in Seoul, Republic of Korea. In 1997, preparatory work continued for the twenty-second Congress, to be held in Beijing, China, from 23 August to 15 September 1999.

Council of Administration

The Council of Administration, which ensured the continuity of UPU work between Congresses and studied regulatory, administrative, legislative and legal issues of concern to the Union, held its annual session from 9 to 24 October at UPU headquarters. During 1997, the Council simplified the Universal Postal Convention and its Detailed Regulations in order to provide international postal customers with harmonized procedures. A high-level strategic meeting on the theme "Postal vision 2005" (Geneva, 13-14 October), attended by some 500 ministers, chief executives and representatives of postal administrations from 123 member countries, discussed a global postal strategy for the next millennium and prepared the groundwork for the 1999 Congress.

Postal Operations Council

The Postal Operations Council, which dealt with the operational, economic and commercial aspects of international postal services, aimed at assisting postal services to modernize and upgrade their postal products, including letter post, express mail service, postal parcels and postal financial services.

In 1997, UPU signed an agreement with the International Olympic Committee to include a philatelic theme on the Olympic Games. It also signed a Memorandum of Understanding with Interpol to fight crimes committed through the mail such as illicit drug trafficking, mail bombs, child pornography, paedophile networks and mail fraud.

POST*Net, UPU's global telecommunications network, increased in its number of users and volume of data exchanged to track mail, electronic money orders, and electronic and hybrid mail. The development of computerized systems for the management of international mail continued in 1997 as traffic of electronic data interchange increased. A project to improve the postal international money order (IMO) was initiated, which allowed postal administrations to make IMO transactions electronically, to ensure their secure transmission and to track payments.

The Council held its annual session from 21 April to 2 May at UPU headquarters.

International Bureau

The International Bureau, which was under the general supervision of the Council of Administration, was the UPU secretariat, serving the postal administrations of member countries as an organ of execution, support, liaison, information and consultation. During 1997, the Bureau went through a process of reassessment and re-evaluation. Significant progress was made in applying modern management practices through a series of human resource training and development workshops. The Bureau continued to act as a clearing house for the settlement of various inter-administration charges related to the exchange of postal items and international reply coupons. UPU improved its financial clearing system by introducing POST*Clear in 1997, a new system that enabled the Bureau more effectively

to receive and settle accounts on behalf of its members.

As at 31 December 1997, the number of permanent staff members employed by the Bureau was 151, of whom 63 were in the Professional or higher categories and 88 were in the General Service category.

Technical cooperation

Main funding for UPU technical cooperation activities came from contributions made by members to the UPU budget or to a special voluntary fund.

One of the principal goals of the UPU Postal Development Action Group was to increase the level of outside financial resources devoted to postal reform and the modernization of postal services. A crucial element in selecting benefici-

ary countries was their own motivation to participate actively in technical cooperation projects.

The UPU eight Regional Advisers were responsible for the programming, preparation, implementation and follow-up of postal development projects in the developing countries in their regions.

Budget

Under the Union's self-financing system, contributions were payable in advance by member States based on the following year's budget. At its 1996 session, the Council of Administration approved the 1997 budget at Swiss francs (SwF) 34.5 million. In 1997, the Council approved the 1998 budget of SwF 35.7 million.

NOTE: For details of UPU activities, see Universal Postal Union Annual Report 1997, published by UPU.

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Chapter XII

International Telecommunication Union (ITU)

In 1997, the International Telecommunication Union (ITU), which was founded in 1865 as the International Telegraph Union and became a specialized agency of the United Nations in 1947, continued to promote the development and efficient operation of telecommunication facilities, provide technical assistance in telecommunications and encourage adoption of a broader approach to telecommunications in the global information economy and society.

At its annual session, the Council (Geneva, 18-27 June), ITU's governing body between Pleni-potentiary Conferences, took action on a broad range of topics, including: the draft Strategic Plan for 1999-2003; the adoption of 27 recommendations put forward by the ITU 2000 Working Group, which examined ways to strengthen the ITU financial base and to enhance the rights, obligations and role of the telecommunication industry in the Union's work; the adoption of "Trade in Telecommunications" as the theme for the Second World Telecommunication Policy Forum to be held in 1998; the adoption of the principle of cost recovery for the processing costs of ITU products and services; the endorsement of ITU's role as depository for the Memoranda of Understanding for both the Global Mobile Personal Communications by Satellite (GMPCS) and Internet generic Top Level Domains; the approval of development projects to be funded using Swiss francs (SwF) 17.5 million of surplus funds generated by TELECOM 95 and Americas TELECOM 96; the restructuring of ITU field offices; and the adoption of the 1998-1999 budget.

ITU membership increased to 188 in 1997 with the admission of Saint Lucia.

Major events in 1997 were Asia TELECOM 97 and TELECOM Interactive 97. Asia TELECOM 97, the fourth regional telecommunication exhibition and forum for the Asia region (Singapore, 9-14 June), attracted 40,608 telecommunication professionals from 104 countries and a total of 476 exhibitors from telecommunication, information technology and audio-visual entertainment fields. The forum, which ran parallel with the exhibition, comprised a Strategies Summit and a Technology Summit and focused on new technological developments and challenges of communications in developing countries. TELE-

COM Interactive 97 (Geneva, 8-14 September), the world's first interactive multimedia forum and exhibition, drew 20,819 telecommunication professionals and 215 exhibitors from the telecommunication, computing, broadcasting and entertainment sectors. The exhibition featured corporate and national pavilions, as well as thematic pavilions. It also included a cybercafé and a cyberforum.

Conferences

The World Radiocommunication Conference (WRC-97) (Geneva, 27 October-21 November) consolidated the simplified radio regulations and appendices and reviewed the provisions for GMPCS. The most important achievements of WRC-97 included the adoption of a new plan of the Broadcast Satellite Service in the Americas and in Eastern Europe and Northern Asia, which delivered broadcasting services such as direct-to-home television services; and an agreement between new mobile satellite service operators, which would see the development of new broadband global satellite systems that had the potential to deliver Internet and multimedia applications to homes and businesses anywhere in the world. The Conference approved operational provisions for the mobile maritime satellite service and corresponding aeronautical navigation services.

The third Radiocommunication Assembly (RA-97) (Geneva, 20-24 October) discussed the direction of ITU activities in the area of radiocommunications, including the establishment of a two-year work plan for the study groups of the ITU Radiocommunication Sector. Among the highlights of RA-97 were the approval of recommendations relating to International Mobile Telecommunications 2000 standards development; a proposal for greater cooperation and harmonization between the activities of the Radiocommunication Bureau and the Telecommunication Standardization Sector; and a resolution on the need for collaboration with the International Organization for Standardization and the International Electrotechnical Commission. The Assembly was held every two years.

Radiocommunication Sector

The ITU Radiocommunication Bureau continued to provide services to administrations and users in application of the Radio Regulations, including the coordination and registration of radio-frequency assignments and satellite orbits. It allocated international identification series, provided maritime mobile information services and conducted seminars and training sessions for national frequency management requirements. In 1997, its main activities included processing notifications for space and terrestrial radiocommunication services; supporting the work of the ITU Radiocommunication Sector study groups on spectrum management, radiowave propagation, fixed-satellite service, science service, mobile radiodetermination, amateur and related satellite service, fixed service, sound broadcasting service and television broadcasting service; and preparing for radiocommunication conferences.

The Bureau received requests for assistance from administrations in both the terrestrial and space radiocommunication domains, and responded to 35 and 40 requests, respectively. It provided assistance to bilateral space system coordination meetings; carried out training missions/meetings on space system matters; and organized regional seminars and information meetings on maritime radiocommunications and a distance learning course on spectrum management for Latin American countries. The Bureau also provided support to the Radio Regulations Board, which held three meetings in 1997, and to the Radiocommunication Advisory Group, which held its fifth meeting from 11 to 14 March.

By the end of 1997, the Master International Frequency Register contained particulars of 1,228,123 assignments to terrestrial stations, representing 5,659,107 line entries, which were published in the International Frequency List at periodic intervals. For space services, the Register contained 324,083 assignments to 1,406 satellite networks and 4,262 earth stations.

Telecommunication Standardization Sector

In 1997, the Telecommunication Standardization Bureau supported all sector activities and the 16 study groups on: network and service operation; tariff and accounting principles, including related telecommunication economic and policy issues; the Telecommunication Management Network and network maintenance; protection against electromagnetic environment effects; outside plant; data networks and open system communications; characteristics of telematic services; television and sound transmission; languages and general software aspects for telecommunication systems; signalling requirements

and protocols; end-to-end transmission performance of networks and terminals; general network aspects; transport networks, systems and equipment; and multimedia services and systems. The Bureau reserved or assigned a total of 21,076 universal international freephone numbers (UIFNs) and received some 5,076 applications during 1997. There were 70 service providers in 37 countries that had applied for UIFNs.

The Telecommunication Standardization Advisory Group held one meeting in 1997.

Telecommunication Development Sector

The Telecommunication Development Bureau, in 1997, implemented the Buenos Aires Action Plan (BAAP), adopted at the 1994 World Telecommunication Development Conference (WTDC) [YUN 1994, p. 1453], and carried out preparatory meetings for the 1998 WTDC Conference. It actively pursued the 12 programmes of BAAP on: finance and regulatory issues; human resources management and development; guidelines for the elaboration of a business-oriented development plan; development of maritime radiocommunication services; computer-aided network planning; frequency management; improvement of maintenance; mobile cellular radio telephone systems; integrated rural development; broadcasting infrastructure; information services; and development of telematics and computer networks. The Bureau offered services in policy, regulatory, financing, tariffs and technical areas as well as frequency management and human resources development. It conducted a total of 438 technical assistance missions and 87 seminars, workshops and meetings, and granted 1,132 fellowships with special attention to least developed countries.

In Africa, assistance involved telecommunication restructuring, the introduction of Internet services and implementation of management information services. In the development of the regional telecommunication networks, two regional projects were launched: AFRITEL, a revitalization of the PANAFTTEL project, and Telecommunication Equipment Manufacturing. The Lome maintenance centre was set up and the feasibility of the maintenance centre for the Central African sub-region updated. AFRICA-ONE entered an active phase since financing of the project for \$1.6 billion was secured by African operators and private investors. The project financed by the United States Agency for International Development for support to telecommunications sector development and establishment of a database for telecommunications in southern Africa was ongoing. A total of 470 fellowships were awarded and 62 expert missions were conducted in the region

during the year. Field staff carried out 72 missions to follow up various activities.

The development of regional telecommunication networks continued in the Americas. Projects to strengthen national technical and administrative telecommunication services were carried out in Argentina, Brazil, Colombia, the Dominican Republic, Ecuador, Guatemala, Honduras, Paraguay, Peru, Suriname and Uruguay. A special effort was made to support and intensify the delivery of distance learning programmes. A total of 77 fellowships, 50 field missions, 19 ad hoc assistance missions and six regional seminars/meetings were organized during the year.

In the Arab States, activities included assistance in the areas of policies and strategies, telecommunication financing, human resources and GMPCS. In an effort to strengthen national technical and administrative telecommunication services, 25 individual activities were organized in the region, including 13 for Palestine. Six national projects were under implementation, comprising international experts, training and equipment components. In 1997, 153 fellowships were awarded, and 33 expert missions and 17 workshops were organized.

In Asia and the Pacific, activities dealt with promoting interaction of equipment users and suppliers, and interfacing with the Telecommunication Development Sector's study group. Telecommunication sector governance was the subject of a regional study in the Pacific islands subregion. Other activities emphasized regulatory reform, social use space applications, restructuring the telecom sector and transforming a telecom organization to be competitive. A sub-regional meeting for Cambodia, the Lao People's Democratic Republic and Viet Nam provided a

forum where critical issues were discussed, such as the international settlements situation, the Internet, World Trade Organization participation and Association of South-East Asian Nations membership. Two capital projects were implemented in the Pacific islands. A total of 330 fellowships were awarded, 60 expert missions were fielded and 13 workshops/meetings were organized.

In Europe and the Commonwealth of Independent States, assistance was provided in broadcasting marketing and promoting new technologies in sound and television broadcasting. Activities in national technical and administrative telecommunication services were organized in the region. During the year, a total of 142 fellowships were awarded and 12 staff missions were organized to follow up various activities.

Secretariat

As at 31 December 1997, ITU employed 717 permanent and fixed-term staff, including 274 in the Professional or higher categories and 443 in the General Service category.

Budget

The adjusted budget for ITU in 1996-1997 amounted to SwF 303,122,000. Actual income in 1997 totalled SwF 314,997,394, while actual expenditure totalled SwF 299,056,940.

In 1997, the ITU Council approved the 1998-1999 budget for SwF 327,644,000, with a contributory share valued at SwF 328,000 for member States.

NOTE: For further details regarding ITU activities, see Report on the Activities of the International Telecommunication Union in 1997, published by the Union.

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Chapter XIII

World Meteorological Organization (WMO)

The World Meteorological Organization (WMO), established in 1950, continued to facilitate worldwide cooperation related to meteorological and hydrological information and the application of meteorology to aviation, shipping, water problems, agriculture and other activities. WMO promoted operational hydrology and encouraged research and training in meteorology.

The WMO Executive Council, at its forty-ninth session (Geneva, 10-20 June), considered the organization's actions in high-priority areas including the implementation of Agenda 21, adopted by the United Nations Conference on Environment and Development (UNCED) in 1992 [YUN 1992, p. 672], as well as progress in climate-related activities. It examined issues of coordination, especially in the geosciences within the UN system, and matters affecting the proper functioning of the World Weather Watch Programme. The Council examined action being taken concerning the international exchange of data and products, activities relating to the preparation of the Fifth WMO Long-term Plan and the role of national meteorological and hydrological services (NMHSs) and resource mobilization.

WMO membership remained at 179 States and six Territories during 1997. Members were grouped into six regional associations (RAs)—Africa (RA I); Asia (RA II); South America (RA III); North and Central America (RA IV); South-West Pacific (RA V); Europe (RA VI).

World Weather Watch Programme

The World Weather Watch (WWW) Programme, the backbone of the overall programme of WMO, collected, analysed and disseminated meteorological and related geophysical information which was needed to provide efficient meteorological and hydrological services within member countries. The body within WMO responsible for the planning, development and coordination of those matters was the Commission for Basic Systems (CBS). WWW consisted of the Global Observing System (GOS), the Global Telecommunication System (GTS), the Global Data-processing System (GDPS) and Data Management, collectively known as the basic systems. The WWW Programme also included the Tropical Cyclone Programme, the Instruments and Methods of Observation Programme (IMOP) and WMO satel-

lite and environmental emergency response activities.

World Weather Watch implementation

During the year, WWW's main activities focused on a review of the working structure of CBS; a review of the impact of observing systems, particularly radiosondes, on numerical weather predictions; a survey on the use of the Internet in national meteorological services; the international exchange of meteorological data and products; and the further implementation of advanced telecommunication technology for the collection and distribution of data. Those activities and other issues were reviewed at a meeting of the CBS Advisory Working Group (Montreal, Canada, October).

In 1997, emphasis was placed on identifying the most critical areas requiring assistance following the cessation of the Omega radio-navigation system, used to measure upper winds and monitor the conversion of the 250 upper-air stations concerned.

The requirements for observational data for climate monitoring and research purposes continued to grow and, in 1997, major progress was made towards finalizing a global network of some 1,000 stations, selected from the 10,000 surface stations of GOS, to serve as the Global Climate Observing System (GCOS) Surface Network (GSN). Procedures for monitoring the availability and quality of GSN data had also been developed.

Instruments and methods of observation

IMOP focused on increased quality of observational data and support for activities in capacity-building related to meteorological instrumentation. Three Regional Instrument Centres were established in Barbados, Costa Rica and the United States. The Third Regional Pyrheliometer Comparison of RA III was organized (Santiago, Chile) to ensure that national standard pyrheliometers achieved the high level of accuracy of regional standard instruments. The Working Groups of the Commission for Instruments and Methods of Observation on Upper-air Measurements and on Surface Measurements met in March (United Kingdom) and in April (United States).

Experts from NMHSs and representatives of manufacturers, at a Meeting of Experts on Automation of Visual and Subjective Observations, reviewed the current situation on the basis of results of the intercomparison, considered the needs in that new field and initiated the development of guidelines and recommendations.

Tropical Cyclone Programme

During the year, all five regional tropical cyclone centres (Miami, Florida (United States), Nadi (Fiji), New Delhi (India), Reunion and Tokyo (Japan)) accelerated the implementation of their respective regional cooperation programmes, including the regionally coordinated plan for future development of services by NMHSs and the agencies involved in disaster prevention and preparedness.

Emphasis was placed on training forecasters to promote capacity building through the development of human resources.

World Climate Programme

In 1997, overall coordination of the World Climate Programme was carried out by the Inter-Agency Coordinating Committee for the Climate Agenda (IACCA). At its first session, IACCA stressed the importance of identifying national focal points or groups for the Climate Agenda [YUN 1995, p. 1077].

A joint WMO/GCOS Climate Variability and Predictability Study initiative was launched when some 100 scientists and specialists from the insurance and reinsurance industry from 23 countries participated in a workshop on indices and indicators for climate extremes at the National Climatic Data Center (United States, June).

Demonstrations/pilot projects were initiated with the African Centre of Meteorological Applications for Development, and led to further projects in Cote d'Ivoire, Ghana and Nigeria. Projects were also initiated with the Brazilian Meteorological Service and the Hydrometeorological Service of Viet Nam, while agreements on pilot projects were reached with Indonesia and the Philippines.

Activities of the Climate Information and Prediction Services were accelerated by the onset of a very significant El Niño, and included training, demonstration/pilot projects, liaison with research programmes and networking. WMO co-sponsored workshops and conferences on the impacts of the 1997-1998 El Niño and predictive information in South America.

World Climate Research Programme

Under the World Climate Research Programme, the highlight of the year was the Conference on the World Climate Research Programme: Achievements, Benefits and Challenges (Geneva, August), which examined the research priorities to meet climate-policy requirements in future as well as capacity-building needs. The observational phase of the World Ocean Circulation Experiment (WOCE) was completed in 1997. A guide was published, available electronically (<http://www.soc.soton.ac.uk/OTHERS/woceipo/dguide97>), summarizing the wide-ranging data that had been collected. Attention was focused on synthesis of WOCE data sets into a dynamically consistent view of the global ocean circulation.

Atmospheric Research and Environment Programme

Within the Atmospheric Research and Environment Programme, the activities of the WMO Global Atmosphere Watch emphasized quality assurance, refinement of the network observational programmes and a strategic plan to set priorities for, and guide the evolution of, the Programme into the next millennium. An emergency expert mission to the smoke- and haze-stricken area of South-East Asia assisted members in their efforts to model the dispersion, transport, chemical transformation and deposition of atmospheric pollution caused by the burning of biomass.

The activities of the proposed World Weather Research Programme, a new initiative of the Commission for Atmospheric Science, were reviewed. The WMO International Workshop on Dynamic Extended-range Forecasting (France, November) provided an opportunity to compare forecast skills with different models, which was the first step towards creating a standardized system for medium- and long-range forecast verification.

The International Symposium on Cyclones and Hazardous Weather in the Mediterranean (Spain, April) and the League of Arab States/WMO International Symposium on Sand and Dust Storms (Syrian Arab Republic, November) contributed to the enhancement of early-warning systems to mitigate the effects of high-impact weather on socio-economic development.

The first WMO International Workshop on Monsoon Studies (Indonesia, February) provided a forum for discussion between researchers and forecasters on the current status of knowledge of monsoons and on priorities and opportunities for monsoon studies.

Applications of meteorology

Agricultural meteorology

The Advisory Working Group of the Commission for Agricultural Meteorology (Geneva, November) discussed strategic issues, including Agenda 21 adopted by UNCED in 1992 [YUN 1992, p. 672], and agrometeorology for a sustainable world; capacity building; relations with other agencies; and future challenges. Activities related to drought and desertification formed an integral part of the programme and also served the purposes of the United Nations Convention to Combat Desertification [YUN 1994, p. 944].

Aeronautical meteorology

In 1997, installation of World Area Forecast System (WAFS) satellite-based communication receivers and data display systems was almost completed in the Caribbean and Central and South America and was operational in most countries. Site surveys and agreements for installation in countries of the Pacific within the United States satellite footprint were finalized.

The Commission for Aeronautical Meteorology (CAeM) Working Group on the Provision of Meteorological Information Required Before and During Flight (Geneva, June) discussed the current state of implementation of WAFS and the progress achieved towards its final phase, the definition of precipitation intensity and other weather phenomena, guidelines for completing the Compendium on Tropical Meteorology, and training, which was endorsed as the highest priority activity for the CAeM intersessional period.

Marine meteorology

Following a recommendation from the Commission for Marine Meteorology (CMM), a first joint WMO/Intergovernmental Oceanographic Commission (IOC) planning meeting for a possible marine services enhancement project in the western Indian Ocean took place (Mauritius, May). The project was seen as eventually being a regional contribution to the Global Ocean Observing System.

Public weather services

With the designation of rapporteurs for the six WMORAs, the core composition of the CBS Working Group on Public Weather Services was completed in 1997. At an expert planning meeting (Nassau, Bahamas, May), special emphasis was given to training activities. Two regional training seminars on the use of GDPS and WAFS products and presentation of forecasts to the public were

organized in Africa (Niamey, Niger, March; Pretoria, South Africa, October).

Hydrology and water resources

The World Hydrological Cycle Observing System (WHYCOS), established to improve water resource assessment and management throughout the world, was further strengthened in 1997. The WHYCOS concept was gaining considerable momentum globally and implementation of its regional components was progressing satisfactorily.

During the year, a Comprehensive Assessment of the Freshwater Resources of the World, prepared by WMO and other UN agencies in collaboration with the Stockholm Environment Institute, was submitted to the United Nations Commission on Sustainable Development (see PART THREE, Chapter VI).

Education and training

The Education and Training Programme focused on: evaluating members' training needs; revising the WMO Classification of Meteorological and Hydrological Personnel; organizing training events; implementing the fellowship programme; monitoring the activities of Regional Meteorological Training Centres (RMTCs); preparing training publications; and providing technical support to sessions of constituent bodies. Attention was given to the application of new technologies to the training process and effective exchange of modern educational media between members and RMTCs. The worldwide network comprised 22 RMTCs.

In 1997, 263 fellowships were awarded as follows: 45 long-term, 119 short-term and 99 to participate at training events of short duration. Partial assistance was provided to 42 additional fellows.

A total of 685 persons participated in 25 events organized by WMO in 21 countries. WMO also co-sponsored or jointly supported 29 training events organized by national institutions in member countries.

The WMO Training Library continued to strengthen its capabilities and databases and to expand its holdings of audio-visual and computer-aided training material to meet members' requirements.

Technical cooperation

In 1997, WMO technical assistance was valued at \$14.82 million, financed by trust funds (27.6 per cent), the WMO Voluntary Cooperation Programme (58.5 per cent), the United Nations Development Programme (7.4 per cent) and the WMO regular budget (6.5 per cent).

The regional offices served as mechanisms to implement WMO programmes at the national, subregional and regional levels. Within the framework of the harmonization of the Regional and Technical Cooperation Programmes, two subregional offices began operations in 1997—one in Lagos (Nigeria) to serve countries in West Africa, and the other in San Jose (Costa Rica) for countries in North and Central America and the Caribbean. Formal negotiations were held with the Government of Samoa on the establishment of a subregional office in Apia which was expected to be operational in 1998.

Secretariat

As at 31 December 1997, the total number of full-time staff employed by WMO (excluding seven professionals on technical assistance proj-

ects) totalled 258. Of those, 124 were in the Professional or higher categories and 134 were in the General Service and related categories.

Budget

The maximum expenditure approved by the Twelfth Congress in 1995 for the twelfth financial period (1996-1999) was 255 million Swiss francs (SwF). It was SwF 2.8 million below the zero real growth amount. The budget adopted by the WMO Executive Council in 1995 for the first biennium 1996-1997 was SwF 124.4 million.

NOTE: For further details regarding WMO activities, see World Meteorological Organization Annual Report 1997, published by the organization.

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Chapter XIV

International Maritime Organization (IMO)

In 1997, the International Maritime Organization (IMO), which started its work in 1959, continued efforts to improve the safety of international shipping and to prevent marine pollution from ships.

The twentieth IMO Assembly (London, 17-27 November), the organization's governing body, approved the 1998-1999 budget and resolutions submitted by the Maritime Safety Committee, IMO's senior technical body, the Marine Environment Protection Committee and other subsidiary bodies. The resolutions dealt with, among other things, the implementation of the International Safety Management Code; guidelines to assist flag States in implementing IMO instruments; bulk carriers; performance standards for shipborne Voyage Data Recorders; standards for on-board helicopter facilities; recommendations for entering enclosed spaces aboard ships; maritime policy for a future global navigation satellite system; guidelines for vessel traffic services; control and management of ships' ballast water; guidelines on stowaways; guidelines on preventing narcotic drug smuggling; and combating unsafe practices associated with the trafficking or transport of migrants at sea.

During the year, IMO membership remained at 155.

Activities in 1997

On 24 September, the IMO Council awarded the International Maritime Prize for 1996 to Torkild Reedtz Funder, former Director-General of the Danish Maritime Authority. The Prize was awarded annually to the person, organization or other entity judged to have done the most to advance the objectives of IMO.

World Maritime Day, observed on 25 September at IMO headquarters, focused on the theme "Optimum maritime safety demands a focus on people".

Prevention of pollution

The Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), meeting in September, adopted new measures which would reduce air pollution from ships. The rules would

set limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibit deliberate emissions of ozone-depleting substances. The air pollution rules were adopted in the form of a Protocol creating a new Annex VI (Regulations for the Prevention of Air Pollution from Ships) to the Convention. MARPOL consisted of five technical annexes containing measures to prevent pollution by oil, chemicals, harmful substances in packaged form, garbage and sewage. The new Annex VI would enter into force 12 months after the date on which it had been accepted by not less than 15 States, the combined tonnage of which should be not less than 50 per cent of the gross tonnage of the world's merchant shipping fleet.

The Marine Environment Protection Committee (MEPC), at its fortieth session (18-25 September), adopted a new regulation to Annex I of MARPOL, which specified intact stability criteria for double-hull tankers. The Committee also adopted amendments to MARPOL to make the north-west European waters, including the North and Irish Seas, a special area under Annex I. The amendment was expected to enter into force on 1 February 1999. The discharge into the sea of oil or oily mixture from any oil tanker and ship over 400 gross tons was prohibited in the special areas. Other special areas were the Gulf of Aden, the Antarctic, the Baltic Sea, the Mediterranean Sea and the Red Sea.

Ship security and safety at sea

The Maritime Safety Committee (MSC), at its sixty-eighth session (28 May-6 June), agreed that the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Waste in Flasks on board ships (INF Code) should be made mandatory. The review of the INF Code was being carried out by MSC and MEPC in cooperation with the International Atomic Energy Agency and the United Nations Environment Programme to deal with all issues related to the transport by sea of materials resulting from the generation of nuclear energy.

MSC adopted amendments to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers containing mandatory minimum requirements for the training and certifications of masters, of-

ficers and ratings and other personnel on passenger ships other than roll on-roll off (ro-ro) ships and set requirements for personnel on those ships to be trained in specific areas, including assisting passengers during emergency situations and crisis management. The Committee adopted a new regulation on Vessel Traffic Services (VTS). VTS were used to manage shipping in congested areas such as straits. The new Regulation 8-2 of the 1974 International Convention for the Safety of Life at Sea (SOLAS) Chapter V (Safety of Navigation) set out when VTS could be implemented. The new regulation was expected to enter into force on 1 July 1999. The Committee also adopted amendments to SOLAS relating to the stability of passenger ships. They were also expected to enter into force on 1 July 1999 and would apply to new ships constructed after 1 July 2002.

A memorandum of understanding on port-State control in the Mediterranean region was signed by the maritime authorities of Algeria, Cyprus, Egypt, Israel, Malta, Morocco, Tunisia and Turkey (Valletta, Malta, July). The memorandum ensured effective action by the port States concerned to prevent the operation of sub-standard ships while harmonizing inspections and strengthening cooperation and the exchange of information.

World Maritime University

In 1997, a total of 109 students were enrolled at the World Maritime University (WMU), the highest number ever. The enrolment was drawn from 53 countries, including, for the first time, Paraguay and Ukraine. WMU launched a special project designed to enrol more women, which resulted in a higher number of applications from women. Located in Malmö, Sweden, the University was established by IMO in 1983 to provide advanced postgraduate training in maritime administration, environmental protection, port and shipping management, maritime education and training, and maritime safety administration.

Secretariat

As at 31 December 1997, IMO had 282 staff members, of whom 108 were in the Professional and higher categories and 174 in the General Service category.

Budget

The IMO Assembly, at its twentieth session in 1997, approved budgetary appropriations of 36,612,200 pounds sterling for the 1998-1999 biennium.

NOTE: For further information, see the organization's quarterly magazine, IMO News.

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Chapter XV

World Intellectual Property Organization (WIPO)

In 1997, the World Intellectual Property Organization (WIPO) continued development cooperation, norm-setting and registration activities to promote respect for the protection and use of intellectual property. The organization's main areas of work continued to focus on strengthening the intellectual property systems of developing countries; promoting new or revised norms for the protection of intellectual property at the national, regional and multilateral levels; and facilitating the acquisition of intellectual property protection through international registration systems.

The governing bodies of WIPO and the Unions administered by the organization held their thirtieth series of meetings from 20 to 21 March, and thirty-first series from 22 September to 1 October, in Geneva.

During 1997, WIPO membership increased to 165 States, with the accession of Cape Verde, Equatorial Guinea, Eritrea, Nepal, Oman, Papua New Guinea and Samoa to the 1967 Convention establishing WIPO, amended in 1979. The number of States adhering to treaties administered by WIPO also increased: as at 10 December 1997, there were 143 States parties to the Paris Convention for the Protection of Industrial Property; 127 to the Berne Convention for the Protection of Literary and Artistic Works; and 94 to the Patent Cooperation Treaty.

Activities in 1997

Development cooperation

In addition to assisting developing countries to prepare for compliance with the requirements of the 1994 World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), WIPO's activities focused on developing human resources; modernizing and computerizing intellectual property administration; and assisting in drafting and revising legislation relating to intellectual property rights. WIPO provided assistance to a total of 124 developing countries, 2 territories and 16 intergovernmental organizations.

During the year, more than 150 courses, seminars or other meetings were held at the global, regional or national levels, providing training or in-

formation to more than 10,000 people. WIPO organized study visits for 168 persons. Some 47 developing and industrialized countries contributed to the WIPO Cooperation for Development Program by providing trust funds or help-in-kind in the form of training facilities, meeting premises or local speakers. WIPO engaged some 630 consultants on advisory missions or as speakers in courses and seminars, more than half coming from developing countries. In 1997, there were four sessions of the WIPO Academy in Geneva: three sessions were organized for senior officials from African, Arab and Caribbean countries, and one session was targeted, for the first time, towards countries from the Commonwealth of Independent States. In all, government officials from some 37 developing countries attended the two-week Academy sessions at WIPO.

WIPO-financed country projects, nationally focused plans of action for a particular country, drawn up jointly by WIPO and authorities of the country, benefited 22 developing countries in 1997.

Assistance to countries in transition

During 1997, WIPO's assistance to countries in transition in Central and Eastern Europe, the Baltic countries and Central Asia focused on institution building, advisory missions, training, assistance with the drafting of legislative texts and seminars. WIPO's agreement with the Eurasian Patent Organization to facilitate closer cooperation between the two organizations and among the countries concerned entered into force in October 1997.

Intellectual property law

By December, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), adopted in December 1996, had been signed by 50 and 49 countries, respectively, and by the European Communities. WCT dealt with the rights of authors of literary and artistic works, such as computer programmes, books, films, videos and music, in a digital transmission environment such as the Internet. WPPT addressed the rights of performers and producers of sound recordings in the digital environment. Throughout the year, con-

siderable efforts were made to promote the treaties.

Regarding the harmonization of patent laws, the Committee of Experts on the Patent Law Treaty (PLT) considered the latest draft of the Treaty and approved the provisions for closer alignment between the future PLT and the Patent Cooperation Treaty (PCT) that took into account the latest amendments to the PCT Regulations.

As to trademarks, the Committee of Experts on Trademark Licenses considered draft articles aimed at simplifying and harmonizing procedures relating to the recordal of licenses for the use of marks and a model international request form for the recordal of licenses. The draft articles were written in the same treaty language as the Trademark Law Treaty (TIT), and it was proposed that they form the substantial part of a protocol to TIT.

The Committee on Experts in the area of industrial designs (November) considered the provisions of a draft new Act of the Hague Agreement Concerning the International Registration of Industrial Designs. The draft new Act provided for a link between the international deposit system and regional systems, such as the future European Community design system. The Committee proposed that international negotiations should proceed to a diplomatic conference. The preparatory meeting to address the procedural aspects of the diplomatic conference was scheduled for October 1998.

WIPO Arbitration and Mediation Centre

The WIPO Arbitration and Mediation Centre continued to assist individuals or companies to resolve disputes involving intellectual property and to serve as a resource centre for extrajudicial dispute resolution. Its activities included organizing a conference in March to review arbitration of intellectual property disputes under the WIPO Arbitration and Expedited Arbitration Rules; arranging presentations at other conferences worldwide; and managing two training workshops to promote and provide information on the use of arbitration and mediation. In addition, in May the Centre was declared available for administering on-line disputes-resolution procedures regarding Internet domain name disputes. In response to its new mandate, the Centre provided a facility that allowed the parties involved to communicate via the Internet without the need to send pleadings and other documents through postal channels or by facsimile. During the year, the Centre worked towards building expertise and providing a global forum for domain name dispute discussions. Two sessions of the Consultative Meeting on Trademarks and Internet Do-

main Names (May, September) considered possible harmonization of national and regional laws concerning trademarks and Internet domain names, together with comments on the proposed WIPO Rules for Administrative Challenge Panel Procedure Concerning Internet Domain Names.

International registration activities

PCT. In 1997, there were 54,442 international applications filed, an increase of 15 per cent over 1996 and the equivalent of nearly 3.5 million national applications.

Madrid Agreement. In the trademark system under the Madrid Agreement concerning the Registration of Marks and its 1989 Protocol, there were 19,070 international registrations in 1997. With an average of 11.6 countries designated per registration, the applications had the effect of some 220,000 national registrations.

In October, the Madrid Assembly adopted amendments to the Common Regulations under the Madrid Agreement and Protocol, which were to enter into effect on 1 January 1998.

Hague Agreement. Under the Hague Agreement concerning the International Deposit of Industrial Designs, 6,223 industrial design deposits, renewals and prolongations were registered in 1997, representing an increase of 6.7 per cent over 1996.

Secretariat

As at 31 December 1997, WIPO employed 641 staff members representing 68 countries. Of those, 209 were in the Professional or higher categories and 432 were in the General Service category.

Budget

WIPO's principal sources of income in 1996-1997 were fees paid by private sector users of the international registration services (82 per cent), contributions paid by member States (11 per cent), and the sale of WIPO publications and interest earnings (7 per cent). During the 1998-1999 biennium, WIPO's income was forecast to grow by some 30 per cent, slightly more than the 28 per cent increase realized during the 1996-1997 biennium, notwithstanding a 15 per cent reduction in PCT fees (the major income-generating registration system) in January 1998, as well as a 10 per cent reduction in member States' contributions that would take place in 1999. In 1997, the organization's budgeted income was 201,235,000 Swiss francs (SwF) and budgeted expenditure was SwF 142,257,000.

NOTE: For further information on the organization, see WIPO Annual Report 1997, published by WIPO.

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Chapter XVI

International Fund for Agricultural Development (IFAD)

In 1997, the International Fund for Agricultural Development (IFAD) continued to assist the rural poor—including small farmers working in marginal areas, newly privatized farmers, nomadic groups, the landless, artisanal fishing communities, indigenous peoples, women and young people—by funding projects to increase food production and incomes as well as improve nutrition, health, education and general well-being on a sustainable basis. IFAD was established in 1977 to combat hunger and rural poverty by designing and funding rural development projects in the low-income, food-deficit regions of the world.

The IFAD Executive Board held three regular sessions in 1997 (April, September and December), approving loans for 29 projects, 20 technical assistance grants and an additional grant for the Rwanda Returnees Rehabilitation Programme. During 1997, the Board approved the Fund's first two contributions to Uganda and Burkina Faso towards the reduction of the net present value of those countries' debt to IFAD within the framework of its participation in the Heavily Indebted Poor Countries Debt Initiative. The Board also approved a programme of work for 1998 of \$459 million for loans and grants under the Regular Programme and endorsed a budget for 1998 of \$53 million, including a contingency of \$400,000.

IFAD membership increased to 160 in 1997 with the accession of Croatia and South Africa. As of 20 February 1997, member States were reclassified. Category I (developed countries), Category II (oil-exporting developing countries) and Category III (other developing countries) became List A, List B and List C, respectively, with List C comprising three sub-listings: C1 for countries in the Africa group; C2 for countries in Europe, Asia and the Pacific; and C3 for countries in Latin America and the Caribbean. Of IFAD member countries, 22 were in List A, 12 in List B and 126 in List C.

Resources

In August 1997, the fourth replenishment of IFAD resources was declared effective. Some \$420 million was pledged by 115 member States towards the Fund's core resources. Additional complementary contributions by Belgium (\$25 mil-

lion) and the Netherlands (\$15 million) brought the total to about \$460 million.

Activities in 1997

Loans and grants approved in 1997 under IFAD's Regular Programme totalled \$397.7 million for 29 projects and another \$2.8 million as a grant for one additional project. The distribution of lending by region diverged from the pattern of past years, mainly due to the problems faced in developing projects for Africa.

The largest share of Regular Programme lending—44.5 per cent—went to Asia and the Pacific, which received \$177.2 million for 10 projects in nine countries. Over the period 1978-1997, Asia and the Pacific received a cumulative share of 36.6 per cent, with loans amounting to nearly \$2 billion.

Africa received new loans of \$53.8 million (13.5 per cent) for five projects in five countries and \$2.1 million for the Rwanda Returnees Rehabilitation Programme. Africa's overall share of 1978-1997 funding was 29.5 per cent of the Regular Programme, amounting to \$1.6 billion. Additional loans provided under the Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification, or Special Programme for Africa (SPA), brought the total to \$1.9 billion.

Loans approved for Latin America and the Caribbean amounted to \$84.6 million, 21.3 per cent of the annual total, for six projects in six countries. The region's share, which had been gradually increasing over the years, amounted to \$878 million, or 16.7 per cent of Regular Programme loans from 1978 to 1997.

The Near East and North Africa region (which also included Djibouti, Somalia and the Sudan) received \$82.1 million, or 20.7 per cent of 1997 loans, for eight projects in seven countries. Over the period 1978-1997, the region received a total of \$906 million, or 17.2 per cent of Regular Programme loans. Taking into account lending under SPA, the region's total reached \$942 million.

The problems that had hindered delivery of new projects and loans to Africa were also reflected in a lower share of new lending to the other two high-priority country groups that IFAD traditionally targeted. Least developed countries (as defined by the United Nations) received \$106

million in 1997, representing 26.5 per cent of the year's total, whereas their past shares ranged from 30 to 40 per cent on average. Low-income, food-deficit countries (as defined by the Food and Agriculture Organization of the United Nations) received \$271 million, or 68.2 per cent of 1997 loans, which was well below their average share of about 80 per cent in the past.

Secretariat

As at 31 December 1997, the IFAD secretariat comprised 265 staff, including 109 staff in the Professional or higher categories and 156 in the General Service category.

Income and expenditure

Total revenue under the Regular Programme in 1997 was \$206 million, consisting of \$164 million of investment income and \$42 million from interest and service charges on loans. Total operational and administrative expenses for the year amounted to \$51 million, compared with a budget, before contingency, of \$53 million. The excess of revenue over expenses for the year, including the effects of foreign exchange rate movements of \$312 million, was \$157 million.

NOTE: For further details on IFAD activities in 1997, see Annual Report 1997, published by the Fund.

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Chapter XVII

United Nations Industrial Development Organization (UNIDO)

The United Nations Industrial Development Organization (UNIDO), established in 1966 by the General Assembly and formalized as a specialized agency in 1986, continued its activities to improve the living conditions of people and promote global prosperity for the sustainable industrial development of developing countries and countries with economies in transition. In 1997, as UNIDO completed its reform process, there was an increase in new projects, which had registered an impressive growth for the first time in several years. The seventh session of the General Conference (Vienna, 1-5 December) appointed a new Director-General, endorsed the business plan on the future role and functions of UNIDO and adopted the 1998-1999 budget. The business plan enabled UNIDO to adapt its functions and priorities and orient its activities to the new realities of the changing global economic environment and ensure its viability and efficiency.

The Industrial Development Board held its seventeenth (23-27 June) and eighteenth (12 September and 17-19 November) sessions at which it adopted the business plan and considered the development of human resources for industry, the integration of women in industrial development, environmentally sustainable industrial development, industrial investment promotion, private sector development and UNIDO's contribution to the UN system-wide action plan on drug abuse control (see PART THREE, Chapter XIV).

As at 31 December 1997, there were 169 members of UNIDO with the admission of Kazakhstan in June.

Thematic priorities

During 1997, UNIDO continued working within seven thematic priorities: strategies, policies and institution-building for global economic integration; environment and energy; policies, networking and basic technical support for small and medium-sized industries; innovation, productivity and quality for international competitiveness; industrial information, investment and technology promotion; rural industrial development; and linking industry with agriculture in Africa and the least developed countries (LDCs).

Industrial subsectors marked for priority attention included food processing, leather, textiles and wood processing in agro-based indus-

tries; metalworking and machine tools in engineering industries; and biotechnology, water management, medicinal plants, building materials and organic chemicals in chemical industries.

Strategies, policies and institution-building

In 1997, UNIDO developed a new orientation for its industrial policies, which concentrated on intensifying contacts and interaction between the public and private sector at the national and regional levels. The increased contact between the national economies and the world market was reflected in projects such as the Alliance for Africa's Industrialization, regional industrial development and specific programmes for Azerbaijan, Cote d'Ivoire, Cuba, Ecuador, Panama and Viet Nam. The main goal of the Alliance was the elimination of obstacles for the importation of African products into the global market.

Environment and energy

UNIDO emphasized preventive as well as corrective actions regarding sustainable industrial development in relation to protection of the environment and the conservation of energy.

Services focused on capacity-building in support of national strategies for environmentally sound industrial development, implementation of international agreements and establishment of national cleaner production centres. UNIDO was one of four UN agencies that helped implement the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer [YUN 1987, p. 700]. During the year, UNIDO supported 50 countries with 322 environment projects for a value of \$135.9 million. National cleaner production centres became fully operational in Brazil, China, the Czech Republic, India, Mexico, Slovakia, Tunisia, the United Republic of Tanzania and Zimbabwe. UNIDO initiated the establishment of new environment centres in Croatia, Hungary, Uzbekistan and Central America. In cooperation with Governments, the United Nations Development Programme and industry, UNIDO introduced pollution prevention and control activities in pulp and paper, chemical, food processing, leather, textiles and metallurgy industries, and supported cleaner technology in order to reduce the use of chemicals, water, energy and raw materials.

Small and medium-sized enterprises

During the year, UNIDO provided policy advice and institutional support for promoting small and medium-sized enterprises (SMEs) through overall private sector development and increased market orientation. UNIDO's assistance aimed at improving the access of SMEs to information, technology, managerial experience and financial resources, particularly in rural areas where support for development of even the most basic levels of skills could contribute to the socio-economic development of an entire community. In Africa, UNIDO implemented a project for developing strategies to promote partnership between the public and private sectors. In Latin America, it assisted a programme of cooperation to increase the competition of agro-industrial SMEs in the Southern Cone Common Market (MERCOSUR).

Innovation, productivity and competitiveness

UNIDO provided developing countries at institutional and enterprise levels with adapted systems of support for industrial competitiveness. The systems consisted of the transfer of technology; skills and development; human development; information and data systems; financing by risk capital; metrology; standardization; testing; and management and engineering consulting. A new project evaluated physical, institutional and human capacities for questions of quality, standardization, testing and metrology in Bangladesh, Burkina Faso, Cambodia, Cape Verde, Ethiopia, the Gambia, the Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritania, Myanmar, Nepal, the Niger and the United Republic of Tanzania.

Industrial information, investment and technology promotion

UNIDO continued to offer investment, technology and information services at the policy, institution and enterprise levels. Those services combined investment, technology and information to establish international partnerships for industrial growth and competitiveness. The objective was to create a network of information and promotion services guided by UNIDO to facilitate investment and technology flows to developing countries. New programmes, such as regional business centres or investment promotion, were implemented in Bosnia and Herzegovina, Colombia, Lebanon and Saudi Arabia.

Rural industrial development

In the area of rural industrial development, UNIDO supported economic integration between

rural and urban centres. Most projects focused on creating institutions to stimulate interaction and the setting up of local networks between enterprises. UNIDO facilitated access to market information and to technical knowledge and skills by small-scale enterprises. It participated in the Administrative Committee on Coordination network concerning rural development and alimentary security. UNIDO's contribution also referred to processing raw material into food, the garment and leather industry and textile products. Other activities consisted of creating physical infrastructure facilities in the form of buildings and other civil engineering projects.

Africa and LDCs

In 1997, Africa was the leading recipient region of UNIDO services, benefiting from 37 per cent of the organization's technical cooperation approvals, with emphasis on links between industry and agriculture. UNIDO's subregional project on the leather industry was in its second phase. Leather and leather products associations became key actors in developing and implementing strategies for the sector. Support was provided to selected tanneries and footwear and leather goods factories in Kenya and South Africa to enhance their capacity to manufacture products for international markets. The environment protection component was included in the form of pollution control linked to tannery effluents. In West Africa and Mali, UNIDO initiated steps for developing and promoting traditional textiles. In Cote d'Ivoire, Ethiopia and Kenya, UNIDO's services emphasized the design and manufacture of farm implements and agricultural machinery. In Ethiopia, Kenya, Malawi, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, UNIDO initiated a project on applying quality principles to the food processing sector.

Secretariat

In 1997, UNIDO employed a total of 621 staff members at its headquarters. Some 500 experts such as engineers, economists, lawyers, technology and environment specialists and support staff worked in the field.

Budget

In December 1997, the General Conference adopted UNIDO's 1998-1999 regular budget in the amount of \$129.5 million, which represented a 20 per cent reduction over the budget of the previous biennium.

NOTE: For further information on UNIDO, see Annual Report of UNIDO 1997.

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Chapter XVIII

World Trade Organization (WTO)

The World Trade Organization (WTO), established in 1995 as the successor to the General Agreement on Tariffs and Trade (GATT) following the conclusion of the Uruguay Round of multilateral trade negotiations, was the legal and institutional foundation of the multilateral trading system. It provided the principal contractual obligations determining how Governments framed and implemented domestic trade regulations and legislation. WTO also served as the platform on which trade relations among countries evolved through collective debate, negotiation and adjudication. In 1997, WTO continued to oversee the rules of international trade, settle trade disputes between Governments and organize trade negotiations.

The Ministerial Conference, composed of all WTO members, was its highest authority and met at least every two years to decide on all matters under any of the multilateral trade agreements. The next WTO Ministerial Conference was scheduled to take place in May 1998 in Geneva. The General Council carried out the functions of WTO between meetings of the Ministerial Conference.

During the year, WTO membership increased to 132.

General activities

A number of working groups set up by the 1996 Ministerial Conference [YUN 1996, p. 1441] met during 1997. The Working Group on the Relationship between Trade and Investment, at meetings held in June, October and December, discussed the implications of the relationship between trade and investment for development and economic growth; the economic relationship between trade and investment; and stocktaking and analysis of existing international instruments and activities regarding trade and investment. The Working Group on Transparency in Government Procurement, established to conduct a study on transparency in government procurement practices taking into account national policies and, based on the study, to develop elements for inclusion in an appropriate agreement, met on 3 and 4 November. The Working Group on the Interaction between Trade and Competition Policy, mandated to study issues raised by members regarding the interaction between trade and competition policy, including anti-competitive

practices, in order to identify any areas that might merit further consideration in the WTO framework, developed in July a checklist of issues suggested for study. In September, the Working Group discussed the first two areas identified in the checklist: the relationship of the objectives, principles, concepts, scope and instruments of trade to competition policy, and their relationship to development and economic growth; and stocktaking and analysis of existing instruments, standards and activities regarding trade and competition policy, including experience with their application. The Working Group met again in November.

In April, WTO and the World Bank signed an agreement for future cooperation and collaboration given their responsibilities in areas of trade, development and global economic activity.

The General Council convened as the Dispute Settlement Body to deal with disputes arising from any agreement contained in the Final Act of the Uruguay Round. The Body established dispute settlement panels, adopted panel and appellate reports, maintained surveillance of implementation of rulings and recommendations and authorized suspension of concessions in the event of non-implementation of recommendations.

During the year, the Trade Policy Review Body reviewed eight members: Benin, Cyprus, Fiji, Paraguay (first reviews), Chile, Malaysia, Mexico (second reviews) and the European Union (fourth review). In November, reviews were made available on line under the Financial Times Information Service network.

In February, 69 WTO members agreed to wide-ranging liberalization measures in basic telecommunications services. In March, 43 WTO members agreed to eliminate tariffs on information technology products, which represented 93 per cent of trade in those products.

During the year, WTO continued to provide technical assistance and training to individual countries, groups of countries or regions. Activities included seminars, workshops, technical missions, briefing sessions and training through trade policy courses.

Trade in goods

The Council for Trade in Goods, in October, reviewed the first stage of the integration process

pursuant to the Agreement on Textiles and Clothing. Discussions focused on the process of the integration of products into the GATT 1994 rules and disciplines [YUN 1994, p. 1474], the application of the safeguard mechanism and trade policy measures such as anti-dumping actions and administrative formalities and their effect on market access. Other matters addressed by the Council included trade facilitation, waiver requests and status of notifications.

The Committee on Agriculture reviewed progress in the implementation of commitments to the WTO Agreement on Agriculture. The review was based on notifications submitted by members in the areas of market access, domestic support and export subsidies, prohibitions and restrictions. In 1997, the Committee reviewed 242 notifications in those areas, compared with 193 in 1996. At meetings on the process of analysis and information exchange on built-in agenda issues, issues of interest to developing countries continued to be discussed, including administration of tariff quotas; circumvention of export subsidies; non-trade-distorting measures; direct payments under production-limiting programmes; State trading enterprises; domestic support policy reform; the special agricultural safeguard; non-trade concerns in agriculture; and sectoral trade liberalization.

The Committee on Sanitary and Phytosanitary Measures reviewed the implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures, which set out the rights and obligations of members to ensure food safety, protect human health from plant- or animal-spread diseases, or protect plant and animal health from pests and diseases. In October, the Committee adopted a provisional procedure to monitor the use of international standards, guidelines and recommendations. It continued to develop guidelines to help members achieve consistency in their decisions regarding acceptable levels of health protection.

The Committees on Safeguards, on Subsidies and Countervailing Measures, on Anti-Dumping Practices, on Technical Barriers to Trade, on Import Licensing, on Rules of Origin and on Customs Valuation continued to review relevant legislation and regulations of members.

Trade in services

The Agreement on Trade in Financial Services, concluded in December, underlined the value Governments placed on maintaining trade liberalization in difficult times. It resulted in the submission of 56 schedules of trade liberalization commitments representing 70 WTO members.

On 12 December 1997, the Council for Trade in Services took note of the results of the negotiations on financial services, which were annexed to the Fifth Protocol to the General Agreement on Trade in Services. Those results consisted of 57 schedules of improved commitments representing 70 WTO members as well as 16 lists of most-favoured-nation exemptions.

The Council received a request from the International Telecommunication Union (ITU) to conclude a cooperation agreement with WTO to cover matters relating to technical cooperation and exchange of information between the two organizations. The WTO secretariat was to report to the Council on its consultations with the ITU secretariat.

Intellectual property

The WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) provided for minimum international standards of protection in the areas of copyright, trade marks, geographical indications, industrial designs, patents, layout-designs of integrated circuits and undisclosed information. It also contained provisions for multilateral dispute settlement. The TRIPS Agreement went into effect on 1 January 1996 for developed countries. For developing countries, the TRIPS Agreement would go into effect on 1 January 2000; for the least developed countries, 1 January 2006. In 1997, the Council for TRIPS reviewed the implementation of the legislation in the areas of patents, layout-designs of integrated circuits, undisclosed information, the control of anti-competitive practices in contractual licences and enforcement.

Regional trade agreements

The Committee on Regional Trade Agreements continued to examine individual regional trade agreements (RTAs) and to analyse the systemic implications of RTAs for the multilateral trading system. In order to expand its understanding of systemic issues, the Committee agreed to follow a three-pronged approach, entailing legal analyses of relevant WTO provisions, horizontal comparisons of RTAs and a debate on the context and economic aspects of RTAs. The secretariat had been requested to conduct further analysis of some non-tariff provisions, including rules of origin, contingency instruments and standards.

Trade and development

The activities of the Committee on Trade and Development in 1997 covered improvements to WTO technical assistance and training activities in

favour of developing countries, ways of enhancing the participation of developing countries in the multilateral trading system, a review of the application of special provisions for differential and more favourable treatment of developing countries under the WTO Agreements, follow-up to the High-level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development (Geneva, 27-28 October) and the development dimension of electronic commerce.

Trade and environment

The WTO Committee on Trade and Environment was mandated to identify the relationship between trade measures and environmental measures in order to promote sustainable development, and to make appropriate recommendations on whether any modifications of the provisions of the multilateral trading system were required, compatible with the open, equitable and non-discriminatory nature of the system. The mandate covered goods, services and intellectual property rights and built on progress already achieved in the GATT Group on Environmental Measures and International Trade. The Committee continued to broaden and deepen the analysis of all items of the work programme set out in the 1994 Marrakesh Ministerial Decision on Trade and Environment [YUN 1994, p. 1474].

Plurilateral agreements

The Agreement on Government Procurement called on parties, no later than the end of the third year from the date of its entry into force (1 January 1996), to undertake further negotiations, with a view to improving the Agreement, achieving the greatest possible extension of its coverage and eliminating any remaining dis-

criminatory measures and practices. In February, the Committee on Government Procurement initiated a review of the Agreement.

The Agreement on Trade in Civil Aircraft eliminated all customs duties and other charges on imports of civil aircraft products and repairs, bound them at zero level and required the adoption of end-use customs administration.

The International Dairy Council decided, on 30 September 1997, to terminate the International Dairy Agreement as of 1 January 1998. In September, the 17 WTO signatories of the plurilateral International Bovine Meat Agreement decided to terminate the Agreement at the end of the year.

International Trade Centre

The International Trade Centre (ITC), operated jointly by WTO and the United Nations Conference on Trade and Development (UNCTAD) (see PART THREE, Chapter IV), continued to undertake technical cooperation activities as a follow-up to the Uruguay Round agreements, in cooperation with WTO and UNCTAD.

Budget

Beginning in 1996, WTO members' contributions were determined according to their share in total trade in goods, services and intellectual property rights. The total budget for 1997 was Swiss francs 115,692,850.

Secretariat

At the end of 1997, WTO had a staff of some 500.

NOTE: For further information on WTO activities, see the organization's Annual Report 1997.

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Appendices

Appendix I

Roster of the United Nations

There were 185 Member States as at 31 December 1997.

MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Afghanistan	19 Nov. 1946	El Salvador	24 Oct. 1945	Mauritius	24 Apr. 1968
Albania	14 Dec. 1955	Equatorial Guinea	12 Nov. 1968	Mexico	7 Nov. 1945
Algeria	8 Oct. 1962	Eritrea	28 May 1993	Micronesia (Federated States of)	17 Sep. 1991
Andorra	28 July 1993	Estonia	17 Sep. 1991	Monaco	28 May 1993
Angola	1 Dec. 1976	Ethiopia	13 Nov. 1945	Mongolia	27 Oct. 1961
Antigua and Barbuda	11 Nov. 1981	Fiji	13 Oct. 1970	Morocco	12 Nov. 1956
Argentina	24 Oct. 1945	Finland	14 Dec. 1955	Mozambique	16 Sep. 1975
Armenia	2 Mar. 1992	France	24 Oct. 1945	Myanmar	19 Apr. 1948
Australia	1 Nov. 1945	Gabon	20 Sep. 1960	Namibia	23 Apr. 1990
Austria	14 Dec. 1955	Gambia	21 Sep. 1965	Nepal	14 Dec. 1955
Azerbaijan	2 Mar. 1992	Georgia	31 July 1992	Netherlands	10 Dec. 1945
Bahamas	18 Sep. 1973	Germany ⁴	18 Sep. 1973	New Zealand	24 Oct. 1945
Bahrain	21 Sep. 1971	Ghana	8 Mar. 1957	Nicaragua	24 Oct. 1945
Bangladesh	17 Sep. 1974	Greece	25 Oct. 1945	Niger	20 Sep. 1960
Barbados	9 Dec. 1966	Grenada	17 Sep. 1974	Nigeria	7 Oct. 1960
Belarus	24 Oct. 1945	Guatemala	21 Nov. 1945	Norway	27 Nov. 1945
Belgium	27 Dec. 1945	Guinea	12 Dec. 1958	Oman	7 Oct. 1971
Belize	25 Sep. 1981	Guinea-Bissau	17 Sep. 1974	Pakistan	30 Sep. 1947
Benin	20 Sep. 1960	Guyana	20 Sep. 1966	Palau	15 Dec. 1994
Bhutan	21 Sep. 1971	Haiti	24 Oct. 1945	Panama	13 Nov. 1945
Bolivia	14 Nov. 1945	Honduras	17 Dec. 1945	Papua New Guinea	10 Oct. 1975
Bosnia and Herzegovina	22 May 1992	Hungary	14 Dec. 1955	Paraguay	24 Oct. 1945
Botswana	17 Oct. 1966	Iceland	19 Nov. 1946	Peru	31 Oct. 1945
Brazil	24 Oct. 1945	India	30 Oct. 1945	Philippines	24 Oct. 1945
Brunei Darussalam	21 Sep. 1984	Indonesia ⁵	28 Sep. 1950	Poland	24 Oct. 1945
Bulgaria	14 Dec. 1955	Iran (Islamic Republic of)	24 Oct. 1945	Portugal	14 Dec. 1955
Burkina Faso	20 Sep. 1960	Iraq	21 Dec. 1945	Qatar	21 Sep. 1971
Burundi	18 Sep. 1962	Ireland	14 Dec. 1955	Republic of Korea	17 Sep. 1991
Cambodia	14 Dec. 1955	Israel	11 May 1949	Republic of Moldova	2 Mar. 1992
Cameroon	20 Sep. 1960	Italy	14 Dec. 1955	Romania	14 Dec. 1955
Canada	9 Nov. 1945	Jamaica	18 Sep. 1962	Russian Federation ⁸	24 Oct. 1945
Cape Verde	16 Sep. 1975	Japan	18 Dec. 1956	Rwanda	18 Sep. 1962
Central African Republic	20 Sep. 1960	Jordan	14 Dec. 1955	Saint Kitts and Nevis	23 Sep. 1983
Chad	20 Sep. 1960	Kazakhstan ⁶	2 Mar. 1992	Saint Lucia	18 Sep. 1979
Chile	24 Oct. 1945	Kenya	16 Dec. 1963	Saint Vincent and the Grenadines	16 Sep. 1980
China	24 Oct. 1945	Kuwait	14 May 1963	Samoa	15 Dec. 1976
Colombia	5 Nov. 1945	Kyrgyzstan	2 Mar. 1992	San Marino	2 Mar. 1992
Comoros	12 Nov. 1975	Lao People's Democratic Republic	14 Dec. 1955	Sao Tome and Principe	16 Sep. 1975
Congo	20 Sep. 1960	Latvia	17 Sep. 1991	Saudi Arabia	24 Oct. 1945
Costa Rica	2 Nov. 1945	Lebanon	24 Oct. 1945	Senegal	28 Sep. 1960
Côte d'Ivoire	20 Sep. 1960	Lesotho	17 Oct. 1966	Seychelles	21 Sep. 1976
Croatia	22 May 1992	Liberia	2 Nov. 1945	Sierra Leone	27 Sep. 1961
Cuba	24 Oct. 1945	Libyan Arab Jamahiriya	14 Dec. 1955	Singapore ⁷	21 Sep. 1965
Cyprus	20 Sep. 1960	Liechtenstein	18 Sep. 1990	Slovakia ¹	19 Jan. 1993
Czech Republic ¹	19 Jan. 1993	Lithuania	17 Sep. 1991	Slovenia	22 May 1992
Democratic People's Republic of Korea	17 Sep. 1991	Luxembourg	24 Oct. 1945	Solomon Islands	19 Sep. 1978
Democratic Republic of the Congo ²	20 Sep. 1960	Madagascar	20 Sep. 1960	Somalia	20 Sep. 1960
Denmark	24 Oct. 1945	Malawi	1 Dec. 1964	South Africa	7 Nov. 1945
Djibouti	20 Sep. 1977	Malaysia ⁷	17 Sep. 1957	Spain	14 Dec. 1955
Dominica	18 Dec. 1978	Maldives	21 Sep. 1965	Sri Lanka	14 Dec. 1955
Dominican Republic	24 Oct. 1945	Mali	28 Sep. 1960	Sudan	12 Nov. 1956
Ecuador	21 Dec. 1945	Malta	1 Dec. 1964	Suriname	4 Dec. 1975
Egypt ³	24 Oct. 1945	Marshall Islands	17 Sep. 1991	Swaziland	24 Sep. 1968
		Mauritania	27 Oct. 1961		

MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION	MEMBER	DATE OF ADMISSION
Sweden	19 Nov. 1946	Turkmenistan	2 Mar. 1992	United States of America	24 Oct. 1945
Syrian Arab Republic ³	24 Oct. 1945	Uganda	25 Oct. 1962	Uruguay	18 Dec. 1945
Tajikistan	2 Mar. 1992	Ukraine	24 Oct. 1945	Uzbekistan	2 Mar. 1992
Thailand	16 Dec. 1946	United Arab Emirates	9 Dec. 1971	Vanuatu	15 Sep. 1981
The former Yugoslav Republic of Macedonia	8 Apr. 1993	United Kingdom of Great Britain and Northern Ireland	24 Oct. 1945	Venezuela	15 Nov. 1945
Togo	20 Sep. 1960			Viet Nam	20 Sep. 1977
Trinidad and Tobago	18 Sep. 1962			Yemen ¹⁰	30 Sep. 1947
Tunisia	12 Nov. 1956	United Republic of Tanzania ⁹	14 Dec. 1961	Yugoslavia ¹¹	24 Oct. 1945
Turkey	24 Oct. 1945			Zambia	1 Dec. 1964
				Zimbabwe	25 Aug. 1980

from 24 October 1945, split up on 1 January 1993 and was succeeded by the Czech Republic and Slovakia.

² Formerly Zaire; named changed on 17 May 1997.

Egypt and Syria, both of which became Members of the United Nations on 24 October 1945, joined together—following a plebiscite held in those countries on 21 February 1958—to form the United Arab Republic. On 13 October 1961, Syria, having resumed its status as an independent State, also resumed its separate membership in the United Nations; it changed its name to the Syrian Arab Republic on 14 September 1971. The United Arab Republic continued as a Member of the United Nations and reverted to the name of Egypt on 2 September 1971.

Through accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990, the two German States (both of which became United Nations Members on 18 September 1973) united to form one sovereign State. As from that date, the Federal Republic of Germany has acted in the United Nations under the designation Germany.

On 20 January 1965, Indonesia informed the Secretary-General that it had decided to withdraw from the United Nations. By a telegram of 19 September 1966, it notified the Secretary-General of its decision to resume participation in the activities of the United Nations. On 28 September 1966, the General Assembly took note of that decision and the Presi-

dent invited the representatives of Indonesia to take their seats in the Assembly.

⁶ Formerly Kazakstan; spelling changed on 20 June 1997.

⁸ On 16 September 1963, Sabah (North Borneo), Sarawak and Singapore joined with the Federation of Malaya (which became a United Nations Member on 17 September 1957) to form Malaysia. On 9 August 1965, Singapore became an independent State and on 21 September 1965 it became a Member of the United Nations.

The Union of Soviet Socialist Republics was an original Member of the United Nations from 24 October 1945. On 24 December 1991, the President of the Russian Federation informed the Secretary-General that the membership of the USSR in all United Nations organs was being continued by the Russian Federation.

1961, and Zanzibar, on 16 December 1963. Following ratification, on 26 April 1964, of the Articles of Union between Tanganyika and Zanzibar, the two States became represented as a single Member: the United Republic of Tanganyika and Zanzibar; it changed its name to the United Republic of Tanzania on 1 November 1964.

and Democratic Yemen on 14 December 1967. On 22 May 1990, the two countries merged and have since been represented as one Member.

Czechoslovakia, which was an original Member of the United Nations

known as the United States of America, on 24 October 1945

Appendix II

Charter of the United Nations and Statute of the International Court of Justice

Charter of the United Nations

NOTE: The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971 and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from 11 to 15. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from 18 to 27. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from 27 to 54.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Chapter III ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Chapter IV THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

Chapter V

THE SECURITY COUNCIL

Composition

Article 23¹

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article

47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27²

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Chapter VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise

to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Chapter VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to

its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Chapter VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies

without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Chapter IX

INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

Chapter X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61³

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Chapter XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Chapter XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
 - b. territories which may be detached from enemy states as a result of the Second World War; and
 - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations

towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

Chapter XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Chapter XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

Chapter XV

THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article WO

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Chapter XVI

MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

Chapter XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

Chapter XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109¹

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Na-

tions including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

Chapter XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

[1] Amended text of Article 23, which came into force on 31 August 1965.

(The text of Article 23 before it was amended read as follows:

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid in the first instance to the contributions of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.)

[2] Amended text of Article 27, which came into force on 31 August 1965.

(The text of Article 27 before it was amended reads as follows:

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.)

[3] Amended text of Article 61, which came into force on 24 September 1973.

(The text of Article 61 as previously amended on 31 August 1965 read as follows:

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine

additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.)

[4] Amended text of Article 109, which came into force on 12 June 1968.

(The text of Article 109 before it was amended reads as follows:

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.)

Statute of the International Court of Justice

Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

Chapter I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given

time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lotto be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5 and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions

under which members of the Court and the Registrar shall have their travelling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

Chapter II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contracting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

Chapter III PROCEDURE

Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision must be made at latest within six months of the discovery of the new fact.
5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

Chapter IV

ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.
3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Chapter V

AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

Appendix III

Structure of the United Nations

General Assembly

The General Assembly is composed of all the Members of the United Nations.

SESSIONS

Resumed fifty-first session: 31 January-15 September 1997.
Tenth emergency special session: 24 and 25 April, 15 July and 13 November 1997 (suspended).
Nineteenth special session: 23-28 June 1997.
Fifty-second session: 16 September-22 December 1997 (suspended).

OFFICERS

Resumed fifty-first, tenth emergency special and nineteenth special sessions

President: Razali Ismail (Malaysia).¹

Vice-Presidents:² Andorra, Angola, Bahamas, Burundi, China, Cyprus, France, Ghana, Honduras, Latvia, Libyan Arab Jamahiriya, Niger, Pakistan, Paraguay, Philippines, Russian Federation, Sudan, Turkey, United Arab Emirates, United Kingdom, United States.

Fifty-second session

President: Hennadiy Udoenko (Ukraine).³

Vice-Presidents:⁴ China, Democratic Republic of the Congo, Egypt, Ethiopia, France, Greece, Guinea, Ireland, Jordan, Kyrgyzstan, Mexico, Mongolia, Panama, Qatar, Russian Federation, Saint Vincent and the Grenadines, South Africa, Togo, United Kingdom, United States, Viet Nam.

The Assembly has four types of committees: (1) Main Committees; (2) procedural committees; (3) standing committees; (4) subsidiary and ad hoc bodies. In addition, it convenes conferences to deal with specific subjects.

Main Committees

Six Main Committees have been established as follows:

Disarmament and International Security Committee (First Committee)

Special Political and Decolonization Committee (Fourth Committee)

Economic and Financial Committee (Second Committee)

Social, Humanitarian and Cultural Committee (Third Committee)

Administrative and Budgetary Committee (Fifth Committee)

Legal Committee (Sixth Committee)

The General Assembly may constitute other committees, on which all Members of the United Nations have the right to be represented.

OFFICERS OF THE MAIN COMMITTEES

Resumed fifty-first session

Fourth Committee⁵

Chairman: Alounkéo Kittikhoun (Lao People's Democratic Republic).

Vice-Chairmen: Anastasia Carayanides (Australia), Sonia R. Leonce (Saint Lucia).

Rapporteur Walid Doudech (Tunisia).

Fifth Committee⁶

Chairman: Ngoni Francis Sengwe (Zimbabwe).

Vice-Chairmen: Syed Rafiqul Alom (Bangladesh), Klaus-Dieter Stein (Germany).

Rapporteur Igor V. Goumeny (Ukraine).

Sixth Committee⁷

Chairman: Ramon Escovar-Salom (Venezuela).

Vice-Chairmen: Dumitru Mazilu (Romania), Felicity Jane Wong (New Zealand).

Rapporteur Pascaline Boum (Cameroon).

Nineteenth special session⁸

First Committee

Chairman: Alyaksandr Sychou (Belarus).

Fourth Committee

Chairman: Alounkéo Kittikhoun (Lao People's Democratic Republic).

Second Committee

Chairman: Arjan Hamburger (Netherlands).

Third Committee

Chairman: Patricia Espinosa (Mexico).

Fifth Committee

Acting Chairman: Syed Rafiqul Alom (Bangladesh).

Sixth Committee

Chairman: Ramon Escovar-Salom (Venezuela).

Ad Hoc Committee of the Whole of the Nineteenth Special Session

Chairman: Mostafa Tolba (Egypt).⁷

Vice-Chairmen: Bagher Asadi (Iran), John Ashe (Antigua and Barbuda), Idunn Eidheim (Norway).

Vice-Chairman/Rapporteur: Czeslaw Wieckowski (Poland).

Fifty-second session⁸

First Committee

Chairman: Mothusi D. C. Nkgowe (Botswana).

Vice-Chairmen: Sudjandnan Parnahadingrat (Indonesia), Alejandro Verdier (Argentina).

Rapporteur Milos Koterec (Slovakia).

Fourth Committee

Chairman: Machivenyika Tobias Mapuranga (Zimbabwe).

Vice-Chairmen: Petru Dumitriu (Romania), Ravjaa Mounkhou (Mongolia).

Rapporteur Riitta Resch (Finland).

Second Committee

Chairman: Oscar R. de Rojas (Venezuela).

Vice-Chairmen: Adel Abdellatif (Egypt), Hans-Peter Glanzer (Austria).

Rapporteur Rae Kwon Chung (Republic of Korea).

Third Committee

Chairman: Alessandro Busacca (Italy).

Vice-Chairmen: Choe Myong Nam (Democratic People's Republic of Korea), Karim Wissa (Egypt).

Rapporteur: Monica Martinez (Ecuador).

Fifth Committee

Chairman: Anwarul Karim Chowdhury (Bangladesh).

Vice-Chairmen: Erica-Irene Daes (Greece), Nazareth Incera (Costa Rica).

Rapporteur Djamel Moktefi (Algeria).

Sixth Committee

Chairman: Peter Tomka (Slovakia).

Vice-Chairmen: Greg Daniel (South Africa), Rolf Welberts (Germany).

Rapporteur Ghassan Obeid (Syrian Arab Republic).

Procedural committees

General Committee

The General Committee consists of the President of the General Assembly, as Chairman, the 21 Vice-Presidents and the Chairmen of the six Main Committees [at the nineteenth special session, the Chairman of the Ad Hoc Committee of the Whole was also a member of the General Committee (dec. S-19/15)].

Credentials Committee

The Credentials Committee consists of nine members appointed by the General Assembly on the proposal of the President.

Resumed fifty-first, tenth emergency special and nineteenth special sessions⁹

China, Dominican Republic, Gabon, Netherlands, Paraguay, Philippines, Russian Federation, Sierra Leone, United States.

Fifty-second session¹⁰

Argentina, Barbados, Bhutan, China, Cote d'Ivoire, Norway, Russian Federation, United States, Zambia.

Standing committees

The two standing committees consist of experts appointed in their individual capacity for three-year terms.

Advisory Committee on Administrative and Budgetary Questions

To serve until 31 December 1997: Ahmad Fathi Al-Masri (Syrian Arab Republic); Ioan Barac (Romania); Mahamane Amadou Maiga (Mali); Ernest Besley Maycock (Barbados); C. S. M. Mselle, Chairman (United Republic of Tanzania).

To serve until 31 December 1998: Syed Akbaruddin (India);¹¹ Jose Antonio Marcondes de Carvalho (Brazil); Klaus-Dieter Stein (Germany);¹² Tang Guangting (China); Fumiaki Toya (Japan);¹³ Giovanni Luigi Valenza (Italy).

To serve until 31 December 1999: Denise Almao (New Zealand); Ammar Amari (Tunisia); Leonid E. Bidnyi (Russian Federation); Gerard Biraud (France); Norma Goicochea Estenoz (Cuba).

On 20 November 1997 (dec. 52/308 A), the General Assembly appointed the following for a three-year term beginning on 1 January 1998 to fill the vacancies occurring on 31 December 1997: Ioan Barac (Romania), Hasan Jawarneh (Jordan), Mahamane Amadou Maiga (Mali), Ernest Besley Maycock (Barbados), C. S. M. Mselle (United Republic of Tanzania).

Committee on Contributions

To serve until 31 December 1997: Uldis Blukis (Latvia); David Etuket, Chairman (Uganda); Ihor V. Humenny (Ukraine); Masao Kawai (Japan); David A. Leis (United States);¹³ Vanu Gopala Menon (Singapore).

To serve until 31 December 1998: Pieter Johannes Bierna (Netherlands); Sergio Chaparro Ruiz (Chile); Neil Hewitt Francis (Australia); Atilio Norberto Molteni (Argentina); Mohamed Mahmoud Ould El Ghaouth (Mauritania); Omar Sirry (Egypt).

To serve until 31 December 1999: Iqbal Akhund (Pakistan); Evgueni N. Deineko (Russian Federation); Alvaro Gurgel de Alencar (Brazil); Ju Kuilin (China); Isabelle Klais (Germany); Ugo Sessi, Vice-Chairman (Italy).

On 20 November 1997 (dec. 52/309 A), the General Assembly appointed the following for a three-year term beginning on 1 January 1998 to fill the vacancies occurring on 31 December 1997: Uldis Blukis (Latvia), David Etuket (Uganda), Ihor V. Humenny (Ukraine), David A. Leis (United States), Prakash Shah (India), Kazuo Watanabe (Japan).

Subsidiary and ad hoc bodies

The following is a list of subsidiary and ad hoc bodies functioning in 1997, including the number of members, dates of meetings/sessions in 1997, document numbers of 1997 reports (which generally provide specific information on membership), and relevant decision numbers pertaining to elections. (For other related bodies, see p. 1599.)

Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996

Session: First, New York, 24 February-7 March

Chairman: Philippe Kirsch (Canada)

Membership: Open to all Members of the United Nations or members of the specialized agencies or of IAEA

Report: A/52/37

Ad Hoc Committee on the Indian Ocean

Meeting: New York, 30 June-1 July

Chairman: Herman Leonard de Silva (Sri Lanka)

Membership: 44

Report: A/52/29

Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Session: Thirty-second, New York, 16 October

Chairman: Eric Odoi-Amin (Ghana)

Membership: 25

Report: A/52/524

Board of Auditors

Sessions: Fifty-first, New York, 14-16 July; twenty-seventh special, Rome, Italy, 10 December

Chairman: Sir John Bourn (United Kingdom)

Membership: 3

Decision: GA 52/310

Committee for the United Nations Population Award

Meetings: New York, 16 January and 12 February

Chairman: Julio Armando Martini Herrera (Guatemala)

Membership: 10 (plus 5 honorary members, the Secretary-General and the UNFPA Executive Director)

Report: A/52/212

Decision: ESC 1997/212 B

Committee on Conferences

Sessions: New York, 1 April (organizational); 16 June; 25, 26 and 28 August (substantive); 21 October (resumed substantive)

Chairman: Uldis Blukis (Latvia)

Membership: 21

Report: A/52/32/Rev.1
Decision: GA 52/320

Committee on Information

Session: Nineteenth, New York, 13-19 May (first part); 3 September and 14 and 17 November (resumed)
Chairman: Jose Alberto de Sousa (Portugal)
Membership: 89 (90 from 10 December)
Report: A/52/21/Rev.1
Decision: GA 52/318

Committee on Relations with the Host Country

Meetings: New York, 9 January, 10, 27 and 31 March, 1 and 10 April, 2 July, 15 October, 5, 13 and 17 November
Chairman: Nicos Agathocleous (Cyprus) (until 31 October), Sotirios Zackheos (Cyprus) (from 17 November)
Membership: 15 (including the United States as host country)
Reports: A/52/26, A/53/26

Committee on the Exercise of the Inalienable Rights of the Palestinian People

Meetings: Throughout the year
Chairman: Ibra Deguène Ka (Senegal)
Membership: 23 (25 from 9 December)
Report: A/52/35
Decision: GA 52/317

Committee on the Peaceful Uses of Outer Space

Session: Fortieth, Vienna, 2-10 June
Chairman: U. R. Rao (India)
Membership: 61
Report: A/52/20

Disarmament Commission

Sessions: New York, 21 April (organizational), 21 April-13 May (substantive), 2 December (organizational)
Chairman: Andelfo J. García (Colombia)
Membership: Open to all Members of the United Nations
Report: A/52/42

High-level Committee on the Review of Technical Cooperation among Developing Countries

Session: Tenth, New York, 5-9 May
President: Momodou Kebba Jallow (Gambia)
Membership: All States participating in UNDP
Report: A/52/39

Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa

Sessions: Tenth, New York, 6-17 January; resumed tenth, Geneva, 18-22 August
Chairman: Bo Kjellén (Sweden)
Membership: Open to all States Members of the United Nations or members of the specialized agencies
Report: A/52/82 & Add.1

International Civil Service Commission

Sessions: Forty-fifth, Paris, 21 April-2 May; forty-sixth, New York, 14-25 July
Chairman: Mohsen Bel Hadj Amor (Tunisia)
Membership: 15
Report: A/52/30
Decisions: GA 51/315 B, 52/312

ADVISORY COMMITTEE ON POST ADJUSTMENT QUESTIONS

Session: Twenty-first, New York, 1-7 April
Chairman: Carlos S. Vegega (Argentina)
Membership: 6

International Law Commission

Session: Forty-ninth, Geneva, 12 May-18 July

Chairman: Alain Pellet (France)
Membership: 34
Report: A/52/10

Investments Committee

Session: New York, 24 February, 12 May, 15 September, 24 November
Chairman: Emmanuel Noi Omaboe (Ghana)
Membership: 9
Decision: GA 52/311

Joint Advisory Group on the International Trade Centre UNCTAD/WTO

Session: Thirtieth, Geneva, 21-25 April
Chairman: Nacer Benjelloun-Touimi (Morocco)
Membership: Open to all members of UNCTAD and all members of WTO
Report: ITC/AG(XXX)/164

Joint Inspection Unit

Chairman: Khalil I. Othman (Jordan)
Membership: 11
Report: A/52/34
Decision: GA 51/320

Office of the United Nations High Commissioner for Refugees (UNHCR)

EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Session: Forty-eighth, Geneva, 13-17 October
Chairman: Björn Skogmo (Norway)
Membership: 51
Report: A/52/12/Add.1
Decision: ESC 1997/212 A

Panel of External Auditors

Membership: Members of the UN Board of Auditors and the appointed external auditors of the specialized agencies and IAEA

Preparatory Committee on the Establishment of an International Criminal Court

Meetings: New York, 11-21 February, 4-15 August, 1-12 December
Chairman: Adriaan Bos (Netherlands)
Membership: Open to all Members of the United Nations or members of the specialized agencies or of IAEA

Scientific and Technical Committee on the International Decade for Natural Disaster Reduction

Sessions: Eighth, Paris, 20-23 January; ninth, Geneva, 13-17 October
Chairman: Robert Hamilton (United States)
Membership: 20-25 (20 in 1997)

Special Committee on Peacekeeping Operations

Meetings: New York, 10-11 April (general debate); 14 April-5 May (open-ended working group)
Chairman: Ibrahim A. Gambari (Nigeria)
Membership: 94
Report: A/52/209

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Meetings: New York, 27 January-7 February
Chairman: Dusan Rovensky (Czech Republic)
Membership: Open to all Members of the United Nations
Report: A/52/33

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Session: New York, 16 January, 24 February, 30 April (first part); 30 May-20 June, 9 July, 16 September (second part)
Chairman: Utula Utuoc Samana (Papua New Guinea)
Membership: 22 (23 from 27 March, 24 from 18 April, 25 from 21 May)
Report: A/52/23
Decisions: GA 51/318 A-C

SUBCOMMITTEE ON SMALL TERRITORIES, PETITIONS, INFORMATION AND ASSISTANCE

Integrated into the Special Committee on 16 January 1997

Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Meetings: Geneva, 17-19 February, 28-29 May; Cairo, Egypt, 31 May-1 June; Amman, Jordan, 3-5 June; Damascus, Syrian Arab Republic, 7-8 June; Geneva, 25-29 August
Chairman: Herman Leonard de Silva (Sri Lanka)
Membership: 3
Reports: A/52/131 & Add. 1,2

Special Committee to Select the Winners of the United Nations Human Rights Prize

Session: Did not meet in 1997
Membership: 5

United Nations Administrative Tribunal

Sessions: Geneva, 30 June-1 August; New York, 27 October-26 November
President: Hubert Thierry (France)
Membership: 7
Report: A/INF/52/5
Decision: GA 52/321 A

United Nations Capital Development Fund

EXECUTIVE BOARD

The UNDP/UNFPA Executive Board acts as the Executive Board of the Fund

Managing Director James Gustave Speth (UNDP Administrator)

United Nations Commission on International Trade Law (UNCITRAL)

Session: Thirtieth, Vienna, 12-30 May
Chairman: Joseph Fred Bossa (Uganda)
Membership: 36
Report: A/52/17
Decision: GA 52/314

United Nations Conciliation Commission for Palestine

Membership: 3
Reports: A/52/311, A/53/518 & Corr. 1

United Nations Conference on Trade and Development (UNCTAD)

Membership: Open to all Members of the United Nations or members of the specialized agencies or of IAEA

Secretary-General of UNCTAD: Rubens Ricupero

TRADE AND DEVELOPMENT BOARD

Sessions: Fourteenth executive, fifteenth executive, forty-fourth, Geneva, 24 March, 27 June, 13-22 October
Chairman: Patrick Sinyinza (Zambia) (fourteenth and fifteenth executive sessions), Goce Petreski (the former Yugoslav Republic of Macedonia) (forty-fourth session)
Membership: Open to all members of UNCTAD
Reports: TD/B/EX(14)/5, TD/B/EX(15)/9, A/52/15

SUBSIDIARY ORGANS OF THE TRADE AND DEVELOPMENT BOARD

COMMISSION ON ENTERPRISE, BUSINESS FACILITATION AND DEVELOPMENT

Sessions: First, Geneva, 20-24 January; second, Geneva, 1-5 December
Chairman: Manuel Dengo (Costa Rica) (first session), Ali Said Mchumo (United Republic of Tanzania) (second session)
Membership: Open to all members of UNCTAD
Reports: TD/B/44/2, TD/B/45/3

COMMISSION ON INVESTMENT, TECHNOLOGY AND RELATED FINANCIAL ISSUES

Sessions: First (resumed), Geneva, 7 February; second, Geneva, 29 September-3 October
Chairman: Lilia R. Bautista (Philippines) (first session), Jaroslaw Pietras (Poland) (second session)
Membership: Open to all members of UNCTAD
Reports: TD/B/44/4, TD/B/44/14

Expert Meeting on Competition Law and Policy (formerly Intergovernmental Group of Experts on Restrictive Business Practices; change of name to Intergovernmental Group of Experts on Competition Law and Policy endorsed by the General Assembly on 18 December 1997 (res. 52/182))
Session: Geneva, 24-26 November
Chairman: George K. Lipimile (Zambia)
Membership: Open to all members of UNCTAD
Report: TD/B/COM.2/9

Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting
Session: Did not meet in 1997
Membership: Open to all members of UNCTAD
Decisions: ESC 1997/212 B & C

COMMISSION ON TRADE IN GOODS AND SERVICES, AND COMMODITIES

Sessions: First (resumed), Geneva, 19-21 February; second, Geneva, 17-21 November
Chairman: Daniel Bernard (France) (first session), Bozorgmehr Zi-aran (Iran) (second session)
Membership: Open to all members of UNCTAD
Report: TD/B/44/5, TD/B/45/2

United Nations Development Fund for Women (UNIFEM)

CONSULTATIVE COMMITTEE

Session: Thirty-seventh, New York, 12-13 February
Chairman: Merete K. Wilhelmsen (Norway)
Membership: 5
Decision: GA 52/319

Director of UNIFEM: Noleen Heyzer
Deputy Director: Maxine Olson

United Nations Environment Programme (UNEP)

GOVERNING COUNCIL

Session: Nineteenth, Nairobi, Kenya, 27 January-7 February and 3-4 April
President: Arnoldo José Gabaldón (Venezuela)
Membership: 58
Report: A/52/25
Decisions: GA 52/315, 52/316
Executive Director of UNEP: Elizabeth Dowdeswell

United Nations Institute for Disarmament Research (UNIDIR)

BOARD OF TRUSTEES
Session: Twenty-ninth, New York, 10-13 June
Chairman: Mitsuro Donowaki (Japan)
Membership: 23 in 1997
Report: A/52/272

Director of UNIDIR: Patricia Lewis (from 13 October 1997)
Deputy Director Christophe Carle

United Nations Institute for Training and Research (UNITAR)

BOARD OF TRUSTEES
Session: Special, Geneva, 3-5 September
Chairman: Ahmad Kamal (Pakistan)
Membership: Not less than 11 and not more than 30, plus 4 ex-officio members
Report: A/52/367

Executive Director of UNITAR: Marcel A. Boisard

United Nations Joint Staff Pension Board

Session: Did not meet in 1997
Membership: 33

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

ADVISORY COMMISSION OF UNRWA
Meeting: Amman, Jordan, 14 October
Chairman: Ethem Tokdemir (Turkey)
Membership: 10
Report: A/52/13

WORKING GROUP ON THE FINANCING OF UNRWA
Meetings: New York, 12 September, 14 October, 6 November
Chairman: Huseyin Çelem (Turkey)
Membership: 9
Report: A/52/578

Commissioner-General of UNRWA: Peter Hansen

United Nations Scientific Committee on the Effects of Atomic Radiation

Session: Forty-sixth, Vienna, 16-20 June

Chairman: A. Kaul (Germany)
Membership: 21
Report: A/52/46

United Nations Staff Pension Committee

Meetings: New York, 26 February, 4 April, 11 June, 10 November, 16 December
Chairman: Susan Shearouse (United States)
Membership: 12 members, 8 alternates
Decision: GA 52/313 A

United Nations University

COUNCIL OF THE UNITED NATIONS UNIVERSITY
Session: Forty-fourth, Tokyo, 1-5 December
Chairman: José Joaquín Brunner Ried (Chile)
Membership: 24 (plus 3 ex-officio members and the UNU Rector)
Report: A/53/31

Rector of the University: Heitor Gurgulino de Souza (until 31 August), Johannes A. van Ginkel (from 1 September)

United Nations Voluntary Fund for Indigenous Populations

BOARD OF TRUSTEES
Session: Tenth, Geneva, 21-25 April
Chairman: Victoria Tauli-Corpuz (Philippines)
Membership: 5
Report: A/53/282

United Nations Voluntary Fund for Victims of Torture

BOARD OF TRUSTEES
Session: Sixteenth, Geneva, 20-30 May
Chairman: Jaap Walkate (Netherlands)
Membership: 5
Report: A/52/387

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

BOARD OF TRUSTEES
Session: Third, Geneva, 17-19 March
Chairman: Swami Agnivesh (India)
Membership: 5
Report: E/CN.4/1998/89

Security Council

The Security Council consists of 15 Member States of the United Nations, in accordance with the provisions of Article 23 of the United Nations Charter as amended in 1965.

MEMBERS

Permanent members: China, France, Russian Federation, United Kingdom, United States.
Non-permanent members: Chile, Costa Rica, Egypt, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Sweden.

On 14 October 1997 (dec. 52/305), the General Assembly elected Bahrain, Brazil, Gabon, the Gambia and Slovenia for a two-year term beginning on 1 January 1998, to replace Chile, Egypt, Guinea-Bissau, Poland and the Republic of Korea whose terms of office were to expire on 31 December 1997.

PRESIDENTS

The presidency of the Council rotates monthly, according to the English alphabetical listing of its member States. The following served as Presidents during 1997:

Month	Member	Representative
January	Japan	Hisashi Owada
February	Kenya	Njuguna M. Mahugu
March	Poland	Zbigniew Maria Wlosowicz
April	Portugal	António Victor Martins Monteiro
May	Republic of Korea	Park Soo Gil Chong Ha Yoo
June	Russian Federation	Sergey Lavrov
July	Sweden	Peter Osvald Lena Hjelm-Wallen
August	United Kingdom	Sir Philip John Weston
September	United States	William Blaine Richardson Madeleine K. Albright
October	Chile	Juan Somavia
November	China	Qin Huasun
December	Costa Rica	Fernando Berrocal Soto

Military Staff Committee

The Military Staff Committee consists of the chiefs of staff of the permanent members of the Security Council or their representatives. It meets fortnightly.

Standing committees

Each of the three standing committees of the Security Council is composed of representatives of all Council members:

Committee of Experts (to examine the provisional rules of procedure of the Council and any other matters entrusted to it by the Council)

Committee on the Admission of New Members

Committee on Council Meetings Away from Headquarters

Peacekeeping operations and special missions

United Nations Truce Supervision Organization (UNTSO)

Chief of Staff: Major-General Rufus Kupolati.

**United Nations Military Observer Group
in India and Pakistan (UNMOGIP)**

Chief Military Observer Major-General Alfonso Pessolano (until March), Major-General Ahn Choung-Jun (from March).

United Nations Peacekeeping Force in Cyprus (UNFICYP)

Special Representative of the Secretary-General: Han Sung-Joo (until 28 April), Diego Cordovez (from 28 April).

Deputy Special Representative and Chief of Mission: Gustave Feissel.

Force Commander: Major-General Evergisto Arturo de Vergara.

United Nations Disengagement Observer Force (UNDOF)

Force Commander Major-General Johannes Kusters (until 31 May), Major-General David Stapleton (from 1 June).

United Nations Interim Force in Lebanon (UNIFIL)

Force Commander Major-General Stanislaw Wozniak (until 30 September), Major-General Jioji Konousi Konrote (from 1 October).

United Nations Iraq-Kuwait Observation Mission (UNIKOM)

Force Commander: Major-General Gian G. Santillo (until 30 November), Major-General Esa Kalervo Tarvainen (from 1 December).

**United Nations Mission for the Referendum
in Western Sahara (MINURSO)**

Personal Envoy of the Secretary-General: James Baker III.

Special Representative of the Secretary-General: Erik Jensen (acting).

Force Commander: Major-General Jorge Barroso de Moura (until 18 July), Brigadier-General Bernd S. Lubenik (from 28 August).

United Nations Observer Mission in Georgia (UNOMIG)

Special Envoy of the Secretary-General: Edouard Brunner (until July).

Special Representative of the Secretary-General and Head of Mission: Liviu Bota (from July).

Chief Military Observer Major-General Per Källström (until May), Major-General Harun Ar-Rashid (from May).

United Nations Observer Mission in Liberia (UNOMIL)¹⁴

Special Representative of the Secretary-General and Head of Mission: Anthony B. Nyakyi (until 16 April), Tuliameni Kalomoh (from 28 April).

Chief Military Observer Major-General Sirkander Shami.

United Nations Mission of Observers in Tajikistan (UNMOT)

Special Representative of the Secretary-General and Head of Mission: Gerd Merrem.

Chief Military Observer: Brigadier-General Boleslaw Izydorczyk.

United Nations Angola Verification Mission (UNAVEM III)¹⁵

Special Representative of the Secretary-General: Alioune Blondin Beye.

Deputy Special Representative: Khaled Yassir.

Force Commander: Major-General Phillip V. Sibanda.

United Nations Preventive Deployment Force (UNPREDEP)

Special Representative of the Secretary-General and Chief of Mission: Henryk J. Sokalski.

Force Commander Brigadier-General Bo Lennart Wrangler (until 3 June), Brigadier-General Bent Sonnemann (from 3 June).

United Nations Mission in Bosnia and Herzegovina (UNMIBH)

Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Kai Eide.

Commissioner of the United Nations International Police Task Force: Manfred Seither.

**United Nations Transitional Administration for Eastern Slavonia,
Baranja and Western Sirmium (UNTAES)**

Transitional Administrator Jacques Paul Klein (until 1 August), William G. Walker (from 1 August).

Force Commander: Major-General William Hanset.

Chief Military Observer Brigadier-General Selwyn Heaton.

United Nations Mission of Observers in Prevlaka (UNMOP)

Chief Military Observer Colonel Harold Mwakio Tangai.

United Nations Support Mission in Haiti (UNSMIH)¹⁶

Special Representative of the Secretary-General and Head of Mission: Enrique ter Horst.

Force Commander: Brigadier-General Pierre Daigle.

United Nations Verification Mission in Guatemala (MINUGUA)¹⁷

Special Representative of the Secretary-General and Head of Mission: Jean Arnault.

Chief Military Observer: Brigadier-General José B. Rodríguez Rodríguez.

United Nations Transition Mission in Haiti (UNTMIH)¹⁸

Special Representative of the Secretary-General: Enrique ter Horst.

Force Commander Brigadier-General J. J. Gagnon.

United Nations Observer Mission in Angola (MONUA)¹⁵

Special Representative of the Secretary-General: Alioune Blondin Beye.

United Nations Civilian Police Mission in Haiti (MIPONUH)¹⁹

Special Representative of the Secretary-General and Head of Mission: Julian Harston.

Economic and Social Council

The Economic and Social Council consists of 54 Member States of the United Nations, elected by the General Assembly, each for a three-year term, in accordance with the provisions of Article 61 of the United Nations Charter as amended in 1965 and 1973.

MEMBERS

To serve until 31 December 1997: Australia, Belarus, Brazil, Colombia, Congo, Cote d'Ivoire, India, Jamaica, Luxembourg, Malaysia, Netherlands, Philippines, Poland, South Africa, Sudan, Thailand, Uganda, United States.

To serve until 31 December 1998: Argentina, Bangladesh, Canada, Central African Republic, China, Czech Republic, Finland, Gabon, Guyana, Jordan, Lebanon, Nicaragua, Romania, Russian Federation, Sweden, Togo, Tunisia, United Kingdom.

To serve until 31 December 1999: Cape Verde, Chile, Cuba, Djibouti, El Salvador, France, Gambia, Germany, Iceland, Japan, Latvia, Mexico, Mozambique, Republic of Korea, Spain, Sri Lanka, Turkey, Zambia.

On 30 October and 3 and 5 November 1997 (dec. 52/307), the General Assembly elected the following for a three-year term beginning on 1 January 1998 to fill the vacancies occurring on 31 December 1997: Algeria, Belarus, Belgium, Brazil, Colombia, Comoros, India, Italy, Lesotho, Mauritius, New Zealand, Oman, Pakistan, Poland, Saint Lucia, Sierra Leone, United States, Viet Nam.

SESSIONS

Organizational session for 1997: New York, 23 January and 4-7 February.

Resumed organizational session for 1997: New York, 1-2 May.

Substantive session of 1997: Geneva, 30 June-25 July.

Resumed substantive session of 1997: New York, 8 October and 16 and 18 December.

OFFICERS

President: Karel Kovanda (Czech Republic) (until 1 May), Vladimir Galuska (Czech Republic) (from 2 May).

Vice-Presidents: Daniel Abibi (Congo), Anwarul Karim Chowdhury (Bangladesh), Gerhard Walter Henze (Germany), Juan Somavia (Chile).

Subsidiary and other related organs

SUBSIDIARY ORGANS

The Economic and Social Council may, at each session, set up committees or working groups, of the whole or of limited membership, and refer to them any items on the agenda for study and report.

Other subsidiary organs reporting to the Council consist of functional commissions, regional commissions, standing committees, expert bodies and ad hoc bodies.

The inter-agency Administrative Committee on Coordination also reports to the Council.

Functional commissions

Commission for Social Development

Session: Thirty-fifth, New York, 25 February-6 March

Chairman: Ion Gorita (Romania)

Membership: 46

Report: E/1997/26

Decision: ESC 1997/212 A

Commission on Crime Prevention and Criminal Justice

Session: Sixth, Vienna, 28 April-9 May

Chairman: Mohamed El Fadhel Khelil (Tunisia)

Membership: 40

Report: E/1997/30 & Corr.1

Decision: ESC 1997/212 B

Commission on Human Rights

Session: Fifty-third, Geneva, 10 March-18 April

Chairman: Miroslav Somol (Czech Republic)

Membership: 53

Report: E/1997/23

Decision: ESC 1997/212 B

SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Session: Forty-ninth, Geneva, 4-29 August

Chairman: Jose Bengoa (Chile)

Membership: 26

Report: E/CN.4/1998/2

Commission on Narcotic Drugs

Session: Fortieth, Vienna, 18-25 March and 3-4 December

Chairman: Sergio González Gálvez (Mexico) (March), Roberta La-Jous (Mexico) (December)

Membership: 53

Report: E/1997/28/Rev.1

Decision: ESC 1997/212 B

Commission on Population and Development

Session: Thirtieth, New York, 24-28 February

Chairman: José Gomez de León (Mexico)

Membership: 44

Report: E/1997/25

Decision: ESC 1997/212 B

Commission on Science and Technology for Development

Session: Third, Geneva, 12-16 May

Chairman: J. George Waardenburg (Netherlands)

Membership: 53

Report: E/1997/31

Decisions: ESC 1997/212 B & C

Commission on Sustainable Development

Sessions: Fifth, New York, 7-25 April; sixth (first part), New York, 22 December

Chairman: Mostafa Tolba (Egypt) (fifth session), Cielito Habito (Philippines) (sixth session)

Membership: 53

Reports: E/1997/29, E/1998/29

Decision: ESC 1997/212 B

Commission on the Status of Women

Session: Forty-first, New York, 10-21 March

Chairman: Sharon Brennen-Haylock (Bahamas)

Membership: 45

Report: E/1997/27

Decision: ESC 1997/212 B

Statistical Commission

Session: Twenty-ninth, New York, 11-14 February

Chairman: Carlos M. Jarque (Mexico)

Membership: 24

Report: E/1997/24

Decision: ESC 1997/212 B

Regional commissions

Economic and Social Commission for Asia and the Pacific (ESCAP)

Session: Fifty-third, Bangkok, Thailand, 23-30 April

Chairman: Shah A. M. S. Kibria (Bangladesh)

Membership: 51 members, 9 associate members

Report: E/1997/38

Economic and Social Commission for Western Asia (ESCWA)

Session: Nineteenth, Beirut, Lebanon, 7-8 May

Chairman: Fares Boueiz (Lebanon)

Membership: 13

Report: E/1997/39

Economic Commission for Africa (ECA)

Session: Thirty-second (twenty-third meeting of Conference of Ministers), Addis Ababa, Ethiopia, 5-8 May

Chairman: Richard H. Kaijuka (Uganda)

Membership: 53

Report: E/1997/37

Economic Commission for Europe (ECE)

Session: Fifty-second, Geneva, 21-24 April
 Chairman: Karoly Lotz (Hungary) (high-level segment), Peter Náray (Hungary) (remainder of session)
 Membership: 55
 Report: E/1997/36

Economic Commission for Latin America and the Caribbean (ECLAC)

Session: Did not meet in 1997
 Membership: 41 members, 7 associate members

Standing committees**Commission on Human Settlements**

Session: Sixteenth, Nairobi, Kenya, 28 April-7 May
 Chairman: M. Afsarul Qader (Bangladesh)
 Membership: 58
 Report: A/52/8
 Decisions: ESC 1997/212 A & B

Committee for Programme and Coordination

Session: Thirty-seventh, New York, 12 May (organizational), 9 June-3 July (substantive), 5 September (resumed organizational), 13-17 October (resumed substantive)
 Chairman: Wolfgang Stöckl (Germany)
 Membership: 34
 Report: A/52/16 & Add. 1
 Decisions: ESC 1997/212 B & C, GA 52/306 A & B

Committee on Non-Governmental Organizations

Session: New York, 5-16 May and 12 June
 Chairman: Fidel Coloma (Chile)
 Membership: 19
 Report: E/1997/90 & Corr. 1,2

Expert bodies**Ad Hoc Group of Experts on International Cooperation in Tax Matters**

Meeting: Eighth, Geneva, 15-19 December
 Membership: 25
 Report: E/1998/57

Committee for Development Planning

Session: Thirty-first, New York, 5-9 May
 Chairman: Nurul Islam (Bangladesh)
 Membership: 24
 Report: E/1997/35
 Decision: ESC 1997/212 C

Committee of Experts on the Transport of Dangerous Goods

Session: Did not meet in 1997
 Membership: 21 (22 from 8 October)
 Decision: ESC 1997/212 C

Committee on Economic, Social and Cultural Rights

Sessions: Sixteenth, Geneva, 28 April-16 May; seventeenth, Geneva, 17 November-5 December
 Chairman: Philip Alston (Australia)
 Membership: 18
 Report: E/1998/22
 Decision: ESC 1997/212 A

Committee on Natural Resources

Session: Did not meet in 1997
 Membership: 24
 Decisions: ESC 1997/212 A & B

Committee on New and Renewable Sources of Energy and on Energy for Development

Session: Did not meet in 1997
 Membership: 24
 Decisions: ESC 1997/212 A & B

United Nations Group of Experts on Geographical Names**Session: Did not meet in 1997**

Membership: Representatives of the 21 geographical/linguistic divisions of the Group of Experts

Ad hoc body**Commission on Narcotic Drugs acting as the preparatory body for the 1998 special session of the General Assembly on international drug control**

Session: First, Vienna, 26-27 March
 Chairman: Alvaro de Mendonça e Moura (Portugal)
 Membership: Open to all Members of the United Nations or members of the specialized agencies
 Report: E/1997/48

Administrative Committee on Coordination

Sessions: Geneva, 10-11 April; New York, 31 October
 Chairman: The Secretary-General
 Membership: Organizations of the UN system
 Report: E/1998/21

Other related bodies**International Research and Training Institute for the Advancement of Women (INSTRAW)****BOARD OF TRUSTEES**

Session: Seventeenth, Santo Domingo, Dominican Republic, 17-21 February
 President: Selma Acuner (Turkey)
 Membership: 11
 Report: E/1997/53
 Decision: ESC 1997/212 B

Director of INSTRAW: Martha Dueñas-Loza (Acting) (until October), Yakin Erturk (from October)

Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS)**PROGRAMME COORDINATION BOARD**

Session: Fourth, Geneva, 7-9 April
 Membership: 22
 Report: E/1997/63
 Decision: ESC 1997/212 B

Executive Director of the Programme: Peter Piot

United Nations Children's Fund (UNICEF)**EXECUTIVE BOARD**

Sessions: First, second and third regular, New York, 20-24 January, 18-19 March, 9-12 September; annual, New York, 2-6 June
 President: Mercedes Pulido de Briceño (Venezuela)
 Membership: 36
 Report: E/1997/32/Rev.1
 Decision: ESC 1997/212 B

Executive Director of UNICEF: Carol Bellamy

United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA)**EXECUTIVE BOARD**

Sessions: First, second and third regular, New York, 13-17 January, 10-14 March, 15-19 September; annual, New York, 12-23 May
 President: Hans Lundborg (Sweden)
 Membership: 36
 Report: E/1997/33
 Decision: ESC 1997/212 B

Administrator of UNDP: James Gustave Speth
Associate Administrator Rafeeuiddin Ahmed
Executive Director of UNFPA: Dr. Nafis I. Sadik

**United Nations Interregional Crime and Justice
Research Institute (UNICRI)**

BOARD OF TRUSTEES
Session: Eighth, Rome, Italy, 10-11 November
President: Mustafa El Augi (Lebanon)
Membership: 7 (plus 4 ex-officio members)

Director of UNICRI: Herman F. Woltring

United Nations Research Institute for Social Development (UNRISD)

BOARD OF DIRECTORS
Session: Thirty-fifth, Geneva, 7-8 July
Chairman: Juan O. Somavía (Chile)
Membership: 11 (plus 7 ex-officio members)

Report: E/CN.5/1999/9
Decision: ESC 1997/231

Director of the Institute: Dharam Ghai (retired in December 1997)

World Food Programme (WFP)

EXECUTIVE BOARD

Sessions: First, second, resumed second and third regular, Rome, Italy, 21-23 January, 24-26 March, 26 and 29 May, 20-23 October; annual, Rome, 27-29 May
President: Louis Dominici (France)
Membership: 36
Report: E/1998/37
Decision: ESC 1997/212 B

Executive Director of WFP: Catherine A. Bertini

Trusteeship Council

Article 86 of the United Nations Charter lays down that the Trusteeship Council shall consist of the following:

Members of the United Nations administering Trust Territories; Permanent members of the Security Council which do not administer Trust Territories;

As many other members elected for a three-year term by the General Assembly as will ensure that the membership of the Council is equally divided between United Nations Members which administer Trust Territories and those which do not.¹⁹

Members: China, France, Russian Federation, United Kingdom, United States.

International Court of Justice

Judges of the Court

The International Court of Justice consists of 15 Judges elected for nine-year terms by the General Assembly and the Security Council.

The following were the Judges of the Court serving in 1997, listed in the order of precedence:

Judge	Country of nationality	End of term ²⁰
Stephen M. Schwebel, President	United States	2006
Christopher G. Weeramantry, Vice-President	Sri Lanka	2000
Shigeru Oda	Japan	2003
Mohammed Bedjaoui	Algeria	2006
Gilbert Guillaume	France	2000
Raymond Ranjeva	Madagascar	2000
Geza Herczegh	Hungary	2003
Shi Jiyong	China	2003
Carl-August Fleischhauer	Germany	2003
Abdul G. Koroma	Sierra Leone	2003
Vladlen S. Vereshchetin	Russian Federation	2006
Rosalyn Higgins	United Kingdom	2000
Gonzalo Parra-Aranguren	Venezuela	2000
Pieter H. Kooijmans	Netherlands	2006
Francisco Rezek	Brazil	2006

Registrar Eduardo Valencia-Ospina.
Deputy Registrar Jean-Jacques Arnaldez.

Chamber of Summary Procedure

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Geza Herczegh, Shi Jiyong, Abdul G. Koroma.

Substitute members: Rosalyn Higgins, Gonzalo Parra-Aranguren.

Chamber for Environmental Matters

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Mohammed Bedjaoui, Raymond Ranjeva, Geza Herczegh, Carl-August Fleischhauer, Francisco Rezek.

Parties to the Court's Statute

All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice. Also parties to it are the following non-members: Nauru, Switzerland.

States accepting the compulsory jurisdiction of the Court

Declarations made by the following States, a number with reservations, accepting the Court's compulsory jurisdiction (or made under the Statute of the Permanent Court of International Justice and deemed to be an acceptance of the jurisdiction of the International Court) were in force at the end of 1997:

Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, India, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Senegal, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom, Uruguay, Zaire.

United Nations organs and specialized and related agencies authorized to request advisory opinions from the Court

Authorized by the United Nations Charter to request opinions on any legal question: General Assembly, Security Council.

Authorized by the General Assembly in accordance with the Charter to request opinions on legal questions arising within the scope of their activities: Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, ILO, FAO, UNESCO, ICAO, WHO, World Bank, IFC, IDA, IMF, ITU, WMO, IMO, WIPO, IFAD, UNIDO, IAEA.

Committees of the Court

BUDGETARY AND ADMINISTRATIVE COMMITTEE

Members: Stephen M. Schwebel (ex officio), Christopher G. Weeramantry (ex officio), Mohammed Bedjaoui, Gilbert Guil-

laume, Shi Jiuyong, Carl-August Fleischhauer, Vladlen S. Vereshchetin, Pieter H. Kooijmans.

COMMITTEE ON RELATIONS

Members: Christopher G. Weeramantry (ex officio), Geza Herczegh, Raymond Ranjeva, Vladlen S. Vereshchetin, Gonzalo Parra-Aranguren.

LIBRARY COMMITTEE

Members: Shi Jiuyong, Abdul G. Koroma, Rosalyn Higgins, Pieter H. Kooijmans, Francisco Rezek.

RULES COMMITTEE

Members: Shigeru Oda, Gilbert Guillaume, Carl-August Fleischhauer, Abdul G. Koroma, Rosalyn Higgins, Francisco Rezek.

Other United Nations-related bodies

The following bodies are not subsidiary to any principal organ of the United Nations but were established by an international treaty instrument or arrangement sponsored by the United Nations and are thus related to the Organization and its work. These bodies, often referred to as "treaty organs", are serviced by the United Nations Secretariat and may be financed in part or wholly from the Organization's regular budget, as authorized by the General Assembly, to which most of them report annually.

Commission against Apartheid in Sports

Session: Has not met since 1992
Membership: 15

Committee against Torture

Sessions: Eighteenth, Geneva, 29 April-9 May; nineteenth, Geneva, 10-21 November
Chairman: Alexis Dipanda Mouelle (Cameroon)
Membership: 10
Reports: A/52/44, A/53/44 & Corr.1

Committee on the Elimination of Discrimination against Women

Sessions: Sixteenth, New York, 13-31 January; seventeenth, New York, 7-25 July
Chairman: Salma Khan (Bangladesh)
Membership: 23
Report: A/52/38/Rev.1

Committee on the Elimination of Racial Discrimination

Sessions: Fiftieth, Geneva, 3-21 March; fifty-first, Geneva, 4-22 August
Chairman: Michael Parker Banton (United Kingdom)
Membership: 18
Report: A/52/18

Committee on the Rights of the Child

Sessions: Fourteenth, fifteenth and sixteenth, Geneva, 6-24 January, 20 May-6 June, 22 September-10 October
Chairman: Akila Belembaogo (Burkina Faso) (fourteenth session), Sandra Prunella Mason (Barbados) (fifteenth and sixteenth sessions)
Membership: 10
Reports: A/53/41, CRC/C/62, CRC/C/66, CRC/C/69

Conference on Disarmament

Meetings: Geneva, 20 January-27 March, 12 May-27 June, 28 July-10 September
President: Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Sri Lanka (successively)
Membership: 61
Report: A/52/27

Human Rights Committee

Sessions: Fifty-ninth, New York, 24 March-11 April; sixtieth, Geneva, 14 July-1 August; sixty-first, Geneva, 20 October-7 November
Chairman: Christine Chanet (France)
Membership: 18
Reports: A/52/40, vol. I, A/53/40, vol. I

International Narcotics Control Board (INCB)

Sessions: Sixty-second and sixty-third, Vienna, 5-16 May and 3-20 November
President: Hamid Ghodse (Iran)
Membership: 13
Report: E/INCB/1997/1

Principal members of the United Nations Secretariat

(as at 31 December 1997)

Secretariat

The Secretary-General: Kofi A. Annan

Executive Office of the Secretary-General

Under-Secretary-General, Chef de Cabinet: Iqbal Syed Riza
Under-Secretary-General, Special Adviser Maurice F. Strong
Assistant Secretary-General, Special Adviser: John Ruggie
Assistant Secretary-General for External Relations: Gillian M. Sorensen

Office of Internal Oversight Services

Under-Secretary-General: Karl-Theodor Paschke

Office of Legal Affairs

Under-Secretary-General, Legal Counsel: Hans Corell

Department of Political Affairs

Under-Secretary-General: Kieran Prendergast
Assistant Secretaries-General: Ibrahima Fall, Alvaro de Soto

Department for Disarmament Affairs

Under-Secretary-General: Jayantha Dhanapala

Department of Peacekeeping Operations

Under-Secretary-General: Bernard Miyet

Assistant Secretaries-General: Hedi Annabi, Manfred Eisele

Office for the Coordination of Humanitarian Affairs

Under-Secretary-General, Emergency Relief Coordinator: Sergio Vieira de Mello

Department of Economic and Social Affairs

Under-Secretary-General: Nitin Desai

Assistant Secretary-General: Angela E. V. King

Department of General Assembly Affairs and Conference Services

Under-Secretary-General: Yongjian Jin

Assistant Secretary-General: Federico Riesco-Quintana

Office of Communication and Public Information

Assistant Secretary-General: Samir Sanbar

Department of Management

Under-Secretary-General: Joseph E. Connor

OFFICE OF PROGRAMME PLANNING, BUDGET AND ACCOUNTS

Assistant Secretary-General, Controller: Jean-Pierre Halbwachs

OFFICE OF HUMAN RESOURCES MANAGEMENT

Assistant Secretary-General: Rafiah Salim

OFFICE OF CENTRAL SUPPORT SERVICES

Assistant Secretary-General: Benon V. Sevan

Economic and Social Commission for Asia and the Pacific

Under-Secretary-General, Executive Secretary: Adrianus Mooy

Economic and Social Commission for Western Asia

Under-Secretary-General, Executive Secretary: Hazem El-Beblawi

Economic Commission for Africa

Under-Secretary-General, Executive Secretary: K. Y. Amoako

Economic Commission for Europe

Under-Secretary-General, Executive Secretary: Yves Berthelot

Economic Commission for Latin America and the Caribbean

Under-Secretary-General, Executive Secretary: Jose Antonio Ocampo

United Nations Centre for Human Settlements

Assistant Secretary-General, Acting Executive Director: Darshan Johal

United Nations Office at Geneva

Under-Secretary-General, Director-General of the United Nations Office at Geneva: Vladimir Petrovsky

United Nations Centre for Human Rights

Under-Secretary-General, High Commissioner for Human Rights: Mary Robinson

United Nations Office at Vienna

Under-Secretary-General, Director-General of the United Nations Office at Vienna and Executive Director of the United Nations International Drug Control Programme: Giuseppe Arlacchi

International Court of Justice Registry

Assistant Secretary-General, Registrar: Eduardo Valencia-Ospina

Secretariats of subsidiary organs, special representatives and other related bodies**International Trade Centre UNCTAD/WTO**

Executive Director: J. Denis Blisle

Office of the Secretary-General in Afghanistan and Pakistan

Under-Secretary-General, Special Envoy of the Secretary-General for Afghanistan: Lakhdar Brahimi
Assistant Secretary-General, Head of the Special Mission to Afghanistan: Norbert Heinrich Holl

Office of the Special Representative of the Secretary-General for the Great Lakes Region

Under-Secretary-General, Special Representative: Mohamed Sahnoun

Office of the Special Representative of the Secretary-General on Children and Armed Conflict

Under-Secretary-General, Special Representative: Olara A. Otunnu

Office of the United Nations High Commissioner for Refugees

Under-Secretary-General, High Commissioner: Sadako Ogata
Assistant Secretary-General, Deputy High Commissioner: Gerald Walzer

Personal Representative of the Secretary-General for East Timor

Under-Secretary-General, Personal Representative: Jamsheed K. A. Marker

Personal Representative of the Secretary-General on the Guyana-Venezuela border dispute

Under-Secretary-General, Personal Representative: Alistair McIntyre

Special Coordinator of the Secretary-General in the Occupied Territories

Under-Secretary-General, Special Coordinator: Chinmaya R. Gharekhan

Special Envoy of the Secretary-General for Humanitarian Affairs for the Sudan

Under-Secretary-General, Special Envoy: Robert Van Schaik

United Nations Children's Fund

Under-Secretary-General, Executive Director: Carol Bellamy
Assistant Secretaries-General, Deputy Executive Directors: Karin Sham Poo, Stephen Lewis

United Nations Compensation Commission

Assistant Secretary-General, Executive Secretary: Jean-Claude Aime

United Nations Conference on Trade and Development

Under-Secretary-General, Secretary-General of the Conference: Rubens Ricupero

United Nations Coordinator for Humanitarian Assistance in Iraq

Assistant Secretary-General, Coordinator: Denis John Halliday

United Nations Development Programme

Administrator: James Gustave Speth
Associate Administrator: Rafaeuddin Ahmed
Assistant Secretary-General, Special Adviser to the Administrator: Richard Jolly
Assistant Administrator and Director, Bureau of Planning and Resource Management: Jan Mattson
Assistant Administrator and Director, Bureau of Development Policy: Eimi Watanabe
Assistant Administrator and Director, Bureau for Resources and External Affairs: Normand R. Lauzon
Assistant Administrator and Chief Procurement Officer: Veronique Lavorel

Assistant Administrator and Regional Director, UNDP Africa: Thelma Awori

Assistant Administrator and Regional Director, UNDP Arab States: Fawaz Fokeladeh

Assistant Administrator and Regional Director, UNDP Asia and the Pacific: Nay Htun

Assistant Administrator and Regional Director, UNDP Europe and the Commonwealth of Independent States: Anton Kruidenink

Assistant Administrator and Regional Director, UNDP Latin America and the Caribbean: Fernando Zumbado

United Nations Disengagement Observer Force

Assistant Secretary-General, Force Commander Major-General David Stapleton

United Nations Environment Programme

Under-Secretary-General, Executive Director Elizabeth Dowdeswell

United Nations Institute for Training and Research

Executive Director: Marcel A. Boisard

United Nations Interim Force in Lebanon

Assistant Secretary-General, Force Commander: Major-General Jioji Konousi Konrote

United Nations Iraq-Kuwait Observation Mission

Assistant Secretary-General, Force Commander: Major-General Esa Kalervo Tarvainen

United Nations Military Observer Group in India and Pakistan

Chief Military Observer Major-General Choung-Jun Ahn

United Nations Mission for the Referendum in Western Sahara

Under-Secretary-General, Personal Envoy of the Secretary-General: James Baker III

Under-Secretary-General, Acting Special Representative of the Secretary-General: Erik Jensen
Force Commander Brigadier-General Bernd S. Lubenik

United Nations Mission in Bosnia and Herzegovina

Assistant Secretary-General, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina: Kai Eide
Commissioner of the United Nations International Police Task Force: Manfred Seitner

United Nations Mission of Observers in Prevlaka

Chief Military Observer: Colonel Harold Mwakio Tangai

United Nations Mission of Observers in Tajikistan

Assistant Secretary-General, Special Representative of the Secretary-General and Head of Mission: Gerd Merrem
Chief Military Observer Brigadier-General Boleskaw Izydorczyk

United Nations Observer Mission in Angola

Under-Secretary-General, Special Representative of the Secretary-General: Alioune Blondin Beye

Assistant Secretary-General, Deputy Special Representative: Behrooz Sadry

United Nations Observer Mission in Georgia

Assistant Secretary-General, Special Representative of the Secretary-General and Head of Mission: Liviu Bota
Chief Military Observer Major-General Harun Ar-Rashid

United Nations Observer Mission in Liberia

Under-Secretary-General, Special Representative of the Secretary-General: Tuliameni Kalomoh
Chief Military Observer Major-General Sirkander Shami

United Nations Office for Project Services

Assistant Secretary-General, Executive Director Reinhart Helmke

United Nations Peacekeeping Force in Cyprus

Under-Secretary-General, Special Representative of the Secretary-General: Diego Cordovez
Assistant Secretary-General, Deputy Special Representative and Chief of Mission: Gustave Feissel
Force Commander Major-General Evergisto Arturo de Vergara

United Nations Population Fund

Executive Director Dr. Nafis I. Sadik
Deputy Executive Director, Policy and Administration: Hirofumi Ando
Deputy Executive Director, Programme: Kerstin Trone

United Nations Preventive Deployment Force

Assistant Secretary-General, Special Representative of the Secretary-General and Chief of Mission: Henryk J. Sokalski
Force Commander Brigadier-General Bent Sohnemann

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Under-Secretary-General, Commissioner-General: Peter Hansen
Assistant Secretary-General, Deputy Commissioner-General: Dr. Mohamed Abdelmoumene

United Nations Special Commission

Under-Secretary-General, Executive Chairman: Richard Butler
Assistant Secretary-General, Deputy Executive Chairman: Charles Duelfer

United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

Under-Secretary-General, Transitional Administrator: William G. Walker
Assistant Secretary-General, Force Commander: Major-General William Hanset

United Nations Truce Supervision Organization

Assistant Secretary-General, Chief of Staff: Major-General Rufus Kupolati

United Nations University

Under-Secretary-General, Rector Johannes A. van Ginkel
Assistant Secretary-General, Director, World Institute for Development Economics Research: Andrea Cornia

On 31 December 1997, the total number of staff of the United Nations Secretariat holding permanent, probationary and fixed-term appointments with service or expected service of a year or more was 13,627. Of these, 5,009 were in the Professional and higher categories and 8,618 were in the General Service, Manual Worker, Field Service and 200-Series (experts) categories. Of the

same total, 12,773 were regular staff serving at Headquarters or other established offices and 854 were assigned as project personnel to technical cooperation projects. In addition, at the end of December 1997, UNRWA had some 20,182 local area staff, including temporary assistance.

- ¹ On 23 June 1997 (dec. S-19/12), the Assembly decided that the President of its fifty-first session would serve in the same capacity at the nineteenth special session.
- ² On 23 June 1997 (dec. S-19/14), the Assembly decided that the Vice-Presidents of the fifty-first session would serve in the same capacity at the nineteenth special session.
- ³ Elected on 16 September 1997 (dec. 52/302).
- ⁴ Elected on 16 and 17 September 1997 (dec. 52/304).
- ⁵ The only Main Committees to meet at the resumed session.
- ⁶ On 23 June 1997 (dec. S-19/13), the Assembly decided that the Chairmen of the Main Committees of the fifty-first session would serve in the same capacity at the nineteenth special session.
- ⁷ Elected by the Assembly on 23 June 1997 (dec. S-19/15); other officers elected by the Ad Hoc Committee.
- ⁸ Chairmen elected by the Committees; announced by Assembly President on 16 September 1997 (dec. 52/303).
- ⁹ On 24 April (dec. ES-10/11) and 23 June 1997 (dec. S-19/11), the Assembly decided that the Credentials Committee for the tenth emergency special and nineteenth special sessions, respectively, would have the same composition as that for the fifty-first session.
- ¹⁰ Appointed on 16 September 1997 (dec. 52/301).
- Appointed on 31 January 1997 (dec. 51/310 B) to fill the vacancies created by the resignation of Vijay Gokhale (India) and Yuji Kumamaru (Japan).
- ¹² Appointed on 18 April 1997 (dec. 51/310 C) to fill the vacancy created by the resignation of Wolfgang Stöckl (Germany).
- ¹³ Appointed on 27 March 1997 (dec. 51/311 B) to fill the vacancy created by the resignation of William Grant (United States).
- ¹⁴ The mandate of UNOMIL ended on 30 September 1997.
- ¹⁵ The mandate of UNAVEM III ended on 30 June 1997; UNAVEM III was succeeded in July 1997 by MONUA.
- ¹⁶ The mandate of UNSMIH ended on 31 July 1997; UNSMIH was succeeded in August 1997 by UNTMIH.
- ¹⁷ Operated from 3 March to 27 May 1997.
- ¹⁸ The mandate of UNTMIH ended on 30 November 1997; UNTMIH was succeeded in December 1997 by MIPONUH.
- ¹⁹ During 1997, no Member of the United Nations was an administering member of the Trusteeship Council, while five permanent members of the Security Council continued as non-administering members.
- ²⁰ Term expires on 5 February of the year indicated.

Appendix IV

Agendas of United Nations principal organs in 1997

This appendix lists the items on the agendas of the General Assembly, the Security Council and the Economic and Social Council during 1997. For the Assembly, the column headed "Allocation" indicates the assignment of each item to plenary meetings or committees.

Agenda item titles have been shortened by omitting mention of reports, if any, following the subject of the item. Where the subject matter of an item is not apparent from its title, the subject is identified in square brackets; this is not part of the title.

General Assembly

Agenda items considered at the resumed fifty-first session (31 January-15 September 1997)

Item No.	Title	Allocation
8.	Adoption of the agenda and organization of work.	Plenary
10.	Report of the Secretary-General on the work of the Organization.	Plenary
12.	Report of the Economic and Social Council.	Plenary ¹
17.	Elections to fill vacancies in subsidiary organs and other elections:	
	(b) Election of twenty members of the Committee for Programme and Coordination.	Plenary
18.	Appointments to fill vacancies in subsidiary organs and other appointments:	
	(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;	2
	(b) Appointment of members of the Committee on Contributions;	2
	(f) Appointment of members of the International Civil Service Commission;	2
	(h) Appointment of members of the Joint Inspection Unit;	Plenary
	(i) Confirmation of the appointment of the Administrator of the United Nations Development Programme.	Plenary
19.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.	Plenary, 4th
21.	Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance:	
	(b) Special economic assistance to individual countries or regions.	Plenary
33.	The situation in the Middle East.	Plenary
35.	Question of Palestine.	Plenary
37.	The situation of democracy and human rights in Haiti.	Plenary
39.	The situation in Afghanistan and its implications for international peace and security.	Plenary
40.	The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development.	Plenary
43.	The situation in Burundi.	Plenary
46.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
47.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
48.	Strengthening of the United Nations system.	Plenary
56.	The situation in Bosnia and Herzegovina.	Plenary
58.	Question of Cyprus.	3
96.	Sustainable development and international economic cooperation:	
	(b) Agenda for development.	4
97.	Environment and sustainable development:	

Item No.	Title	Allocation
	(a) Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development;	4
	(b) Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21.	4
110.	Human rights questions.	5
111.	Financial reports and audited financial statements, and reports of the Board of Auditors.	5th
112.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
113.	Programme budget for the biennium 1994-1995.	5th
114.	Programme planning.	2
115.	Improving the financial situation of the United Nations.	2
116.	Programme budget for the biennium 1996-1997.	5th
118.	Pattern of conferences.	5th
119.	Scale of assessments for the apportionment of the expenses of the United Nations.	5th
120.	Human resources management.	5th
121.	United Nations common system.	2
122.	United Nations pension system.	2
123.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
124.	Financing of the United Nations Angola Verification Mission.	5th
125.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission.	5th
126.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
127.	Financing of the United Nations Observer Mission in El Salvador.	5th
128.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	5th
129.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
130.	Financing of the United Nations Operation in Somalia II.	5th
131.	Financing of the United Nations Operation in Mozambique.	5th
132.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
133.	Financing of the United Nations Observer Mission in Georgia.	5th
134.	Financing of the United Nations Mission in Haiti.	5th
135.	Financing of the United Nations Observer Mission in Liberia.	5th
136.	Financing of the United Nations Assistance Mission for Rwanda.	5th
137.	Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	5th
138.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
139.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
140.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations.	5th
141.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
144.	Convention on the law of the non-navigational uses of international watercourses.	6th
153.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
154.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.	5th
155.	Financing of the United Nations Preventive Deployment Force.	5th
157.	Financing of the United Nations Support Mission in Haiti.	5th
165.	Financing of the Military Observer Group of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala. ⁶	5th
166.	Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. ⁶	Plenary

Item No.	Title	Allocation
167.	Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons.	Plenary
168.	United Nations reform: measures and proposals. ⁶	Plenary

**Agenda of the tenth emergency special session
(first part, 24 and 25 April, 15 July and 13 November 1997)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Malaysia.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the tenth emergency special session of the General Assembly:	
(a)	Appointment of the members of the Credentials Committee;	Plenary
(b)	Report of the Credentials Committee.	Plenary
4.	Adoption of the agenda.	Plenary
5.	Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.	Plenary

**Agenda of the nineteenth special session
(23-28 June 1997)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Malaysia.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the nineteenth special session of the General Assembly:	
(a)	Appointment of the members of the Credentials Committee;	Plenary
(b)	Report of the Credentials Committee.	Plenary
4.	Election of the President.	Plenary
5.	Report of the Commission on Sustainable Development.	Plenary
6.	Organization of the session.	Plenary
7.	Adoption of the agenda.	Plenary
8.	Overall review and appraisal of the implementation of Agenda 21.	7
9.	Adoption of the final document.	Plenary

**Agenda of the fifty-second session
(first part, 16 September-22 December 1997)**

Item No.	Title	Allocation
1.	Opening of the session by the Chairman of the delegation of Malaysia.	Plenary
2.	Minute of silent prayer or meditation.	Plenary
3.	Credentials of representatives to the fifty-second session of the General Assembly:	
(a)	Appointment of the members of the Credentials Committee;	Plenary
(b)	Report of the Credentials Committee.	Plenary
4.	Election of the President of the General Assembly.	Plenary
5.	Election of the officers of the Main Committees.	Plenary
6.	Election of the Vice-Presidents of the General Assembly.	Plenary
7.	Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations.	Plenary
8.	Adoption of the agenda and organization of work.	Plenary

Item No.	Title	Allocation
9.	General debate.	Plenary
10.	Report of the Secretary-General on the work of the Organization.	Plenary
11.	Report of the Security Council.	Plenary
12.	Report of the Economic and Social Council.	Plenary, 4th, 2nd, 3rd, 5th
13.	Report of the International Court of Justice.	Plenary
14.	Report of the International Atomic Energy Agency.	Plenary
15.	Elections to fill vacancies in principal organs:	
	(a) Election of five non-permanent members of the Security Council;	Plenary
	(b) Election of eighteen members of the Economic and Social Council.	Plenary
16.	Elections to fill vacancies in subsidiary organs and other elections:	
	(a) Election of twenty-nine members of the Governing Council of the United Nations Environment Programme;	Plenary
	(b) Election of seven members of the Committee for Programme and Coordination;	Plenary
	(c) Election of nineteen members of the United Nations Commission on International Trade Law;	Plenary
	(d) Election of the Executive Director of the United Nations Environment Programme.	Plenary
17.	Appointments to fill vacancies in subsidiary organs and other appointments:	
	(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;	5th
	(b) Appointment of members of the Committee on Contributions;	5th
	(c) Appointment of a member of the Board of Auditors;	5th
	(d) Confirmation of the appointment of members of the Investments Committee;	5th
	(e) Appointment of members of the United Nations Administrative Tribunal;	5th
	(f) Appointment of members of the International Civil Service Commission;	5th
	(g) Appointment of members and alternate members of the United Nations Staff Pension Committee;	5th
	(h) Appointment of the members of the Consultative Committee on the United Nations Development Fund for Women;	Plenary
	(i) Appointment of members of the Committee on Conferences;	Plenary
	(j) Appointment of a member of the Joint Inspection Unit.	Plenary
18.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.	Plenary, 4th
19.	Admission of new Members to the United Nations.	Plenary
20.	Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance:	
	(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations;	Plenary
	(b) Special economic assistance to individual countries or regions;	Plenary
	(c) Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan;	Plenary
	(d) Assistance to the Palestinian people;	Plenary
	(e) Participation of volunteers, "White Helmets", in activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development;	Plenary
	(f) Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster.	Plenary
21.	Revitalization of the work of the General Assembly.	Plenary
22.	Cooperation between the United Nations and the Agency for Cultural and Technical Cooperation.	Plenary
23.	Multilingualism.	Plenary
24.	Building a peaceful and better world through sport and the Olympic ideal.	Plenary
25.	Cooperation between the United Nations and the Latin American Economic System.	Plenary
26.	University for Peace.	Plenary
27.	Return or restitution of cultural property to the countries of origin.	Plenary
28.	Universal Congress on the Panama Canal.	Plenary
29.	Cooperation between the United Nations and the Inter-Parliamentary Union.	Plenary
30.	Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.	Plenary
31.	Cooperation between the United Nations and the Organization of the Islamic Conference.	Plenary
32.	Zone of peace and cooperation of the South Atlantic.	Plenary
33.	Cooperation between the United Nations and the League of Arab States.	Plenary
34.	Cooperation between the United Nations and the Economic Cooperation Organization.	Plenary
35.	Elimination of coercive economic measures as a means of political and economic compulsion.	Plenary
36.	Question of Palestine.	Plenary

Item No.	Title	Allocation
37.	The situation in the Middle East.	Plenary
38.	Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies.	Plenary
39.	Oceans and the law of the sea:	
(a)	Law of the sea;	Plenary
(b)	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;	Plenary
(c)	Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards.	Plenary
40.	Cooperation between the United Nations and the Organization for Security and Cooperation in Europe.	Plenary
41.	Assistance in mine clearance.	Plenary
42.	Cooperation between the United Nations and the Organization of African Unity.	Plenary
43.	The situation in Afghanistan and its implications for international peace and security.	Plenary
44.	The situation of democracy and human rights in Haiti.	Plenary
45.	The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development.	Plenary
46.	Implementation of the outcome of the World Summit for Social Development.	Plenary
47.	The situation in Bosnia and Herzegovina.	Plenary
48.	Question of the Falkland Islands (Malvinas).	Plenary, 4th
49.	Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	Plenary
50.	Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	Plenary
51.	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986.	Plenary
52.	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security.	Plenary
53.	Consequences of the Iraqi occupation of and aggression against Kuwait.	Plenary
54.	Implementation of the resolutions of the United Nations.	Plenary
55.	Question of the Comorian island of Mayotte.	Plenary
56.	Launching of global negotiations on international economic cooperation for development.	Plenary
57.	The situation in Burundi.	Plenary
58.	Restructuring and revitalization of the United Nations in the economic, social and related fields.	Plenary
59.	Question of equitable representation on and increase in the membership of the Security Council and related matters.	Plenary
60.	Strengthening of the United Nations system.	Plenary
61.	Question of Cyprus.	^a
62.	Compliance with arms limitation and disarmament obligations.	1st
63.	Verification in all its aspects, including the role of the United Nations in the field of verification.	1st
64.	Comprehensive Nuclear-Test-Ban Treaty.	1st
65.	Reduction of military budgets:	
(a)	Reduction of military budgets;	1st
(b)	Objective information on military matters, including transparency of military expenditures.	1st
66.	The role of science and technology in the context of international security and disarmament.	1st
67.	Establishment of a nuclear-weapon-free zone in the region of the Middle East.	1st
68.	Establishment of a nuclear-weapon-free zone in South Asia.	1st
69.	Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.	1st
70.	Prevention of an arms race in outer space.	1st
71.	General and complete disarmament:	
(a)	Notification of nuclear tests;	1st
(b)	Small arms;	1st
(c)	Transparency in armaments;	1st
(d)	Nuclear-weapon-free southern hemisphere and adjacent areas;	1st

Item No.	Title	Allocation
	(e) Convening of the fourth special session of the General Assembly devoted to disarmament;	1st
	(f) Relationship between disarmament and development;	1st
	(g) Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control;	1st
	(h) Measures to curb the illicit transfer and use of conventional arms;	1st
	(i) Prohibition of the dumping of radioactive wastes;	1st
	(j) Regional disarmament;	1st
	(k) Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons;	1st
	(l) Consolidation of peace through practical disarmament measures;	1st
	(m) Nuclear disarmament;	1st
	(n) Conventional arms control at the regional and subregional levels;	1st
	(o) Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;	1st
	(p) Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects.	1st
72.	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:	
	(a) United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific;	1st
	(b) Regional confidence-building measures;	1st
	(c) Convention on the Prohibition of the Use of Nuclear Weapons.	1st
73.	Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:	
	(a) Report of the Disarmament Commission;	1st
	(b) Report of the Conference on Disarmament;	1st
	(c) Advisory Board on Disarmament Matters;	1st
	(d) United Nations Institute for Disarmament Research.	1st
74.	The risk of nuclear proliferation in the Middle East.	1st
75.	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.	1st
76.	Strengthening of security and cooperation in the Mediterranean region.	1st
77.	Implementation of the Declaration of the Indian Ocean as a Zone of Peace.	1st
78.	Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).	1st
79.	African Nuclear-Weapon-Free Zone Treaty.	1st
80.	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.	1st
81.	Maintenance of international security.	1st
82.	Review of the implementation of the Declaration on the Strengthening of International Security.	1st
83.	Rationalization of the work and reform of the agenda of the First Committee.	1st
84.	Effects of atomic radiation.	4th
85.	International cooperation in the peaceful uses of outer space.	4th
86.	United Nations Relief and Works Agency for Palestine Refugees in the Near East.	4th
87.	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.	4th
88.	Comprehensive review of the whole question of peacekeeping operations in all their aspects.	4th
89.	Questions relating to information.	4th
90.	Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations.	4th
91.	Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination.	4th
92.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.	4th
93.	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.	4th
94.	The situation in the occupied territories of Croatia.	4th
95.	Macroeconomic policy questions:	
	(a) Financing of development, including net transfer of resources between developing and developed countries;	2nd

Item No.	Title	Allocation
	(b) Trade and development;	2nd
	(c) Science and technology for development;	2nd
	(d) External debt crisis and development.	2nd
96.	Sectoral policy questions:	
	(a) Industrial development cooperation;	2nd
	(b) Business and development;	2nd
	(c) Food and sustainable agricultural development.	2nd
97.	Sustainable development and international economic cooperation:	
	(a) Renewal of the dialogue on strengthening international economic cooperation for development through partnership;	2nd
	(b) Implementation of the Programme of Action for the Least Developed Countries for the 1990s;	2nd
	(c) Population and development;	2nd
	(d) International migration and development, including the convening of a United Nations conference on international migration and development;	2nd
	(e) Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II);	2nd
	(f) First United Nations Decade for the Eradication of Poverty;	2nd
	(g) Women in development;	2nd
	(h) Human resources development;	2nd
	(i) Cultural development.	2nd
98.	Environment and sustainable development:	
	(a) Implementation of decisions and recommendations of the United Nations Conference on Environment and Development;	2nd
	(b) Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;	2nd
	(c) Protection of global climate for present and future generations of mankind;	2nd
	(d) International Decade for Natural Disaster Reduction;	2nd
	(e) Convention on Biological Diversity;	2nd
	(f) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States;	2nd
	(g) Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21.	2nd
99.	Operational activities for development:	2nd
	(a) Operational activities for development of the United Nations system;	2nd
	(b) Economic and technical cooperation among developing countries.	2nd
100.	Training and research: United Nations Institute for Training and Research.	2nd
101.	Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.	2nd
102.	Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family.	3rd
103.	Crime prevention and criminal justice.	3rd
104.	International drug control.	3rd
105.	Advancement of women.	3rd
106.	Implementation of the outcome of the Fourth World Conference on Women.	3rd
107.	Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.	3rd
108.	Promotion and protection of the rights of children.	3rd
109.	Programme of activities of the International Decade of the World's Indigenous People.	3rd
110.	Elimination of racism and racial discrimination.	3rd
111.	Right of peoples to self-determination.	3rd
112.	Human rights questions:	
	(a) Implementation of human rights instruments;	3rd
	(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;	3rd
	(c) Human rights situations and reports of special rapporteurs and representatives;	3rd
	(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;	3rd
	(e) Report of the United Nations High Commissioner for Human Rights.	3rd
113.	Financial reports and audited financial statements, and reports of the Board of Auditors:	

Item No.	Title	Allocation
	(a) United Nations peacekeeping operations;	5th
	(b) United Nations Institute for Training and Research;	5th
	(c) Voluntary funds administered by the United Nations High Commissioner for Refugees.	5th
114.	Review of the efficiency of the administrative and financial functioning of the United Nations.	5th
115.	Programme budget for the biennium 1996-1997.	5th
116.	Proposed programme budget for the biennium 1998-1999.	5th
117.	Improving the financial situation of the United Nations.	5th
118.	Joint Inspection Unit.	5th
119.	Pattern of conferences.	5th
120.	Scale of assessments for the apportionment of the expenses of the United Nations.	5th
121.	United Nations common system.	5th
122.	Financing of the United Nations peacekeeping forces in the Middle East:	
	(a) United Nations Disengagement Observer Force;	5th
	(b) United Nations Interim Force in Lebanon.	5th
123.	Financing of the United Nations Angola Verification Mission.	5th
124.	Financing of the activities arising from Security Council resolution 687(1991):	
	(a) United Nations Iraq-Kuwait Observation Mission;	5th
	(b) Other activities.	5th
125.	Financing of the United Nations Mission for the Referendum in Western Sahara.	5th
126.	Financing and liquidation of the United Nations Transitional Authority in Cambodia.	5th
127.	Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters.	5th
128.	Financing of the United Nations Operation in Somalia II.	5th
129.	Financing of the United Nations Operation in Mozambique.	5th
130.	Financing of the United Nations Peacekeeping Force in Cyprus.	5th
131.	Financing of the United Nations Observer Mission in Georgia.	5th
132.	Financing of the United Nations Mission in Haiti.	5th
133.	Financing of the United Nations Observer Mission in Liberia.	5th
134.	Financing of the United Nations Assistance Mission for Rwanda.	5th
135.	Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.	5th
136.	Financing of the United Nations Mission of Observers in Tajikistan.	5th
137.	Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.	5th
138.	Financing of the United Nations Mission in Bosnia and Herzegovina.	5th
139.	Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.	5th
140.	Financing of the United Nations Preventive Deployment Force.	5th
141.	Financing of the United Nations Support Mission in Haiti.	5th
142.	Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations:	
	(a) Financing of the United Nations peacekeeping operations;	5th
	(b) Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232.	5th
143.	Report of the Secretary-General on the activities of the Office of Internal Oversight Services.	5th
144.	Convention on jurisdictional immunities of States and their property.	6th
145.	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.	6th
146.	United Nations Decade of International Law:	
	(a) United Nations Decade of International Law;	6th
	(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law;	6th
	(c) Draft guiding principles for international negotiations.	6th
147.	Report of the International Law Commission on the work of its forty-ninth session.	6th
148.	Report of the United Nations Commission on International Trade Law on the work of its thirtieth session.	6th

Item No.	Title	Allocation
149.	Report of the Committee on Relations with the Host Country.	6th
150.	Establishment of an international criminal court.	6th
151.	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.	6th
152.	Measures to eliminate international terrorism.	6th
153.	Human resources management.	5th
154.	Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala.	5th
155.	Amendment to article 13 of the statute of the United Nations Administrative Tribunal.	6th
156.	Towards a culture of peace.	Plenary
157.	United Nations reform: measures and proposals.	Plenary
158.	Observer status for the Andean Community in the General Assembly.	Plenary
159.	Financing of the United Nations Observer Mission in Angola.	5th
160.	Admission of the International Seabed Authority to membership in the United Nations Joint Staff Pension Fund.	5th

Security Council

Agenda items considered during 1997

Item No. ⁹	Title
1.	Central America: efforts towards peace.
2.	The situation in Croatia.
3.	The situation in the Middle East.
4.	Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America [violation by the Libyan Arab Jamahiriya of Security Council resolution 748(1992)].
5.	The situation in Georgia.
6.	The situation in Angola.
7.	The situation in the Great Lakes region.
8.	The situation in Tajikistan and along the Tajik-Afghan border.
9.	The situation in Bosnia and Herzegovina.
10.	The situation in Somalia.
11.	The situation in the occupied Arab territories.
12.	Security of United Nations operations.
13.	The situation in Albania.
14.	The situation concerning Western Sahara.
15.	The situation in Liberia.
16.	Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia.
17.	The situation in the former Yugoslav Republic of Macedonia.
18.	The situation in Afghanistan.
19.	The situation between Iraq and Kuwait.
20.	Protection for humanitarian assistance to refugees and others in conflict situations.
21.	The situation in Sierra Leone.
22.	The situation concerning the Democratic Republic of the Congo.
23.	The situation in Burundi.
24.	The situation in Cyprus.
25.	The situation in Cambodia.
26.	Civilian police in peacekeeping operations.
27.	United Nations peacekeeping: Dag Hammarskjöld Medal.
28.	The question concerning Haiti.
29.	The situation in the Central African Republic.
30.	The situation in the Republic of the Congo.
31.	Consideration of the draft report of the Security Council to the General Assembly.
32.	The situation in Africa.

Economic and Social Council

Agenda of the organizational and resumed organizational sessions for 1997 (23 January and 4-7 February; 1 and 2 May 1997)

Item No.	Title
1.	Election of the Bureau.
2.	Adoption of the agenda and other organizational matters.
3.	Basic programme of work of the Council.
4.	Implementation of General Assembly resolution 50/227: further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields.
5.	Review of the subsidiary bodies of the Council.
6.	Committee on Non-Governmental Organizations.
7.	Regional cooperation in the economic, social and related fields.
8.	Elections, nominations and confirmations.

Agenda of the substantive and resumed substantive sessions of 1997 (30 June-25 July; 8 October and 16-18 December 1997)

Item No.	Title
1.	Adoption of the agenda and other organizational matters.
	High-level segment (2-4 July)
2.	Fostering an enabling environment for development: financial flows, including capital flows; investment; trade.
	Operational activities of the United Nations for international development cooperation segment
3.	Operational activities of the United Nations for international development cooperation:
	(a) Coordination of activities on a system-wide basis: funding for operational activities for development: implementation of General Assembly resolution 50/227;
	(b) Follow-up to policy recommendations of the General Assembly;
	(c) Reports of the Executive Boards of the United Nations Development Programme/United Nations Population Fund, the United Nations Children's Fund and the World Food Programme;
	(d) Economic and technical cooperation among developing countries.
	Coordination segment
4.	Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the following themes:
	(a) Mainstreaming the gender perspective into all policies and programmes in the United Nations system;
	(b) Freshwater, including clean and safe water supply and sanitation.
	General segment
5.	Integrated and coordinated implementation and follow-up of the major international United Nations conferences and summits.
6.	Coordination, programme and other questions:
	(a) Reports of coordination bodies;
	(b) Multisectoral collaboration on tobacco or health;
	(c) International cooperation in the field of informatics;
	(d) Coordination of the activities of the organizations of the United Nations system in the field of energy;
	(e) Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome;
	(f) Proposed programme budget for the biennium 1998-1999;
	(g) Calendar of conferences in the economic, social and related fields;
	(h) United Nations University;
	(i) Proclamation of international years.
7.	Reports, conclusions and recommendations of subsidiary bodies:
	(a) Economic questions;

Item No.	Title
	(b) Environmental questions;
	(c) Social questions;
	(d) Human rights questions.
8.	Special economic, humanitarian and disaster relief assistance.
9.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.
10.	Regional cooperation.
11.	Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories.
12.	Implementation of General Assembly resolution 50/227.
13.	Non-governmental organizations:
	(a) Report of the Committee on Non-Governmental Organizations;
	(b) Increase in the membership of the Committee on Non-Governmental Organizations.
14.	New and innovative ideas for generating funds.
[1] Also allocated to the Fourth, Second, Third and Fifth Committees at the first part of the session in 1996.	
[2] Allocated to the Fifth Committee at the first part of the session in 1996 but considered only in plenary meeting at the resumed session.	
[3] Not allocated; consideration deferred to the fifty-second session.	
[4] Allocated to the Second Committee at the first part of the session in 1996 but considered only in plenary meeting at the resumed session.	
[5] Allocated to the Third Committee at the first part of the session in 1996 but considered only in plenary meeting at the resumed session.	
[6] Item added at the resumed session.	
[7] Allocated to the Ad Hoc Committee of the Whole of the Nineteenth Special Session for consideration, on the understanding that the debate on the item would take place in plenary meeting.	
[8] On 19 September 1997, the General Assembly adopted the General Committee's recommendation that the item be allocated at an appropriate time during the session.	
[9] Numbers indicate the order in which items were taken up in 1997.	

Appendix V

United Nations information centres and services

(as at 1 April 2000)

ACCRA. United Nations Information Centre
Gamal Abdul Nassar/Liberia Roads
(P.O. Box 2339)
Accra, Ghana

Serving: Ghana, Sierra Leone

ADDIS ABABA. United Nations Information
Service, Economic Commission for Africa
Africa Hall
(P.O. Box 3001)
Addis Ababa, Ethiopia

Serving: Ethiopia, ECA

ALGIERS. United Nations Information Centre
9A Rue Emile Payen, Hydra
(Boîte Postale 823, Alger-Gare, Algeria)
Algiers, Algeria

Serving: Algeria

ANKARA. United Nations Information Centre
197 Atatürk Bulvari
(P.K. 407)
Ankara, Turkey

Serving: Turkey

ANTANANARIVO. United Nations Infor-
mation Centre
22 Rue Rainitovo, Antasahavola
(Boîte Postale 1348)
Antananarivo, Madagascar

Serving: Madagascar

ASUNCION. United Nations Information
Centre
Estrella 345, Edificio City (3er piso)
(Casilla de Correo 1107)
Asuncion, Paraguay

Serving: Paraguay

ATHENS. United Nations Information
Centre
36 Amalias Avenue
GR-10558 Athens, Greece

Serving: Cyprus, Greece, Israel

BANGKOK. United Nations Information
Service, Economic and Social Commis-
sion for Asia and the Pacific
United Nations Building
Rajdamnern Avenue
Bangkok 10200, Thailand

Serving: Cambodia, Hong Kong, Lao
People's Democratic Republic, Malay-
sia, Singapore, Thailand, Viet Nam,
ESCAP

BEIRUT. United Nations Information Serv-
ice, Economic and Social Commission for
Western Asia

UNIC Beirut/UNIS ESCWA Building
Riad Solh Square
(P.O. Box No. 11-8575-4656, Riad El-Solh
Square)
Beirut, Lebanon

Serving: Jordan, Kuwait, Lebanon,
Syrian Arab Republic, ESCWA

BONN. United Nations Information Centre
United Nations Premises in Bonn
Martin Luther King Str. 8
D-53175 Bonn, Germany

Serving: Germany

BRAZZAVILLE. United Nations Information
Centre
Avenue Foch, Case Orf 15
(P.O. Box 13210 or 1018)
Brazzaville, Congo

Serving: Congo

BRUSSELS. United Nations Information
Centre
14 Rue Montoyer
1000 Brussels, Belgium

Serving: Belgium, Luxembourg, Neth-
erlands; liaison with EC

BUCHAREST. United Nations Information
Centre
16 Aurel Vlaicu
(P.O. Box 1-701)
Bucharest, Romania

Serving: Romania

BUENOS AIRES. United Nations Informa-
tion Centre
Junin 1940 der piso)
1113 Buenos Aires, Argentina

Serving: Argentina, Uruguay

BUJUMBURA. United Nations Information
Centre
117 Avenue de la Revolution
(Boîte Postale 2160)
Bujumbura, Burundi

Serving: Burundi

CAIRO. United Nations Information Centre
1 Osoris Street, Garden City
(Boîte Postale 262)
Cairo, Egypt

Serving: Egypt, Saudi Arabia

COLOMBO. United Nations Information
Centre
202-204 Bauddhaloka Mawatha
(P.O. Box 1505, Colombo)
Colombo 7, Sri Lanka

Serving: Sri Lanka

COPENHAGEN. United Nations Informa-
tion Centre
Midtermolen 3
DK-2100 Copenhagen, Denmark

Serving: Denmark, Finland, Iceland,
Norway, Sweden

DAKAR. United Nations Information Centre
12 Avenue Roume, Immeuble UNESCO
(Boîte Postale 154)
Dakar, Senegal

Serving: Cape Verde, Cote d'Ivoire,
Gambia, Guinea, Guinea-Bissau, Mauri-
tania, Senegal

DAR ES SALAAM. United Nations In-
formation Centre
Marogoro Road/Sokoine Drive
Old Boma Building (ground floor)
(P.O. Box 9224)

Dar es Salaam, United Republic of Tanzania
Serving: United Republic of Tanzania

DHAKA. United Nations Information Centre
House 60, Road 11A
Dhanmondi
(G.P.O. Box 3658, Dhaka 1000)
Dhaka, Bangladesh

Serving: Bangladesh

GENEVA. United Nations Information Serv-
ice, United Nations Office at Geneva
Palais des Nations
1211 Geneva 10, Switzerland

Serving: Bulgaria, Switzerland

HARARE. United Nations Information Centre
Sanders House
(P.O. Box 4408)
Harare, Zimbabwe

Serving: Zimbabwe

ISLAMABAD. United Nations Information
Centre
House No. 26
88th Street, G-6/3
(P.O. Box 1107)
Islamabad, Pakistan

Serving: Pakistan

JAKARTA. United Nations Information Centre
Gedung Dewan Pers (5th floor)
32-34 Jalan Kebon Sirih
Jakarta, Indonesia

Serving: Indonesia

KABUL (inactive). United Nations Information Centre
Shah Mahmoud Ghazi Watt
(P.O. Box 5)
Kabul, Afghanistan

Serving: Afghanistan

KATHMANDU. United Nations Information Centre
Pulchowk, Patan
(P.O. Box 107, Pulchowk)
Kathmandu, Nepal

Serving: Nepal

KHARTOUM. United Nations Information Centre
United Nations Compound
Gamma'a Avenue
(P.O. Box 1992)
Khartoum, Sudan

Serving: Somalia, Sudan

KINSHASA. United Nations Information Centre
Bâtiment Deuxième République
Boulevard du 30 Juin
(Boîte Postale 7248)
Kinshasa, Democratic Republic of the Congo

Serving: Democratic Republic of the Congo

LAGOS. United Nations Information Centre
17 Kingsway Road, Ikoyi
(P.O. Box 1068)
Lagos, Nigeria

Serving: Nigeria

LA PAZ. United Nations Information Centre
Av. Mariscal Santa Cruz No. 1350
(Apartado Postal 9072)
La Paz, Bolivia

Serving: Bolivia

LIMA. United Nations Information Centre
Lord Cochrane 130
San Isidro (L-27)
(P.O. Box 14-0199)
Lima, Peru

Serving: Peru

LISBON. United Nations Information Centre
Rua Latino Coelho, 1
Edifício Aviz, Bloco A-1, 10°
1050-132 Lisbon, Portugal

Serving: Portugal

LOME. United Nations Information Centre
107 Boulevard du 13 Janvier
(Boîte Postale 911)
Lome, Togo

Serving: Benin, Togo

LONDON. United Nations Information Centre
Millbank Tower (21st floor)
21-24 Millbank
London SW1P 4QH, England

Serving: Ireland, United Kingdom

LUSAKA. United Nations Information Centre
Revenue House (ground floor)
Cairo Road (Northend)
P.O. Box 32905
Lusaka 10101, Zambia

Serving: Botswana, Malawi, Swaziland, Zambia

MADRID. United Nations Information Centre
Avenida General Perón, 32-1
(P.O. Box 3400, 28080 Madrid)
28020 Madrid, Spain

Serving: Spain

MANAGUA. United Nations Information Centre
Palacio de la Cultura
(Apartado Postal 3260)
Managua, Nicaragua

Serving: Nicaragua

MANAMA. United Nations Information Centre
Villa 131, Road 2803
Segaya
(P.O. Box 26004, Manama)
Manama 328, Bahrain

Serving: Bahrain, Qatar, United Arab Emirates

MANILA. United Nations Information Centre
NEDA Building
106 Amorsolo Street
Legaspi Village
(P.O. Box 7285 ADC (DAPO), Pasay City)
Metro Manila, Philippines

Serving: Papua New Guinea, Philippines, Solomon Islands

MASERU. United Nations Information Centre
UN Road
UN House
(P.O. Box 301)
Maseru 100, Lesotho

Serving: Lesotho

MEXICO CITY. United Nations Information Centre
Presidente Masaryk 29-6° piso
11570 Mexico, D.F., Mexico

Serving: Cuba, Dominican Republic, Mexico

MOSCOW. United Nations Information Centre
4/16 Glazovsky Pereulok
Moscow 121002, Russian Federation

Serving: Russian Federation

NAIROBI. United Nations Information Centre
United Nations Office
Gigiri
(P.O. Box 30552)
Nairobi, Kenya

Serving: Kenya, Seychelles, Uganda

NEW DELHI. United Nations Information Centre
55 Lodi Estate
New Delhi 110003, India

Serving: Bhutan, India

OUAGADOUGOU. United Nations Information Centre
14 Avenue Georges Konseiga
Secteur No. 4
(Boîte Postale 135)
Ouagadougou 01, Burkina Faso

Serving: Burkina Faso, Chad, Mali, Niger

PANAMA CITY. United Nations Information Centre
Calle Gerardo Ortega y Ave. Samuel Lewis
Banco Central Hispano Building (1st floor)
(P.O. Box 6-9083 El Dorado)
Panama City, Panama

Serving: Panama

PARIS. United Nations Information Centre
1 Rue Miollis
75732, Paris Cedex 15, France

Serving: France

PORT OF SPAIN. United Nations Information Centre
2nd floor, Bretton Hall
16 Victoria Avenue
(P.O. Box 130)
Port of Spain, Trinidad, W.I.

Serving: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Netherlands Antilles, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago

PRAGUE. United Nations Information Centre
Panska 5
11000 Prague 1, Czech Republic

Serving: Czech Republic

PRETORIA. United Nations Information Centre
Metro Park Building
351 Schoeman Street
(P.O. Box 12677)
Tramshed 0126
Pretoria, South Africa

Serving: South Africa

RABAT. United Nations Information Centre
6, Angle Charii
Ibnou Ziyad et Zankat Rovdana
(Boîte Postale Casier ONU)
Rabat-Chellah, Morocco

Serving: Morocco

RIO DE JANEIRO. United Nations Information Centre
Palacio Itamaraty
Av. Marechal Floriano 196
20080-002 Rio de Janeiro, RJ Brazil
Serving: Brazil

ROME. United Nations Information Centre
Palazzetto Venezia
Piazza San Marco 50
00186 Rome, Italy
Serving: Holy See, Italy, Maka, San Marino

SANA'A. United Nations Information Centre
Handhal Street, 4
Al-Boniya Area
(P.O. Box 237)
Sana'a, Yemen
Serving: Yemen

SAN SALVADOR (inactive). United Nations Information Centre
Edificio Escalón (2° piso)
Paseo General Escalón y 87 Avenida Norte
Colonia Escalón
(Apartado Postal 2157)
San Salvador, El Salvador
Serving: El Salvador

SANTA FE DE BOGOTA. United Nations Information Centre
Calle 100 No. 8A-55, Of. 815
(Apartado Aéreo 058964)
Santa Fé de Bogota 2, Colombia
Serving: Colombia, Ecuador, Venezuela

SANTIAGO. United Nations Information Service, Economic Commission for Latin America and the Caribbean
Edificio Naciones Unidas
Avenida Dag Hammarskjöld
(Avenida Dag Hammarskjöld s/n, Casilla 179-D)
Santiago, Chile
Serving: Chile, ECLAC

SYDNEY. United Nations Information Centre
46-48 York Street (5th floor)
(G.P.O. Box 4045, Sydney, N.S.W. 2001)
Sydney, N.S.W. 2000, Australia

Serving: Australia, Fiji, Kiribati, Nauru, New Zealand, Samoa, Tonga, Tuvalu, Vanuatu

TEHRAN. United Nations Information Centre
185 Ghaem Magham Farahani Avenue
(P.O. Box 15875-4557, Tehran)
Tehran, 15868 Iran

Serving: Iran

TOKYO. United Nations Information Centre
UNU Building (8th floor)
53-70 Jingumae 5-chome, Shibuya-ku
Tokyo 150-0001, Japan

Serving: Japan

TRIPOLI. United Nations Information Centre
Muzzafar Al Aftas Street
Hay El-Andalous (2)
(P.O. Box 286)
Tripoli, Libyan Arab Jamahiriya

Serving: Libyan Arab Jamahiriya

TUNIS. United Nations Information Centre
61 Boulevard Bab-Benat
(Boîte Postale 863)
Tunis, Tunisia

Serving: Tunisia

VIENNA. United Nations Information Service, United Nations Office at Vienna
Vienna International Centre
Wagramer Strasse 5
(P.O. Box 500, A-1400 Vienna)
A-1220 Vienna, Austria

Serving: Austria, Hungary, Slovakia

WARSAW. United Nations Information Centre
Al. Niepodleglosci 186
00-608 Warszawa
(P.O. Box 1, 02-514 Warsaw 12)
Poland

Serving: Poland

WASHINGTON, D.C. United Nations Information Centre
1775 K Street, N.W., Suite 400
Washington, D.C. 20006, United States
Serving: United States

WINDHOEK. United Nations Information Centre
372 Paratus Building
Independence Avenue
(Private Bag 13351)
Windhoek, Namibia
Serving: Namibia

YANGON. United Nations Information Centre
6 Natmauk Road
(P.O. Box 230)
Yangon, Myanmar
Serving: Myanmar

YAOUNDE. United Nations Information Centre
Immeuble Kamdem, Rue Joseph Clère
(Boîte Postale 836)
Yaounde, Cameroon
Serving: Cameroon, Central African Republic, Gabon

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